

MINUTES
PEMBROKE ZONING BOARD OF ADJUSTMENT
September 25, 2017 DRAFT pending 9-26-17

MEMBERS PRESENT: Bruce Kudrick, Chair; Tom Hebert, Vice Chair; Dana Carlucci, Mark Simard

ALTERNATES PRESENT:

EXCUSED: William Faith, Paul Paradis, Ann Bond

STAFF PRESENT: Everett Hodge, Code Enforcement Officer; Susan Gifford, Recording Secretary

Chairman Kudrick called the meeting to order at 7:00 p.m.

Continuation of Case #17-09-Z

Applicant:	Pierre Forcier dba PGF Commercial Properties LLC 69 Winslow Lane Candia, NH
Property Owner(s):	Pierre Forcier dba PGF Commercial Properties LLC PO Box 5008 Manchester, NH 03108
Property Address:	141 Pembroke Street Pembroke, NH 03275 Tax Map (266) Lot (102), in the R-1A Medium Density-Residential and the AD Architectural Design Zoning Districts.

Continuation of Case 17-09-Z A request has been made for a **Variance** under Article V **Dimensional and Density Regulations**, § 143-21 **Table of Dimensional and Density Regulations**. The applicant, Pierre Forcier, dba P G F Commercial Properties is requesting a reduction of the required 15 foot rear and side setbacks. The Variance request is to construct a single story 48 feet x 65 foot storage building. The east side of the proposed building will be 10 feet from the rear property boundary where 15 feet is required. The northwest rear corner of the proposed building will be 10 feet from the side property boundary where 15 feet is required. The property is located at 141 Pembroke Street, Map (266) Lot (102), in the R-1A Medium Density-Residential and the AD Architectural Design Zoning Districts.

The clerk took the roll call and 4 members were present. Chairman Kudrick explained that because there were only four members present, the applicant has a choice to reschedule the hearing for another date when five ZBA members could be present, or to proceed with four members. If the applicant chooses to proceed with four members, the fact that only four members heard the case is not grounds to appeal a decision. The applicant opted to proceed with the continued hearing with four members.

Chairman Kudrick opened the public hearing at 7:02 p.m. There were 4 regular members and no alternate members present. Therefore, there was a four-member board present for this hearing. Chairman Kudrick explained the rules of the hearing. Anyone who wishes to speak will give their name, address and interest in the case. All questions are directed to me, the Chair. The Board makes its decision based upon the facts presented by the applicant. If any of these facts are subsequently found to be different, the Board reserves the right to revisit its decision.

Copies of the tax map, assessor's card and a ZBA Exhibit Plan for PGF Commercial Properties, LLC 141 Pembroke Street Tax Map 266, Lot 102 prepared by Joseph Wichert, LLS Inc., 802 Amherst Street, Manchester, NH 03104 were included in the agenda packet.

Pierre Forcier explained that the revised drawing is the same size building, a single story 48 feet x 65 foot storage building. The east side of the proposed building will be 10 feet from the rear property boundary where 15 feet is required. The northwest rear corner of the proposed building that was initially proposed to be 4 feet from the side property boundary has been expanded to 10 feet where 15 feet is required. The designer kept the building as parallel as possible with the existing building.

Mark Simard asked if the house is part of the Forcier property. Mr. Forcier said, no, he purchased the property seven years ago and the house had been split off onto its own lot prior to his purchase. The plan diagrams the fencing and shows 67 square feet of asphalt paving and stone area, along with a 27.5 foot turnaround.

Dana Carlucci summarized the case. This is **Case 17-09Z Case 17-09-Z**, a request for a **Variance** under Article V **Dimensional and Density Regulations**, § 143-21 **Table of Dimensional and Density Regulations**. The applicant, Pierre Forcier, dba P G F Commercial Properties is requesting a reduction of the required 15 foot rear and side setbacks. The applicant proposes to construct a single story 48 feet x 65 foot storage building. The east side of the proposed building will be 10 feet from the rear property boundary where 15 feet is required. The northwest rear corner of the proposed building was initially proposed to be 4 feet from the side property boundary where 15 feet is required. The applicant submitted revised plans tonight that expand the northwest rear corner setback to 10 feet.

