

TOWN OF BEDFORD
May 21, 2019
ZONING BOARD OF ADJUSTMENT
MINUTES

A regular meeting of the Bedford Zoning Board of Adjustment was held on Tuesday, May 21, 2019 at 7:00 p.m. in the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: John Morin (Chairman), Gigi Georges (Vice Chairman), Keven Duhaime, Melissa Stevens, Len Green (Alternate), Neal Casale (Alternate), Dave Gilbert (Alternate), and Karin Elmer (Planner 1)

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

Approval of Minutes:

MOTION by Mr. Green to approve the minutes of the April 16, 2019 meeting of the Bedford Zoning Board of Adjustment as written. Ms. Georges duly seconded the motion. Vote taken - all in favor. Motion carried.

Chairman Morin reviewed the rules of procedure and swore in members of the public.

Applications:

- 1. William Walker, Jr – Requests a variance from Article III, Section 275-18, in order to park a recreational vehicle in the front driveway where it is not allowed at 157 New Boston Rd. Lot 2-19, Zoned R&A.**

William Walker, Jr. was present to address his request for a variance. Mr. Walker stated currently we have a small motor home parked there. The motor home is 24-foot Wayfarer, kind of a smaller unit and it fits in our little driveway. We do not have much of a driveway, probably 25 – 30 feet total between the road and the building. It is just lined up with our cars. We don't have any other parking area on the facility right now. We could look at doing that, maybe making a driveway down the side of the house at some point if that would be a better alternative than parking it in front as. Primarily, the reason why we are asking for the variance is that is the only place we have to park the vehicle. Short of that, we would have to take it offsite somewhere and park it and then bring it back when we are loading the kids in a so forth, and because it is such a small, little RV and we have a large family, altogether we have eight children, we often take it with us when we are just going fishing and things like that so that people have a place to go to the bathroom and stuff like that. So that is the primary reason we are asking for the variance. We keep the vehicle, late model, newer vehicle, it is clean, we don't let

people spend the night, nobody has ever spent the night in the driveway in the vehicle or anything like that. It is not being used as an apartment or hotel or something like that. We do have a plug for it so that it can stay charged during the winter so that it doesn't freeze when it is sitting out there.

Mr. Walker proceeded to review the criteria for his request for a variance. **1. Granting the variance would not be contrary to the public interest:** **(1) Whether granting the variance would alter the essential character of the locality:** **(2) Whether granting the variance would threaten public health, safety and welfare:** The Wayfarer doesn't alter the character of the property nor does it impose a risk to public health, safety or welfare to the public. **2. The spirit of the ordinance is observed:** It is a functional vehicle that carries current registration and inspection, the vehicle typically can fit in a normal parking space, it is a little longer, but really it is only 2 or 3 feet longer than my truck that is right next to it, and it is not much wider either. **3. Granting the variance would do substantial justice:** This is a vehicle that we use on a regular basis for taking short and long trips with the family, we are often loading and unloading the vehicle the night before and things like that, and sometimes even a couple of days. We are actually going on vacation this weekend to visit family in New York, one of our children, and taking the RV with us. **4. The values of the surrounding properties will not be diminished for the following reasons:** This criterion was not covered by the applicant. **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:** We don't have any off-street parking, and as I mentioned earlier, putting it in an offsite parking lot would incur expense and a lot of inconvenience as well. We have looked into it and it is \$300 or \$400 a month, which is about half the payment of the motor home itself just to park it. **A. Denial of the variance would result in unnecessary hardship:** **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:** The small size of the Wayfarer and the fact that it is a late model, currently registered vehicle, it is not a derelict vehicle. **ii. The proposed use is a reasonable one:** The Wayfarer is small and we believe it keeps it within the spirit of ordinance, it is not a large uncared-for eyesore from the road and not blocking traffic, and we don't believe is causing any public harm.

Mr. Walker stated and as I mentioned earlier, there is no other paved area currently to park the motor home and because of the weight of it, it would sink into the lawn if we tried to pull it off to the side of the lawn. We would have to have something paved to put it there if we were going to be able to keep it onsite.

Chairman Morin asked for any comments or questions from the Board.

Ms. Stevens asked the barn that appears to be maybe in back of the RV, maybe over to the right a little bit, is that a functioning barn that you can park vehicles in or is it being used as the home right now? Mr. Walker replied it is a barn and we do put vehicles in there occasionally if they are light enough to go on the grass, however, the ceiling

height is right at 8 feet. I can get my truck in there, but I can't put that in there. That is 11-foot 4-inches, I believe it comes to. We would literally have to raise the floor of the barn 4 feet to get in the door. Ms. Stevens stated thank you.

