

Draft Minutes



**Town of Henniker
Zoning Board Meeting
October 19, 2016
Henniker Town Hall**

Members Present: Doreen Connor, Chair; Leon Parker; Robert Stamps; Joan Oliveira..

Members Excused: Bob Pagano & Gigi Laberge

Town Planner: Mark Fougere

Guests: Ms. Elizabeth Pape and Mr. Palm

Recording Secretary: Mark Fougere

1) Call to Order/Attendance

Chairman Connor called the meeting to order at 7:00pm and read the hearing notice.

2) Public Meeting

Case 2016:065: Variance from Article VII, Section 133- 25 & 26 and Article X 133-39 Lot area & 133-40 frontage to re-establish/create three building lots on this existing 3.7 acre site, owner/applicant Elizabeth Pape, 56 White Birch Road, Map 1 Lot 654-M, Zoned Rural Residential.

The Chair asked who was representing this application; Mr. Pape was present and stated she would make a presentation on the matter. The Chair explained to the applicant that there were only four members present and if she wanted, the case could be tabled to the next meeting with the expectation that there would be five members present to hear the case. A tie vote is a denial of the application; the applicant stated that she was ok with four members.

Ms. Pape stated that she would like to have the three lots that use to exist on her property, when the property was approved her property was three lots, all about 1 acre. All of the homes and lots around her are one acre or less. On one of the lots a new home was built on it a few years ago. She wants to be able to have two more homes/lots for her children. The lots would be the same as all of the ones around her and on her street. She handed out pictures of some of the homes that are nearby to her.

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Mr. Stamps asked the applicant to clarify her request; the Chair asked when the applicant purchased the property, was it one lot or three. The applicant noted that she knew it was one lot when she purchased the property, but the tax maps have always showed three lots. She would like to revert back to three lots.

Mr. Fougere noted that he researched the deeds to 1985, prior to zoning, and it was one lot at that time, prior to the owner purchasing the property.

Ms. Oliveira stated that is her experience that if the applicant's deed noted that it was one lot, then most likely it was one lot from the very beginning. Mr. Parker was concerned with increasing the non-conformity, the Town voted to make that area five acres and those are the rules that apply. All the lots in that area are non-conforming. That type of layout and arrangement is what lead towns to adopt zoning, very small lots next to a body of water.

The Chair noted that in order for the Board to approve a variance request, by law, the applicant must meet the variance criteria as outlined in the zba application.

Ms. Oliveira stated that the zoning in that area changed and that is what must be followed today. Mr. Stamps stated that if this application was approved, people would be making similar requests all over town.

Mr. Fougere noted that existing zoning would allow the existing home to have an apartment. These units could be converted into a condominium. In addition, the other lot owned by the applicants that lies on the north side of the road is a pre-existing lot of record with frontage on a town road and if NHDES rules can be adhered to with for well & septic, then the lot would be buildable. The home would have to meet setback requirements.

Ms. Oliveira stated she could not support this request. Mr. Parker stated that he did not believe the request met the five zoning tests.

The Chair asked for comments from the public, no questions.

The Chair closed the public hearing and asked the Board is they had any questions or need for discussion. With no reply the Chair asked for a motion.

Mr. Parker moved to deny the variance request because the application does not meet the requirements for a variance; Mr. Stamp seconded the motion; Motion passed 4 - 0 (Stamps, Connor, Parker, Oliveira) .

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3) Approval of Minutes – September 21, 2016

The Board discussed the minutes of September 21st, after discussing minor comments relative to clarifying the vote, a motion was made by Mr. Parker to accept the minutes as amended. Mr. Stamps seconded. Motion passed 4-0.

4) Adjournment

A motion was made to adjourn the meeting at 7:40 pm by Mr. Parker. Mr. Stamps seconded. Motion passed 4-0