

UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
October 24, 2023

Present: Mike DiPietro, Chairman. Kevin Stuart, Vice-Chairman, Members. Shannon Daoust & Steven Kimball, Members. Allie Broom, Alternate Member. Minutes were taken and prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement.

Absent: Jill Dross, Member. Nick Pappas & Jeremy Wirths, Alternate Members.

Mr. DiPietro called the meeting to order at 7:00 p.m.

Mr. DiPietro introduced himself and moved on to introduce each of the Board members and Alternate members of the Board. Mr. DiPietro explained the procedure for tonight's hearing whereby the applicant would read their case into the minutes and then he would ask if there were any questions from abutters and interested parties. Mr. DiPietro pointed out that, Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer was also present this evening.

Mr. DiPietro stated that there were four (4) cases tonight and moved on to elevate Ms. Broom to full voting status for all cases before them tonight. Mr. DiPietro asked Ms. Royce to read the first case into the minutes for the record.

Case #23-17
Marc-Alexandre Therrien
22 Squirrel Drive – Map 9, Lot 36-2
Zoned Residential One

Applicant is requesting a Variance from Article 4, Section 4.06(6) to allow for the expansion of a single-family home that will exceed the 5% requirement for lot coverage in a Residential One zone.

Mr. Therrien read his application into the minutes for the record. Mr. Therrien indicated that he did have a plot plan for the Board members to review. Mr. DiPietro believed they would be looking at two (2) Variances one for lot coverage and one for the front setback. Mr. Therrien said yes, originally he did not believe he would impede the setbacks but when he had the survey plan done it was determined that the front portion of the house would be within the setback along with the granite steps. They would be looking for relief of 11 feet in the front setback. Mr. DiPietro stated that the plot plan was very detailed which is very helpful to the Board.

Mr. DiPietro asked the Board members if they had any questions. Mr. Stuart asked about the front setback and believed it was just the stairs. Mr. Therrien said that was the major one but there was also a portion of the addition that would also be within the front setback as well. Because the addition was at an angle that it would be approximately a foot in a half within the front setback. Mr. Therrien talked about the staircase inside the home and to make them to code puts them within the front setback. Mr. DiPietro asked Mrs. Rouleau-Cote if stairs were included in meeting setback requirements. Mrs. Rouleau-Cote commented that not usually but it is still the same article in the zoning ordinance which is the lot coverage and the setbacks. What the applicant is proposing as part of his house improvements he's going to construct a bump out on the front of the house that will assist him with his interior stairway because the house is so narrow. Typically she does not include stairs but since he has a bump out to the front of the house that is encroaching within the front setback it was included. Mr. Kimball asked Mrs. Rouleau-Cote if Article 3, Section 3.05(2)(b) of the Zoning Ordinance would apply and just wanted it referenced for the record. Mrs. Rouleau-Cote stated that it was another way of going about this.

Mr. Kimball also pointed out that the plan shows a number of outbuildings and asked if they were included in the overall lot coverage calculations. Mr. Kimball went on to ask Mr. Therrien if he planned to remove any of those outbuildings. Mr. Therrien stated that he would take them all down but that they are intending to use them with the impending renovations to store their belongings. Mr. Therrien stated that they need that space right now and hopefully a garage would be in Phase II of this project. Basically, the overall plan is to get rid of all the outbuildings. Mrs. Rouleau-Cote explained that the definition of a permanent structure is if something is there for more than 180 days. Discussion ensued with regard to a permanent structure needing a Variance. Mr. Kimball asked if there was a reason that they are planning on going out instead of up. Mr. Therrien stated that they are going up.

