



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – May 23, 2024 - draft

The Hudson Zoning Board of Adjustment met Thursday, May 23, 2024, at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Chairman Daddario called the meeting to order at 7:00 PM, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board’s Bylaws) regarding the procedure and process for the meeting.

III. ATTENDANCE

IV. SEATING OF ALTERNATES

Clerk Dion called the attendance. Members present were Gary Daddario (Regular/Chair), Tristan Dion (Alternate/Clerk), Normand Martin (Regular/Vice Chair) and Dean Sakati (Regular). Also present were Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. Excused were Tim Lanphear (Regular) and Dillon Dumont, Selectman Liaison. Alternate Dion was appointed to vote. All Members present voted. Mr. Daddario stated that normally there would be five (5) Members voting, that only four (4) are present, that in order to act on a motion requires three (3) , and stated that the Applicants have the prerogative to ask to wait until next month in hopes that there would be five (5) Members in attendance.

V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

1. **Case 184-021 (05-23-24):** Ryan T. Burke, **152 Belknap Rd., Hudson, NH** [Map 184, Lot 021, Sublot-000; Zoned Residential-Two (R-2)] requests the following:
 - a. A Variance to install a proposed 21 ft. diameter above ground pool 8.5 feet in the side yard setback leaving 6.5 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
 - b. An Equitable Waiver of Dimensional Requirement to allow a 10 ft. x 12 ft. metal shed to remain in its current location, which encroaches approximately 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]

46 Mr. Sullivan read both the Variance and the Equitable Waiver into the record,
47 referenced his Staff Report initialed 5/13/2024 and noted that the Town Engineer
48 asked about the location of the water discharge hose and how backwash discharge will
49 handled.

50
51 Ryan Burke stood at the lectern and introduced himself, stated that the land slopes
52 toward Central Street and drops down in the back, noted that his driveway and garage
53 are below street level and the drainage has been dealt with and has established a path
54 to the rear of his property, that there is a large mature maple tree in the near center of
55 is back yard with overreaching branches, that Jim Hedlund, owner of ASAP on Lowell
56 Road, performed a site visit on 4/24/2024 and due to the tree location, the sloping
57 land of the yard and the existing water drainage concerns, recommended the location
58 of the pool and noted that it is the most level section of his backyard, that any other
59 location could subject it to falling branches or shade from the tree and could cause
60 water drainage issues due to the naturally sloping yard. Mr. Burke stated that the
61 pool would be fenced in and surrounded by flora so as to not be wholly visible from the
62 road and not impact the neighborhood or affect property values.

63
64 Mr. Burke referenced other properties in his neighborhood citing that most add
65 on/develop on the left side due to the sloping of the land, that 148 Belknap Road has
66 a pool, that another lot has a greenhouse and walked the Board through the pictures
67 that accompanied his application. Mr. Burk stated that in reference to the Town
68 Engineer's comment regarding pool drainage, that he has a five hundred foot (500')
69 hose to use that can be directed to where the Engineer directs and added that he
70 anticipates the time frame for dismantling the pool to be in September for the winter.

71
72 Public testimony opened at 7:19 PM. Denise Beausoleil, 150 Belknap Road, stated
73 that she is a direct abutter and shares a property line with the Burkes, that they have
74 been neighbors for about six (6) years and that she has no objection to the variance to
75 allow the pool to be installed in their sideyard setback. Being no one else to address
76 the Board, Mr. Daddario declared the public testimony closed at 7:21 PM and the
77 matter before the Board.

78
79 Mr. Martin stated that the slope on the property could satisfy the hardship criteria,
80 but according to the testimony received, every lot in the neighborhood has to deal with
81 slopes. Mr. Daddario stated that the hardship is to be to the lot in question and after
82 rereading the criteria, it does not mean that it has to be different, that it is okay that
83 the slope is on many of the lots in the neighborhood but that does not negate the fact
84 that it presents a hardship to this lot.

85
86 Mr. Martin made the notion to grant the Variance as requested in Case #184-021A.
87 Mr. Sakati seconded the notion.

88
89 Mr. Martin spoke to his motion stating that the granting would not be contrary to
90 public interest, that the proposed use will observe the spirit of the Ordinance, that
91 substantial justice would be done to the property owner and that the hardship criteria
92 is met due to the sloping in certain areas of the property and the current drainage
93 issues. Mr. Martin voted to grant the Variance.

94

95 Mr. Sakati spoke to his second stating that the proposed location is hidden from sight,
96 does not conflict with the explicit purpose of the Ordinance and does not change the
97 character of the neighborhood, that justice would be done as it is difficult to build on
98 this slope, that there will be no change in values to surrounding properties and that
99 the hardship is met by the slope of the land. Mr. Sakati voted to grant the Variance.

100
101 Mr. Dion voted to grant stating that the pool will not hurt the neighborhood and will
102 not obstruct the neighbors or threaten public rights and could likely increase property
103 values and that the hardship is met by the slopes and that the proposed use is a
104 reasonable use.

105
106 Mr. Daddario voted to grant the Variance stating that there is no injury to the public
107 and a pool is a normal use for a residence in any neighborhood, that it will not cause
108 public harm, that favorable direct abutter testimony has been received, that there has
109 been no evidence that it would affect property values but it is unlikely that a pool
110 would have a negative effect on property values, that it is a reasonable common use to
111 have a pool with a residential property, that a portion of the setback will remain, that
112 the direct abutter is in favor of the Variance, that the conditions of the property dictate
113 the location for the pool.

114
115 Vote was 4:0 to grant the Variance as requested in Case 3184-021A. The 30-day
116 Appeal period was noted.

117
118 Mr. Burke next addressed his application for an Equitable Waiver of Dimensional
119 Requirement and stated that he only recently discovered that it was needed, noted
120 that the shed was in its current location when he bought the property in 2018, that
121 when he checked a 2011 aerial map, the shed was visible in its current location and
122 that his property card identified that the shed was built in the year 2000. Mr. Burke
123 stated that the shed is being used to store such items as wheel barrels and is in good
124 condition by the wood line and nestled between two (2) trees and not visible by his
125 neighbor or roadside and stated that moving it could damage it and would be
126 encroaching his backyard and that, to his knowledge, it has not been a nuisance to
127 anyone. Mr. Burke showed pictures of the shed in its current location.

128
129 Public testimony opened at 7:37 PM. No one addressed the Board. Public testimony
130 closed at 7:38 PM.

131
132 Mr. Martin made the motion grant the Equitable Waiver of Dimensional Requirement.
133 Mr. Sakati seconded the motion.

134
135 Mr. Martin spoke to his motion stating that the shed sits in the corner and is not
136 bothering anybody, that it has not posed any nuisance to anyone, that it has existed
137 for more than ten (10) years and that it presents a high correction cost to relocating it.
138 Mr. Martin voted to grant the request.

139
140 Mr. Sakati spoke to his second stating that it has existed more than a decade, that it
141 existed in its current location when the Applicant bought the property, that it has not
142 bothered anyone or been a nuisance and that there would be a high correction cost to
143 relocate it. Mr. Sakati voted to grant the request.

144

145 Mr. Dion voted to grant the Equitable Waiver stating that it has existed for more than
146 a decade and was present when the Applicant bought the property, that it has not
147 presented a nuisance, that it is located at the rear of the property and hidden from the
148 street, and that there would be a high correction cost to alter the location.
149

150 Mr. Daddario voted to grant the Equitable Waiver stating that it has existed for more
151 than ten (10) years, that it doesn't and has not presented itself as a nuisance and that
152 relocating a shed that is more than two (2) decades old is tantamount to destroying it.
153