Chairman Morin asked to the left of your house, is that a pretty rocky area looking at it from the road? Mr. Walker replied there is kind of a flat spot that is to the left of the house all the way around. It kind of goes up at an angle, which we can get our mower up there to mow but it is a little bit steep. Without building another building over there, if we put another building or something in there, we could get it behind view, and we also thought that maybe we could put an extension on the barn that we might be able to put it into so that it would not be visible from the road, if we just went out where the side doors are that you saw on the previous picture. There are three doors down at the bottom there and we could put a taller add-on to the barn that would shelter it from view; we could just then put the little road in and then just put a little paved apron off the back. I am not sure if gravel would work yet or not, we would have to find out, but if we did something like that, we could park it on the little extension to the barn there, which would probably be the easiest, flattest area to kind of get it into. Unfortunately, the way motor homes are, between the front and rear axle, they make use of that as storage space so there is not a lot of clearance. If you go over a hill, they call it grounding, and apparently it is pretty common thing to end up with a motor home teetering. Chairman Morin stated looking at the plan, I don't know if you would be able to even get around that corner to get to there because you can't go on the other people's property. I am just wondering how much room there actually is there to the side of the barn. Mr. Walker stated we actually have from the tree there over. I think we have probably 30 or 40 feet that is ours and then Bill Hunter's is there. The tree that is in there is on our side of the line, so if we just stayed to the left of the tree, we could drive it almost straight in. Again, we would have a little bit of a teetering issue but we could maybe flatten that out some. There is a little bit of a rock wall that has been built up there that we could pull down. Ms. Elmer stated just as a note, if you did want to build like an extension off that side, that would need a variance because the structure that is existing meets the side setback, but anything new that you wanted to add onto it would require a variance from the side property line.

Mr. Casale stated you mention in the application as part of #3 under Substantial Justice, "Plus I use this vehicle for work." What is it that you do for work that would necessitate using a motor home? Mr. Walker replied I used to be more of a cabinet maker but now I teach people software that makes cabinets so I travel quite a bit. In March we were in North Carolina for five days doing a training session, in August we were in Atlanta for three days doing a training session, I have customers as well that are in New York, so we just take the vehicle with us, and rather than spending the nights in hotels, we spend the night in the motor home to save the money. Mr. Casale stated thank you.

Ms. Stevens asked to put another drive-thru, he would need a variance as well? Because I think we are only allowing one curb cut? Ms. Elmer replied that is actually a State road and that would require a State permit, not a Town permit. I can't guarantee whether they would do that or not. You may end up not being able to put new

pavement from here, but extend the pavement and create, so you still only have one curb cut, and then kind of make an S-shape. You couldn't put new pavement here as shown on the posted plan, but you could pull in and then go around. Mr. Walker responded I think you may have mentioned that to my wife before. Chairman Morin asked even with the property line where it is like that? Ms. Elmer responded you can park up to a property line but because we require it to be either covered or behind, if you wanted to build. Chairman Morin stated but even the State, I don't know what you would call it, but you can see at the bottom the State property line goes across for the road, which goes halfway through there, is that the State's line for right-of-way or whatever. Ms. Elmer replied yes. Chairman Morin asked that goes halfway through their driveway? Ms. Elmer replied yes. Chairman Morin asked would they be able to pave on something like that? Ms. Elmer replied I don't know. That would be up to DOT. Chairman Morin stated that could be a problem because there is not a lot of room there. Mr. Walker stated and we couldn't put it over to the left because of the driveway issue again. Chairman Morin stated that is the right-of-way so there is not a lot of room. Ms. Stevens stated these old houses were built right on the road. Mr. Walker stated so parking on the left side of the house wouldn't probably be viable either because we would have to have another cut-thru if we tried to move it over. Chairman Morin responded right, that is even worse for a curb cut.

Mr. Casale stated Ms. Elmer, I am not sure if you know, but if the Board were to approve this, does this in any way violate any of the rules, regs for the State that you are aware of as far as being in the right-of-way? Ms. Elmer replied I have no idea. We don't do any of that. It would behoove the applicants to make sure they weren't in violation of any State regs.

Chairman Morin asked how long is the vehicle? Mr. Walker replied 24 feet. Mr. Casale stated would you be surprised if I looked it up and it said 25.7, not that a foot and 7 inches makes a big difference. Mr. Walker responded I haven't measured it; that is just what they call it is a 24-footer. That may or may not include bumpers. I don't think this one has a rear bumper, it is actually flat on the back, but it has a regular vehicle type bumper on the front because it is a van basically; it is a Sprinter van.

