

**Zoning Board of Adjustment Public Hearing
Richmond Veterans Hall**

December 10, 2014

7:00 PM

Members Present

Mark Beauregard, Vice Chair
Sandy Perry
Chris Daughtery, Alternate

Members Absent

Alan Schmidt, Chairman
Lloyd Condon
Jean Tandy

Public: Richard Drew, Nancy Lescynski, Hank Lescynski, Sandra Holbrook, Norma Thibodeau and Joe Thibodeau.

1. Meeting called to order/roll call:

Vice Chair Beauregard called the meeting to order @ 7:10 PM. Chris Daughtery seated for Alan Schmidt.

2. Public Hearing, Map 201 Lot 011:

Public notices sent by Certified mail non return receipt on 12.1.14.

Public posting inside and outside of the Richmond Town Hall and the Richmond Veterans Hall 12.1.14

Public announcement in the legal section of the Keene Sentinel 12.2.14

Vice Chair Beauregard briefly described how the Public Hearing would be handled.

Map 201 Lot 011 owned by Richard A. and Alice M. Dickinson Revocable Trust located at 42 Fitzwilliam Road, Richmond, NH is requesting a variance from Article 4, Section 405.4 of the Richmond Zoning Ordinance.

Included was authorization from the applicant to allow Richard Drew to represent this application at the public hearing.

Richard Drew addressed the Zoning Board of Adjustments stating that Map 201 Lot 011 presently has 7.9 acres. Mr. Dickinson would like to create a lot containing 2.90 acres next to his lot and retain 5 acres with his home. He would like to donate the 2.9 acres to the Historical Society for a future building for the Society to display and store some of Richmond's History. Total frontage on the proposed lot would be 257 feet. Mr. Drew made note that at this time many lots in and around the immediate area of the proposed subdivision were less than the required 3 acres.

The map indicated a 24' X 40" rectangle on the front east side of the map suggesting a potential site for a future building. This site would sit just outside of the 75' wetlands buffer. Included with the application is a letter from Sharon Monahan, Site Succor Design LLC located in Peterborough, NH. The letter indicates that with the location of the building in the front of the lot would not affect the wetlands as long as it could meet all local and state setback requirements for the septic and well. The proposed lot can meet the requirements of the Richmond Zoning Ordinance Article 4, Section 405.5 for a squared of at least 250' per side.

Monahan continued that there is no upland square along the road, but there is beyond the brook and a wetlands permit could be obtained from DES to cross the brook to access build able land and meet all setbacks. This change

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would also require Richmond Zoning Board and Richmond Conservation Commission action further in the process.

The ZBA asked why the other 1/10th of an acre couldn't be added to the 2.9 to meet the Richmond Zoning requirements. Mr. Drew told the board that a lot of 5 acres does not require State subdivision approval. This would involve undo costs associated with two State applications for Subdivision unless one lot stayed 5 acres. Mr. Drew was under the impression that this would force undo hardship on the applicants. The ZBA clarified that the hardship can not be financial but must do with the land or other natural factors pertaining to the property.

The ZBA also asked that the application be changed, at this time it suggests that the building would be used for the storing and displaying of the Richmond Archives. The Richmond Archives and the Historical Society are two different entities. One is owned by the Town and the other is a nonprofit private society. Monahan's wetland delineation also refers in her letter that this is for the Historical Archives Building and the ZBA would like to clarify this is for the Historical Society not the Richmond Archives.

The ZBA clarified that lots located in that area that are less than 3 acres were existing lots not lots that were newly subdivided.

Mrs. Thibodeau added that the area around 4-Corners has been determined to be the Middle Town District and this kind of building housing the Historical Society would fit into the future plan for the Middle Town District. She went on to explain to the board that the Historical Society had other options but this seemed to fit in the area.

The New Hampshire Municipal Association located in Concord, NH was contacted on December, 9, 2014 and asked "if the ZBA created a non-conforming lot for Historical Society use if conditions could be placed on the property through the granting process". The concern of the ZBA was not having the land used for the purpose of intent and being sold as a residential building lot. The ZBA was advised that it has the powers to limit uses to just the Historical Society and if the land isn't used for that purpose it can be returned to the donating owner. The ZBA could also put a time frame on the progress of the building and when that timeframe neared the end and if the work wasn't completed then the Historical Society could return asking for further relief.

It was suggested that the applicant file deed restrictions on the property that it can only be used by the Historical Society and if that doesn't evolve the property will be given back to the original lot. This would be an agreement between the applicant and the Historical Society.

The Historical Society was asked to return to the board with a reasonable timeframe for completion of their building. The ZBA would create wording to allow the new lot to only be used by the Historical Society for its building and no other use.

Public Hearing continued until January 7, 2015 at 7:00 PM Located at the Richmond Veterans Hall.

3. Minutes November 12, 2014

It was decided to table minutes until the meeting of January 7, 2015 as there was not a quorum who attended the November 12th meeting to vote.

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4. Application update:

At this time no new progress has been made on the application process. Board members will be prepared for the next meeting to address this issue.

5. Town Report 2014:

Sandy Perry will make a copy of the past Town Report submissions for Vice Chair Beauregard and the Land Use Assistant to submit to the Selectmen. Information on the past years hearings will be collected.

6. Other:

Motion made by Sandy Perry to adjourn the meeting. Seconded by Chris Daughtery. All in favor. None opposed. Motion carries.

Meeting adjourned @ 8:10.

Respectfully Submitted,

Kandace Mattson.