154 Vote was 4:0 to grant the Equitable Waiver of Dimensional Requirement. The 30-day
155 Appeal period was noted.
156

157 Mr. Martin thanked Mr. Burke for his well-prepared clear and concise presentation of
158 both the Variance and the Equitable Waiver. Mr. Burke thanked the Board for their
159 consideration and asked whether he needed to wait the 30-day Appeal period before
160 being able to pull a pool/building permit. Mr. Sullivan stated that any work
161 performed during the Appeal period was at the Applicant's own risk and asked Mr.
162 Burke to come into the office to discuss.
163

164 **2. Case 214-012 (05-23-24):** Daniel Barowski, Survey Project Mgr. of Fieldstone
165 Land Consultants, PLLC, 206 Elm St., Milford, NH proposes a two-lot subdivision
166 which requires the following two (2) Variances for **173 Bush Hill Road,**
167 **Hudson, NH** [Map 214, Lot 012, Sub lot-000; Zoned General-One (G-1)]:

168 **a.** A Variance to allow the lot area with the existing dwelling (after subdivision) to
169 contain 0.833 acres where 2 acres of contiguous land exclusive of any wetland
170 and slopes in excess of 25% is required. [HZO Article VII: Dimensional
171 Requirements; §334-27.1.B., General requirements and §334-27.2, Lot
172 requirements for subdivision of land and §334-27, Table of Minimum
173 Dimensional Requirements]

174 **b.** A Variance to develop a 30 ft. x 40 ft. single-family home on the vacant new lot
175 with 194.66 feet of frontage where 200 feet is required. [HZO Article VII:
176 Dimensional Requirements; §334-27, Table of Minimum Dimensional
177 Requirements]
178

179 Mr. Sullivan read the Case into the record and referenced his Staff Report initialed
180 5/14/2024 noting that the Associate Town Planner cited that Planning Board approval
181 of a subdivision application would be required if the Variances are granted and that
182 the Town Engineer made four (4) requests – well and septic system locations for new
183 lot, plan and profile for proposed driveway, sight distance plan and profile for
184 proposed driveway and provide approval by PSNH regarding proposed driveway within
185 the existing PSNH easement.
186

187 Dan Barowski of Fieldstone Land Consultants, PLLC, introduced himself, identified
188 the location of the 7.37 acre lot with 394.66 feet of frontage and noted that the land
189 slopes from northeast to southwest and is bisected by Musquash Brook that requires
190 wetland buffers and is encumbered by several areas of steep slopes and has four (4)
191 pockets of dry land. Mr. Barowski stated that there is an existing house, built in
192 1978, that is located in the northeast corner of the lot leaving most of the lot
193 undeveloped and that the proposal is to subdivide the 7+ acres into two residential

194 lots and that two (2) variances would be required before a subdivision application
195 could be pursued with the Planning Board.

196
197 Mr. Barowski stated that the existing residence would be left with 2.57 acres but with
198 only 0.83 acres of contiguous dry non-steep land, 14,961 SF of wetlands and 200' of
199 frontage. The proposed new lot would contain 4.80 acres with 2.94 acres of
200 contiguous dry non-steep land, 6,666 SF of wetlands and 194' of frontage. A variance
201 is requested to allow only 0.83 acres of contiguous land exclusive of wetlands and
202 slopes over 25% for the existing residence and another variance is needed to create the
203 new residential lot with 194' of frontage.

204
205 Mr. Barowski addressed the criteria for the granting of a variance and the information
206 shared included:

207
208 (1) *not contrary to public interest*

- 209 • The granting of the variance would allow for the productive use of the existing
210 property
- 211 • The proposal is consistent with the surroundings as several of the lots along
212 Bush Hill Road possess less than 2 acres of land
- 213 • Both of the proposed lots exceed the minimum required lot size, however, the
214 14,961 SF of wetlands that exist on the lot are configured in such a way as
215 to prevent a large contiguous area
- 216 • No development is proposed on the existing house lot of 2.57 acres which has
217 existed for decades
- 218 • The proposed subdivision would not be contrary to public interest, nor will it
219 alter the essential character of the neighborhood or threaten the health,
220 safety or general welfare of the public
- 221 • The proposal to subdivide the 7+ acre residential parcel into two (2) residential
222 lots would not be contrary to public interest

