

Town of Bedford
Zoning Board of Adjustment Minutes
March 21, 2023

A regular meeting of the Bedford Zoning Board was held on Tuesday, March 21, 2023, at the Town Meeting Room at BCTV, at 10 Meetinghouse Road. Present were John Morin (Chair), Neal Casale (Vice Chair), Bob MacPherson (alternate member), Alex Kellermann (regular member), Len Green (regular member), Dave Gilbert (regular member), Kathleen Ports (Associate Planner). Absent was Sue Thomas (alternate member).

I. Call to Order and Roll Call

Chairman John Morin called the meeting to order at 7 pm and introduced members of the Board and Staff.

Approval of Minutes: February 21, 2023.

MOTION to approve minutes for the February 21, 2023 meeting was made by Mr. Gilbert. Vice Chair Casale seconded the motion. Mr. Green abstained. Vote was taken - all in favor. Motion carries, minutes are approved.

Rules of Procedure: Chair Morin stated the following: So what we'll do is we'll have a presentation by each applicant here this evening. We'll have public input for those in favor and in opposition of the application. We'll ask that no debate be allowed between parties. All testimony is directed to the Board. And if the applicant would like, they can do a summation at the end of their presentation. Our schedule will be heard in order of notice. If we need to take a recess or an executive session, we will by vote. We will go into a nonpublic input session to deliberate and vote for each application this evening. You can wait for that vote tonight, or you can call the Planning Board office after 8:30 tomorrow morning. I'll ask that everyone, please silence your cell phones so we're not interrupted during the meeting.

For a rehearing, any party has 30 days to request a rehearing from decision of the Zoning Board of Adjustment. The Board has 30 days in which to respond to such requests per RSA 677:3, tomorrow being day one. All requests must be in writing and must contain new evidence. Please point out any errors you believe the Board has made in its decision.

For the criteria for variances, I'm not going to go through the five criteria at this time. We ask that each applicant go through the application and address the five criteria as part of their presentation. At this point, I'm going to ask anyone who is going to speak this evening to please stand up, and I will swear you in for the hearings this evening. Just in case you want to speak, if you want to get up now that way, we don't have to do it later. Raise your right hand, please. Do you swear the testimony you're going to give this evening is the truth, the whole truth and nothing but the truth. Thank you.

II. Old Business & Continued Hearings: None.

III. New Business:

1. **Kelly Martin** – Request for a variance from Article III, Section 275-22.A, Table 1, Table of Dimensional Regulations, to allow the reconstruction of a portion of an existing barn within 1.3 feet of the side setback where 25 feet is required at 73 Bedford Center Road, Lot 14-8-2, zoned R&A.
2. **Kelvin and Jennifer Paris** – Request for a variance from Article III, Section 275-22.A, Table 1, Table of Dimensional Regulations, to allow the construction of second floor dormers and a front porch within 17 feet of the front setback where 35 feet is required at 42 Hilltop Drive, Lot 42-9, zoned GR.
3. **Kelvin and Jennifer Paris** – Request for a variance from Article III, Section 275-22.A, Table 1, Table of Dimensional Regulations, to allow the construction of a front porch within 21 feet of the side setback where 25 feet is required at 42 Hilltop Drive, Lot 42-9, zoned GR.

Chair Morin invited the first applicant to present his application.

IV. New Business:

1. **Kelly Martin – Request for a variance from Article III, Section 275-22.A, Table 1, Table of Dimensional Regulations, to allow the reconstruction of a portion of an existing barn within 1.3 feet of the side setback where 25 feet is required at 73 Bedford Center Road, Lot 14-8-2, zoned R&A.**

Mr. Martin presented his application: Kelly Martin, 73 Bedford Center Road. I'll go through the presentation here as best I can. This property right here is the subject property. You can see on the right-hand side of the property, the barn portion and the property line that runs south to north here. That property line is the one that is non-conforming. That is a view of the backside of the shed that I am attempting to get permission to tear down and rebuild in its current footprint. That's looking from the north to the south side. Mr. Casale asked is that what it looks like now or is that what you're proposing? Mr. Martin replied that's what it looks like now. That's the east side that would be a view and an elevation from the abutting property looking towards the existing barn and shed. And this portion here, the shed portion, is part of the structure that we're looking at.