Mr. DiPietro asked if there were any abutters or interested parties that would like to speak. None were noted. Mr. DiPietro indicated that, based on the nice plot plan that the Board could fashion a motion to reference the plot plan and to vote on each of the Variances separately. Mr. Kimball asked about the impervious coverage ratio of 5.8% where 5% is required. Mrs. Rouleau-Cote commented that she was unsure if the shipping containers were included in the calculations. Mr. Therrien stated that they were placed there approximately 2 months ago. It was determined that Avitar probably did not pick them up yet and therefore it was determined that they were not included in the calculations. Mrs. Rouleau-Cote did mention that, upon Certificate of Occupancy that he would have so many days to remove the shipping containers and take them out of the side setback at a later date. Mr. Kimball believed that they could give him the 5.8% lot coverage and when he receives the Certificate of Occupancy that he would need to reduce the footprint to meet that 5.8% or remove the excess. A brief discussion ensued with regard to the shipping containers. With regard to the setback it was noted that it was pretty clear on the plot plan that he would be 39 feet from the front property line. Mrs. Daoust thought they could give him 38 feet to be safe.

With that said, Mr. DiPietro stated that he would entertain a motion regarding the setback requirement.

Mr. Stuart made a motion to grant the Variance application as submitted and shown on the plot plan provided to the Board members regarding the front setback for Case #23-17, 22 Squirrel Drive, Tax Map 9, Lot 36-2. Seconded by Mrs. Daoust. Ms. Broom voted to Grant finding all five (5) factors have been met, Mr. Kimball voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

The Board moved on to the second Variance request to allow 5.8% lot coverage where 5% is required.

Mrs. Daoust made a motion to grant the Variance application as submitted for lot coverage to be 5.8% where 5% is required contingent upon maintaining 5.8% through temporary structure removal once the Certificate of Occupancy has been granted for Case #23-17, 22 Squirrel Drive, Tax Map 9, Lot 36-2. Seconded by Mr. Stuart. Mr. Stuart voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, Mr. Kimball voted to Grant finding all five (5) factors have been met, Ms. Broom voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro reiterated that Mr. Therrien would have 2 years to complete construction and that there was a 30 day appeal period where interested parties could appeal the Board's decision.

Mr. DiPietro asked Ms. Royce to move on to the next case. Ms. Royce read the next case into the minutes for the record.

**Case #23-18
Steven VanKouwenberg
172 Coleman Road – Map 8, Lot 17-2
Zoned Residential Two**

Applicant is requesting a Variance from Article 4, Section 4.06(6) to allow the construction of a detached garage to be 36-feet from the front property line where 50-feet is required in a Residential Two zone.

Mr. VanKouwenberg read his application into the minutes for the record. Mr. VanKouwenberg pointed out that this was the best place to put the detached garage

because the location has already been filled in when the house was being built. Mr. VanKouwenberg informed the Board that there was a plan showing the location of the proposed detached garage. Mr. VanKouwenberg pointed out the location of the driveway and the turnaround and the location that was filled in which is where he would like to place the detached garage. Mr. VanKouwenberg mentioned that he did speak with the Conservation Commission because of the proximity to the wetlands and they were okay with the proposed location. Mr. DiPietro stated that he had read those minutes. Mr. Kimball asked if there was a reason he couldn't move it back 15 feet. Mr. VanKouwenberg stated that there was a rock wall in that area and that the driveway was paved to where the proposed location of the garage. Mrs. Rouleau-Cote commented that Conservation Commission commented on this and did not believe there was a significant wetland and believed it was more of a Level 3. Mrs. Rouleau-Cote stated that it was mostly drainage that went down to the road and continued on along the road drainage.

Mr. DiPietro believed it was a front setback and that the Board would just have to determine just how far into the setback the detached garage would be. Mr. Kimball believed that it could be moved with the cost of some site work. Mr. DiPietro believed that the cost of site work would be a hardship. Mrs. Daoust agreed with Mr. DiPietro. Mrs. Rouleau-Cote also believed that there was a propane tank that would also have to be relocated. Discussion ensued with regard to storing boats and cars and trailers.

