

Town of Salisbury

Zoning Board of Adjustment

Zoning Board of Adjustment Meeting Summary May 14, 2013

Arthur Garvin	Chairperson	Present
Mark Hutchins	ZBA-Vice Chairperson	Present
Ken Mailloux	ZBA Member	Present
David Merwin	ZBA Member	Absent
Rose Fife	ZBA Member	Present
Ken Ross-Raymond	ZBA-Alternate/Selectman	Present
Gary Clark	ZBA-Alternate	Present
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
April Rollins	ZBA - Assistant	Present

Visitors: Keith Malcolm.

Public Hearing for a Variance to build a garage, applied for by Keith & Dena Malcolm located at 382 South Road. (Tax Map 240, Lot 22) – Chair Garvin swore-in Keith Malcolm. Mr. Malcolm testified that he is proposing that a garage be built within the front & side yard setback located in the existing driveway. Mr. Malcolm explained that the other end of the house is where the bedrooms are located, the septic system and a ledge are present, which the house is built on but the driveway end of the home has an exit and the front door. Mr. Malcolm stated the neighbors are okay with the proposal and he will be removing some trees. Mr. Malcolm informed the ZB that the garage would be attached to the house by a breeze way. Chair Garvin noted the lot is not a conforming 2 acres, it is .97 acres and asked how long they have lived at the property. Mr. Malcolm replied he has lived there for 17 years and his wife has lived there for 28 years. Ken Mailloux asked where the existing well was located and Mr. Malcolm replied in the front yard. Mr. Malcolm explained that he would have to reconfigure his entire home to build the garage on the other side of his house, due to the ledge. Chair Garvin asked Mr. Malcolm if he built the house and Mr. Malcolm replied no, Ken Ross-Raymond's father did. Mr. Malcolm explained the proposed garage would be set back one foot from the house with the roof line extended. The Public Hearing was opened at 7:11 p.m. and immediately closed, no public was present. Chair Garvin stated the applicant has filled out the application and fulfilled the statutory requirements. Rose Fife made a **motion** to approve the Malcolm's Variance application. Vice Chair Hutchins **seconded** the motion and the **motion passed unanimously**.

Discussion Re: Treatment of Home Occupations – Chair Garvin referred to a letter that was sent to the ZB's members dated 4/15/13. Chair Garvin stated there was limited response but the first question is whether this board should exercise control over use and his thought is that home occupations are usually handled as Site Plan Review. Chair Garvin asked if the board should continue with the same process or try to move it to the Planning Board, who would have the same jurisdiction with the same conditions. Vice Chair Hutchins replied switching the process makes sense and if the applicant could not meet the requirements through the Site Plan Review process then the applicant would come to the

ZBA. Rose Fife stated she feels the uses still fall under zoning. Ken Mailloux stated one of the things he took out of the last meeting was that a variance excludes and things should be done under special exception but there should be a list of uses with special exceptions to those uses. Chair Garvin stated the original concept was for home office uses, doctors, dentists, etc. and was not designed for things like construction/excavation companies but New Hampshire is a more rural state. Vice Chair Hutchins noted that the Central NH Regional Planning Commission gave the ZBA a draft Home Occupation Ordinance and it was voted down. Vice Chair Hutchins stated some of the issues have been more than just home occupations but it could become a continuing problem. The ZBA agreed to discuss the matter with the PB.

Altman-Dinh – Major Home Occupation/Use Variance – The Board reviewed an e-mail from Ally Altman-Dinh stating they would like to withdraw their application. Selectman Ross-Raymond reported that Town Counsel has reviewed the matter and is recommending a cease & desist order.

Review and Approval of Draft meeting minutes 4/9/13 – Ken Mailloux made a **motion** to accept the April 9, 2013 draft meeting minutes with changes. Ken Ross-Raymond **seconded** the motion. The **motion passed unanimously**.

ADJOURNMENT

Ken Ross-Raymond made a **motion** to adjourn the meeting at 8:19 p.m. Vice Chair Hutchins **seconded** the motion. **Motion passed unanimously**.

Respectfully submitted by,
April Rollins, Zoning Assistant