The ZBA met for a site visit at 1533 and 1541 Main Street, Map 8, Lot 24 at 6 PM. Present were Susan Peters, Paul Delphia, Mary Langen, Michelle Knapp, and Susan Phillips-Hungerford. Howard Shafman, Matthew W. Cabana, Randy Santos, Joe Russell, Robin Clifford and Michael Clifford also attended. Howard gave a guided tour explaining the plans to make one two bedroom apartment and two one bedroom apartments upstairs in the barn. It was evident that there is a lot of room that could easily be converted into three usable living spaces. Then the board toured the back half of the house where the proposed additional apartment would be. They went upstairs and downstairs and saw the existing kitchen. Various questions were asked and answered and the board could readily visualize the proposal.

The Zoning Board of Adjustment met for a public hearing for a Variance and two Special Exceptions for the Clifford’s property presented by Howard Shafman for the property at 1533 and 1541 Main Street, Map 8, Lot 24. Present were Susan Peters, Paul Delphia, Mary Langen, Michelle Knapp, and Susan Phillips-Hungerford. Jerry Bird and Bill Gurney did not attend. See attached list for attendees.

Susan Peters opened the meeting at 7:00 PM. She referenced the letter from Matt Serge. The secretary communicated that Greg Dumas had waived the thirty day requirement and agreed to the public hearing for his variance to be held on January 25, 2018. The board discussed whether to have a site visit since the road may not be plowed. Individual members may do a site visit ahead of time. Mary pointed out that the dimensions need to be clarified on the plot plan because they do not add up correctly as they are on the present plot plan. The secretary will send a letter to the applicant asking for clarification. The board discussed the annual ZBA report for the town report. Susan Peters will draft something for review.

Paul moved and Mary seconded a motion to appoint Neil Sandford as secretary until the first meeting after town meeting. The motion passed unanimously. Mary suggested that Neil be appointed as an alternate. Susan will research whether he is eligible to serve as an alternate and contact the town attorney, if necessary.

Minutes from ZBA Meeting on November 30, 2017
The board reviewed the minutes. Susan Phillips-Hungerford and Michelle noted minor editorial changes. Susan Phillips-Hungerford moved to accept the minutes as amended. Michelle seconded the motion and it was approved unanimously.
Variance Application from Howard Shafman for the property at 1533 Main Street, Map 8, Lot 24

Chair Susan Peters opened the public hearing at 7:16 PM for the variance and reviewed the rules of procedure for the public hearing.

At the chair’s request, the secretary read the public notice that was posted on the town website, at town hall, the Dublin Post Office, the Dublin General Store and Cheshire Oil Store. The secretary informed the board that of the seven abutters, four cards have not been returned. He mentioned that the delay due to the selectmen’s postal requirements may be a contributing factor since one of the abutters lives in Colorado.

Susan Peters read the ordinance and noted that a variance is required because the ordinance does not allow the addition of three primary living units under the conditions of this application. Howard Shafman explained how he wanted to put three rental apartments upstairs in the barn. He explained that the footprint of the building would not change. There would be upgrading of the landscaping and siding but no change to the dimensions of the structure. The two business uses downstairs would stay the same. He went through his application and explained each of the five points. Mary asked what made the property unique. Howard explained that it is unique for being historic, built in 1821 and one of the first commercial properties seen when approaching Dublin village from the east. As an investor, Mr. Shafman intends to hold onto the property and not sell after improving. The proposed changes would not affect any abutters as it would not result in increased traffic over the traffic from previously approved commercial uses. The property is on 101 as a busy highway. Susan stated a preference to stipulate the size of the apartments, including two one bedroom and one two bedroom apartments, rather than referring to them simply as rental apartments. Susan asked how long the property has been on the market and Howard mentioned it had been for sale for several years. The septic system was upgraded in 2014. The septic plan was reviewed, and it was pointed out that the Planning Board has oversight of site plan review and septic system is not part of the ZBAs decision. Susan Phillips-Hungerford noted that all state and local requirements for multi-family buildings should be complied with.

Robin Clifford shared that there is a real need for small rental apartments. Affordable housing is a significant need in Dublin as earlier studies have indicated.