Mr. DiPietro asked if there were any abutters or interested parties. Mr. Gagnon of Pasture Road stated that he had no concerns with what Mr. VanKouwenberg was proposing. Mr. Galler of Pasture Road also stated that he had no concerns with what is being proposed. Mr. DiPietro asked if there were any other abutters. None were noted. Mrs. Daoust asked Mr. VanKouwenberg if he was comfortable with 36 feet from the property line. Mr. VanKouwenberg said yes as his best estimate would be 36 feet and he did not expect to be any closer than that. Mrs. Daoust asked if he would like to amend it to give him some leeway. Mr. VanKouwenberg said sure maybe 34 feet or 35 feet.

With that said, Mr. DiPietro would entertain a motion to vote on the application as presented.

Mr. Stuart made a motion to vote on the application that instead of 36 feet that it be 34 feet for Case #23-18, 172 Coleman Road, Tax Map 8, Lot 17-2. Seconded by Mrs. Daoust. Ms. Broom voted to grant finding all five (5) factors have been met, Mr. Kimball voted to Deny as he did not believe the hardship criteria had been met, Mrs. Daoust voted to grant finding all five (5) factors have been met, Mr. Stuart voted to grant finding all five (5) factors have been met, and Mr. DiPietro also voted to grant finding all five (5) factors have been met. A vote was taken and, the motion passed by a vote of 4 to grant and one to Deny. Therefore, the motion passed.

Mr. DiPietro reminded the applicant of the 30-day appeal period and the discussion ended.

Mr. DiPietro asked Ms. Royce to move on to the next case. Ms. Royce read the next case into the minutes for the record.

Case #23-19
Scott & Martha Tardiff
447 Hooksett Road - Map 9, Lot 14-6
Zoned Commercial Two

Applicant is requesting a Variance from Article 4, Section 4.07(4) to allow the addition of an Accessory Dwelling Unit to existing single-family dwelling located within the Commercial Two zone which is currently not a permitted use in the Commercial Two zone.

Mrs. Tardiff read the application into the minutes for the record. Mrs. Tardiff explained that the ADU would match the siding of the house and they would share the sunroom. The ADU would have one bedroom and would be under 750 square feet and they are working on the septic plan. Mrs. Tardiff also mentioned that they would be moving into the ADU and their son and daughter in law would be moving into the big house as they want to start a family. Mr. DiPietro thanked Mr. and Mrs. Tardiff for their presentation.

Mrs. Rouleau-Cote commented that, when the applicant first came to her that she thought they would be just going for a Special Exception until she realized that they were located within the Commercial Two zone whereas Single-Family homes are not permitted in that zone and the ADU also was removed at that time as well. Therefore, that is why they are seeking a Variance as everything would meet the requirements for an ADU as they have the room for it. A brief discussion ensued with regard to the ADU and the Zoning.

Mr. DiPietro asked if there were any questions for the applicant. Mr. Stuart asked about the septic. Mrs. Rouleau-Cote stated that they are working with Mr. Beauchemin for the septic plan. Mr. DiPietro stated that if there were no further questions that he would entertain a motion to vote on the application.

Mrs. Daoust made a motion to vote on the Application for a Variance as submitted tonight for Case #23-19, Scott & Martha Tardiff, 447 Hooksett Road, Tax Map 9, Lot 14-6. Seconded by Mr. Kimball. Mr. Stuart voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, Mr. Kimball voted to Grant finding all five (5) factors have been met, Ms. Broom voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro informed the applicant that they would hear from Ms. Royce and that there was a 30-day appeal period. Mr. & Mrs. Tardiff thanked the Board and exited the meeting.

Mr. DiPietro asked Ms. Royce to read the next case into the minutes for the record. Ms. Royce read the case into the minutes for the record.

