

**CITY OF CONCORD, NH
ZONING BOARD OF ADJUSTMENT
MAY 6, 2020 MEETING
DRAFT MINUTES**

Attendees: Chair Christopher Carley, Nicholas Wallner, James Monahan, Laura Scott, Laura Spector-Morgan.

Absent: Robert Harrison Jr., Andrew Winters

Staff: Craig Walker, Zoning Administrator, Rose Fife, Clerk of the Board, and David Hall Code Administrator.

Meeting commenced at 7:00 pm.

Chair Carley explained that due to the Covid-19/Corona Virus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Board was authorized to meet electronically. The City of Concord utilized the Zoom platform for this electronic meeting.

24-20 Charles Eastwood: Applicant wishes to replace an existing carport with an enclosed garage, expand the existing dwelling and requests the following:

- 1) Variance to Article 28-4-1(h), Table of Dimensional Regulations, to allow a 5 foot setback from the southerly side property line where a 15 foot side setback is required,
- 2) Variance to Article 28-3-3, Shoreland Protection District, to allow a structure to be placed no less than 50 feet from the reference line of Bow Brook where a 75 no disturbance overlay zone is required,

For property located at 19 Brookside Drive in an RS Residential Single-family District.

Testified: Charles Eastwood. The house and carport were built in the 1950's. Since that time utility easements, wetland buffers, etc. have been enacted. Given the age and condition of structures, repair and remediation work is necessary. Their neighborhood is a closed loop. The improvements will allow them to have a dwelling comparable in size to the ones in the neighborhood. It is the smallest home in the neighborhood. Granting the variances would allow them more living space. They would have a dwelling of comparable value to their neighbors. Granting the variances will also allow them to improve their home and allow them to enjoy amenities as do their neighbors, i.e. a garage. Most houses on Brookside Drive have 2 car garages. This will allow the carport to be replaced by a garage. This will allow them security. They do not have enclosed space to secure their personal property. This also allows protection from the elements. This will allow them to use their property similarly to their neighbors. Many buildings in the neighborhood sit close to property lines. Granting the variances will not have a negative impact on the neighborhood as the improvements will occupy the same amount of visual space as neighbors have had since the 1950's. The majority of the construction will not have a visual impact on the neighbors. The garage, living space and enclosed porch will increase usable space. The wetland buffer and natural vegetation at the back of the house will not be impacted.

Walker displayed the plan that shows the addition which was submitted with the application. Mr. Eastwood wants to create a garage with finished living space above and a screen porch.

Monahan: What are the setbacks relative to Bow Brook. Walker explained that they have 2 setbacks. The 75 foot shoreland protection district which comes through the existing structure and then a 50 foot wetland buffer. The shoreland protection buffer is measured at the edge of the brook. The porch addition doesn't look like it will encroach on the wetland buffer. There is also a utility easement for drainage that runs down the south side of the property. Monahan asked if the house were in the shoreland protection. Walker stated that it was. Spector-Morgan asked when the Eastman's purchased the property. Mr. Eastman stated that they purchased the property 3 or 4 years ago. Spector-Morgan asked if it they had 2,000 s.f. of living space. Mr. Eastman corrected that they have 1,200 s.f. of living space. Scott asked for confirmation that they are asking to take their currently existing carport and replace it with an enclosed garage with living space behind and a screened porch onto the back, all which do not exist now. Mr. Eastman said that was correct.

In favor: Paul Dallaire, 17 Brookside Drive. He submitted an email. Carley read his email into the record. A quick review states that he is in favor. That he has been concerned that the home has been empty in years past. The new owners have renovated the inside and outside and looks charming and well kept.

In opposition: none.

Code: none.

DECISION: Carley reviewed the testimony that was given.

Wallner: There are a lot of merits to the request. Carports are not characteristic of the neighborhood. A garage would fit in. Most of the properties have setback issues already. The hardship argument is persuasive enough he would approve.

Spector-Morgan: She has no concern regarding the garage request as that is reasonable. She has concerns about the living space and the screen porch. That screen porch is entirely in the setback. She's inclined to approve the garage and living space, but not the screened porch. Carley clarified that the Board has to take up the request before them as written. Walker agreed.

Scott: She has no issue with the garage and 5 foot side setback. A garage is as reasonable as is a carport. The reason she asked about the current living space area, or screen porch area was to inquire if there was already something else existing there and this porch would be more of an enhancement, but where it isn't she has a concern with putting new structures in the shoreland protection district. She's sympathetic to their request but the property was that way when he purchased it. It is a tough site looking at it. She has a hard time granting variances from environmental ordinances.

Monahan: Agrees with Wallner. The house is a victim of changes that came along after it was built. It would be challenging to improve the property without making some accommodations to the shoreland. He is inclined to support both variances.

Carley: Agrees with Monahan and Wallner. The property was overtaken by events and it is a reasonable use for a resident to put a screened porch behind the home. He doesn't see a problem with the environmental aspect of it.

A **motion** to grant was made by Wallner, seconded by Monahan. Scott was hoping to separate the two variances as she's inclined to vote for the side setback. Spector-Morgan was hoping for the same. Wallner retracted his motion. A **motion** to approval Item #1 was made by Wallner and seconded by Monahan. Roll call vote: AYE: Wallner, Spector-Morgan, Scott, Monahan, Carley. NAY: none.

A **motion** to approve Item#2 was made by Wallner, seconded by Monahan. Wallner wanted to add that there is quite a drop off of the brook area behind those properties. Scott is sympathetic to the property owner but he did buy it knowing that the restriction was there. The living space along with porch was proposed to be in that area. A roll call vote: AYE: Wallner, Monahan, Carley. NAY: Spector-Morgan, Scott. Granted by a 3-2 vote.

25-20 [Snedeker Properties LLC.](#) Applicant requests a Variance to Article 28-4-1(h), The Table of Dimensional Regulations to allow total lot coverage of 86% where maximum lot coverage of 50% is allowed, for property located at 75 Allison Street in a RN Residential Neighborhood District.

NOTE: The requested lot coverage relief is in addition to the relief granted by the ZBA for Case #07-20 on March 4, 2020

Walker explained that Mr. Snedeker had the property surveyed after he received ZBA approvals which revealed there were errors made in lot coverage calculations.

Testified: Mike Snedeker. He gave an overview of his application. They are converting the store front/retail space to a residential 3 bedroom dwelling unit. They've added a sprinkler system and upgraded everything else including the appearance of the exterior of the property. This will add to property values in the surrounding areas. They will be paving up to the Graham's property. They will be taking out the front pavement. They had the property surveyed and it showed more pavement being laid down than being taken up. Carley asked if the design is the same but the numbers have changed? Mr. Snedeker said that was correct.

In favor: Christopher Graham, neighbor to the west. His home is directly adjacent. They discussed rearranging the driveway. He's thrilled that the building is having a better use. He's lived there 25 years and he's thrilled with residential apartment use vs. retail sales use.

In opposition: none.

DECISION: Carley reviewed the information as it was given.

Monahan: looks fine.

Scott: looks the same.

Spector-Morgan: just a math error being corrected she is fine.

Wallner: no concerns.

A **motion** to approve the request was made by Spector-Morgan, seconded by Scott. A roll call vote: AYE: Monahan, Scott, Spector-Morgan, Wallner, Carley.

Minutes: A motion to approve May 2020 Minutes was made by Wallner, seconded by Monahan, and passed by a unanimous vote.

*Respectfully submitted,
Rose Fife, Clerk of the Board*