

**Zoning Board
Goshen, NH
Minutes of December 8, 2021**

Attendance (*quorum* = 3): Alicea Bursey (Chair), Ray Porter (Vice-Chair), and Judy Martz

Meeting called to order at 7:05pm

Guest (s): Edward Herrmann III, Tamara Herrmann, Gregg Grisby

Review of Minutes from November 10, 2021

A change was suggested to page four, first paragraph, last sentence under Continuance of 144 Rand Pond Road Variance. The line that reads, "All the measurements were found to be correct by the board" will be omitted.

Ray Porter motioned to accept the meeting minutes from November 10, 2021 'as amended'. Judy Martz seconded the motion. All were in favor, minutes approved.

Public Hearing - 144 Rand Pond Road (Property Map 209, Lot 73)

Chair Bursey opened the public hearing explaining the process of hearing. Chair Bursey explained that the application questions and their responses would be read aloud and the public and board would have opportunities to discuss and ask questions.

The Hermann's were given the opportunity to request a full five (5) member panel board. They decided to continue the public hearing with the present three member board.

The application being discussed is for a Variance to section VI.D. of the Goshen Zoning and Building Ordinances to permit (from variance application): *the removal of existing legal non-conforming structures, on an existing legal non-conforming lot, to be replaced with a more nearly conforming structure, with a front setback of approximately 28 feet 8 inches, a side setback to the north of approximately 7 feet 8 and ¾ inches, and a side set back to the south of approximately 5 feet 0 inches. No change in lakeside setback is proposed.* The application was amended November 22, 2021 to specifically state that the front setback reduction is a reduction to the town right-of-way in the front of the house.

In short, the existing home will be torn down and replaced with a home and garage adding approximately 1,000 sq. ft. home/garage space. The home will be no closer to the pond and will move closer to the setbacks of abutting properties and town right-of-way.

The Goshen Fire Chief evaluated the property and specifically shared on December 8, 2021, via message to Chair Bursey, "I checked out the site 144 Rand Pond Road. I did not see anything that would impact the fire department. All of those homes would be a unique challenge as far as fighting a fire would go."

Chair Bursey spoke with the Road Agent, Kevin Bevilacqua on December 6, 2021 and he stated that a new driveway permit was not needed.

The Variance Questions were reviewed as follows and responses are from the Variance Application:

1. The proposed variance would not diminish surrounding property values because:

Response: By removing the existing structures and replacing them with a larger, new code compliant structure in accordance with NH RSA -B:11, the property values would not decrease. If anything, property values are likely to be enhanced as a result of the improvements.

The Board had no comments or concerns. The public had no comments or concerns.

2. Granting the variance would not be contrary to the public interest because:

Response: This proposal does not alter the residential character of the neighborhood. There would be no change in use, and no negative impacts to the health, safety and welfare of the public. The Rand Pond resources would be better protected with the proposed storm water management practices and decreased impervious areas.

The Board had no comments or concerns. The public had no comments or concerns.

3. Denial of the variance would result in unnecessary hardship to the owner because:

a) The following specific conditions of the property make an area variance necessary in order to allow the development as designed:

Response: The property is only 6,107 sq. ft., as such, even with the most generous interpretation of setbacks, (as outlined in the Goshen Zoning Ordinance Section VI.D.), only yields 149 sq.ft. of possible building envelope. Therefore, any proposal for a dwelling unit on this property makes a Variance necessary and denying a Variance would establish a hardship by making the lot undevelopable.

b) The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because:

Response: There are no other reasonably feasible methods for building a structure on this property without Variance relief from the Goshen Zoning Board of Adjustment.

Ray Porter stated that it would be difficult to do any changes without a variance or special exception. The Board had no additional comments or concerns. The public had no comments or concerns.

4. Granting the variance would do substantial justice because:

Response: The proposal does not encroach further on Rand Pond, removes a structure encroaching on the abutting property to the south, and eliminates a shed very close to the road. In addition, runoff from the proposed structure will be addressed using engineered drip line infiltration trenches, thereby treating runoff, and better protecting the water quality of Rand Pond Road. denial of the variance - hardship to the owner.

