The Zoning Board of Adjustment met at 7:11 PM for a public hearing on Suzan Macy’s variance application. Susan opened the meeting and introduced the members of the board for this meeting. Present were Chair Susan Phillips-Hungerford, Mary Langen, Paul Delphia, Michelle Knapp, and alternates Bill Guerney and Susan Peters. Susan discussed with the board when the next meetings could be scheduled. Susan appointed Bill Gurney as a full member for tonight’s meeting.

The secretary read the public notice that was published in the Ledger/Transcript on May 3, 2016 and posted at Town Hall, Dublin Post Office, Dublin General Store and the town’s website. Certified letters were sent to all the abutters and all but four return receipt cards have been received back.

Susan explained how the public hearing would proceed with the applicant speaking and then any for or against will be given a chance to speak. After all public input has been received the public hearing will be closed and the board will deliberate on the application.

Suzan Macy explained the layout of her land and the field that she would like to protect. She would like to sell her house with 12 acres and build on the remaining 93 acres. She used three slides to show the layout of her property and explained that with the present 250 feet frontage requirement, the field could be destroyed since the property line would cut across 1/3 of the field. She felt it would be detrimental to the field, to Dublin’s scenic gateway since her property is the first one in Dublin after the Jaffrey/Dublin town line. She explained that the layout of the land is difficult to work with because of wetlands, as well as some steep contours, as well as trails on the property. She would like to leave it the way it is as much as possible but still sell the house with adjoining property. The house would still share a driveway with any new building because the frontage out on Lower Jaffrey Road does not have the required 400 feet site clearance as required on a state road.

Susan P-H asked the applicant to cover each of the five points required for a variance which Suzan Macy did with the following explanations.

1. Suzan stated that the variance follows the spirit of the ordinance and there are no injuries in any way to the public. In fact it makes Route 137 exit and entry safer since there is not a 400 foot sight distance for a driveway if the 250 foot frontage requirement was followed.

2. It is not contrary to the spirit of Article VIII, section B.2. The spirit of the ordinance is to preserve the rural character of the rural zone and provide access to a lot, which this variance would do.
3. Substantial justice would be done as there would be no harm in any way to the general public or other individuals. The only change is that would be two lots accessing on a shared driveway versus two lots and two curb cuts on Route 137. The benefit to the town would be to preserve the publically visual scenic gateway view for people driving into Dublin from Jaffrey as well as preserving the majestic view from Suzan’ potential building site.

4. Suzan shared that although she was not an expert on property values she was sure the variance would not change property values in the neighborhood because visually things would remain pretty much the same. The variance would keep the present driveway arrangement and preserve the scenic gateway for herself and the neighbors.

5. The purpose of the 250 foot frontage requirement in the ordinance in the rural zone is to: 1) prevent an overcrowded look, 2) preserve the rural character and 3) provide access to the lots. This restriction does not serve the purpose in this case, “in a fair and substantial way”, as applied to her property because: 1) a variance would protect and preserve the rural character because there would be no need for a new driveway and no potential structure or residence on the 250 foot long by 200 foot deep frontage ordinance areas which would cut out one third of her field. 2) The present existing driveway would provide access to the new lot as a shared driveway. 3) The difficult topography, difficult shape of the lot, significant amounts of wetlands all create an unnecessary hardship if the variance was denied. The 250 frontage requirement would require another unsafe driveway. A 250 foot frontage requirement would serve no purpose in fulfilling the spirit of the ordinance in this case, and would unnecessarily destroy the beautiful field.

Leslie Whone spoke in favor and shared how she lives on Korpi Road and the site distance coming on to 137 from Korpi Road out on to 137 is already a safety hazard. If a driveway went in across the road it would be doubly a problem and could be dangerous.

Sean Macy, Suzan’s son, lives across the street and spoke in favor of the variance since he saw the beauty of the field which he would not like to see destroyed. He also shared that the present driveway is much safer for those driving since there is a good site distance and the fact that vehicles tend to speed on that road.

Eva Caron, an abutter from Jaffrey, asked some questions since she came in late, and missed Suzan Macy’s original presentation.

Tom Johnson an abutter from across the street spoke against variance because he felt the process should go through the Planning Board and that the Planning Board had adequate opportunity to waive the frontage requirement. He was concerned that the remaining frontage could be used for many more lots with more inadequate frontage requirements. Suzan Macy explained that she had already gone to the Planning Board and they had sent her to the ZBA if she wanted a reduced frontage requirement. Susan P-H explained what role the ZBA plays and how the Planning Board would be involved with a sub-division. Mary shared that any case like this does not open the door for other applications, since each one is decided on the merits of that individual situation.

Lisa Johnson spoke against the variance because she felt it would negatively impact the future buyer of the lot that presently has a house on it. She thought that the ordinances requiring frontage protect future owners from odd exceptions.
Suzan explained that she was not planning to do more than one lot but use the remaining land for her family in the near future.

Mary Langen asked what the frontage would be of the newly created lot. Suzan explained that it would be at least 40 feet. She chose that figure because that is what is allowed for a back lot in the Village District.

Tom Johnson asked why the frontage requirement would allow for another building site and asked was there not another way to accomplish the same thing? Suzan answered why she did not want to follow another approach because of the complications they present.

Susan closed the public hearing at 7:58 PM.

Susan P-H pointed out to the board why zoning ordinances are used and read from the State Planning Board handbook. She spoke about the purpose for which road frontage is required to keep from overcrowding and pointing out that this application fit into the spirit of the ordinance. As to the issue of hardship, the board needed to consider the wetlands, the view, and the preservation of the field.

1. Mary spoke that it would not be contrary to the public interest because it would preserve the scenic gateway.
2. The spirit of the Ordinance would be preserved because there would be no change to the appearance and it would preserve the rural character.
3. Substantial justice would be done. There would be no harm to the public and public safety would be enhanced by limiting to one driveway rather than two.
4. The values of surrounding properties would not be diminished and the safety of the neighborhood would be enhanced not to have another driveway out on to Route 137. It is difficult to determine whether it would enhance the value of the lot with the present house.
5. Hardship is determined by the shape of the lot, the wetlands, and the topography. Holding to the present frontage requirements does not advance the spirit of the ordinance. RSA 674:33, I (b) (5)

Paul moved that a variance be granted from Article VIII, rural zone, Section B.2 to allow that frontage requirement of 250 feet be reduced to 40 feet for Suzan Macy, Map 4, Lot 1, 523 Lower Jaffrey Road, Route 137. Bill seconded the motion. The motion passed unanimously.

At 8:10 PM Bill moved and Paul seconded a motion for adjournment. The motion passed.

Respectfully submitted,

Neil R. Sandford
Secretary