223 (2) *will observe the spirit of the Ordinance*

- 224 • The proposed subdivision is reasonable and meets the spirit of the Ordinance
225 especially when one considers the size of the 7+ acre parcel, the size of
226 the lots being proposed (2.57 and 4.8 acres) and the placement of the
227 proposed building sites in relation to the surrounding lots
- 228 • The Zoning Ordinance, Section 334-27.2, requires lots to have their minimum
229 area contiguous and exclusive of wetlands and steep slopes as the intent
230 is to provide adequate separation and buffering between landowners and
231 uses and to ensure each lot has enough useable area for development
- 232 • The Variance for Lot 214-12 is already developed with a single-family
233 residence, driveway and other associated improvements
- 234 • The configuration of the wetlands on the lot, along with the steep slopes
235 present preclude it from being subdivided conventionally
- 236 • The largest section of dry, non-steep area is north of Musquash Brook and not
237 contiguous with the existing dwelling
- 238 • The steep slopes on the revised lot 214-12 are excluded from potential
239 as they are almost all contained within the 50' wetland buffer of
240 Musquash Brook
- 241 • The proposed new lot, 214-12-1, in this proposed subdivision contains 4.8
242 acres of which 2.94 are contiguous dry land with no steep slopes

243 • The existing residence is already separated from the required two contiguous
244 non-steep dry acres by Musquash Brook; therefore the spirit of the
245 Ordinance is observed

246 (3) *substantial justice done*

- 247 • Granting the variance would allow productive use of the land on a 7+ acre
- 248 parcel and would have no impact on the general public as the proposal is
- 249 small and consistent with its surroundings
- 250 • The variance request is for a lot which contains the minimum contiguous
- 251 dry acreage but is encumbered by steep slopes
- 252 • Several of the lots along Bush Hill Road and in adjacent developments
- 253 possess less than two full acres
- 254 • Granting the variance will therefore not alter the essential character of the
- 255 neighborhood or threaten the health safety welfare of the public
- 256 • Developing a 7+ acre parcel into two lots while preserving large acreage
- 257 would not be contrary to the public interest
- 258 • The granting of the variance would do substantial justice and allow for the
- 259 productive use of a large tract of land
- 260 • The proposal is certainly a reasonable use of the property

261 (4) *not diminish surrounding property values*

- 262 • The use is consistent with the zoning and the surroundings and as a result
- 263 will have no negative impact on the surrounding property values and
- 264 could increase the surrounding property values as it will allow new
- 265 construction on a larger lot

266 (5) *hard*

- 267 • The property is unique given its geometry and size and the fact that
- 268 Musquash Brook bisects it and other natural features as steep slopes
- 269 greater than 25%
- 270 • The G-1 Zone requires 87,120 SF of contiguous area exclusive of wetlands
- 271 and steep slopes and requires 200' of frontage
- 272 • The development of this 7+ acre parcel with its 394.66' of frontage into 2
- 273 residential lots is reasonable and fair when you contemplate the purpose
- 274 of the Ordinance provision and the specific application of that provision
- 275 to the property
- 276 • A variance to permit a subdivision with a lot that contains 0.83 acres of
- 277 contiguous dry non-steep land on an already developed parcel
- 278 • The natural features, particularly spots of steep slopes along the banks of
- 279 Musquash Brook preclude a conventional subdivision from meeting the
- 280 minimum area requirements
- 281 • The purpose of this section of the ordinance is to provide
- 282 adequate space for development
- 283 • The development is already completed and exists without detriment to the
- 284 surrounding properties or to Musquash Brook and no new development
- 285 is being proposed to the existing residence
- 286 • There is no fair and reasonable relationship between the general public
- 287 purpose of the Ordinance provision and the specific application of that
- 288 provision to the property
- 289 • Musquash Brook creates a natural boundary between the existing site
- 290 improvements and the proposed new lot

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- The proposed subdivision requires a variance for contiguous non-steep lot size, the belief is that this style of development is consistent with its surroundings and would be supported by the general public as it meets the spirit and intent of the Ordinance when you consider the size (7+ acres), the size of the lots being proposed (2+ acres and 5+ acres) and the placement of the proposed building site in relation to the surrounding lots
 - The intent of the Ordinance is to provide adequate area for development on an already established lot and allow for a subdivision resulting in a large 5+ acre lot with adequate buffering
 - The proposed subdivision is reasonable and will create a lot with plenty of buffering from adjacent properties
 - The proposed use and development are reasonable for a practical use when you consider the size of the lots and the separation and buffering that will exist
 - The subdivision is a practical use and a reasonable request and will be consistent with the surroundings

309 With regard to the comments from Hudson's Town Engineer, Mr. Barowski stated that

310 they will be addressed during the Subdivision application process with the Planning

311 Board and noted that the site has not been surveyed for the driveway design but

312 would be once the variances have been obtained and assured the Board that it will

313 meet Town standards. With regard to identifying the location of the septic system and

314 well location, Mr. Barowski stated that the location of the proposed new residence

315 would first need to be finalized. Mr. Sakati asked if there were other locations on the

316 proposed new lot to place the house and Mr. Barowski responded affirmatively and

317 pointed to other possible locations on the plan.

318

319 Mr. Martin asked if the brook overflows and if so, could that affect the buffer? Mr.

320 Barowshi stated that according to the contours, any overflow would flow down and

321 should not affect the buffer on the proposed new lot.

322

323 Public testimony opened at 8:04 PM. The following addressed the Board.

324

325 (1) Robert Boutin, 167 Bush Hill Road, stated that he is opposed to both

326 variances, the new lot with not enough frontage and the existing

327 residence to a smaller non-conforming lot and admitted that if the prior

328 owner, Mr. Williams, needed a variance for health care reasons, he

329 would not object, but Mr. Williams no longer owns the property; and is

330 concerned that the granting of the requested variances will have a

331 negative impact on his well water; that he has been there for over 20

332 years and there is a lot of wildlife in the area and is concerned if

333 emergency services would be able to get to the new house, through the

334 easement and thanked Mr. Martin on the good point raised on what

335 would happen to the wetland buffer if the brook overflowed.

336

337 Mr. Dion asked about the negative impact Mr. Boutin referred to. Mr.

338 Boutin stated that he can not see any houses from his home and that is his

339 preference; that the Town has a 2-acre minimum for a reason; that a lot of

340 people and wildlife walk through there, that there are herons galore; and
341 that the easement gets clear cut, that the clear cutting is becoming more
342 and more aggressive with the clear cutting going to the edge of the
343 easement, that sometimes equipment is left on the easement during the
344 process, that the workers often times sit on the equipment in the easement
345 to have their lunch and what would happen of the easement became a
346 driveway – and emergency services were needed at the new house?

347
348 (2) Email dated 5/23/2024 6:09 PM from Christine Cambrils, 9 Woodland
349 Drive, read into the record by Mr. Martin, spoke against the variances

350 (3) Letter received 5/22/2024 from Dominic Jarry and Kay Nash, property
351 owners of 175A Bush Hill Road, read into the record by Mr. Martin,
352 opposed both variances
353

354 Public testimony closed at 8:32 PM
355

356 Mr. Sullivan stated that the Planning Board would be addressing the details regarding
357 the driveway and its use of the easement during their review of the subdivision. Mr.
358 Margin noted that, if the Variance(s) are granted, the application to the Planning
359 Board would need to be submitted within six (6) months.
360

361 Mr. Martin asked the length of the proposed driveway and Mr. Barowski responded
362 that it would be just shy of six hundred feet (600') and that they would adhere to the
363 restrictions and guidelines specified by the Planning Board during their review. Mr.
364 Dion stated that it is a long driveway and noted that PSNH has free range to do what
365 they need/want in the easement. Mr. Martin noted that inspections are required
366 throughout the process.
367

368 Mr. Daddario stated that it seems to be a big enough property and the existing house
369 seems to be trapped in a corner but if the subdivision is approved, the house would be
370 relegated to a non-conforming lot as it would not meet the two acres of contiguous
371 land without steep slopes and wetland and the proposed new lot would also be a non-
372 conforming lot based on frontage.
373

374 Mr. Sakati stated that the variances being requested seem small and/but the hardship
375 criteria is a tough criteria. Mr. Daddario concurred. Mr. Dion asked if the hardship
376 exists because the house exists or because a new lot is being proposed and whether
377 this lot functionally differs from other lots in the area. Aerial views of surrounding lots
378 were reviewed. Mr. Dion stated that the problem seems self-created, that there is no
379 hardship now and that the proposed subdivision causes the hardship and the need for
380 two (2) variances. Mr. Martin agreed. Mr. Daddario noted that the existing house
381 would be placed on a non-conforming lot. Mr. Dion questioned if the creation of the
382 new lot could be configured so as to allow the existing residence to be located on a
383 conforming lot and asked if there was any testimony from the Property Owner that this
384 land is “not practically useable”. Mr. Martin noted that without Variance A being
385 granted, then Variance B would become moot.
386

387 At 9:18 PM, Mr. Daddario opened Public Hearing. Mr. Robert Boutin, 167 Bush Hill
388 Road addressed the Board and noted that currently the residence is vacant, it has no
389 occupant, it was sold for approximately \$100,000 less than its market value and that

390 the point made about it being placed on a non-conforming lot is more important now
391 because it would not be uncommon for a new property owner to want a garage or even
392 a swimming pool and be required to seek a variance. Being no one else to address the
393 Board, Public testimony closed at 9:19 PM.

394
395 Mr. Daddario stated that both variance requests were now before the Board and
396 declared a five-minute recess.

397
398 Mr. Dion stated that creating a non-conforming lot just does not meet the Spirit of the
399 Zoning Ordinance and that he is prepared to make a motion to deny. Mr. Martin and
400 Mr. Sakati agreed.

401
402 Mr. Dion made the motion to deny granting Variance A to create a non-conforming lot
403 that contains just 0.83 acres where 2 acres of contiguous land exclusive of steep
404 slopes and wetland is required. Mr. Sakati seconded the motion.

405
406 Mr. Dion spoke to his motion stating that the granting would not alter the essential
407 character of the neighborhood; that the proposal does not observe the spirit of the
408 Ordinance and that the need for a variance is self induced; that substantial justice
409 could be done to the property owner but currently the property is conforming and has
410 a use with a residence; that the proposed lot reduction will not likely diminish
411 surrounding property values; and the hardship criteria has not been met, as it is self
412 induced, the property has a use developed and to change it to a non-conforming lot
413 goes against the Ordinance. Mr. Dion voted not to grant the Variance.

414
415 Mr. Sakati spoke to his second stating that the only criteria that could be satisfied is
416 that the granting would not diminish surrounding property values but there was no
417 evidence presented; that the request explicitly conflicts with the Ordinance, that the
418 granting would be contrary to public interest; that there is no justice in creating a
419 non-conforming lot; and the hardship criteria has not been met and has been caused
420 with the desire to create a second lot. Mr. Sakati voted not to grant the Variance.

421
422 Mr. Martin voted not to grant the Variance stating that even though three (3) of the
423 criterion could be satisfied, two (2) were definitely not. The proposed Variance may
424 not affect the essential character of the neighborhood, that it would do justice to the
425 property owner and probably would not diminish values of surrounding properties;
426 however, it does not observe the spirit of the Ordinance because two (2) acres are
427 required and the revised lot only provides for 0.833 acres and the hardship is self
428 imposed by subdividing this property.

