

Town of Bedford  
January 21, 2020  
Zoning Board of Adjustment  
Minutes

regular meeting of the Bedford Zoning Board was held on Tuesday, January 21, 2020 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH.

Present: John Morin (Chair), Kevin Duhaime (Vice Chair), David Gilbert (alternate member – voting this evening), Neal Casale (alternate member – voting this evening) and Karin Elmer (Planner 1). Absent: Sharon Stirling and Len Green

Chairman Morin called the meeting to order at 7:00 p.m. and introduced members of the Board.

**Approval of Minutes:** December 17, 2019

**MOTION by Mr. Casale to approve the minutes of the December 17, 2019 meeting of the Bedford Zoning Board of Adjustment as written. Mr. Gilbert duly seconded the motion. Vote taken - all in favor. Motion carried**

Chairman Morin reviewed the rules and procedures. He reminded everyone that there needs to be 3 members voting “yes” in order to approve a motion. There are only 4 members present this evening and a 2:2 tie would be a denial.

Chairman Morin swore in anyone wishing to speak at the meeting.

**Applications:**

**Peter Goedecke (Owner) – Request for a variance from Article IV, Section 275-28 in order to permit the construction of a second floor on a previously approved single story addition to a garage 37.1 feet from the edge of a wetland where 50 feet is required at 99 Liberty Hill Rd., Lot 21-55, Zoned R&A.**

Peter Goedecke and Dave Ricard presenting.

1. **Granting the variance would not be contrary to the public interest because; Whether granting the variance would alter the essential character of the locality and whether granting the variance would threaten public health, safety or welfare:**

Mr. Goedecke stated the building is already built and we wish to add a second story for an in-law apartment. We are taking care of our parents. This is a much more cost

effective option than an assisted living arrangement. There will be no safety issues relating to public health.

2. **The spirit of the ordinance is observed because:**

Mr. Goedecke stated the second floor would not encroach any further into the wetland setback.

3. **Granting the variance would do substantial justice because:**

Mr. Goedecke explained that not being able to care for his parents would be a hardship for them.

4. **The values of the surrounding properties will not be diminished for the following reasons:**

It will not create a substantial visual change to the property.

5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:**

**(A) Denial of the variance would result in unnecessary hardship because**

**(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

Mr. Goedecke stated that this is the only space available to add the apartment.

**(ii) The proposed use is a reasonable one because:**

Mr. Goedecke believes that taking care of family is important.

Mr. Ricard stated that the work “hardship” has been used a lot in the discussion. The hardship is that last year I had a special heart surgery. No one to date has lived more than 2 ½ years following this type of surgery and I already have 18 months behind me. My wife and I will live there together and then she will be living there, close to family when I am gone.

Mr. Casale asked Mr. Goedecke how long he has lived in the home. Mr. Goedecke said 17 years.

Mr. Casale and Mr. Gilbert asked about the elevations and which side the garage doors were to be placed. Mr. Morin and Mrs. Elmer showed them on the plan.

Mr. Morin stated the applicant did meet with the Conservation Commission and they did not object to the project.

**MOTION by Mr. Casale to enter deliberations. Second by Mr. Gilbert. All in favor.**

Chairman Morin reviewed the criteria for the variance request.

**1. Granting the variance would not be contrary to the public interest because:**

**Whether granting the variance would alter the essential character of the locality and whether granting the variance would threaten public health, safety or welfare:**

Chairman Morin said that he does not see it doing that at all.

**2. The spirit of the ordinance is observed because:**

Mr. Morin stated that adding the second floor does not encroach any further into the wetland setback.

**3. Granting the variance would do substantial justice because:**

Chairman Morin stated that it lets them assist family.

**4. The values of the surrounding properties will not be diminished for the following reasons:**

Chairman Morin indicated we have not heard any expert testimony on that issue.

**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:**

**(A) Denial of the variance would result in unnecessary hardship because**

**(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

Again, Chairman Morin said they are not encroaching any further into the wetland setback and they have complied with the Conservation Commissions requests.

**(ii) The proposed use is a reasonable one because:**

Mr. Morin stated the use appears reasonable.

**MOTION by Mr. Duhaime to approve the request for a variance from Article IV, Section 275-28 in order to permit the construction of a second floor on a previously approved single story addition to a garage 37.1 feet from the edge of a wetland where 50 feet is required at 99 Liberty Hill Rd., Lot 21-55, Zoned R&A. per our deliberations. Second by Mr. Casale. All in favor.**

**MOTION by Mr. Gilbert to move out of deliberations. Second by Mr. Duhaime. All in favor.**

**MOTION by Mr. Gilbert to adjourn. Second by Mr. Duhaime. All in favor. Meeting adjourned at 7:22 pm.**

*Respectfully submitted by Karin Elmer, Planner 1*