Chairman Morin asked for any questions or comments from the audience. There were none.

Chairman Morin asked the applicant for any further comment before deliberations. Mr. Walker replied no; I think we have covered it all. We would just appreciate it if it could be granted. It would certainly be helpful to our family. Chairman Morin stated thank you.

MOTION by Mr. Duhaime to move into deliberations on this variance application. Ms. Stevens duly seconded the motion. Vote taken – all in favor. Motion carried.

Chairman Morin appointed Mr. Green to vote on both applications this evening.

Mr. Duhaime stated I have a quick question as far as process goes. It sounds like there are alternatives that he possibly could do. Chairman Morin stated it looks like the only way to get there would be from the neighbor's property not his own. I think I have enough information from him for my thinking. Ms. Georges stated I am just trying to give him as much possibility, but if we think it is not going to be possible, then I am fine either way. Chairman Morin stated I think it is very tight on that side of the house, the front and the side, even if it's a gravel roadway going down that side. I think it would be very difficult, especially if the State is going to get involved, which you never know if they will or not. Mr. Green stated the State hasn't raised any objection. Chairman Morin responded not for their motor home. It probably doesn't affect them in the least. Mr. Duhaime stated but even looking at their existing situation with parking cars, they are kind of parking right on the property line anyway, so they are probably overhanging that a majority of the time. Chairman Morin asked what do you want to do? Do you want to go back public session or do you want to deliberate it? Mr. Duhaime replied it is up to the Board. I just wanted to throw that out there. Ms. Georges stated I am fine with deliberating. The Board decided to move forward with deliberations.

1. Granting the variance would not be contrary to the public interest: (1) Whether granting the variance would alter the essential character of the locality: Chairman Morin stated I don't really see this altering the essential character of the locality. Looking at what he explained in the picture, we aren't talking a Class A motor home that is 40 feet long. It is taller but it is about the same size as his pickup truck, and maybe that is something we could also put as part of the motion if the Board thinks it as a size limit. That is why I asked for a length. If it is any bigger, it is not going to fit anyway. Mr. Green stated and we can put a limit on size. Ms. Georges stated that would be good. **(2) Whether granting the variance would threaten public health, safety and welfare:** Chairman Morin stated we have heard nothing that would deal with any of those items. **2. The spirit of the ordinance is observed:** Chairman Morin stated looking at the property it definitely has some things like it is hard to get past the front of the house. I drove by it today and the left side looked very rocky, so there was no way it was going to get on that side and the right side depending on the limits of what he can do. Mr. Green stated and given the size of the vehicle, it is not like it is one of these big 60-footers that is sticking out into the State's right-of-way. **3. Granting the variance would do substantial justice:** Chairman Morin stated it is giving them the opportunity to have their motor home there. Ms. Stevens stated and it is a unique property too. It is not as though there is a whole lot of wiggle room there. Chairman Morin stated I agree with that. **4. The values of the surrounding properties will not be diminished for the following reasons:** Chairman Morin stated we don't see the neighbors all here complaining about this and going against it. They would be the biggest ones worrying about property value. I don't see this making that big of a difference. **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:** Chairman Morin stated that is a pretty big one right there. Definitely there are not too many houses around this one that is that close to the road and configured the way it is where you have a very hard time getting to the back of the property. **A.**

Denial of the variance would result in unnecessary hardship: 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: Ms. Stevens stated we aren't talking about 50-foot vehicle here. As the applicant explained, his truck is not that much longer than this RV, and when you look at the aerial photograph that is in our packet, and you can actually see that it is just short of maybe a few feet of the truck and the truck, of course, we have no issue with that being parked in the driveway. **ii. The proposed use is a reasonable one:** Chairman Morin stated it would be reasonable to keep the smaller vehicle in the driveway. Ms. Georges stated particularly given the combination of the size and the uniqueness of the actual plot and lack of other options.

Mr. Green stated even if we give approval, if the State should come in and say you are impinging on our right-of-way, they would take precedence over our approval, I would assume. Ms. Elmer responded yes.

MOTION by Ms. Georges that the Zoning Board of Adjustment grant the variance requested by William Walker, Jr. from Article III, Section 275-18, in order to park a recreational vehicle in the front driveway where it is not allowed at 157 New Boston Road, Lot 2-19, Zoned R&A, provided that the vehicle is no larger than a 2018 Wayfarer 24 model, for the reason that meets the criteria for a variance per our deliberations. Mr. Green duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Mr. Green to move out of deliberations on this variance application. Ms. Georges duly seconded the motion. Vote taken – all in favor. Motion carried.