The property is located at 141 Pembroke Street, Map (266) Lot (102), in the R-1A Medium Density-Residential and the AD Architectural Design Zoning Districts. The building will be wood structure and will look similar to recently renovated existing building. The proposed building will be used to store boats, trailers, motor home, and excess cars for personal use. There is 6 foot vinyl fencing all around the property. The fence in back is 7 feet from the property line. The house to the north is 26 feet from the proposed building point to point. The applicant does not want to block his neighbor's view, so he asked the designer to square off the building with the existing building. The applicant will repave when the building is done. The land sits 4 feet lower than Route 3. At the August 28, 2017 meeting, the Board suggested moving the building to obtain more setback area. Suggestions included moving the building southwest a few feet to make it less non-conforming. This is an accessory unit that conforms to Section 143-22.

Four garage doors are proposed, with two of them 14 feet high. The ordinance calls for 40 foot rear setback but Note #5 to section 143-22 allows a reduction to 15 feet for accessory buildings. The building height will not exceed 35 feet and will be approximately 26-27 feet high with the same roof pitch as the existing building.

At the continued hearing on September 25, 2017 the plan was the same as previously, except the northwest setback was increased from 4 feet to 10 feet. No one spoke in favor. No one spoke against the plan.

There being no further comment, Chairman Kudrick closed the public hearing at 7:13 p.m.

Deliberations: ZBA members discussed the Variance criteria. Chairman Kudrick noted that the biggest change is that the northwest rear setback was increased from 4 feet to 10 feet where 15 feet is required. A minimum of 10 feet setback was maintained all around the property. This allows emergency response equipment the ability to access the property on all sides. The applicant straightened out the proposed storage building to be as parallel as possible to the existing building.

- 1) The variance will not be contrary to the public interest. Agreed. Chairman Kudrick stated that the revised plans provide at least 10 foot setback from all property lines. There were no abutters present at tonight's hearing, no opposition and no feedback.
- 2) The spirit of the ordinance is observed. Agreed. Chairman Kudrick stated the applicant submitted revised plans tonight that expand the 4 foot side setback shown on the initial plans to 10 feet side setback.
- 3) Substantial justice is done. The owner is able to use the property, and could locate a second storage building because it was moved back and as parallel as possible to the front building.
- 4) Property values are not diminished. Agreed, additional building will not diminish property values.
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The lot is small and the property owner wants to put in a large, functional storage building.

MOTION: Tom Hebert moved to approve **Case 17-09-Z**, a request for a **Variance** under Article V **Dimensional and Density Regulations**, § 143-21 **Table of Dimensional and Density Regulations** to **September 25, 2017** to allow the applicant, Pierre Forcier, dba P G F Commercial Properties to construct a single story 48 feet x 65 foot storage building. The east side of the proposed building will be 10 feet from the rear property boundary where 15 feet is required. The northwest rear corner of the proposed building will be 10 feet from the side property boundary where 15 feet is required. The property is located at 141 Pembroke Street, Map (266) Lot (102), in the R-1A Medium Density-Residential and the AD Architectural Design Zoning Districts subject to the following conditions:

1. Must follow all State and Town Regulations
2. Construction of the building must follow the revised plot plan submitted on September 25, 2017 to maintain the 10 foot rear setback.
3. Upon Completion of the building, a certified as-built plot plan must be submitted before a Certificate of Occupancy will be issued.
4. The building is to be used only for storage and no automotive repair will be allowed in the building.

Dana Carlucci seconded.

VOTE: TOM – YES BRUCE – YES
DANA- YES MARK - YES

MOTION TO APPROVE VARIANCE FOR CASE 17-09-Z WITH CONDITIONS PASSED ON A 4-0 VOTE.

MINUTES OF PREVIOUS MEETINGS

MOTION: Tom Hebert moved to approve the minutes of August 28, 2017 as amended. Dana Carlucci seconded.

VOTE: TOM – YES BRUCE – YES
 DANA- YES MARK - YES

MINUTES OF JUNE 26, 2017 APPROVED AS AMENDED ON A 4-0 VOTE.

OLD BUSINESS

Sign case – No update since oral arguments were heard in Boston MA.

Golf course – This application has been submitted to Planning Board.

NEW BUSINESS

Change to ZBA Rules of Procedure – Everett Hodge provided the updated page for ZBA Rules and Procedures as adopted at the 8/28/2017 meeting.

NEXT MEETING

Date of next ZBA meeting – Chairman Kudrick noted the next ZBA meeting would be on **Monday, October 23, 2017 at 7:00 p.m.**

ADJOURN **Motion:** Tom Hebert moved to adjourn. Dana Carlucci seconded. Vote was unanimous in favor of motion. Meeting adjourned at 7:25 p.m.

Respectfully submitted,
Susan P. Gifford
Recording Secretary