

Town of Goshen
Zoning Board of Adjustments
Meeting Minutes
September 11, 2007

Present: Chairman Philip Stentz, Kenneth Everitt, Hannah Lockwood, and Thomas Lawton.

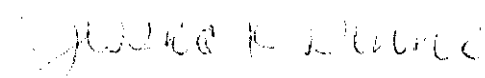
Additional Attendance: Kurt and Stephanie Richardson, Deano Pasquale, Michael Craven, and Jessica Dennis, Secretary

1. Meeting was called to order at 7:00 p.m.
2. The meetings were read from the August meeting. A motion was made by Philip, and seconded by Ken to accept the minutes as read. Motion passed, August meeting minutes were accepted as written.
3. The Richardson's and their abutters have attended the meeting to discuss the set back issue that was discussed at last months meeting. Philip mailed certified letters both to the adjacent abutters and to all line-of-site abutters. Deano Pasquale directly abuts the Richardson's property to the south, and has come to the meeting to help resolve this situation. The Town's attorney, Bernie Waugh, was directed Philip to a statute that seems to address this particular situation. RSA 674:33-a, which calls for an "equitable waiver of dimensional requirements." Item (a) under I addresses the issue of whether the violation was discovered after the owner, or former owner, has completed substantial work of the building process, or the violation due is to a land division. Item (c) under I, addresses the issue of whether the violation constitutes a public nuisance, or diminishes the value of property in the area, currently or at a later date. Item (d) addresses the cost of correcting the issue, does public interest out weight the cost of correcting the issue. Item (b) seems to be the situation we are addressing tonight. Was the violation due to ignorance of the law, or did the error occur due to a good faith error in measurement or miscalculations. Philip has suggested we open the discussion to the floor, Thomas made a motion to open the discussion and Ken seconded it, motion was passed to open the discussion to the floor. Mr. Pasquale feels that he and his wife are the only abutters that will be directly affected by the situation. After speaking to Philip, he wanted to come up and see the situation for himself. He drove up from Massachusetts and walked the property; he met with the Richardson's and truly feels that this was an honest mistake. He feels it was naive of the Richardson's to except the markers on the trees as the property lines, but it does not seem that is was done with ill intent. Given the size of the rectangular lots, he and his wife are planning to build there in years to come, are they are able to see the Richardson's foundation from their lot. He has given this situation some thought, and suggested that the Richardson's plant a buffer of Hemlock trees along the property line so when Mr. Pasquale and his wife build in the future, their homes will not be visible to each other. Given the nature of the mistake Mr. Pasquale and this wife are in favor of the "equitable waiver." He

also notes that he has spoken with the Richardson's and the trees along the property lines do not need to be planted immediately. A motion to close the open discussion was made by Tom, and seconded Hannah. Motion passed the discussion has been closed to the floor and opened to ZBA board members to discuss the situation and the RSA. Ken is in agreement with the proposal for the equitable waiver, and agrees that it was not done with ill intent and it was in fact a naive move by the Richardson's. He also suggests that they set a time frame for the planting of the trees, not just an open-ended agreement. Tom also feels this was not done with ill intent and the statute is very clearly written for a situation similar to what the board is facing tonight. Mr. Pasquale's suggestion is very fair and makes for good neighbors. Philip feels we have held an excellent discussion this evening and feels good about accepting the waiver and the agreement. Philip makes a motion to move to a vote, the motion was granted for the equitable waiver as requested by the Richardson's. Motion carried, the equitable waiver has been granted.

4. Regarding the old business of the DES violations made by Tippicaneo, nothing will come before the Board; the situation is now for DES to handle.
5. Motion to close the meeting was made by Tom, seconded by Ken. Motion to adjourn the meeting was passed. Meeting adjourned at 7:22 p.m.

Respectfully Submitted,



Jessica K. Dennis
Secretary