**Case #23-20
Robert & Sarah Barysaukas
24 Country Circle – Map 5, Lot 49-5
Zoned Residential One**

Applicant is requesting a Variance from Article 4, Section 4.06(6) to allow the construction of a 12-foot by 16-foot shed to be within the 50-foot front setback in a Residential One zone.

Mrs. Barysaukas read her application into the minutes for the record. Mrs. Barysaukas began by explaining to the Board members where they would like to place the proposed shed. Discussion ensued with regard to the distance from the edge of pavement. Mr. Barysaukas informed the Board that they were unable to find the granite marker in that location and recall that it was right around the location of the transformer. Discussion ensued with regard to the granite marker and the proposed location of the shed. At this time, the Board reviewed photographs presented by Mr. & Mrs. Barysaukas. Mr. Barysaukas also informed the Board that they were previously going with a 12-foot by 16-foot shed and have now decided to go with a 10-foot by 16-foot shed. Mr. Stuart asked if they were proposing the shed to go closer to the road. Mr. Barysaukas stated that he would like it to go closer to his driveway right at the turnaround in the driveway. Mr. Kimball asked why they couldn't place the shed on the other side of the turnaround. Mr. and Mrs. Barysaukas stated that the land slopes down into a ditch on that side and there are wetlands out that way. Mr. DiPietro believed they were looking for relief of 35 feet where 50 feet is required. Mr. DiPietro believed they could do 15 feet to give them a little wiggle room. Mr. Kimball had some concerns that the applicant did not know where their property line was and that there was no plot plan available.

At this time, the Board decided to enter into deliberations.

Mr. Stuart made a motion to enter into deliberation, seconded by Mrs. Daoust. The Board entered into deliberation at 8:04pm.

Mr. Stuart began by saying that Mr. Kimball has some valid concerns and appreciates what the applicant has brought before us, but we don't have a map and we don't have a survey, so we don't know exactly where the property lines are. Mr. Stuart did not know if they could grant something when they don't know where things are, and his suggestion would be that they come back with a map or something more definitive rather than the Board voting on this.

Mr. DiPietro believed that instead of 10 feet by 16 feet that they instead do 10 feet by 15 feet and then it can be placed within the setback, and it would not need a Variance. Mr. Kimball also believed that the applicant could change their design to make it work. Mr. Kimball asked if they had an option to Table this until they have further information. Mr.

Stuart believed they could Table it, or the applicant can ask the Board for a vote. Mrs. Daoust also agreed with what Mr. Stuart was saying.

Mr. Stuart made a motion to exit deliberation, seconded by Mrs. Daoust. The Board exited out of deliberation at 8:07pm.

Mrs. Daoust asked Mrs. Rouleau-Cote to give the Board some feedback on the requirement for the size of structure that would not require a Variance. Mrs. Rouleau-Cote informed the Board that our zoning ordinance allows a shed of 120 square feet or less does not need to meet setbacks. A shed 200 square feet or less has a reduction to the side and rear setback but not the front setback. Discussion ensued regarding the request for relief from the front setback. Mrs. Rouleau-Cote asked the Board if there was a number that they would feel comfortable with and would 35 feet from front setback or 30 feet from front setback or not inclined to anything without a formal survey. Mrs. Rouleau-Cote pointed out that the survey expense would be significant for something like this and if we were talking about a 30-foot by 40-foot garage she would definitely want a survey. She did agree with Mr. Kimball that the monument must be somewhere in that area near the transformer and the Board could say no closer than 35 feet from the transformer but that would be up to the Board to decide. Mr. DiPietro asked Mr. Barysaukas if a shed company would be installing the shed. Mr. Barysaukas said yes. Mr. DiPietro believed it could be moved a foot or two. Mrs. Daoust agreed with Mr. DiPietro that they could shift the shed a bit if need be. Mr. Stuart also believed that they could use the transformer as a marker. Mr. Kimball asked if they knew the distance to the transformer. Mrs. Barysaukas stated that she knew that it was 13 feet from the road. Mrs. Daoust asked if 35 feet from the transformer would meet their needs for the setback. Both Mr. and Mrs. Barysaukas said yes. The Board and Mrs. Rouleau-Cote were comfortable using the transformer as a reference point. Mrs. Rouleau-Cote believed that they could say no closer than 35 feet from the transformer and from a safety aspect would not cause any concerns as it was at the end of the cul de sac. Discussion ensued with regard to the size of the shed. Mr. Kimball believed they could say no shed larger than 12-feet by 16-feet and no less than 35-feet from the front of the property line.

