

PEMBROKE ZONING BOARD OF APPEALS

MEETING MINUTES DECEMBER 2, 2019

BOARD MEMBERS PRESENT: Rick Casavant, Chairman; Christine Griffin, Vice Chairman; James Gallagher, Clerk

PUBLIC HEARING FOR SPECIAL PERMIT CASE #27-19 AT 329 PLEASANT STREET FOR VARIANCES REGARDING FRONTAGE AND SHAPE

Mr. Casavant opens the public hearing requesting variances regarding frontage and shape to create a new buildable single family residential lot. He invites the applicants to explain their request.

Richard and Michele Mantz are present as the applicants and owners of the property. Ms. Mantz explains that they own four acres of property, however the current dwelling is right in the middle of the property which does not allow for the property to be broken up evenly with the required frontage.

Ms. Mantz states that the property abuts town owned land, therefore there would be minimal effect on abutters. Mr. Gallagher asks if the applicants have considered demolishing the existing home, therefore a variance would not be needed. Mr. Mantz states that the structure has historical value and they would not like to tear down the home.

Mr. Gallagher states that fifty feet is narrow; it is not allowed according to the bylaw. He suggests moving the existing structure. Ms. Mantz states it would be difficult due to the age of the home. Mr. Gallagher states that it would be difficult to grant this because it would be disregarding the bylaw.

Ms. Griffin states that the frontage is an issue but so is the building circle. There would be at least two variances that would need to be granted which could lead to a slippery slope going forward. Mr. Mantz states that the frontage issue cannot be changed, they may be interested in finding a solution to the other issue if the Board was inclined to act favorably.

Mr. Casavant states that a lot of relief is being sought. The standards of granting a variance are not being met. He is not inclined to grant this variance as applicants are not entitled to variances. He explains withdrawal versus the Board making a vote where if they are denied they cannot bring the project back for two years. A withdrawal would allow the applicants to possibly re-work the project.

The applicants agree; verbally request to withdraw the petition. Ms. Griffin makes the motion to allow the verbal withdrawal, Mr. Gallagher seconds the motion, all members vote unanimously in favor.

ADMINISTRATIVE ACTION: VOTE TO APPROVE PREVIOUS MEETING MINUTES

Ms. Griffin made a motion to approve the meeting minutes of October 7, 2019. Mr. Gallagher seconded the motion, and all Board members voted unanimously to approve.

PUBLIC HEARING FOR SPECIAL PERMIT CASE #28-19 AT 104 FOREST STREET FOR VARIANCES REGARDING FRONTAGE AND COMMON DRIVEWAYS

Mr. Casavant opens the public hearing requesting variances regarding frontage and common driveways to create three new buildable single family residential lots by subdividing an existing property. He invites the applicants to explain their request.

Rick Grady (Grady Consulting) and Bob Gosselin (K&G Development) are present. Mr. Grady describes the property; there are over seven acres with 533' of frontage. There is enough frontage for three lots, asking the Board to allow variance for a common driveway so that there is no crossing over wetlands.

Mr. Gallagher states that he is not in favor of a three lot subdivision; more in favor of a two lot subdivision. He asks if the applicant would be in favor of a two lot subdivision as common driveways are not allowed. Mr. Grady states that the seller wants to maximize the value of the property; the preference is three lots as it produces the highest yield.

Ms. Griffin states that the Board cannot authorize a use not permitted; a common driveway is not a use that is permitted. She states that the Board cannot authorize a common driveway. Mr. Casavant reads the bylaw that states a common driveway is not allowed. It would be bylaw nullification if granted. This application does not meet the standard of granting a variance.

Ms. Griffin explains that common driveways are not something that the Board has the discretion to grant. Mr. Grady requests that the Board allow them to verbally withdraw the application. Ms. Griffin makes a motion to allow the withdrawal, Mr. Gallagher seconds the motion, all vote unanimously in favor.

The meeting is adjourned at 7:30 pm.