Ray Porter, Judy Martz and Alicea Bursey all agreed that run off is a concern on the pond and are glad that it is being addressed. The Board had no additional comments or concerns. The public had no comments or concerns.

5. The proposed variance is not contrary to the spirit of the ordinance because:

Response: The Goshen Zoning Ordinance provides a pathway for the review of such improvements. The proposed improvements on lot 73 are in keeping with the intent of the ordinance, as it does not involve tree removals, reduces non-conformity, and has a slight decrease in impervious area.

The Board had no comments or concerns. The public had no comments or concerns.

It was also noted that the Board of Selectmen were presented with this project at their November 8th meeting and made aware that the leach field is across the street (Rand Pond Road) from the property on an adjacent property owned by the applicants. While there is no intention at this time to replace the septic system, the state does require an approved contingency plan to be in place for septic systems of a certain age. Should the road need to be disturbed for the septic system/leach field then the Board of Selectmen request that the disturbed road area be restored to a condition as good as or better than before the disturbance.

Chair Bursey also noted that the project received NH DES approval for construction of an Individual Sewage Disposal System on November 19th. With the following conditions:

1. Approval valid for 4 years.
2. Activity will be in accordance with RSA 483-B the Shoreland Water Quality Protection Act.
3. Lots 14 and 73 remain in the same ownership.
4. No waivers were approved.

The project also received a Shoreland Impact Permit from the NH DES on October 15, 2021. Letters of support have been received from the abutters Judy and Phil Gagnon & the Porritts. A statement of support in person has been received by a neighbor JJ Tremblay (see Minutes of October 13, 2021).

Ray Porter motioned to consider the application complete as submitted with the amended language from the November 22, 2021 Variance Application. Judy Martz seconded the motion. All were in favor.

Mr. Gregg Grisby checked the setbacks on the presented maps and agreed that all setbacks were indicated correctly.

Ray Porter motioned to reduce set back to town of right-of-way to (northerly side along Rands Pond Road) to 28 feet 8 inches, along the westerly side (Gagnon property line) to 5 feet, and along the easterly side (Porritt property) to 7 feet- 8 and ¾ inches. There is no adjustment proposed to the setback for Rand Pond side. Judy Martz seconded the motion. All were in favor.

The invoice was discussed, and a check was received for the full balance of \$106.55 (check #2822). Chair Bursey advised the Herrmann's of the 30-day appeal period in which concerns may be brought to the Board's attention.

The Board closed the Public Hearing portion of the meeting and continued with other business.

Covid-19 Concern/Mask Mandate

Chair Bursey provided an update from the Board of Selectman regarding a mask mandate. The Board of Selectman has left it up to the individual boards to make their own decisions, however, there is currently no Town wide mask mandate.

All members of the Board concur that if a member of the Board or the public requests that masks be worn, the Board will wear masks for the specific meeting. Members of the public will retain the discretion as to whether they will don masks individually. The Board will not mandate mask wearing at this time.

Driveway Permit Waiver

The board will continue to research and review these documents and make possible changes. No changes or actions were made at this time.

Membership Discussion - Update

Additional alternates and board members are needed for the Zoning Board of Adjustments. If anyone is interested in becoming a member, please stop by a meeting on the second Wednesday of any month. This will remain a standing item until filled.

Other Business

- The next regular meeting will be the second Wednesday of January - January 12, 2022.
- **Broadband Internet Update:** The project is moving along, and Consolidated Communications will continue working towards connecting homes to fiber.
- **Bike Path Discussion:** No discussion currently. This will remain a standing item.

Standing Items:

- Rand Pond Variance (30-Day Appeal Period)
- Broadband Internet Discussion - Update
- Driveway Permit Waiver - Pending
- Bike Path Discussion - Ongoing
- Member Discussion - seeking alternates and full-time members - Ongoing

Ray Porter made a motion to adjourn. Judy Martz seconded the motion. All were in favor; meeting adjourned at 7:43pm.

Respectfully Submitted,
Melissa Salinardi
Recording Secretary