

TOWN OF SUTTON
Zoning Board of
Adjustment Pillsbury
Memorial Hall Meeting
Minutes
April 16, 2014

Present: Zoning Board of Adjustment Members: Bill Hallahan, Chair, Dane Headley, Derek Lick, and Doug Sweet, Members; alternate, Sue Reel (Ed Canane, member, and Carla Krajewski, alternate, were absent); Laurie Hayward, Land Use Coordinator; and Aaron Flewelling, applicant. There were no interested members of the public in attendance. **The meeting was called to order** at 7:00 PM, by Bill Hallahan, Chair.

The Chair opened the Public Hearing on ZBA Case 2014-04. The Chair asked the LUC to read the notice for the hearing. The notice was read.

“You are hereby notified of a Public Hearing to be held on **April 16, 2014** at or around 7:00 p.m. at the Pillsbury Memorial Town Hall, 93 Main Street, Sutton Mills, NH, concerning a request:
by **Aaron Flewelling, ZBA Case 2014-04, 1606 Route 114, Tax Map # 07- 831,509** for a Variance to Article III:J-K for permission to use his current principle building during construction of a new principal building in the same way that a “construction trailer” or “travel trailer” can be used (see Article III.K); in a residential district.
Documents are available for your review at the Town Office.”

The Chair read the zoning ordinance. From Article III regarding Temporary Use of Construction Trailers & Travel Trailers:

“The Board of Adjustment may approve the temporary use of a travel trailer or construction trailer to be maintained as living quarters by a person employed in construction work on the same lot, or for whom a residence is being built on the same lot, or as an office, storeroom, or shop in connection with construction work on the same lot, provided that such use is shown to be a temporary. Such use will conform to sanitary protection requirements and all other applicable state and local health and safety laws and regulations. Such a use is permitted for the duration of one year from when construction commences, and may be renewed for a period not to exceed an additional year upon written application to the ZBA”

The Chair asked Flewelling to step forward to explain the appeal request and explained the process. Flewelling told the Board that he plans to build a new house. He lives in the small house currently on the property. There is a state approved septic system and an artesian well. He says the house has been occupied since 2000 and he has owned it for about a year and a half. Hallahan explained to the members that the house is located on Route 114 and has a fairly long driveway. Flewelling says that currently the house has a 500 foot drive. The drive will be longer, roughly a quarter mile from Route 114, when he builds the new house which will be sited further back from the road. Hallahan explained to the Board members that

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the house is located across from the post office.

Flewelling explained that he hopes to “repurpose” the old house after he builds the new. He expects that he will use it for storage. He says the building is only 14 years old and in good shape. Flewelling explained that the house is 16’ X 32’. Hallahan asked if Flewelling brought the septic system approval certificate with him. Flewelling answered that he had not, but could provide the DES approval number. Hallahan asked when Flewelling expected to be able to occupy the new residence. Flewelling said that he expects to be in the new house by this Christmas. Hallahan asked what Flewelling expects to do with the current house once he can occupy the new one. Flewelling explained that he would shut the water off to it and he might put a garage door on one side and use it mostly as a storage building, maybe as a garden building. Flewelling further explained that he had put a number of hours into making the house more livable including work on cabinets and countertop and he wants to be able to find some use for the building. Headley asked if the current house is “stick built”. Flewelling says that it is and it is on a concrete slab. Members looked at the drawing of the property and discussed the layout briefly with Flewelling.

Hallahan asked the members for questions. Sweet asked about the well and whether the applicant planned to extend the water to the new house noting the long distance between the two. Flewelling explained that he expects to add a new well and septic and is considering geothermal. Sweet suggested that the new drive will be long so it would be a good idea to plan for a fairly large turn around. The applicant noted that he had already spoken with the Chief of the Fire Department about the drive, including discussing the removal of a couple of trees. Sweet then asked about the barn on the site and whether it has a bathroom. Flewelling stated that there is no plumbing in the barn; there is electric service. Sweet asked if the kitchen would be removed. Flewelling said that he preferred not to remove the cabinets. The Chair asked if members had any additional questions. They did not. The Chair asked the LUC whether there was any input from abutters. The LUC stated that there had been no input from abutters and noted that there were no abutters in attendance either.

