

**Zoning Board of Adjustment
27 School Street
HILLSBOROUGH, NH
January 11, 2021**

DATE APPROVED: 04/12/2021

TIME: 7:00 p.m. – 9:00 p.m.

CHAIRPERSON: Roger Racette

VICE CHAIRPERSON: Robert Hansen

MEMBERS: Russell Galpin Meg Curtis-Sauer Nancy Torres

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Lucy Pivonka, Katherine Charrette

EXCUSED Meg Curtis, Nancy Torres

Consultant Glenn Shepherd - GWTS LLC

Public Present: Brian Goodwin

CALL TO ORDER:

Chairman Roger Racette called the meeting to order at 7:00 p.m. and read the Covid-19 checklist. (attached)

Roll Call

Roger Racette-present, no one in the room

Robert Hansen-present, no one in the room.

Russ Galpin-present, on the phone no one in the room

Katherine Charrette present no one in the room

Lucy Pivonka-present, no one in the room

Roger Racette appointed Alternate Katherine Charrette and Lucy Pivonka to sit in place of Meg Curtis-Sauer and Nancy Torres

Minutes

8/10/20 Roger Racette made a motion to approve the minutes with corrections. Bob Hansen seconded the motion.

Roll call vote:

Russ Galpin-Y, Robert Hansen-Y, Roger Racette-Y, Lucy Pivonka-AB, Katherine Charrette-AB

10/19/20 Roger Racette made a motion to approve the minutes. Russ Galpin seconded the motion.

Roll call vote:

Russ Galpin-Y, Robert Hansen-AB, Roger Racette-Y, Lucy Pivonka-Y, Katherine Charrette-Y

11/02/20 Roger Racette made a motion to approve the minutes. Katherine Charrette seconded the motion.

Roll call vote:

Russ Galpin-Y, Robert Hansen-Y, Roger Racette-Y, Lucy Pivonka-Y, Katherine Charrette-Y

Public Hearing

Variance Case 2020-003

Bryan Goodwin

31 Woodlawn Ave Map 12 Lot 181

Roger Racette introduce the Variance application which is from “Table 2 Lot Area and Frontage Requirements” to expand an existing use in the Village Residential Zone.

31 Woodlawn Avenue is a structure with two dwelling units located on a 17,424 square foot lot, with 100 feet of frontage. The applicant, as applied for a variance to allow the number of dwelling units to expand to three.

The Zoning ordinance requires 20,000 square feet, 100 feet of frontage for a two-unit dwelling, so the lot is already undersized. The lot area for a structure with three dwellings, is 28,500, and 125 feet of frontage. This is an already a non-conforming lot, because it is too small.

The frontage is is presently conforming for a two dwelling unit, because it has 100 feet, but for three dwellings there should be 125 feet frontage, with a lot area of 28,500 square feet.

In order to passes, we have to address the criteria. We need to go through each one.

Roger asked applicant Brian Goodwin to present the application.

Brian Goodwin said, what we're trying to do convert the two dwelling unit structure in to a three dwelling unit. We wouldn't be changing the exterior or the footprint of the building. The renovation would be inside.

The structure is 3000 square feet with one unit being 1000 square feet and the other i 2000 square feet.

The plan is to take that 2000 square foot unit and split that up into two separate 1000 square foot units for a total of three units.

He said if you walk around the neighborhood, there are mainly multi-family properties.

By making this change, we are not encroaching on anyone's property and also know it will fit in with the area.

A. Granting the proposed Variance will not be contrary to the public interest because:

Bryan Goodwin: The proposed project would increase the availability of affordable housing to the public, not only in Hillsboro but in the state of New Hampshire.

There's not enough affordable housing the benefit the town is bringing some more people to the town, which would be beneficial to the area in the economy.

B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:

Bryan Goodwin" We feel that this would observe the spirit of the zoning ordinance because this use is already allowed in the Zoning District. If you were to look at an aerial view, I would say within a half a mile radius, it's, you know, primarily made up of commercial properties. It's in the downtown area, there are a number of multi-family dwellings.

Russ Galpin: Usually, the fundamental purpose of frontage requirements and area requirements is to prevent the overcrowding of land. That's fundamentally what the zoning ordinance is trying to accomplish, so would you speak to that a little bit about this use not creating an overcrowding of the land, tax the water and sewer utilities?

Bryan Goodwin: I have already gotten approval from the Hillsborough Town, Sewer and Water Commission to expand it from 2 to 3 units. To address the overcrowding of land, we have cleared out the property a little bit because it's kind of congested with trees and debris.

If you stand in front of the property right now, it actually is a very big yard on the side. I would say, compared to the other properties that are on that street, this property has a decent or even a little bit bigger yard than the other ones.

