



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT
Litchfield, New Hampshire
May 11, 2016
DRAFT

Regular meetings are held at the Town Hall at 7:00pm on the 2nd Wednesday of each month.

ZBA Members in Attendance (indent if absent):

Richard Riley, Chairman
 Laura Gandia, Vice Chairman
John Regan
 Albert Guilbeault
John Devereaux
 Eric Cushing (alternate)
Greg Lepine (alternate)
 Thomas Cooney (alternate)

I. CALL TO ORDER AND ROLL CALL

Richard Riley called the meeting to order at 7:00pm Alternate, Greg Lepine, was appointed by the Board to sit in for the missing board member.

II. PROCEDURES FOR PUBLIC HEARINGS

Notice of Public Hearing was posted and published in the Hudson-Litchfield News. Notice of the meeting and agenda were posted at town hall and public library.

Rick Riley called Case #2016-01. Rick Riley read aloud the Application for a Variance.

Case Number: 2016-01

Name of Applicant: Don Dumont

Owner of Property: Don Dumont, 195R Central St., Hudson, NH

Location of Property: 541 Charles Bancroft Highway, Map 23 Lot 1

Appeal Requested: A variance is requested from LZO §502.01; Area. The proposed subdivision would create one conforming single family residential lot and one non-conforming single family residential lot of 0.972 acres (42,351 sq.ft.) where a minimum of 1 acre (43,560 sq.ft.) is required.

Rick Riley explained to the applicants the procedures for tonight's public hearing.

Rick explained to the applicant that there were only 4 members on the Board tonight and he could choose to go ahead with the variance request or he could request for a continuance until next month. If the applicant chooses to continue with the hearing with a 4 member panel he would need to sign a waiver. The applicant chooses to go ahead with the hearing and sign the waiver.

Rick Riley stated that he has a request for a four member hearing signed by the applicant. John Regan made a motion to accept the request. John Devereaux seconded the motion. Motioned carried 4-0-0.

The Applicant, Don Dumont of 195R Central St., Hudson NH, Owner of 541 Charles Bancroft Highway, Litchfield stated that he was there to ask for a variance for a lot on size, does not quite meet the size, slightly under what is required by today's standards. Don stated that it was not a while back, the subdivision is recorded in the Hillsborough County Registry of Deeds but for today's standards it does not meet the requirement.

Don Dumont went over the variance request. Don stated that he understands that he needs a full acre and he has .972 acres. The frontage is all there and all the setbacks are met. Don went through the facts: 1. the variance will not be contrary to the public interest because it is conforming to the neighborhood with similar lot sizes. 2. The spirit of the ordinance is observed because the property will not be affecting the health, safety or general welfare of the community. 3. Substantial justice is done because the proposed use is consistent with the areas present use and does not alter the character of the area. It also does not injure the rights of others or otherwise undermine the public interest. Granting the variance would give substantial justice because it conforms to the community. 4. The values of the surrounding properties are not diminished because the current use of the property will stay the same not diminishing any property values because any new construction will bring up the value of existing homes and properties. It will also bring more income into the town without affecting the community in a negative manner. 5. The variance sought would create one non-conforming lot which is consistent with the prevailing residential use of the surrounding properties and legitimizing a second by appropriation by a qualified land use authority that meets the town's regulations, which was allowed in 1993 by this board. The decision Case #1993-3 attached.

Don stated that basically what he is asking is that the Board has approved this before; it was an approved subdivision and recorded. Don stated that to this day there are still two deeds for the properties which have never been combined into one deed. When Don purchased the property, both parcels had their own deed with their own descriptions. Don explained that after doing that he talked with Kevin, and Kevin brought to his attention that there was a merger done. Don stated that he is not sure how that works because the deed was not recorded. The property was transferred to him with two deeds. Don stated that what he is asking the Board is to see the way clear of following what it has done on at least two occasions in the past. Everything is identical, the square footage is exactly what has been recorded; the house location, the proposed well, septic system is all on the plan exactly the way it has been. Don mentioned that the granite boundary markers are still there for the both lots.

John Regan mentioned that there are two lots, two deeds, both lots bounded out by the Town already, but one is not an acre. Don stated that the lot where the house exists is not an acre. The lot that is not built on is a full acre which meets all the requirements. Don stated that he just wants to make it legal. Don also mentioned that the surrounding area has plenty of properties in that area that do not meet the one acre requirements.

John Regan read aloud the 1993 case and approval.

Rick Riley read aloud the denial letter from Kevin Lynch.

The Board went into deliberation.

Public Input:

Mr. Joseph Conway of 2 Corning Road (Abutter) asked how many houses are being proposed to be built on that lot. Don Dumont answered by saying one single family. There is already one there. Mr. Conway stated that there was one other time that there was a hearing here where the former owner of that property was proposing to build a big garage for construction equipment and it was denied. Mr. Conway stated that he was just curious as to whether Don had a plan as to where he was going to put this house. Don stated yes, there is a proposed site plan for a house, well and septic system. Mr. Conway looked at the map.

Board went into deliberation.

Mr. Riley motioned to close public input. Greg Lepine seconded the motion. Motion carried 4-0-0.

Greg Lepine made a motion to allow grant the variance based on the decision made from Case 1993-3 back in August 13, 1993. Mr. Riley stated that we have a motion to grant the variance for .028 acres less than the required one acre minimum based on the criteria that approved back in August of 1993. John Devereaux seconded the motion. Motion carried 4-0-0.

Rich Riley informed the Applicant that the variance has been re-granted. There is a 30 day waiting period for anyone who might want to appeal. A copy of the decision will be sent in the mail.

III. ELECTION OF BOARD CHAIR AND VICE-CHAIR POSITIONS 2016/17 TERM

John Regan made a motion to re-nominate Richard Riley as Chairperson and Laura Gandia as Vice Chairperson. John Devereaux seconded the motion. Motion carried 3-0-1 with Rick abstaining.

IV. ADJOURNMENT

John Regan made a motion to adjourn the meeting and John Devereaux seconded the motion. Motion carried 4-0-0. Meeting adjourned at 7:35pm.

Respectfully submitted,
Donna Baril