I'm going to read this just as a quick summation of what we're trying to do, and then I'll go through the application. The intent of the variance request is Kelly Martin and Julie Martin after receiving feedback from the Historical District and the abutters, are amending the application for the variance in order to undertake the following:

Applicant seeks permission to remove the structurally-failing attached portion of the barn and replace it with a similar structure that meets current structural requirements. The applicant seeks a variance to perform this work given the non-conforming nature of the property. The current footprint of the structure would be maintained with no additional gain. Elevation change would encompass a change of roof pitch to allow for a more current and usable utility. The approximate 1-foot height increase on the northern

side of the structure would not affect the dramatic change to the current building elevation while allowing the applicant to update the property. The additional height of the back wall would allow for use of a 6' 8" door that meets more current applicable means of egress. Utility of the reconstructed portion of the barn would be changed from feed stalls to mud room space to allow applicant the ability to maintain and keep the property relevant in current time and market conditions.

The variance is requested from Article III, Section 275-22.A. Demolition of the existing shed portion of the barn due to condition and utility. Construction of a new structure to be built on the existing footprint of original on the non-conforming lot. Demo of the existing shed would replace with elevations to match existing barn and shed. The change of usage to livable space versus current feed shed for access to backyard and pool. This original application says allow storage on the 2nd floor barn. I'm taking that off the application.

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

(1) Whether granting the variance would alter the essential character of the locality:

A variance won't be contrary to public interest in that it will not exceed the non-conforming lot setback that presently exists. Utility of feed shed is now outdated and investment of monies to update usage is in the public interest. Variance would not alter the essential character of the building or locality with change of elevation to match original barn.

(2) Whether granting the variance would threaten public health, safety or welfare:

The variance would not threaten health, safety or welfare of the public, and that the proposed project brings property to a safe and current building standard.

2. The spirit of the ordinance is observed because:

The spirit of the ordinance is observed in that the existing footprint is maintained. The elevation change would give the ability of the homeowner to convert to livable space on ground floor and storage of the upstairs barn. Historic locality of the property doesn't allow to adopt current zoning.

3. Granting the variance would do substantial justice because:

Substantial justice is done in that there is no gain to the general public that could outweigh the loss to the applicant in these circumstances. Variance would allow applicant to continue to maintain value.

4. The values of the surrounding properties will not be diminished for the following reasons:

The value of surrounding properties are not diminished as proposed project allows removal of failing portion of the barn and permits construction of fully usable and currently relevant replacement in keeping with the historic setting of the locality.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

Literal enforcement of the ordinance would result in an unnecessary hardship, not allowing property owners to continue to make improvements and capital investments to keep property current. Project

would replace structure that is already there and does not change footprint. Elevation change is in keeping with the historical nature of the locality.

(A) Denial of the variance would result in unnecessary hardship because

(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 because:

Denial of the variance would result in unnecessary hardship because the pre-existing/non-conforming lot predates zoning and is within the Historic District overlay zone, yet is required to adhere to the setback requirements of a modern, fully compliant lot. Prohibiting the homeowner from keeping property relevant and protection of investment values would cause undue hardship.

(ii) The proposed use is a reasonable one because:

The proposed use is a reasonable one because it allows the historic property to maintain its value, sustainability, and relativity. To not allow transition from feed shed to living space with change of elevation of the barn for additional storage in its current nonconformity is unreasonable.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

Criteria not applicable, addressed in subparagraph (A).

I believe that's it for the application. I do have a structural report from an engineer, Dodgeco, working with Earl Sanford. He came out and inspected it as far as for structural soundness. Should I read this or?

Chair Morin said we have it in our packet. Mr. Martin asked is that your summary, Kathleen? Ms. Ports said yes. Mr. Martin asked so we're all set with that? Ms. Ports replied yes.

Ms. Ports asked did you show the site plan? Mr. Martin replied I probably should have started with this. Sorry about that. So on this one, you see the property line running from south to north along here. The proposed impacted portion of the structure is on the tail end of the pre-existing barn and that is that shed I showed you in that elevation. That was an add on at some point to the post and beam barn. And that 1.3 feet, that's the area of where we're non-conforming. And that's pretty much it. There is an abutter's letter, but I'll allow the abutter to speak.

Chair Morin said we did receive it this evening. Before we get into questions, Kathleen, I've got a quick question for you. The agenda shows and the application showed this was from section 275-22A. I don't know if we've got an older paperwork, but ours are showing 275-23B. And some of what he read is different than what we had on our paperwork. I don't know if there was an application change. Ms. Ports replied there was and there's an e-mail in your packet that came before the application where the applicant states that he wished to change the application. His original proposal was to replace the shed by extending the entire barn into that space. And there were some residential concerns during the Historic District Commission meeting. And so he changed it to just replace the existing feed shed but increase the height by a foot.

Chair Morin said well I think this one speaks to it, but what he read had some additional information that wasn't on our application, just for your information. Ms. Ports replied OK. Chair Morin said I just wanted to make sure the 275-22.A is proper. Ms. Ports replied I can look that up while you guys are talking. Chair Morin said, can you? Because if it was not the right one, we have an issue. I only noticed it while you were reading so I just want to make sure we have the right item.

Ms. Ports said I'm sorry, Chair Morin, where did you say it said 23.B? Chair Morin replied on our application. The one we received in our packet says 23.B. I just want to make sure what was put out is the proper one, 22.A. Ms. Ports replied yes, you did get the wrong copy. Mr. Kellermann said I'm seeing 22.A on mine. Mr. Gilbert and Mr. Green both confirmed theirs also said 22.A. Chair Morin said I was lucky enough to just get a different one. OK, as long as 22.A is the proper ordinance we're dealing with, then we're OK. I can get by with what's on my paper as long as it was posted properly. Ms. Ports said Yes, it is. I apologize for that. I don't know what happened.

Mr. Kellermann asked on the letter from the abutter. It's Miss Menard. Have you had a chance to look at that? Ms. Ports asked do you have a copy of the letter? Mr. Martin replied yes, I saw that. Yes. Mr. Kellermann said OK. I just want to generally make sure that it accurately captures what you've discussed. I'm not sure this Board can bind you to what's in this letter, but I want to just get your understanding of whether this is accurate and that it is something that you generally agree to.

Mr. Martin said yes, it is accurate. Mr. Kellermann said OK, nothing else. I would just encourage you to work with your neighbors.

Mr. Green asked is there in fact lead paint on the outside? Mr. Martin replied I have not tested, but I'm sure that it exists on that structure. Mr. Green continued and are there wells? Is that well or? Mr. Martin replied those are well. Mr. Green said so that if lead paint got into the soil, that would be a problem. And that could diminish the value of the property if there was lead paint in the water. Mr. Martin replied yes.

Vice Chair Casale asked Mr. Martin, so you're asking for the extra 1 foot in height on that exterior wall due to the non-conforming door. What is the size of the door? Mr. Martin replied currently it's probably about 6 feet. It's just a wooden made feed door to keep animals in and out. It's probably 100 years old. Vice Chair Casale said OK, so it's like 6 feet. So it's 7 inches. Mr. Martin continued right now it sags quite a bit and it actually measures in general about 7 foot 3" to that point. In order to get it back to its current or original height and get the siding so it would match up, I would raise it to 8 feet so it would be more current. Vice Chair Casale replied OK, thank you.

PUBLIC INPUT:

Ms. Dierdre Menard of 69 Bedford Center Road, Bedford comments: I am Deirdre Menard. I live at 69 Bedford Center Road. Kelly and I spoke about this pretty extensively, I would say. I wrote the letter. Kelly and I spoke about my concerns. So I've documented them, and I sent them to the Planning and Zoning administrators yesterday around 1. So if you didn't get it sooner, I apologize. I probably should have sent it sooner. The lead paint concerns you've already discussed. Some demolition had already occurred. I want to make sure that nothing else occurs without the plastic and the wetting down and all of the things. It's about 15 feet from the well cap. Kelly and I have discussed that concern. Kelly did share an image with me that I included in the letter, so if you see that, I think it's on the third page of the letter. And so that's what we've been discussing. In a previous meeting, I had supported his desire to get a variance to

install the pool that he referred to earlier, and I supported that. But we had talked about the fence and the need for some of the things that are documented here. I think the big concern from the perspective of this meeting is the lead paint, really. That's my big concern because it is so close to the well cap. So just wanted to make sure that folks had seen the letter and had a chance to review it before the meeting concluded. All right. Thank you.

Chair Morin said thank you. Is there anybody else that would like to speak? Seeing none, do you have anything else for us?

Mr. Martin replied not if anything's not needed. I think it's pretty basic if you kind of break it all down. You have a structure that's failing. I want to get it back—invest the money to keep the property current.

Chair Morin asked are there any last questions from the Board? Seeing none at this point, I'll ask for a motion to go into nonpublic input for deliberation.

MOTION by Mr. Green to move to nonpublic input for deliberation. Vice Chair Casale duly seconded the motion. Vote taken – all in favor. Unanimous. Motion carries.

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

(1) Whether granting the variance would alter the essential character of the locality:

The Board agrees there is no evidence of this.

(2) Whether granting the variance would threaten public health, safety, or welfare:

Mr. Green mentioned the abutter's concern about lead paint as a potential public health concern. Mr. Kellerman stated that the question of whether the variance would threaten public health relates to the setback; the lead paint is not related to the variance and should not be considered. Mr. Kellermann added that if the applicant wanted to rebuild the shed without modifying it, a variance would not be needed. Mr. Casale stated that a variance would still be needed because the use is nonconforming. Mr. Morin offered that if the variance is granted, we could require the applicant to implement the standard procedures to mitigate lead paint concerns.

The Board agreed there was no other evidence of a threat to public health, safety or welfare.

2. The spirit of the ordinance is observed because:

The Board agreed the spirit of the ordinance is observed.

3. Granting the variance would do substantial justice because:

The Board agreed it would.

4. The values of the surrounding properties will not be diminished for the following reasons:

No testimony.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

(A) Denial of the variance would result in unnecessary hardship because:

(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 because:

The Board agreed it would result in unnecessary hardship because the building is in the setback and predates the ordinance.

(ii) The proposed use is a reasonable one because:

The Board agreed it is.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

Criteria not applicable, addressed in subparagraph (A).

MOTION Vice Chair Casale moves that the Board grant the variance from Article III, Section 275-22A, Table 1, Table of Dimensional Regulations, to allow the reconstruction of the feed shed attached to an existing barn within 1.3 feet of the side setback where 25 feet is required at 73 Bedford Center Road, Lot 14-8-2. The motion is supported by the following findings of facts:

- 1. The variance request satisfies all five criteria for granting relief from the Zoning Ordinance.**
- 2. The Board includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into this decision.**

Mr. Green asked if he could add the condition that the applicant work with the Building Department to ensure proper mitigation of the lead paint. Mr. Casale concurred. Mr. Green duly seconded the motion. Vote taken – All in favor – Unanimous. Motion Carries. The application is APPROVED.

MOTION by Mr. Casale to go back into public input. Mr. Gilbert duly seconded the motion. Vote taken – All in favor. Motion Carries.

Chair Morin invited the next applicant to present their application.

- 2. Kelvin and Jennifer Paris – Request for a variance from Article III, Section 275-22.A, Table 1, Table of Dimensional Regulations, to allow the construction of second floor dormers and a front porch within 17 feet of the front setback where 35 feet is required at 42 Hilltop Drive, Lot 42-9, zoned GR.**

Mrs. Jennifer Paris and Mr. Kelvin Paris presented their application: Mrs. Paris said hi, I'm Jennifer Paris of 42 Hilltop Drive. Mr. Paris said and I'm Kelvin Paris from 42 Hilltop Drive. Mrs. Paris said clearly this is our first time. So we are looking at doing dormers to our second story so that we can move all of our bedrooms upstairs. We have two kids, and we currently only have two bedrooms. So our son is still in our room. In order to keep the character of the neighborhood and to not have the house kind of look like a colonial, we're looking at putting on just a small front porch to keep that neighborhood feel. So we have two variances. I apologize in advance when we submitted the initial one, we didn't realize we were also asking for a variance for the dormers. So it sounds a little bit like we assumed we were doing them. But obviously we're asking for the variance.

Ms. Ports said actually, let me think about this. The dormers are in line with the front of the house? Mrs. Paris replied yes. They're in line with the front wall. Ms. Ports said OK, yes. That's fine. You're right. Mrs. Paris said we need a variance for that. So I think that's included in the first variance that we did. Vice Chair Casale said I'm glad you clarified that because it did sound like that. Hey, we did this, which I couldn't understand. Mrs. Paris said I know! Afterwards, we submitted the first one and then we were told we needed a second one for the side setbacks. So then we like last minute, did the second one and then we realized we needed one for the dormers. Kathleen was so nice to just kind of include it in that initial one. I was like oh my gosh, it sounds like we just assumed. Chair Morin said no worries. Mrs. Paris said so I apologize.

Mr. Paris said so you can see, the shaded area is the width of the house and we're looking to go out eight feet from the house, which would include the overhang. So, the porch won't quite be the 8 feet. And we're just doing that so when we put the proposed dormer on, we're looking to bring it out to the front of our house. And then this would keep it looking like a cape per se. We'd keep it in a couple feet to match the rear dormer that's already existing.

Mrs. Paris said this is our garage right here and then this is the current footprint of the house. And so we're looking at dormering just this portion so we can create 3 bedrooms upstairs. This would just be that porch. So we need the first variance because we're too close to the road and the 2nd variance because it would be too close to the side property.

Mr. Paris said and the current house is already in that exact on the side and it's already in the 35 feet on the front.

Mrs. Paris said so this is our house currently from the road view. This is the garage. We're looking at doing a dormer here and then removing these bushes and putting a porch that would pretty much match those. So the example. I think, was right above that.

Vice Chair Casale asked when you say match, you mean match the width of the bushes? Is that what you said? Mrs. Paris replied yes. It's essentially so here are the bushes. We're hoping to remove those and instead put in a porch. This isn't exact, but we were able to find this online and this is what we're looking at doing. Dormering the 2 bedrooms upstairs so that we can make three and then adding this porch area that would replace where our bushes currently are. That's our house and these are some of the existing houses around us in our neighborhood. We live on a dead-end road with minimal traffic.

Chair Morin said you actually have to drive into Manchester to get to your road. Mrs. Paris added and go south. Yes, it's the most bizarre. Chair Morin said we've had a few houses in this area, so that's why we know. Mrs. Paris said it's the most bizarre location. Vice Chair Casale asked do you have a picture of

across the street? Because I looked at that. Mrs. Paris replied yes. This one right here is directly across the street from us. And then this is the corner. Our road is right here, and Wilkins Street that goes into Manchester and Goffstown is on this side. And then this is at the end of the cul-de-sac. They just redid some of the house over here. I guess we can get to the letters last. Oh, and that is the view of the neighborhood. So this is Wilkins Street, and this is the road we live on. This is a two-story house. This is our property right here, so we'd like to build the porch in this area. And then there are two more houses on the dead end. All right, so a variance was requested from Article III Section 275-22.A, Table 1, of the zoning ordinance to permit a building of front porch to maintain the aesthetics of the home and hopefully get it dormered. Requesting an exception to Article III Section 275-22.A Table 1, front setback of 17 feet where 35 feet is required.

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

(1) Whether granting the variance would alter the essential character of the locality:

Granting the variance would not be contrary to the public interest, because adding the front porch would ensure we maintain the character of the neighborhood. We would like to dormer the front of our home to accommodate enough 2nd floor bedrooms for our growing family. Without the porch, the house would look more like a colonial, which does not fit with the homes on our street.

(2) Whether granting the variance would threaten public health, safety or welfare:

This would not threaten public health and safety or welfare. We live on the dead-end road with minimal foot traffic, and the porch would just be in line with where our current shrubbery is.

2. The spirit of the ordinance is observed because:

The spirit of the ordinance is observed because our home predates the ordinance. Therefore, we already are in the setback. Safety is not a concern. We live on the dead-end road with minimal traffic and several of the homes around us on the street are within the set back as well.

3. Granting the variance would do substantial justice because:

Granting the variance would do substantial justice because granting the variance would do no harm to the public. We feel it is reasonable to expand our home to accommodate our growing family and to add a porch so that the house doesn't look like a colonial.

4. The values of the surrounding properties will not be diminished for the following reasons:

The values of the surrounding properties will not be diminished. We feel this addition would add value to the neighborhood as it would expand our house a little bit and ensure we maintain the quaint neighborhood feel.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

(A) Denial of the variance would result in unnecessary hardship because

(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 because:

Literal enforcement of the provisions of the ordinance would result in unnecessary hardship, special conditions of the property distinguish it from other properties in the area because our house predates the setbacks. Denial of the variance would result in unnecessary hardship because there's no viable way for us to move the whole building back and be able to add the additions going kind of forward or to the side.

(ii) The proposed use is a reasonable one because:

The proposed use is a reasonable one, because the zoning ordinance is more established for agricultural lots and our home is in a small residential neighborhood where meeting setbacks that were established after our house was built would not be feasible.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

If the criteria and subparagraph a above or not established, explain why the property cannot be used in strict conformance with the ordinance, and why variance is therefore unnecessary or therefore is necessary to enable reasonable use of. So the setback was established after our house was built. We cannot move the house or the whole building structure back to meet the setbacks, and we cannot build to the sides because we are already at our setbacks on the side of the house. It would cause significant financial hardship to build in the back of the house due to needing to pour a new foundation, building 3 stories up and also our septic is in the backyard right behind where the house is and that would not allow us any space to build on top of our septic.

2. Kelvin and Jennifer Paris – Request for a variance from Article III, Section 275-22.A, Table 1, Table of Dimensional Regulations, to allow the construction of a front porch within 21 feet of the side setback where 25 feet is required at 42 Hilltop Drive, Lot 42-9, zoned GR.

Mrs. Paris said the second variance is just to again request the building of the porch because we're also crossing over the side setbacks. A variance is requested from Article III, Section 22.A Table 1 of the zoning ordinance to permit a building of a front porch to maintain the aesthetics of the home once dormered. We are, if approved to dormer, we are requesting an exception to the article which if granted, would allow sides up backs of 21 feet where 25 feet is required.

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

(1) Whether granting the variance would alter the essential character of the locality:

Granting the variance would not be contrary to the public interest because adding to the front porch would ensure we maintain the character of the neighborhood. Without it, the house would look more like a colonial. If we have to stay within the side setback of 25 feet, then the porch would end halfway through our front window, which would not be very pleasing to the eye. We feel granting the variance would maintain the essential character of the neighborhood.

(2) Whether granting the variance would threaten public health, safety or welfare:

Granting this variance would not threaten public health, safety or welfare. We are still a reasonable distance from our neighbors, and the porch would not extend further than where our house currently ends, so it's not going any closer to our neighbor's property on the side.

2. The spirit of the ordinance is observed because:

The spirit of the ordinance is observed because our home predates the ordinance. Therefore, our existing home is already over the setback of the side yard. The spirit of the ordinance to not encroach on our neighbors, which we would still be able to ensure that because we aren't building past the current foundation of where our house is.

3. Granting the variance would do substantial justice because:

Granting the variance would do substantial justice, would not do any harm to the public. We feel it is reasonable to expand our home to accommodate our growing family. We would like to keep the character of the neighborhood and we feel a porch would allow us to do so. Our house predates the ordinance, so we did not have any initial say in where the original foundation was built.

4. The values of the surrounding properties will not be diminished for the following reasons:

The values of the surrounding property will not be diminished. Adding a porch would add value to our home and neighborhood. If the variance were not granted, the house would look out of place in our neighborhood.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

(A) Denial of the variance would result in unnecessary hardship because

(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 because:

Literal enforcement of the provisions of the ordinance would result in unnecessary hardship due to the house predating the ordinance. We would be under significant financial hardship to get our structure within the current setbacks outlined in the ordinance and moving the whole home in order to meet the setbacks would not be reasonable. Denial of the variance would result in unnecessary hardship due to the constraints of the property. There is no viable way to expand our home in the back of the house.

(ii) The proposed use is a reasonable one because:

The proposed use is a reasonable one because the zoning ordinance was established for a different type of lot more than what we have. Our home exists in a small residential neighborhood. We're meeting setbacks that were established after a home was built would not be feasible.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

We cannot move the existing building back on the property to meet the current setbacks. It would pose significant financial hardship to expand our house in the back due to the cost of pouring a new foundation and the building up of three stories allowing us to add a porch if our dormers in the front are approved would be most cost effective. It will ensure our home stays quaint and allows us to accommodate our family's needs.

And we did get 2 letters of support from two different neighbors. We also had two others come over and asked if they needed to show up tonight as well and we said no because we knew we already had two letters. One is from our neighbors that are right on the corner, Jeff and Jessica. And they said we received a certified letter for Kelvin and Jennifer Paris request for variance. We will not be able to attend the hearing, but we live next door to them and have no problems with their request. We give them our full backing and support. They live at 40 Hilltop Drive.

And then our neighbors right across the street. They wrote a letter. Jesse and his wife live there, and their dad owns the house. And they wrote, we received certified mail from the Town of Bedford about the variance that Kelvin and Jen Paris are requesting. My name is Jesse at 43 Hilltop Drive, and I abut their residence. My father, Matthew, is current owner of 43 Hilltop Drive and we would like to give Kelvin and Jen our full support and consent for the change they're proposing as we will be unable to attend the hearing. Thank you.

Chair Morin said thank you. Are there any questions from the Board?

Mr. Green asked so, there's two bedrooms upstairs and that's where the kids are going to be? Mrs. Paris replied we would like to make it into three so that all of us are upstairs. Our room is upstairs, and our son is currently still in it. Our daughter is 2 ½ and our son is 9 months. So I would love for him to have his own room, but I'd prefer them not to be on a different floor. We can make one of the bedrooms into 2. That's our hope to be able to do that. But they're just a little bit too small. If we aren't able to dormer the front of the house, it would be a very small bedroom. Mr. Green asked how does the school bus get there? Mrs. Paris replied it picks up at the very end of the road. There's only one other house with kids on it from Bedford on our road, and it picks up at the very end. We have very few houses on our road. We like it. Mr. Paris said it's the same with plow trucks. They have a hard time finding it sometimes.

There were no further questions from the Board. Chair Morin asked any last words before we go to deliberation? The Paris's said no.

MOTION by Vice Chair Casale to move to nonpublic input for deliberation. Mr. Green duly seconded the motion. Vote taken – all in favor. Unanimous. Motion carries.

Chair Morin said the first item is for front setback.

- 2. Kelvin and Jennifer Paris – Request for a variance from Article III, Section 275-22.A, Table 1, Table of Dimensional Regulations, to allow the construction of second floor dormers and a front porch within 17 feet of the front setback where 35 feet is required at 42 Hilltop Drive, Lot 42-9, zoned GR.**

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

(1) Whether granting the variance would alter the essential character of the locality:

The Board agreed there is no evidence of this.

(2) Whether granting the variance would threaten public health, safety, or welfare:

The Board agreed there is no evidence of this, noting there are many homes on the street near the front setback.

2. The spirit of the ordinance is observed because:

The Board agreed it is observed and consistent with other homes on the street and still maintains a distance of 17 feet.

3. Granting the variance would do substantial justice because:

The Board agreed it would because the existing home predates the ordinance and is consistent with other homes on the street.

4. The values of the surrounding properties will not be diminished for the following reasons:

No testimony on this.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

(A) Denial of the variance would result in unnecessary hardship because

(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 because:

Vice Chair Casale said it's already nonconforming, and this is a perfect spot for it.

(ii) The proposed use is a reasonable one because:

The Board agrees it is reasonable.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

Criteria not applicable, addressed in subparagraph (A).

MOTION: Mr. Gilbert moves that the Zoning Board of Adjustment grant the variance from Article III, Section 275-22A, Table 1. Table of Dimensional Regulations, to permit the construction of dormers within 25 feet of front setback and a front porch within 17 feet of

the front setback where 35 feet is required at 42 Hilltop Drive, Lot 42-09. The motion is supported by the following findings of facts:

- 1. The variance request satisfies all five criteria for granting relief from the Zoning Ordinance.**
- 2. The Board includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into this decision.**

Mr. Kellermann duly seconded the motion. Vote taken – All in favor – Unanimous. Motion Carries.

Chair Morin said the next item is for the side setback.

- 3. Kelvin and Jennifer Paris – Request for a variance from Article III, Section 275-22.A, Table 1, Table of Dimensional Regulations, to allow the construction of a front porch within 21 feet of the side setback where 25 feet is required at 42 Hilltop Drive, Lot 42-9, zoned GR.**

- 1. Granting the variance would not be contrary to the public interest because:**

- (1) Whether granting the variance would alter the essential character of the locality:**

The Board agrees no, it would not.

- (2) Whether granting the variance would threaten public health, safety, or welfare:**

The Board agrees no, it would not.

- 2. The spirit of the ordinance is observed because:**

The Board agrees, yes.

- 3. Granting the variance would do substantial justice because:**

Chair Morin said it would give them the opportunity for a porch. The Board agrees.

- 4. The values of the surrounding properties will not be diminished for the following reasons:**

Vice Chair Casale said no. They would probably increase.

- 5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:**

- (A) Denial of the variance would result in unnecessary hardship because.**

- (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 because:**

Chair Morin said it gives them the opportunity to put a porch on the front of their house.

(ii) The proposed use is a reasonable one because:
Board agrees it is reasonable.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:
Criteria not applicable, addressed in subparagraph (A).

MOTION: Mr. Gilbert moves that the Zoning Board of Adjustment grant the variance from Article III, Section 275-22A, Table 1. Table of Dimensional Regulations, to permit the construction of a front porch within 21 feet of the side setback where 25 feet is required at 42 Hilltop Drive, Lot 42-09. The motion is supported by the following findings of facts:

- 1. The variance request satisfies all five criteria for granting relief from the Zoning Ordinance.**
- 2. The Board includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into this decision.**

Vice Chair Casale duly seconded the motion. Vote taken – All in favor – Unanimous. Motion Carries.

MOTION by Vice Chair Casale to go back into public input. Mr. Green duly seconded the motion. Vote taken – All in favor. Motion Carries.

Chair Morin said you're all set. Mr. Paris said thank you.

Chair Morin asked Ms. Ports is there anything else for this evening? Ms. Ports replied nothing else.

IV. Adjournment:

MOTION: Vice Chair Casale moves to adjourn the meeting. Mr. Green seconded the motion. Roll call vote was taken – ALL IN FAVOR. Motion carried.

Meeting adjourned at 7:53 pm.

The next meeting will take place on April 18, 2023.

Respectfully submitted,
Sue Forcier