Mr. Stuart made a motion to vote on the Application for Variance as presented with the condition that the shed be no closer than 35-feet from the transformer identified in the photographs for Case #23-20, Robert & Sarah Barysaukas, 24 Country Circle, Tax Map 5, Lot 49-5. Seconded by Mrs. Daoust. Ms. Broom voted to Grant finding all five (5) factors have been met, Mr. Kimball voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro reiterated the 30-day appeal period and that they had 2 years for substantial completion. Mrs. Barysaukas thanked the Board members and the discussion ended.

Mr. DiPietro moved on to the approval of the meeting minutes for August 22, 2023 as the Board did not meet in September.

Minutes

Mrs. Daoust made a motion to accept the minutes of August 22, 2023, as written, seconded by Mr. Stuart. All were in favor, and the motion passed.

Other Business

Mr. DiPietro asked Mrs. Rouleau-Cote if she had anything regarding zoning amendments. Mrs. Rouleau-Cote commented that she presented some stuff to the Planning Board. They talked about the Accessory Dwelling Unit and trying to get the provision for Special Exception taken out because of the talks in Concord where they will mandate that anyways. Also, to bump up the square footage from 750 square feet to 950 square feet. Mrs. Rouleau-Cote pointed out that they could read the Planning Board minutes to see what the Planning Board's reaction was regarding this issue and that she would be tweaking the language a bit more. Mrs. Rouleau-Cote explained that there was one member of the Planning Board that had a question regarding off-street parking. Mrs. Daoust thought that requiring off-street parking was reasonable to ask.

Mr. Kimball mentioned that he heard something from the state that we could no longer distinguish between Workforce Housing and Age Restricted so any benefit you give to one is automatically applied to the other. Mrs. Rouleau-Cote did not know if Workforce Housing would get their own 10% quota and Age Restricted would also get their own 10% quota. A brief discussion ensued with regard to ADU's and what's happening at the state level.

Mrs. Rouleau-Cote moved on to the next item that was presented to the Planning Board which was regarding the Floodplain Ordinance which again was just a regulatory update which was brought to us by FEMA and the Flood Insurance Program. There are no real changes that we were just following the updated language.

Mrs. Rouleau-Cote went on to the Home Business, Home Shop and Home Office definition. It's still the same language for 20 plus years and wanted to clarify and change the language and update some of the provisions on how they should be blending into the neighborhoods.

Lastly, Mrs. Rouleau-Cote mentioned the Growth Management where she was basically attending to some of the language such as "Handicapped" and wording to say "Accessibility" and Elderly to say, "Age Restricted". The other issue was to clarify the matter that we had before with regard to the number of Building Permits that could be obtained for the Age Restricted subdivision, and they had to come before the Zoning Board of Adjustment to exceed the 7 permits per year. Basically, it was just to clarify the

regulations. Mrs. Rouleau-Cote added that unless there was something else that the Board wanted her to present as she is planning to go back before the Planning Board in December to have another discussion about these.

Mr. Stuart asked Ms. Royce if there were any cases for the November meeting. Ms. Royce informed the Board members that there were no cases for November and therefore there will be no meeting held in November.

Adjourn

Mrs. Daoust made a motion to adjourn, seconded by Ms. Dross. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 8:52 p.m.

The next scheduled meeting is a week early due to the holiday schedule and is scheduled for December 19, 2023 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.