2. Kathryn & Tim Raymond – Requests a variance from Article III, Section 275-22.A and Table 1 in order to construct a residential addition 15.7 feet from the side property line where 25 feet is required at 30 Constance St. Lot 42-60-12, Zoned GR.

Tim Raymond was present to address his request for a variance. We live in a home now that is currently 1,006 square feet. My wife and I purchased the house in 2011 when it was the two of us. Since then we have grown and are expecting again at the end of August. I grew up in the town, I attended Liberty Hill School House and Peter Woodbury Memorial and McKelvie and played at Sportsman Field and rode my bicycle to the country store growing up to buy baseball cards. Those are the memories I love about the town, and those are the ones I want to relive and create new ones. Moving forward, hopefully granting the variance will help that come true. We currently have a kitchen acting as a dining room as we speak. We have a table set up now for three and as I said, we have another one coming in August, so I would like to ask the Board to consider granting a variance at 30 Constance Street to help my family grow.

Mr. Raymond proceeded to review the criteria for his variance application. **1. Granting the variance would not be contrary to the public interest: (1) Whether granting the variance would alter the essential character of the locality:** The proposed 20 x 24-foot family room with a 12 x 10 3-season addition will not alter the character of the locality and will be constructed in a quality and tasteful manner in order to be in line with the existing character. **(2) Whether granting the variance would threaten public health, safety and welfare:** No conditions in the proposed addition will be a threat to public health, safety or welfare. **2. The spirit of the ordinance is observed:** Our home is located in the General Residential District; the neighborhood was established in the 1950's. The proposed family room addition will be harmonious with the intent and character of the General Residential District. **3. Granting the variance would do substantial justice:** No improvements to the property can be obtained unless a variance is granted. Granting a variance will bring value to the home and the surrounding neighborhood. **4. The values of the surrounding properties will not be diminished for the following reasons:** The proposed addition will be tasteful, of quality and harmonious with the neighborhood. Due to the harmonious character, attention to detail, the values of the surrounding properties will be positively affected. **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:** The property is located in the General Residential District, and with the rules and regulations created in 1950's, the hardship exists because the existing property has already encroached beyond setbacks. A variance will be required to make any improvements, thus creating a hardship situation. Due to the hardship, the variance is the only option. **A. Denial of the variance would result in unnecessary hardship: 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: ii. The proposed use is a reasonable one:** Granting the variance will not create a hardship. The addition will blend with the existing structure and will fully support the surrounding neighbors. The property is residential, the use improves the values in the neighbors' properties, and the existing features will create quality improvements. **B. If the criteria in subparagraph A are not established, explain why the property cannot be used in strict conformance with the ordinance and why the variance is therefore necessary to enable a reasonable use of it:** A preexisting, non-conforming hardship exists. The property sits on a 0.2-acre lot, and it would be very difficult to improve on the structure without a variance.

Mr. Raymond stated I did bring a letter from an abutter that couldn't make it tonight that does endorse the variance. The letter was given to Chairman Morin. Chairman Morin asked looking at the plan, which abutter is it that wrote this letter? Mr. Raymond replied he would be to the left of the house. Chairman Morin stated the letter is from J. Cadorette of 26 Constance Street. Mr. Raymond stated with me is Travis Cooper that is the abutter to the right of the house that would be most affected by the addition as it is closer to his home. Chairman Morin stated this letter shows that they are in support of the addition.

Chairman Morin asked for comments or questions from the Board.

Chairman Morin stated it looks like the only piece we are dealing with is the addition. It seems like the 3-season porch is the only thing that fits into the actual building envelope.

Ms. Elmer stated I just want to clarify for anybody that happens to be watching on TV. The plan does say it is for a garage under the notes, the yellow part says family room, the attached drawings show a dormer roof, so it looks like another cape is going up. So I just wanted to make sure the applicant could clarify for the Board exactly what is being built just to make sure that everybody is on the same page. Mr. Raymond stated we would like to be adding a 20 x 20-foot room, open concept addition, which would have a shed dormer off the back of it, which would kind of grasp the surrounding field in the back of Clark's farm to bring a little bit more light into the room. Chairman Morin stated so having such a large roof, it is an open cathedral-type ceiling. Is that correct? Mr. Raymond replied correct.

Mr. Casale stated I am confused by the dimensions. You say it is 20 x 20 or is it 20 x 24? Mr. Raymond replied I'm sorry, I must have misspoken. It is 20 x 24.

Chairman Morin asked for comments or questions from the audience.