The Chair closed the fact gathering and moved to discussion by Board. Reel asked if approving this appeal would mean that the applicant could not use the current house as a rental unit as it is not connected to the house. The Chair said that is correct and the applicant could not use the current building as a rental without coming to the Board for a Variance and to get a variance the new and the old dwellings would need to be attached.

Hallahan called for completion of Worksheets.

The LUC asked if this actually falls under Article III Temporary Construction Trailer and whether it was noticed correctly. The Chair explained that it does and it was. The Chair said that he felt the use of the Article referenced was correct and that the key is that it is reasonable after the new dwelling is occupied to keep the original structure and give it a new use which is reasonable as a storage building. Lick agreed and pointed out that the old building cannot be used as a dwelling again without coming back to the Board. The Chair noted that the building in question is only 500 square feet.

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Members discussed the requirements for a Variance and completed their Worksheets. **Lick moved that the Board grant the applicant's request with the conditions: that the current existing residence no longer be permitted to be used as a dwelling once there is a certificate of occupancy, such approval to expire at the end of one year and with the second condition that the fire department approve the planned driveway and turnaround; Sweet seconded and it was voted unanimously to approve the request with 2 Conditions.** The Chair explained to the applicant that there is a 30 day waiting period to allow for any appeals. Flewelling asked about the Building Permit. The LUC explained that Flewelling could complete the application for building permit as soon as convenient. The permit would then be issued after the thirty day appeals period expires.

This concluded the Public Hearing.

Administrative: Previous Minutes- The Chair moved to approve the four sets of minutes from the meetings of November 20, 2013; January 22, 2014; February 19, 2014; and March 18, 2014. Lick seconded the motion and it was voted to approve all four minutes as written unanimously.

Old Business:

Open Conditions Report. There was a brief discussion about some of the incomplete conditions from cases approved with conditions in 2013, including the status of the Palmer case and the Cerino case, both of which, like the case just heard involved Article III. The LUC explained that in both cases there has been contact with the property owner and there is a question regarding when the condition to remove the "temporary dwelling" will be met. The LUC further explained that in at least one case, the property owner has indicated that the difficult weather this winter has hindered the plan to remove the old dwelling. The Chair indicated that he felt that they should be a bit quicker to notify the property owner when a condition is not met on a timely basis. The LUC also explained that Stephanie Cerino had stopped by and reported that they had not been able to make any progress on their project due to weather and a late start. The LUC reminded Cerino that she would have to come back to the Board if she needed more than a year and request an extension. There was also a short discussion about the status of the Patterson sheds. After further discussion about issues that the Code Enforcement Officer is following, it was agreed that the LUC would contact the Code Enforcement officer for an update by the next meeting.

New Business: Changes to the Zoning Ordinance. There was a discussion about the Zoning Ordinance. The LUC explained that there were a number of corrections that had been identified which represent numbering or formatting issues and those corrections can be made without hearings or waiting until town meeting for a vote. Also there was language dropped in a chart and as that was never voted to be dropped that can also be restored without further action. She asked Board members to report to her any similar items that they find.

The LUC then explained to the Board that there were items that would require hearings and a vote that the Board might consider working on to improve the regulations. She gave the examples of the Flood Plain Ordinance which should be checked for consistency with FEMA

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required language and where there are differences, updated language should be considered.

Also, she recently had discussions with Alan Gauntt, who is working on possible solar installations in Sutton and found little in the Zoning Ordinance that covers solar installations. It was agreed that the LUC would do some research and provide examples of language for members to consider. The LUC asked members to let her know if there were other areas of the Ordinance that they felt should be considered for updating or revision.

Next meeting, which includes a Public Hearing, is to be held Wednesday, May 21, 2014 at 7pm.

There being no further business, the Chair moved; Headley seconded, and it was voted that the meeting be adjourned at 8:07 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator