

**Town of Bedford**  
**June 18, 2019**  
**Zoning Board of Adjustment**  
**Minutes**

A regular meeting of the Bedford Zoning Board was held on Tuesday, June 18, 2019 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH.

Present: John Morin (Chair), Melissa Stevens, Len Green (alternate member), David Gilbert (alternate member), Karin Elmer (Planner 1)

Absent: Gigi Georges (Vice Chair), Sharon Stirling, Kevin Duhaime, Neal Casale (alternate member).

Chairman Morin called the meeting to order at 7:00 pm, introduced members of the Board and indicated that Mr. Green and Mr. Gilbert would be voting members for this meeting.

**Approval of Minutes:** May 21, 2019

**MOTION by Mr. Gilbert to approve the minutes of the May 21, 2019 meeting of the Bedford Zoning Board of Adjustment as written. Mr. Green duly seconded the motion. Vote taken - all in favor. Motion carried.**

**Applications:**

Chairman Morin reviewed the rules and procedures for the meeting and swore in the applicants and any person that might be giving testimony. All applications were heard in order of notice.

- 1. Chow-Weng & Gloria Chong (Owners)** – Requests for a variance from Article III, Section 275-22 and Table 1, in order to permit the construction of a 24 ft. x 32 ft. storage building 10.0 feet from the side property line where 25 feet is required at 14 Swan Ave, Lot 43-89, Zoned GR.

***I. Background:***

*The property is a 0.5-acre lot in the GR zone. The existing home was built circa 1950, before the zoning ordinance was created. As such, the existing home does not meet today's setback requirements for the GR zone, which are 35 feet for the front setback and 25 feet for the side and rear.*

***II. Project Description:***

*The applicant is requesting to build a 32 ft. x 24 ft. one-story cape style storage building 10 feet from the side property boundary where 25 feet is required at 14 Swan Ave.*

*The applicant currently owns both 14 Swan Ave. and 20 Swan Ave., the closest lot to the storage building, so he is his own abutter.*

*If the Board grants the variance, the applicant will then continue to the Building Department for permitting.*

Mr. Chow and Mrs. Chong reside at 20 Swan Ave. which is next door to the property in question, 14 Swan Ave. which now serves as a rental property. Mrs. Chong's mother lived at 14 Swan Ave. up until the end of last year and it now serves as a rental property for the time being. The long-term goal for this property is to serve as a downsize home for Mr. Chow and Mrs. Chong in the next 8-10 years.

Mr. Chow reviewed the criteria for the variance. **1) Granting the variance would not be contrary to the public interest because:** Mr. Chow stated that he and his wife do not feel the **public interest** would be affected by the granting of the variance because **(2) Whether granting the variance would threaten public health, safety or welfare:** It will not impact the health or safety of the neighborhood. **(1) Whether granting the variance would alter the essential character of the locality:** The proposed structure will be in keeping with structures found in the area and will not materially change the neighborhood. **2) The spirit of the ordinance is observed because:** They believe the spirit of the ordinance would be observed because it would meet all the required setbacks of all the abutters except for 20 Swan Ave. where they currently reside. **3) Granting the variance would do substantial justice because:** Granting of the variance would do substantial justice because it would allow the construction of the proposed 24 x 32 shed for storage purposes given the fact that Mr. Chow and Mrs. Chong are preparing to downsize from a 2,100 square foot house into an 1,850 square foot house. One third of the basement at 14 Swan Ave. is finished so there is no storage in the lower portion of the house except for the furnace area and a small hallway. Granting of the variance will be significant because it will allow them to store the two sets of outdoor furniture they have acquired. **4) The values of the surrounding properties will not be diminished for the following reasons:** They feel it would help increase the property values in the neighborhood because the piece of land would have both a house and a detached storage structure which would add to and enhance the value of this property, and in turn, the neighborhood.

The lots in the area are very small and narrow so Mr. Chow stated it is difficult for them to meet the setback of 25 feet all the way around the property. In order to try and meet that requirement Mr. Chow indicated they have proposed in their plan setting back 10 feet from 20 Swan Ave. Since they are unable to accommodate the whole 25 feet setback, they are trying to accommodate as much as possible. The proposed structure will be located in the back of 14 Swan Ave. Plan drawings were reviewed to illustrate where the proposed structure would sit on the property. The main purpose of the proposed structure is to serve as storage. For the present it will store furniture and they would like to put in a gym for their son. The future use of the structure will be when they downsize in 8-10 years.

(B) Chairman Morin asked Mr. Chow to address "item #5 **unnecessary hardship**" in order to get it on record. **5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:** Mr. Chow stated that the lots in this area are small in size making the meeting of required setbacks difficult. The proposed structure would be located in the rear of #14 and that of the abutters. As a result, the public welfare would be unaffected. It would allow for needed storage when they make a move into #14 at retirement.

Chairman Morin opened the floor for questions from members of the Zoning Board.

Mr. Green asked if the lots could be merged. Ms. Elmer indicated it is not allowed because only one residence is allowed on each lot.

Chairman Morin asked if they have any thoughts about going back further and moving the structure over a little more despite the fact that the septic system is there. Mr. Chow indicated they had no problem sliding the structure back, but it all depends on where the septic line is and the location of the leach field.

Chairman Morin feels this is a big building on a small lot. He asked if it is bigger than the footprint of the house that is currently there. Mr. Chow was unsure. Chairman Morin understands that they own both properties today, but at some point they might not. Mr. Chow explained that the reasoning for the size of the shed was because they were downsizing from a 2,100 square foot house into an 1,850 square foot house which will be a challenge. He stated the reason they are asking for this ahead of time is because they can afford to finance it at this point in time. Things have a way of changing rapidly and by retirement-time this may not be an option for them, so that is the driver. Mr. Green stated a smaller structure may force them to downsize; however, Mr. Chow stated there are things they wish to keep, for example, when they move out of 20 Swan Ave. they will have to remove all of their yard equipment (including a lawn tractor and 3 lawnmowers) and will need a place to store them.

Mr. Gilbert said it looks like they are wedged between the septic and leach field and there isn't really any other area they could go to build the structure. He asked how they came up with the figure of 10 feet away from the line and asked if they tried to bring it forward. Mr. Chow indicated that they did try to bring it forward, but were concerned because they are unsure where the septic line actually sits, and he did not take pictures when it was installed; so once they start excavating and it is clear where the septic system sits it will determine if it needs to go further back than it currently is.

Mr. Gilbert asked if the opening of the structure is facing toward the street or the other property. Mr. Chow indicated it faces the other property in order to reduce any impact. Mr. Gilbert asked if it is a level lot with no significant slopes. Mr. Chow indicated there is a small dip toward the back of property which has some trees, but if needed they plan to fill it and build on top of it close to where a rock wall sits. That rock wall has been there for 20 or more years, but they are not emotionally attached to it.

Chairman Morin asked again about the building direction and whether garage doors would be used and if they would face the property at 20 Swan Road. Mr. Chow indicated garage doors would be used and the garage doors would face #20. Chairman Morin has a concern if the doors are facing #20 because that would only leave 10 feet to get things in and out of the garage and then they would be encroaching the other property which would become a problem in the future if they were to ever not own both properties. Mr. Chow indicated they are flexible on where garage door opening sits. Mr. Gilbert thought the garage door might face toward the street or down toward the septic tank, and the plan pictures show the short end (24-feet) facing toward the street. Mrs. Chong indicated that the door will actually be facing the road (Mr. Chow misspoke earlier). This made more sense to everyone, and Chairman Morin wanted to make sure the clarification was put into record.

Ms. Stevens asked if the survey drawings were done to scale. Ms. Elmer indicated they were done to scale (within inches). Ms. Stevens indicated the shed does seem quite large compared to

the size of the home and she is concerned not only with encroachment, but the aesthetics of how it will look having two buildings of essentially the same proportions on one lot. Ms. Elmer that although this is a small urban lot, traditionally on larger lots with farmhouses - - the house is small and the barn is big.

Chairman Morin would like to know where the septic line actually goes and whether or not there is a chance of moving the structure in and toward the back a little bit and perhaps get more than 10 feet from the boundary. Mr. Gilbert said that since he doesn't know the distance between the septic and the lot line it is difficult to know what the appropriate level of moving it would be to avoid encroachment. Again Mr. Chow said that they are not dead set on the location and they are perfectly comfortable moving the location around once they know where the septic line is so that they don't encroach on the leach field. Mr. Gilbert feels they cannot go toward the street; therefore, the only other place it could possibly go is toward the back, and there is a rock wall on the other side. Ms. Elmer indicated it is not a boundary marker wall. Mr. Chow indicated that it is a dry lock rock wall which somebody built by stacking up the rocks without using any mortar. The second rock wall located in the rear of the house is mortared. Plans and photographs were reviewed to understand where both rock walls are situated.

Chairman Morin asked if they looked at putting the structure in the area behind the garage. Mr. Chow indicated it is not level with the rest of the property and has a drop-down. He said all the land behind the garage is at a lower level than the main back yard. Chairman Morin asked about which area trees would be removed from. Mr. Chow indicated on a photo the area where some small, young trees would be removed.

Chairman Morin asked for public input either in-favor of against this application. There was none. He opened the floor for further questions from the Board.

Ms. Stevens asked how big of a storage shed have we seen before - because although the shed seems big, the dimensions don't seem unusual for a shed. Chairman Morin said it would basically be the size of a 2-stall unattached garage. Ms. Stevens asked if it would have a 2<sup>nd</sup> story or loft. Mr. Chow indicated there would be a second story that would be unfinished with plywood over the joists.

Chairman Morin asked Ms. Elmer if 10 feet would create any issues from roof run-off of snow and other things. Ms. Elmer indicated that 10 feet should not be an issue.

Chairman Morin indicated the Zoning Board is used to small lot sizes in Mr. Chow and Mrs. Chong's neighborhood, but the issue is the size of the building. Mr. Chow indicated they are flexible with the location and size the Zoning Board is comfortable with. Their primary goal is to achieve having storage. Chairman Morin asked if Mr. Chow and Mrs. Chong would be interested in tabling this for one month and taking the opportunity to get more specific information about the septic system or shrinking the building a little bit and coming back with the information in a month so the Board has more information with which to make a decision. Mrs. Chong asked if Chairman Morin was suggesting shrinking the structure size to 24 ft. x 28 ft. so that it could be pushed further back. Chairman Morin indicated that it might need to be narrower because the 32-foot dimension is not the issue, but the 24-foot dimension is the problem, and moving it back further may help. Mr. Gilbert would like to know how far it is from the septic system to the proposed storage shed and if it can be moved back and down a little. He doesn't believe they will be able to get within the 25-foot setback requirement from the side and rear, but also doesn't want to put too much of a constraint on them. Mr. Chow explained that when the survey was done the primary directive to the surveyor was to make sure it was within

the setback on all sides possible. The only side the surveyor couldn't accomplish that was on the side of 20 Swan Ave. Chairman Morin indicated the Board understands the envelope is very small and the desire is to work with them as much as possible. Mr. Chow indicated they would be interested in tabling this for one month and getting more information about where the septic line runs but may not be able to get more detailed information on the leach field apart from perhaps measuring how big it is. Ms. Elmer advised them to check with Wayne because there is a minimum setback required from the edge of the leach field to the foundation of the garage, so Mr. Chow and Mrs. Chong need to find out from him what that number is.

Chairman Morin indicated this application would be considered tabled until next month and consider this notice for the any abutters who may want to speak next month. No new letters will be sent out.

2. **Joy Street (Owner)** – Request for a variance from Article III, Section 275-22 and Table 1, in order to permit the construction of a carport 17.73 feet from the front property line where 35 feet is required at 5 Johnson St., Lot 43-56, Zoned GR.

***I. Background:***

*The property is a 0.26-acre lot in the GR zone. The existing home was built in the 1950's, before the zoning ordinance was created. As such, the existing home does not meet today's setback requirements for the GR zone, which are 35 feet for the front setback and 25 feet for the side and rear. A majority of the existing house encroaches into the front and side setback.*

***II. Project Description:***

*The applicant is requesting to build 23 ft. x 25 ft. open carport 17.73 feet from the front property boundary where 35 feet is required at 5 Johnson St., which is a dead-end road.*

*The existing home is a 1,114-sf single-family raised ranch with no garage. (See attached photos) The addition will be setback further than the home on the northeast side of the house, covering the existing driveway. It will be an open, one-story carport.*

*If the Board grants the variance, the applicant will then continue to the Building Department for permitting.*

Steven Pinard addressed the Board about this application. Mr. Pinard is a contractor and friend of Ms. Street, who has asked him to build a carport for her on her property at 5 Johnson St. Ms. Street has some physical limitations that prevent her from being here to speak herself this evening and her physical limitations are the motivation to build a carport so she doesn't have to go through the snow.

Mr. Pinard indicated the proposal was for a variance to add a carport with a front setback. The applicant is requesting to build a 23-foot x 25-foot open carport at 5 Johnson Street which is 17.73 feet from the front property boundary where 35-feet is required. Mr. Pinard indicated the setbacks are difficult to deal with.

Mr. Pinard reviewed the criteria for the variance. 1) **Granting the variance would not be contrary to the public interest because:** Mr. Pinard stated that granting the variance would not be contrary to the public interest. (1) **Whether granting the variance would alter the essential character of the locality:** He further stated that the carport will not alter the character of the neighborhood (2) **Whether granting the variance would threaten public health, safety or welfare:** Nor will it produce any health or safety risks. 2) **The spirit of the ordinance is observed because:** The spirit of the ordinance is observed because the setbacks on the existing lot do not allow for any structures to be added on to the side or front of the house. 3) **Granting the variance would do substantial justice because:** Granting the variance would do substantial justice because the majority of the existing house is not in the building limits of the site. 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 and the carport will not alter the character of the 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:**

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

(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:**

Mr. Pinard indicated that Ms. Street has some issues with arthritis and degenerative conditions of her knees and back which do not allow her to navigate snow of any kind. The side access door of the home would give her access to the proposed carport, so if she needs to go out she could make it safely to her vehicle. This is the main consideration for the structure.

Mr. Pinard indicated that majority of existing house is currently not within the building limits of the site. The setbacks being the way they are, make it difficult to build anything that is why they are applying for a variance.

Chairman Morin asked if the carport would be built over the existing driveway. Mr. Pinard indicated it would.

Chairman Morin opened the floor for questions from the Board.

Mr. Gilbert asked if it would be a carport with open sides. Mr. Pinard indicated affirmatively. Mr. Gilbert consulted the plan drawings to ascertain how the roof would be situated and had no further questions.

Chairman Morin opened the floor for public comment to speak either in favor or in opposition of the application. There was none.

Chairman Morin opened the floor for any further questions from the Board.

Mr. Green asked Ms. Elmer if there was anything under ADA statute that pre-empts what the Zoning board can or cannot do if representation is made. Ms. Elmer indicated that anything

done under the ADA statute requires it to be removed after the occupant is no longer in the building.

**MOTION by Mr. Green to go into non-public input for deliberation purposes. Ms. Stevens duly seconded the motion. Vote taken – all in favor. Motion carried.**

The Zoning Board reviewed the criteria for the variance request **1) Granting the variance would not be contrary to the public interest because:** Granting the variance would not be contrary to the public interest **(1) Whether granting the variance would alter the essential character of the locality:** Nor would granting the variance alter the essential character of the locality. **Whether granting the variance would threaten public health, safety or welfare:** They did not feel granting the variance would affect the public health, safety or welfare. **2) The spirit of the ordinance is observed because:** They felt that the spirit of the ordinance is observed. Chairman Morin feels the spirit of the ordinance is not to encroach on other properties, but in looking at the plans he noted barely any of the homes have the setbacks by law because they were built before those times and the carport actually has less of a setback than the currently does, so he does not see a problem. **3) Granting the variance would do substantial justice because:** The Board indicated that granting the variance would do substantial justice and would help the homeowner get to her vehicle. **4) The values of the surrounding properties will not be diminished for the following reasons:** The Board did not feel values of the surrounding properties would be diminished and received no specific expert testimony in regard to it. **(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:**

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

The Board did not feel that literal enforcement of the provisions of the ordinance would not result in any unnecessary hardships, nor would special conditions of the property distinguish it from other properties in the area. Chairman Morin indicated that although they did not have a specific look at many of the other properties in the area, it was acknowledged that the homes are all different sizes in that area, the property at 5 Johnson Street is outside of where those limits are, will not make much of a difference, and will actually help. **(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:** In explaining 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, Chairman Morin indicated that the existing building is not within the building limits on the site both where and how it is located; therefore, it is a very reasonable use for this area and for this application.

**MOTION by Mr. Gilbert that the Zoning Board of Adjustment grant the variance from Article 3, Section 275-22 and Table 1, in order to permit the construction of a carport located at 5 Johnson Street, Lot 43-56 per our deliberations. Mr. Green duly seconded the motion. Vote taken - all in favor. Motion carried.**

**MOTION by Mr. Gilbert to go back into public input. Mr. Green duly seconded the motion. Vote taken – all in favor. Motion carried.**

3. **Peter Goedecke (Owner)** – Request for a variance from Article IV, Section 275-28 in order to permit the construction of an addition to a garage 37.1 feet from the edge of a wetland where 50 feet is required at 99 Liberty Hill Rd., Lot 21-55, Zoned R&A.

***I. Background:***

*The property is a 1.1-acre lot in the R&A zone. The original home was a small cape with no garage that was built in 1961. The detached garage was constructed sometime in the 1970's and a large addition with the attached garage was built in the 1980's.*

***II. Project Description:***

*The applicant is proposing to build an approximately 900 square foot addition to the rear of the existing freestanding garage at 99 Liberty Hill Rd. The northwest corner of the addition would be 35.9 feet to the edge of the wetlands where 50 feet is required.*

*The applicant met with Conservation Commission in May to discuss the proposed project. Minutes are attached. The Commission made the following recommendation: MOTION by Ms. Evarts to recommend the variance for the garage addition at 99 Liberty Hill Road Lot 21-55 with the understanding that the homeowner will add a trench drain to allow run-off to occur more toward the North/north westerly side of the property. Mr. McMahan seconded the motion. Vote taken – all in favor. Motion carried.*

*The applicant is proposing to add gutters to the addition that will direct the water to the rear lawn allowing the water to be absorbed into the earth minimizing any runoff to the wetland area.*

*If the Board grants the variance, the applicant will then continue to the Building Department for permitting.*

The homeowner, Peter Goedecke and contractor Keith Adamyk of Adamyk Construction addressed the board about this application. Having missed the prior swearing in of applicants,

Mr. Adamyk was sworn in. Mr. Goedecke said that an area of 50-feet from the edge of wetlands is required, and the garage he would like to construct is 35-feet from the edge of the wetlands. Mr. Goedecke and Mr. Adamyk previously appeared before the Conservation Commission and were granted a thumbs up to go forward with the project on their end.

Mr. Goedecke reviewed the criteria for the variance. **1) Granting the variance would not be contrary to the public interest because:** He indicated the project will not be contrary to public interest. **(1) Whether granting the variance would alter the essential character of the locality:** The project would be consistent with adjacent properties. **2) Whether granting the variance would threaten public health, safety or welfare:** In no way would the garage cause safety or health concerns. **2) The spirit of the ordinance is observed because:** The spirit of the ordinance is observed because the location of the garage from the setback will be less than the existing grandfathered garage that it will be attached to. **3) Granting the variance would do substantial justice because:** Granting the variance will do substantial justice because due to hardship it is really the only location on the property that is suitable to put it. **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 for the following reason: The project will be nearly invisible from the road and surrounding properties and match the character of the house. **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 provisions of the ordinance would not necessarily be an unnecessary hardship, but the location of the existing garage and wetlands make it the only location suitable. The property is very wet, so without putting a driveway clear across the front of the house there is no way to get back to any other area. Neighbors would not be affected. **(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:** No fair substantial relationship exists between the general public purposes of the ordinance provision and specific application of the provision to the property. Mr. Goedecke explained that he and his children like to work on projects and the garage addition would allow them to have a workshop to work on cars. When they are working on projects in the existing garage, they are unable to park the car there, so the addition would solve this issue. **(A) (ii.) The proposed use is a reasonable one because:** The proposed use is a reasonable one because Mr. Goedecke believes working on projects is a worthwhile pursuit. His kids are homeschooled. His son knows how to weld and his girls know woodworking. He feels nothing bad can come of them having a better space in which to work. **(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:** The property cannot be used in strict conformance with the ordinance and a variance is therefore necessary to enable a reasonable use of it. The hardship is because the grandfathered structure has already been built, limited choices remain due to existing building placement.

Chairman Morin asked the size of the proposed building. Mr. Adamyk indicated the building would be 24-feet x 36-feet, but there is also a smaller section that is 12-feet x 22-feet, but in total it is pretty much 24-feet x 36-feet.

Ms. Elmer asked size of existing garage. Mr. Adamyk indicated the size of the existing garage is 22-feet x 22-feet.

Chairman Morin opened the floor for questions from the Board.

Mr. Gilbert agreed it did seem like they basically had nowhere else to go to build a new garage. He asked if they would be cutting hole in back for a pass through. Mr. Goedecke indicated that the back wall would be eliminated. The front will be for parking cars, and the back will be for general purpose use.

Chairman Morin opened the floor for public comment to speak either in favor or in opposition of the application. There was none.

