

APPROVED
ANDOVER ZONING BOARD OF ADJUSTMENT
November 20, 2018

Members present: Jeff Newcomb; Julia Rector and Todd Goings; Dan Coolidge joined the meeting at 7:30 p.m.

Also present for duration of appropriate item: Marj Roy, Town Administrator; Chuck Keyser; Selectboard member in an unofficial role; Pat Moyer; Planning and Zoning Administrator; Peter Sanborn; Nan and Bob Davis; Gabi Gonzales; Chris Champagne; Jeff and Kelly Raymond; Jon and Joanne Champagne; John and Cheryl Bentley; Keith Babb; Web Stout, Land Surveyor; Chris Seufert; Attorney for Jon Champagne; Jill and Stephen Colardeau; Seth Greenblott, Attorney for Lois Levick, abutter to Jon Champagne.

Public Hearing: A request from Peter Sanborn for a Special Exception under Article V Section A-2(a) to build a single family dwelling on property bounded by Morey Hill Road and Dawes Road. The property is Tax Map 20, Lot 524,036 in the Forest / Agricultural Zone

Newcomb opened the public hearing at 7:15 p.m. With only three board members present, Newcomb advised Sanborn that he may proceed with a three member board or have the hearing continued to such time as there is a full board. Should Sanborn wish to proceed with three members present, he would need the three votes to be in favor of granting the Special Exception and if he so chooses to appeal a denial of the Special Exception, the appeal cannot be based on a depleted board. Sanborn opted to move forward with a three member board. Chair Coolidge joined the meeting at this time. A tax map was presented indicating the location of the property bounded by two Class VI roads. Sanborn has upgraded the road to the Selectboard and the Road Agents satisfaction. Keyser stated that the upgrade to the road has improved access to the area for rescues, etc. per Steve Barton of the Andover Fire Department. There is currently a foundation from a prior residence on the property which Sanborn will use for the new residence. A notice from the Selectboard was received indicating they are in favor of Sanborn building on the property provided a Special Exception is granted by the Zoning Board of Adjustment. A memo from Paul Currier of the Planning Board was distributed. There being no further discussion, the public hearing was closed at 7:30 p.m. Newcomb made a motion to approve the Special Exception. Rector seconded the motion and the board voted unanimously in favor of approving the Special Exception and the board voted unanimously to approve the Special Exception.

Public Hearing: A request from Peter Sanborn for a Variance under Article IX Section E-1 for road frontage on a Class VI road or better. The property is Tax Map 20, Lot 524,036 in the Forest / Agricultural Zone

The public hearing was opened at 7:35 p.m. Keyser stated that due to there being no Class V road frontage, per RSA: 67 the applicant cannot sue the town for lack of services and this will be included in the deed for the property. Keyser reiterated that the upgrade to the road has improved access to the area. There being no further discussion, Rector made a motion to grant the Variance. Newcomb seconded the motion and the board voted unanimously in favor of granting the Variance.

Public Hearing: A request from Todd and Tara Jackson for a Variance under Article VI Section F to construct a garage. The property is located at 19 Ives Road and is Tax Map 20, Lot 008,410 and is in the Village Zone

The public hearing was opened at 7:46 p.m. Moyer stated that the applicant was not present; however, they could be reached by phone. Chair Coolidge stated that because this was a public hearing, any input from the applicant required the applicant to be present so that the persons present at the hearing could hear the applicant. Newcomb stated that if the applicant is not present, the board move on to the next item on the agenda. The public hearing was closed at 7:47 p.m. with no action.

Public Hearing: A request from Jon & Joanne Champagne, Chris Champagne and Jeff & Kelly Raymond for a Special Exception under the Andover Excavation Regulations adopted June 25, 2002 and under NH RSA:155-E to allow gravel and stone excavation. The properties are 235 Salisbury Highway and 242 Bay Road, Tax Map 20, Lot 443,037; Tax Map 4, Lot 507,061; and Tax Map 4 Lot 493,037 in the Forest / Agricultural Zone

Coolidge opened the hearing at 7:48 p.m. Coolidge inquired as to what jurisdiction the Zoning Board of Adjustment has over excavating. It was stated that it is a 2-step process; the first step is to acknowledge and accept the application as complete and the second step is if the application is complete, a hearing is to be scheduled for the board to act on. Coolidge also stated he is unsure what the standards are for excavation. Seufert stated that there was a 2002 version of gravel regulations; however, they do not appear in the current Zoning Ordinance. Newcomb stated that the board should hear the proposal and public input and Coolidge responded that the Zoning Board of Adjustment does not have jurisdiction to act as to whether the application is complete - it is the Planning Boards jurisdiction. Coolidge stated that due to less than a full board, the applicant can choose to proceed with four voting members of the board and would need a majority vote in favor in order to have the application approved or continue until December 18, 2018 with a full board. Should the applicant opt to move forward with less than a full board, if there is a denial of the application, the applicant cannot appeal based on less than a full board. Champagne and Seufert discussed and elected to not go forward with a depleted board. Seufert stated the Zoning Board of Adjustment needs to get legal determination as to whether the Excavation Ordinance is in effect and if so, the board needs copies of the actual ordinance. The public hearing was continued to Tuesday, December 18, 2018.

Organization of the board

Rector nominated Dan Coolidge as Chair of the board. Goings seconded the motion and the board voted unanimously in favor of Dan Coolidge as Chair of the board. Rector nominated Duncan Coolidge as Vice-Chair of the board. Goings seconded the motion and the board voted unanimously in favor of Duncan Coolidge as Vice-Chair of the board.

Minutes of December 19, 2017

Rector – Motion to approve as amended

Newcomb – Second

Vote – Unanimous

Minutes of September 18, 2018

Rector – Motion to approve

Newcomb – Second

Vote – Unanimous

There being no further discussion, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Lisa Meier, Secretary

Andover Zoning Board of Adjustment

