

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
April 2, 2020**

PRESENT VIA ZOOM MEETING: Wendy Juchnevics-Freeman, Chairman, Walker Farrey, Vice Chairman, David Lage, Danielle Sikkila, Lori Rautiola, Secretary

ABSENT: Stan Long

The meeting was called to order at the Town Office at 7:00 p.m. through ZOOM. Lori Rautiola, secretary, was present at the Town Office with the applicant, Michael Sauvola. Wendy gave Mr. Sauvola the option to postpone the hearing due to having a four member Board. Mr. Sauvola stated he would like to proceed.

7:00 p.m. Michael and Bethany Sauvola, Public Hearing for a variance application: A variance application has been submitted to Article XII section B of the Zoning Ordinance to allow three apartments within his existing barn (formerly Wood & Things) which is no longer connected to the dwelling. The applicant stated the proposed unit would have a separate septic system and well. There will be two entrances to the building and ample parking spaces. The applicant displayed a proposed site plan showing the driveway coming in the back of the property off Nashua Road with a large parking area about 40 feet away from the Road. He added the new septic system would be installed between the barn and the dwelling.

The floor plan was discussed. Wendy questioned the amount of egress on the two upper level apartments; she continued stating those two units should have two means of egress and this proposal only shows one. The applicant asked for verification on egress requirements. David mentioned the applicant should check the state fire code on the means of egress but ultimately it would be in the purview of the Building Inspector. Wendy stated she wants to make sure the facilities would be adequate and she is confident the unit will need two forms of egress. Walker stated the Board could place a conditional approval that it meets state fire code for egress. Wendy added she would be concerned what the appearance of the building if the applicant had to add several staircases to the outside of the building. David mentioned the staircase would most likely be outback and not visible from the road if one was needed at all. The applicant stated the appearance of the building would not change much, except to improve the look of the building with new paint, new windows and doors.

The five criteria for a variance were reviewed:

- 1) The proposed use would not be contrary to the public interest because the town needs affordable housing. David stated in his opinion he would rather see this proposal verses tearing the barn down and replacing the structure with an apartment building and this proposal seems to fit within the characteristics of the rural district. The Board discussed the use of multi-family dwellings in the rural district. The density controls limits were also discussed. The calculations for the rural district are for every 2 acres you need 30,000 square feet. Walker determined the applicant had 112,820 sq. ft. at 2.5 acres, about 7,000 sq. ft. short. David added that is minimal. The applicant stated he would like to have the three units but due to the density controls he would reduce it to two units.
- 2) The use is not contrary to the spirit of the ordinance because the unit is existing already and the applicant is trying to keep the unit to fit within the rural character of the town. David stated this proposal fits the spirit of the ordinance in that way; adding, the building is well suited for

apartments. Wendy stated since the house is historical the surrounding buildings should fit within that character. The applicant stated he will improve the look of the barn by adding shiplap siding, new windows and paint. Mr. Sauvola stated he would like the unit to look more like a barn and not an apartment building and was willing to make that a condition upon approval.

- 3) Granting the variance would do substantial justice because it would benefit the town by having additional dwellings. Wendy noted the building could be turned into a commercial use but keeping the appearance of a barn would be a much better fit.
- 4) The proposed use would not diminish property values because the applicant will be improving the look of the property. Repairing the barn look will not diminish property values.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship...
 - a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of the provision to the property because it would create an unnecessary hardship to the owner because the owner would not be able to utilize the large building and denial of the variance would limit the use of the building.

Wendy stated there would be some conditions upon approval of the variance application. Members agreed on the following conditions:

- 1) The ability for a well to be installed specifically for the apartments.
- 2) A septic system will be installed to meet state approval.
- 3) The apartments must meet all state fire codes regarding egress.
- 4) To keep the character of the "barn-like" appearance.

David made a motion to close the public hearing and enter into deliberations. Walker seconded the motion and it passed unanimously.

The Board discussed the criteria. David stated people are leaving town to find housing because there is not a lot available in New Ipswich for affordable housing or rental units; adding, it is in the public's best interest to allow this proposal. Walker and Danielle agreed. Wendy stated her thought process had changed, the building is very large and could be utilized as a store or commercial warehouse or something of that nature. She continued stating granting the variance would do justice to the property, and it is not contrary to the ordinance given the conditions the Board has placed on the proposal. Walker noted the appearance of the building will be an improvement from what is there now. Danielle and David agreed. Wendy stated granting the variance would do justice to the property. David agreed, adding it will add to the tax base for the town and it will most likely improve property values. Danielle added the applicant has already improved the appearance of the property and refinishing the barn would be an improvement.

David made a motion to approve the variance with the conditions mentioned above. Walker seconded the motion and it passed unanimously.

The minutes of the March 5, 2020 meeting were reviewed. David noted in the first paragraph change the words "three bedroom apartment" to "three apartments with the existing barn". It was also noted to add that David Lage recused himself from the public hearing for Sean Ward, 599 Turnpike Rd.

Respectfully submitted,

Lori Rautiola