

**ZONING BOARD OF ADJUSTMENT MEETING MINUTES**  
**Wednesday, November 4, 2015**

**CALL TO ORDER:**

D. Gravel called the meeting to order at 7:01pm.

**ROLL CALL:**

The following members were present: D. Gravel D. Day J. Marshall C. Hodges W. Rose

Staff Present: N. Decoteau, Admin Assistant

**APPROVAL OF MINUTES:**

**MOTION: "To approve the minutes of October 29, 2015 as amended."**

Motion: W. Rose

Seconded: J. Marshall

Discussion: Changes made:

1. Page 2 - adding the word "and" to the phrase "situation and the general consensus"
2. Page 2 - changing the word "is" to "it" in the phrase "but it seemed logical"
3. Page 3 - changing "W. Rose" to "C. Hodges" in the phrase "C. Hodges suggested checking with the E911 system"

Motion Passes: 5 – Yes, 0 – No

**PUBLIC HEARING:**

D. Gravel opened the Public Hearing at 7:03pm.

The following notice was read into the record:

Public Hearing: Equitable Waiver/ Public Hearing continued from October 29, 2015.

Public Hearing to consider the application submitted by property owner Robert H. McDonough Trustee of the B.K.M.M. Realty Trust for an Equitable Waiver from *Article V: Dimensional Requirements* as reflected in the Table of Dimensional Requirements to maintain the preexisting non-conforming multiple use of property identified as Map 6 Lot 2-21 located at 3261 US Rt. 3 in Thornton, NH. Said preexisting non-conforming multiple use includes usual uses in the Industrial II zone on the first floor and two 1-bedroom apartments on the second floor.

R. McDonough submitted a letter from NHEC dated November 3, 2015 which stated the following:

*RE: 3261 US RT 3, Thornton, NH*

*Dear Mr. McDonough,*

*This letter is to confirm that there were three meters at your property through December 2001.*

*Regards,*

*Robyn, Member Solutions, NHEC*

R. McDonough stated it was not an easy process to obtain information from NHEC and added that NHEC would not produce the actual bills for the three accounts as they were not in his name.

J. Marshall asked what existed when R. McDonough purchased the property and what exists today.

R. McDonough stated a commercial space on the first level and two one-bedroom apartments on the second level were in existence when he purchased the property and that the building is currently the same.

R. McDonough submitted a listing sheet from Coldwell Banker Old Mill Properties for the subject property dated August 5, 2002 which included the following statement in the Remarks section: *"Neat, new and clean – No cares! Proven income in this light, airy building. Views. Quick to Waterville Valley and Loon. Good for antique shop or small business. Two 1-bedroom apt units 2<sup>nd</sup> floor."*

R. McDonough stated that he has not made any changes to the building and that the listing sheets states the condition of the building at the time he purchased it.

C. Hodges stated his opinion that the letter from NHEC and the listing sheet adequately support the claim the two one-bedroom apartments have existed for more than ten years.

D. Day and J. Marshall agreed.

W. Rose agreed and added that the listing sheet demonstrates that the first floor commercial space and the two one-bedroom apartments were part of how the building was being presented for sale at the time R. McDonough purchased it.

W. Rose added that even if the fact that the building has had the commercial space and two one-bedroom apartments for ten years without any enforcement action had not been established, the listing sheet provides an opportunity to discuss the possibility that the request for an equitable waiver would meet the criteria listed in NH RSA 674:33-a I (a) and (b).

**MOTION: "To include the letter from NHEC dated November 3, 2015 and the listing sheet from Coldwell Banker Old Mill Properties for the subject property dated August 5, 2002 as exhibits into the record."**

Motion: C. Hodges

Seconded: D. Day

Discussion: None

Motion Passes: 5 – Yes, 0 - No

J. Marshall asked if a notice of decision should include the limitation that the lower level is only to be used as commercial space and the two one-bedroom apartments have to remain as such.

W. Rose stated that including the language used in the notice states the use that is approved for the building.

C. Hodges added that a review of the record which would include the minutes would reflect the fact the equitable waiver is for the commercial space on the first level and two one-bedroom apartments on the second level.

**MOTION: "To grant an Equitable Waiver from Article V: Dimensional Requirements as reflected in the Table of Dimensional Requirements to maintain the preexisting non-**

conforming multiple use of property identified as Map 6 Lot 2-21 located at 3261 US Rt. 3 in Thornton, NH per the application submitted by property owner Robert H. McDonough Trustee of the B.K.M.M. Realty Trust. The preexisting non-conforming multiple use includes usual uses in the Industrial II zone on the first floor and two 1-bedroom apartments on the second floor. The decision to grant the Equitable Waiver is based on the evidence presented which shows the applicant has met the criteria set for in NH RSA 674:34-a.”

Motion: W. Rose

Seconded: D. Day

Discussion: None

Motion Passes: 5 – Yes, 0 - No

**ADJOURNMENT:**

The following motion was made at 7:25pm:

**MOTION: “To adjourn.”**

Motion: C. Hodges

Seconded: J. Marshall

Discussion: None

Motion Passes: 5 – Yes, 0 – No

Respectively Submitted,  
Nancy Decoteau

TOWN OF THORNTON  
*Zoning Board of Adjustment*

**AGENDA**  
**Wednesday, November 4, 2015**  
**7:00PM**

**CALL TO ORDER:**

**ROLL CALL:** David Gravel, Chairman      William Rose, Vice Chairman      Dennis Day, Member  
Joan Marshall, Member      Chris Hodges, Member

**APPROVAL OF MINUTES:** October 29, 2015

**PUBLIC HEARING:**

**7:00PM Public Hearing: Equitable Waiver (continued from October 29, 2015)**

Public Hearing to consider the application submitted by property owner Robert H. McDonough Trustee of the B.K.M.M. Realty Trust for an Equitable Waiver from *Article V: Dimensional Requirements* as reflected in the Table of Dimensional Requirements to maintain the preexisting non-conforming multiple use of property identified as Map 6 Lot 2-21 located at 3261 US Rt. 3 in Thornton, NH. Said preexisting non-conforming multiple use includes usual uses in the Industrial II zone on the first floor and two 1-bedroom apartments on the second floor.

**NEW BUSINESS:**

**COMMUNICATIONS AND MISCELLANEOUS:**

**OTHER BUSINESS:**

**ADJOURNMENT:**

# Zoning Board of Adjustment

November 4, 2015

SIGN IN SHEET (Please Print)

1	<u>Robert McDonough</u>	25
2		26
3		27
4		28
5		29
6		30
7		31
8		32
9		33
10		34
11		35
12		36
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15		39
16		40
17		41
18		42
19		43
20		44
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24		48