I guess another concern might be parking. I do notice another a two unit further down on the street. They have 1 or 2 cars parked on the street because their parking lot isn't big enough, and we actually did have a pretty big parking lot to begin with. We made it

a little bit bigger, so I would say, it can probably accommodate easily 8 or 9 cars, which I think is way more than we would even need for the three units.

So there's, there's definitely plenty, plenty yard, and then plenty of parking, as well, so, you know, this isn't going to be approaching on the street, or anyone surrounding properties.

Bob Hansen: I've read over your application, and it's very thorough. You've done a very good job. My only concern with granting of a variance on an undersized law was the parking and public safety.

Bryan Goodwin: This is just the second part of a three step process. The Water and Sewer Commission was the first stop; this is my second stop. The third step is getting a permit from the Building Department. I met Mike Borden and we had a conversation. We are going to bring the units, up to code, we talked about proper window sizes, and we are going to make sure there are smoke detectors. The units are definitely going to be in compliance making this a safe place for people to be.

Mr. Goodwin was asked if the additional unit would increase water and sewer usage.

Bryan Goodwin: The unit that we're trying to split up right now, it's actually a four-bedroom unit, with a kitchen and three bathrooms. We're going to propose and try to get a permit for would be two, two bedroom units. So we would not be increasing the amount of bedrooms, two bathrooms.

Katherine Charrette said It sounds like the updates would make things more efficient.

C. Granting the proposed Variance will do substantial justice because:

Bryan Goodwin: We feel this will do substantial justice, because it's going to significantly improve the properties use. Right now, trying to find someone for a four-bedroom rental unit is definitely not as easy. Those kind of customers are looking for a single family house. So, I feel this change will make the property a little bit more usable. There's going to be some extra income that will come into play and that is going to allow us to better maintain the property. By allowing us to do this, it's definitely going to increase the curb appeal and improve the look of the neighborhood and bring in additional tax revenue. That is why it would do a substantial justice.

D. Granting the proposed Variance will not diminish the values of the surrounding properties because:

Bryan Goodwin: I touched on this on the previous question the, but just to add to what I've already said, are renovating the existing building and there is not going to be trash in the yard or noise at night. We definitely take into consideration our neighbors and, we're not going to do anything that's going to annoy or decrease the neighborhood's property or property values.

E. Literal enforcement of the provisions of the ordinance will result in an "unnecessary hardship" because:

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:

Prospective tenants are not likely looking for a four-bedroom unit. Those people are generally looking for a house.

This variance is definitely going to make our decisions a little bit easier. We are going to be renovating and bringing everything up to code

When I saw Hillsborough I thought this is a great opportunity and I really like the town and what's going to drive other investors like myself to come is to see rental property has a good profit ratio.

And you say, there are all these buildings but they're making hardly anything.

Bob Hansen: The question I directed to you earlier about public safety. Just to re-iterate, I know I really want this to be a safe place.

Bryan Goodwin: I don't want anyone hurting themselves.

I see young couples, or maybe someone even moving in here, starting a family

And, you know, I don't want a fire or anything like that. I don't want anyone getting killed or hurt on the property, that's just my conscience.

Bob Hansen: The only reason I'm bringing that up is because when you're dealing with an undersized lot. What you're proposing is not out of the question as long as the public safety aspect of it has been taken into consideration, 100%.

You've answered all the questions, in my opinion, very honestly, and I applaud you for that.

A lot of the aspects that you have to take care of also entail, surroundings, but the people that are at your property.

Is this is this unit currently occupied?

Bryan Goodwin said currently, none of the units are currently occupied. The renovation will not be displacing anybody.

Roger: The second part of that, as stated above, a variance is necessary to enable the region, the reasonable use of the property, because.

(2). If the criteria in subparagraph E(1), immediately above, are not established, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

There is little demand for four bedroom units so making the property four units is a better use pf the property.

Roger Racette: Part of variance, is that the use will not adversely affects the character of the neighborhood.

So would you speak a little bit on how you think this would or would not affect the character of the neighborhood?

Bryan Goodwin: I think it fits in perfectly, As, I stated before, Woodlawn Ave is 50%, or more of rental properties. Right, next door to our property, is a 24 unit, apartment complex, So I don't see any reason why this wouldn't fit in well with the neighborhood. And, just to re-iterate we're not changing the square footage of the outside of the building.

We are not not throwing up this big, monstrous, apartment complex in the middle of a single family neighborhood. The outside of the building is going to stay the same. The inside, will change, there will be a couple of there, and the outside is going to look a lot nicer.

Russ Galpin I've noticed the map that he submitted with this application, and it shows the location of the building quite well.

But nowhere, does it indicate how the parking is going to fit in here, and where it is, to show how many spaces actually will be there.

He mentioned before that he was going to have a place for six or more cars, and yet, where on the map does it show where you fit 6 or 8 cars into the area for parking purposes.

And although it doesn't require that much parking, but nowhere on the map does it show where the parking is which is an important issue.