Travis Cooper, 34 Constance Street, stated I am the house just to the right on the posted picture. I have been there for 17 years, and I think the addition would be nicely put into the neighborhood. It would do nothing but increase my home value. I am in support of the project. Chairman Morin stated thank you.

Joshua Brimblecom, 33 Constance Street, stated I live across the street from the Raymond's. I fully support this project. It will raise my property values. There is no reason why he shouldn't get the variance. Chairman Morin stated thank you.

Chairman Morin asked for further questions or comments from the Board.

Mr. Green stated I just want to make sure from the pictures. It seems like other homes have had additions put onto them. Is that accurate? Mr. Raymond replied that is correct. Mr. Green asked so this is not something new in that area? Chairman Morin responded I think this Board has dealt with other houses in that area for variances in the past. Mr. Green stated these lots are all tiny and connected the Manchester's west side.

Chairman Morin asked the applicant for any further comment before deliberations. Mr. Raymond stated that is it.

MOTION by Mr. Green to move into deliberations on this variance application. Ms. Stevens duly seconded the motion. Vote taken – all in favor. Motion carried.

1. Granting the variance would not be contrary to the public interest: (1) Whether granting the variance would alter the essential character of the locality: Mr. Green stated I think that question has been answered. Other houses in the area have been made bigger with variances, so this would be consistent with what the neighborhood looks like. Mr. Duhaime stated and if you look at other properties, 30 looks like the only one that has space for an addition. It looks like they have all been spread out. **(2) Whether granting the variance would threaten public health, safety and welfare:** Chairman Morin stated I don't see that. Ms. Stevens stated we haven't seen anything.

2. The spirit of the ordinance is observed: Chairman Morin stated the spirit is not to overwhelm areas, but unfortunately they are such small lots there has to be some wiggle room in those areas to be able to add an addition to your house. Mr. Green stated I think all of these houses were basically built to accommodate the returning WWII vets, they were small lots, you put them up and you let them move in with their families. I think that was the original intent. **3. Granting the variance would do substantial justice:** Chairman Morin stated it would help the family expand to accommodate their family without overtaking the neighborhood, and with all the neighbors basically that surround him in approval, it definitely would do substantial justice. **4. The values of the surrounding properties will not be diminished for the following reasons:** Chairman Morin stated we have not heard testimony to say they would be diminished. Mr. Green stated we have heard testimony that says just the opposite. Chairman Morin stated the landowners would be happy to see that. **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:** Chairman Morin stated again, those are very tight lots, and as one of you brought up, this is the only lot that has room on it as the other ones look like they are built-out already. **A. Denial of the variance would result in unnecessary hardship:**

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: Chairman Morin stated again, there is nothing negative going towards the general public purpose. It is a plus for the neighborhood and for the Town. **ii. The proposed use is a reasonable one:** Mr. Green stated it seems reasonable. Chairman Morin stated I agree.

MOTION by Mr. Duhaime that the Zoning Board of Adjustment grant the variance requested by Kathryn and Tim Raymond from Article III, Section 275-22.A and Table 1 in order to construct a residential addition 15.7 feet from the side property line where 25 feet is required at 30 Constance Street, Lot 42-60-12, Zoned GR, for the reason that it has met all of the criteria for a variance per our deliberations. Mr. Green duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Mr. Green to move out of deliberations on this variance application. Mr. Duhaime duly seconded the motion. Vote taken – all in favor. Motion carried.

New Business:

3. Adoption of proposed updates to the Zoning Board of Adjustment Rules of Procedure.

MOTION by Ms. Stevens to open the public hearing on the proposed updates to the Zoning Board of Adjustment Rules of Procedure. Mr. Duhaime duly seconded the motion. Vote taken - all in favor. Motion carried.

Chairman Morin asked for comments or questions from the audience. There were no members of the public present to speak.

MOTION by Mr. Green to close the public hearing on the proposed updates to the Zoning Board of Adjustment Rules of Procedure. Ms. Stevens duly seconded the motion. Vote taken - all in favor. Motion carried.

Chairman Morin stated we did discuss these updates at the last Zoning Board of Adjustment meeting. You have had a chance to go over them. Are there any questions before we vote on these? There were none.

MOTION by Mr. Green that the Zoning Board of Adjustment adopt the updates to the Zoning Board of Adjustment Rules of Procedure as presented and discussed. Ms. Stevens duly seconded the motion. Vote taken - all in favor. Motion carried.

Adjournment:

Motion by Mr. Green to adjourn the meeting at 7:45 p.m. Ms. Georges duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons