

Town of Salisbury

Zoning Board of Adjustment

Zoning Board of Adjustment Meeting Summary February 14, 2012

Arthur Garvin	Chairperson	Present
Mark Hutchins	ZBA-Vice Chairperson	Present
Arlene Allen	ZBA Member	Present
David Merwin	ZBA Member	Present
Rose Fife	ZBA Member	Absent
Ken Ross-Raymond	ZBA-Alternate/Selectman	Present
Doug Greiner	ZBA-Alternate	Present
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
April Rollins	ZBA - Assistant	Present

Visitors: Jeff Tilton (Applicant), Joe & Gayle Landry and Chuck Bodien.

Arthur Garvin called the meeting to order at 7:00 p.m. and appointed Doug Greiner to be a voting member.

Variance Public Hearing – Jeff & Kathy Tilton, 179 New Road – Chair Garvin swore-in Jeffrey Tilton. Chair Garvin opened the meeting by citing the unnecessary hardship section of RSA 674:33 and noted that part of the law was amended by the Legislature in 2010.

Mr. Tilton stated he would like to utilize his shop space that has been used basically for storage, to make the building more efficient. Mr. Tilton noted a small addition was made to the building and does not feel it takes away from property values in the long run. Vice Chair Hutchins stated the proposal is to build an apartment and Mr. Tilton replied yes it is. Chair Garvin stated the ordinances has no scheme for apartments. Arlene Allen stated there is a reference to two-family dwellings but Article #5, section (C)(1) clearly says, "Only one principal residential structure shall be located on a buildable lot". Chair Garvin noted that the Town's Building Inspector, Chuck Bodien, is taking the view that it is considered more than one on the property. Vice Chair Hutchins asked if an apartment is considered a primary residence and Chair Garvin replied it has all of the amenities of a residence. Mr. Tilton stated the buildings share water but there is a separate bathroom and kitchen. Mr. Tilton noted the apartment would provide income to off-set his taxes. Doug Greiner stated there is nothing in the ordinance that covers this, if the building were attached then it could be considered multi-family but it is two separate structures with a family currently living there. Mr. Greiner noted the family registered to vote and had the same address as the Applicant. Doug Greiner asked if the structures were attached and Mr. Tilton replied yes, by a water pipe. Ken Ross-Raymond stated the Tilton's property record card show the septic only supporting a two-bedroom home with three bedrooms. Mr. Tilton replied the septic system was upgraded to a four bedroom system when the wood working shop was built (2003).

Ken Ross-Raymond reported that Selectwoman Sheldon has addressed this issue with the Planning Board, in order to start clearing things up like this because the Town has a few similar cases currently and the Zoning Ordinances need to be clearer.

Chair Garvin opened the Public Hearing at 7:14 pm for public comment. Gayle Landry asked if there were people living in the apartment and Mr. Tilton replied yes. Gayle Landry asked if there was a building permit. Mr. Tilton replied yes, the short term plan was for an office renovation and the long term plan was for rental property. Joe Landry stated he feels the zoning ordinance is pretty clear cut in regards to a primary residence. Chair Garvin noted that in most communities you will find a section that deals with apartments, outside or part of the principle dwelling structure and whether we allow for in-law apartments or rental properties that will be need to be decided as a community. The Public Hearing was closed at 7:22 pm.

Chair Garvin referred to RSA 674:33 and read the five criteria. Doug Greiner stated it goes against the grain of the Zoning Ordinance and doesn't feel it meets the hardship criteria. Vice Chair Hutchins made a **motion** to deny the Tilton's application for a Variance. Arlene Allen **seconded** the motion and the **motion passed unanimously**.

Tucker Pond – status – Referred to the BOS. Ken Ross-Raymond stated the matter has not been discussed yet.

Review and Approval of Draft meeting minutes 12/13/11 – Ken Ross-Raymond made a **motion** to accept the December 13, 2011 draft meeting minutes without changes. Doug Greiner **seconded** the motion. **The motion passed unanimously**.

ADJOURNMENT

Vice Chair Hutchins made a **motion** to adjourn the meeting at 7:31 p.m. Doug Greiner **seconded** the motion. **Motion passed unanimously**.

Respectfully submitted by,
April Rollins, Zoning Assistant