Chairman Morin opened the floor for any further questions from the Board.

Ms. Stevens noted the applicants would like to increase the size of the shed and asked what kind of shed it was. Mr. Goedecke indicated that the shed needs to be removed because it is falling apart. It is a very small 8-foot x 8-10-foot shed. Once the garage is built he plans to get rid of the shed because it is in bad condition and falling apart.

Mr. Gilbert asked if they would have to move the propane tank. Mr. Goedecke indicated they would have to move the propane tank which is small.

Ms. Stevens asked if the house and garage were connected. Mr. Goedecke indicated they were not. She asked if there was a garage in the house now, and if it was used to store vehicles. Mr. Goedecke indicated there is a garage now and his wife keeps her car in the bay on the right, and in the bay on the left is a car they are working on as a project. He said that in the other garage he has a small woodshop and a boat stored. He would like to move all of that in the back and use the garage, as intended to park his car and use the back as the workshop.

**MOTION by Mr. Gilbert to go into non-public input for deliberation purposes. Mr. Green duly seconded the motion. Vote taken – all in favor. Motion carried.**

Chairman Morin indicated the motion from the Conservation Commission was to recommend the garage addition at 99 Liberty Hill Road with the understanding that the homeowner will add a trench drain to allow run-off to occur more toward the North/north westerly side of the property; and the motion carried. If approved, he suggested adding the Conservation Commission's motion to the Zoning Board's motion.

Chairman Morin reviewed the criteria for the variance request indicating **1) Granting the variance would not be contrary to the public interest because:** Granting the variance would not be contrary to the public interest **(1) Whether granting the variance would alter the essential character of the locality:** Chairman Morin said it appears with the number of trees and the existing garage one would barely be able to notice that the new structure was there. He does not see it changing the character of the locality. **(2) Whether granting the variance would threaten public health, safety or welfare:** Chairman Morin does not see anything of concern. **2) The spirit of the ordinance is observed because:** Chairman Morin said the spirit is for a buffer between wetlands and structures. The Conservation Commission went through everything, looked at specific items and were good with that issue. Personally, Chairman Morin says he doesn't have an issue with the way it is set up as long as they are following the Conservation Commission's recommendation. **3) Granting the variance would do substantial justice because:** Chairman Morin indicated it is a full property with a lot of wetlands, so the setbacks get quite crazy. Mr. Green indicated there are lots of other things spread out along other parts of the property. Chairman Morin feels the encroachment is still a good distance from the side property lines and the wetlands. **4) The values of the surrounding properties will not be diminished for the following reasons:** Chairman Morin indicated we have not heard any evidence that the values of the surrounding properties would be diminished. **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:** Special conditions of the property distinguish it from others in the area because there seems to be a wetland in the back that cuts off the entire back of the property. The applicant is looking to add in an extension to the existing garage which will be mostly hidden from the public, so when it is completed it probably won't be seen very much. There does seem to be a type of hardship. Mr. Green asked if the addition would be the same height as the existing garage. Ms. Elmer indicated the heights are roughly the same. **(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:** No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of the provision to the property. Chairman Morin indicated the general public purpose is to make sure there is a buffer between wetlands and structures. The specific application meets the parameters for the variance on a property that has some limitations. **(ii.) The proposed use is a reasonable one because:** Chairman Morin indicated the proposed use is a reasonable one. .

**MOTION by Mr. Green that the Zoning Board of Adjustment grant the variance requested by Peter Goedecke from Article IV, Section 275-28 in order to permit the construction of an addition to a garage 37.1 feet from the edge of the wetland where 50 feet is required at 99 Liberty Hill Road, Lot 21-55, Zoned R&A with the condition that the homeowner will add a trench drain to allow run-off to occur more toward the North/north westerly side of the property as recommended by the Conservation Commission and per the Zoning Board's deliberation. Mr. Gilbert duly seconded the motion. Vote taken - all in favor. Motion carried.**

**MOTION by Mr. Gilbert to go back into public input. Mr. Green duly seconded the motion. Vote taken – all in favor. Motion carried.**

**New Business**

The next meeting will take place on July 16, 2019.

**Adjournment**

**Motion by Mr. Gilbert to adjourn the meeting at 7:57 p.m. Ms. Stevens duly seconded the motion. Vote taken – all in favor. Motion carried.**

Respectfully submitted,  
Tiffany Lewis