429
430 Mr. Daddario voted not to grant stating that there would not be any change to the
431 neighborhood and no substantial threat to the public; that the Variance request
432 introduces significant deficiencies that do not presently exist and that the lot size
433 deficiency is significant regarding the buildable usable space; that the proposal allows
434 use of the property without substantial harm; that no evidence was presented of
435 diminished value to surrounding properties but there is no apparent reason why
436 surrounding properties would suffer diminished value; and that the hardship criteria
437 is not met, that the Ordinance is designed to have sufficient lot size of usable space
438 and noted that the property is being reasonably used.

439

440 Vote was unanimous at 4:0 to not grant the Variance 214-012A as requested as it
441 unanimously failed to satisfy criteria 2 (spirit of the Ordinance) & 5 (hardship). The
442 30-day Appeal period was noted
443

444 Mr. Sakati made the motion to deny granting Variance B to create a new lot with
445 196.44 feet of frontage where 200 feet is required. Mr. Dion seconded the motion.
446

447 Mr. Sakati spoke to his motion stating that the request conflicts with the purpose of
448 the Ordinance, that it does not alter the character of the neighborhood, that
449 substantial justice is not required as land is currently used, that the proposed use
450 may not diminish surrounding property values, that even though it seems a
451 reasonable use, there is no hardship caused by the land, just the desire to divide the
452 land. Mr. Sakati voted to not grant the Variance request.
453

454 Mr. Dion spoke to his second stating that the new lot would not threaten public rights,
455 that it fits within the spirit of the Ordinance, that the land is currently being used and
456 there is nothing harming the owner from current use, that it is not known whether the
457 proposal would affect surrounding property values as the house location has not been
458 established, and that even though it is a reasonable use, the purpose of the Ordinance
459 is to maintain proper lot sizes and the hardship is self induced. Mr. Dion voted not to
460 grant the Variance request.
461

462 Mr. Martin voted not to grant the Variance stating that the requested Variance will not
463 be contrary to public interest, that substantial justice would be done and that new
464 construction could enhance the values of surrounding properties, but allowing the
465 property to be subdivided as presented does not observe the spirit of the Ordinance,
466 that even though the proposed use is reasonable, hardship does not exist, it is self
467 created by the desire to subdivide and create a new non-conforming lot.
468

469 Mr. Daddario voted not to grant stating that variance being requested is minimal, just
470 over five inches, and will not alter the character of the neighborhood, that minimal
471 relief is being sought, that the use would benefit the property owner without causing
472 substantial harm to the general public, that no evidence was presented but there is no
473 apparent reason to believe that any diminution of surrounding property values would
474 occur, and that the hardship criteria has not been satisfied, the applicant is creating
475 the non-conformity with the proposed subdivision, the lot has a reasonable use with
476 the existing residence, the utility easement, wetlands and slopes on the lot does not
477 cause the frontage deficiency and do not contribute to it.
478

479 Vote was unanimous not to grant Variance 214-012B to create a lot with reduced
480 frontage as it unanimously failed to satisfy the hardship criteria and did not observe
481 the spirit of the Ordinance. The 30-day Appeal period was noted.
482

483 Mr. Dion stated the Mr. Barowski made a fantastic presentation and hoped that he did
484 not feel attacked. Mr. Barowski thanked the Board for their honest feedback.
485

486 **VI. REQUEST FOR REHEARING:**

487

488 No requests were presented for Board consideration.
489

490 **VII. REVIEW OF MINUTES:** 04/25/2024 edited draft Meeting Minutes

491

492 Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to
493 approve the 4/25/2024 Minutes as edited.

494

495 **VIII. OTHER:**

496

497 No other business was presented for Board consideration.

498

499 **IX. ADJOURNMENT:**

500

501 Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to
502 adjourn the meeting. The 5/23/2024 ZBA meeting adjourned at 9:58 PM.

503

504

505 Respectfully submitted,

506 Louise Knee, Recorder

DRAFT