Bryan Goodwin: I apologize for that. That was an oversight on my end.

If you're looking at the building, from the back of the property. It spans all the way over to the right side.

I would estimate maybe five cars wide and two cars, deep.

Katherine Charrette: When you're planning your parking, will you require all of your tenants that there will be no on street parking? Will you discourage them from letting guests and themselves parking on the street.

Bryan Goodwin: Correct.

In the wintertime, you end up losing some of your parking?

Bryan Goodwin: We have cleared out a significant amount of those trees. So, there's plenty of room to push snow up into that last corner.

Then, as well, on the right side it bumps out between the front of the house and the end of the driveway.

It's approximately 20 feet between the front of the house and the end of the driveway, so, we have two options of where to push now on the right there.

Actually, this past winter, snow blowing and I had no problem clearing all the snow off the entire driveway, even faster than we had that was close to 30 feet.

Katherine Charrette: I just wanted to make sure that snow removal would be easy. Street parking is a big problem here in Hillsborough.

Roger Racette asked if there was anyone that wished to speak, either for or against this variance?

There was no one.

Roger Racette: Then, at this point, I think we can close the public hearing portion of the meeting, and we will deliberate. The Board reserves, the address any clarifications with mister Goodwin.

Roger asked Lucy Pivonka if she had any concerns. She said she did not see any problems. She said as long as the water and sewer department says that it can handle it she had nothing else.

Katherine Charrette said parking was her main concern and that concern has been answered.

41:58 - 42:05

Roger Racette Let me make a motion that we close the public hearing portion of this meeting. Russ Galpin seconded the motion.

Roll call vote:

Russ Galpin-Y, Robert Hansen-AB, Roger Racette-Y, Lucy Pivonka-Y, Katherine Charrette-Y

The Public Hearing was closed and the ZBA went in to deliberations.

Roger Racette asked Bob Hansen if he had any concerns. He said he did not and applauded Bryan Goodwin for a very thorough application.

Russ Galpin: My only, my only comment is that the fundamental purpose of zoning is, of course, when it comes to frontage, and lot area is to prevent overcrowding of land, and also that the variance will not adversely affect your character. Those are the things I would be concerned about. I think that mister Goodwin has addressed all of those concerns.

The Board proceeded to vote on the 5 criteria.

A. Granting the proposed Variance will not be contrary to the public interest
Roll call vote: Russ Galpin-Y, Robert Hansen-AB, Roger Racette-Y, Lucy Pivonka-Y, Katherine Charrette-Y Criteria passed 5-0
B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance
Roll call vote: Russ Galpin-Y, Robert Hansen-AB, Roger Racette-Y, Lucy Pivonka-Y, Katherine Charrette-Y Criteria passed 5-0
D. Granting the proposed Variance will not diminish the values of the surrounding properties
Roll call vote: Russ Galpin-Y, Robert Hansen-AB, Roger Racette-Y, Lucy Pivonka-Y, Katherine Charrette-Y Criteria passed 5-0
E. Literal enforcement of the provisions of the ordinance will result in an “unnecessary hardship”
Roll call vote: Russ Galpin-Y, Robert Hansen-AB, Roger Racette-Y, Lucy Pivonka-Y, Katherine Charrette-Y Criteria passed 5-0

Bob Hansen made a motion to grant the variance. Russ Galpin seconded the motion.

Roll call vote: Russ Galpin-Y, Robert Hansen-AB, Roger Racette-Y, Lucy Pivonka-Y, Katherine Charrette-Y The variance was granted.

Roger said he had received a letter from the Board of Selectmen stating Russ Galpin’s term on the ZBA would expire as of Town Meeting 2021. He asked if Russ was interested in continuing on the board for another three-year term. Russ said he was. Roger said he would let the Selectmen know.

Bob Hansen made a motion to adjourn. Katherine Charrette seconded the motion

Roll call vote: Russ Galpin-Y, Robert Hansen-AB, Roger Racette-Y, Lucy Pivonka-Y, Katherine Charrette-Y

Meeting Adjourned 8:10 pm

Respectfully Submitted,

Robyn Payson
Planning Director

Town of Hillsborough
ZBA
Right-to-Know Law Meeting Checklist
Meeting 01/11/2021

As Chair of the Hillsborough Zoning Board of Adjustment, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

We are utilizing the GoMeeting platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the GoMeeting platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through the following:

Participate with your computer or Smart Phone

<https://global.gotomeeting.com/join/284052877>

Or call:

Phone: +1 (571) 317-3122

Access Code: 284-052-877

We previously gave notice to the public of how to access the meeting using GoMeeting and instructions are provided on the Town of Hillsborough's website at: www.town.hillsborough.nh.us.

If anybody has a problem, please call Planning Director, Robyn Payson at **603-464-7971** or email at: robyn@hillsboroughnh.net

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.