Susan Phillips-Hungerford noted that the undue hardship that is unique to this property must be proven to the Board’s satisfaction. Susan Peters noted that the property appears to have been underused in recent years and has been on the market for several years. Mary noted the uniqueness in that the barn has already been divided up into multiple commercial uses and that it borders two main roadways. The property is unique in its existing mixed commercial and residential use. The existing conditions with the large parking area were also noted by Michelle. The parking area is also currently underused. The Master Plan calls for more entry level housing, or smaller rentals. Mary noted that under the state requirements these issues are considered reasonable needs in considering a variance application. Susan Peters noted that the requirement is that granting the variance would not change the surrounding properties. The barn has already being approved for the hair salon, coffee shop and art gallery and adding the apartments would not adversely impact the neighborhood because of what is already there. Swapping out one approved commercial use and adding three apartments would be a gain to the public good. Mary noted that this speaks to the spirit of the ordinance since the ordinance calls for a scenic gateway and this would not adversely affect that and could added to the scenic gateway.

An opportunity was given for anyone in attendance to speak and no one wanted to speak. Susan Phillips-Hungerford moved and Michelle seconded a motion to close the public hearing at 7:45 PM. The motion passed.
1. Granting the variance would not be contrary to the public interest. The board discussed and noted that it will not change the traffic pattern or amount of use from what is already approved for that property.

2. If the variance were granted, the spirit of the ordinance would be observed. The board noted that the spirit of the ordinance calls for more small rental units in town and multiple uses for small businesses are encouraged in the Master Plan.

3. Granting the variance would do substantial justice because: The public good would be gained by small rentals and since it is near to the store nearby, activity in the area would not be substantially changed.

4. If the variance were granted, the values of surrounding properties would not be diminished because. The value of surrounding properties would not be affected since what is already is there would not be substantially changed and if anything the improvements could increase values.

5. Unnecessary Hardship: The unique history and location of the property would hinder its legitimate use if the variance were denied. There is not an alternate use that the board could see as being a better use.

Susan Peters crafted the following motion: Mary moved and Paul seconded a motion to grant a variance to Article IV Section N.2 to allow two one bedroom apartments and one two bedroom apartment within the existing footprint of the barn at 1533 Main Street, Map 8, Lot 24, subject to all the state and local codes for existing structures including and without limitation, site plan review.

At 8:07 Susan Peters opened the public hearing for the Special Exception under Article XII Section E.1(b) to allow three living units in the barn located at 1533 Main Street, Map 8, Lot 24. Howard Shafman explained again the plans for the small rental units in the barn, with two one bedroom units upstairs and one two-story two bedroom unit. Nothing will change the present state or affect the neighborhood. The plan would improve the availability of small rentals in Dublin and no adverse impact would result from this use, since traffic will remain about the same. Improvements could increase property values. This application covers the same plan as the variance for two one bedroom apartments and one two bedroom apartment upstairs, situated over the present commercial uses downstairs. The footprint will not change and it is an appropriate use in the rural zone. Various points were already discussed under the variance application. Susan Phillips-Hungerford noted that the ordinance specifies that NHDES septic requirements should be met, and that should be noted in the approval.

Susan Phillips-Hungerford moved and Paul seconded at motion to close the public hearing at 8:19 PM. The motion passed.

Mary moved to grant a special exception to Article XII Section E.1(b) to allow two one bedroom and one two bedroom living units in the existing footprint of the barn located at 1533 Main Street, Map 8, Lot 24, subject to complying with NHDES septic requirements. Susan Phillips-Hungerford seconded and the motion passed unanimously.

Susan Peters opened the public hearing for the Special Exception to Article IV. Section N.2(c) at 8:23 PM for 1541 Main Street, Map 8, Lot 24. Howard explained that the footprint won’t change and that two primary living units can easily be created by closing off two doorways and adding a kitchen to the
main part of the house. Nothing is being changed to adversely affect the neighborhood and there are no known problems. Susan Peters noted that the site visit showed the use is reasonable given the existing size and layout of the house, and that the footprint will not change. Susan Phillips-Hungerford noted that there is an existing setback violation from 101 that has been grandfathered by its present use. If an addition were proposed to be added in the future, the grandfathered setback would need to be noted and addressed. Further questions were asked of Howard. At 8:30 Michelle moved to close the public hearing, seconded by Susan Phillips-Hungerford. The motion passed.

The board discussed a motion. Mary moved to grant a special exception to Article IV Section N.2 (c) to allow two primary living units in a grandfathered single unit dwelling located at 1541 Main Street, Map 8, Lot 24, subject to complying with all the local and state codes that pertain. Michelle seconded the motion. The motion passed unanimously.

Michelle moved to adjourn at 8:50 PM. It was seconded by Susan Phillips-Hungerford and the motion passed.

Respectfully submitted,

Neil R. Sandford
ZBA Secretary