

**TOWN OF EAST KINGSTON, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT MEETING MINUTES**

November 17, 1998

AGENDA

7:30 Michael & Ardith Polletta – 61 Main Street– Variance from Article VI.C

FILE
(1998-11)

Members attending: Chairman John V. Daly, David Ciardelli, and Alternate Peter A. Riley.

Absent: Norman Freeman, David C. Boudreau, Edward Cardone, and Alternate Charles F. Marden.

Others attending: Michael & Ardith Polletta, Dennis Quintal, and Marjorie & Merrill Damon.

Michael & Ardith Polletta–61 Main Street – Variance from Article VI.C: Chairman Daly opened the public hearing at 7:42 p.m. for Michael & Ardith Polletta's request for variance from Article VI.C of the East Kingston Zoning Ordinance.

Every building shall be set back from the front property line at least 30 feet or where existing buildings on adjacent lots are in reasonable close proximity to each other to the line of said existing buildings. Every residence shall be at least 25 feet from adjacent side and rear property lines. All other buildings (garages, sheds, etc.) shall be at least 10 feet from adjacent side and rear property lines.

The applicants propose to construct a front entry addition to the home to allow safe exit from and convenient entrance through the front door.

Chairman Daly advised the applicants that under RSA 674:33, three votes are necessary to decide in favor of any matter before the board. Because only three members are present, a unanimous vote of the board would be necessary to grant the variance request. Since there is not a full board in attendance, the chairman may give the applicant the option of postponing the hearing until all (or more) members are present. He further explained that should the applicant choose to proceed with the hearing, a three member board cannot be the grounds for a rehearing in the event the variance is denied. He then designated Mr. Riley to participate in any voting matters before the board this evening.

Mr. & Mrs. Polletta stated that they understood the options before them and elected to continue the meeting with board members as present.

Mrs. Polletta went on to say that the purpose of requesting a variance was to construct a safer exit from and a convenient entrance to the front of the house. She then presented pictures showing the present front entrance and the proposed addition. She explained that there is only room for one person to exit the home through the front door and because of the location of the front stairway and front door. Once the door is open, it blocks the entry of a second person. The door must be closed after to first person exits in order for a second person to exit. She stated that should there be an emergency to exit the home by the front door, problems of safe passage could arise. Mrs. Polletta continued to say that the home has been in existence for over 200 years and that she expects it to exist for many more years, which makes the issue more serious. She stated that she is optimistic that the 2.6 feet encroachment on the 30-foot town setback will not impose or harm the town in any way.

Mr. Polletta added that the current front setback is met now and that when the front entry addition is completed it will be about 27 feet from the road, if the road measurement is accurate.

Mrs. Polletta stated that when they purchased the house 35 years ago a larger front porch was there. She stated that the road keeps getting closer, not her house. She then gave examples of other homes in town, including one on her road, that have suffered large frontage losses because of the widening of the road. She stated that she would like to get this addition on before the road encroaches anymore and makes the project impossible. She went on to say that back in 1728 the road was supposed to be widened towards the other side of the road, not her side.

At the chairman's request, Mrs. Polletta addressed the five criteria as follows:

1. *The proposed use would not diminish surrounding property values because it will increase the parcel's property value, thus its property taxes. Since the property will be increased in value, this will also increase the abutter's property value. She stated that there is nothing associated with this proposal to detract it from abutters.*
2. *Granting the variance would be of benefit to the public interest because the value of the property would go up increasing the town's tax base.*

3. *Denial of the variance would result in unnecessary hardship to the owner because of the following circumstances of the property that distinguish it from other properties similarly zoned because the road continues to encroach on the property's frontage as the years go by. She reiterated that they are trying to correct this problem now before the road encroaches too far. Again, the safe exiting of the premises via the front door is a safety issue to be considered. Not allowing a safe front door exit places an additional hardship to the property.*
4. *Granting the variance would do substantial justice because the type of entry addition proposed is consistent with the age and design of the house. She stated that they have put in much time (35 years), effort and money to retain the home's original character. This type of addition is appropriate for this home.*
5. *The use is not contrary to the spirit of the ordinance because the ordinance is written to maintain a buffer between the street and the house. The fences and gardens already in place maintain this buffer. The intent of this ordinance is met.*

Mr. Polletta reiterated that only one person at a time can enter and exit through the front door. He noted the location of a fireplace under the stairs and measurements of the doorway.

Mrs. Polletta stated that it is possible to herd people into an adjacent bedroom to open and close the door behind them. She questioned what would happen should an emergency to exit through the front door arise. She again stated that this proposal was for a safe exit and convenient entrance.

At Mr. Riley's inquiry, Mrs. Polletta stated that the proposed addition is a fully enclosed entrance, which will measure 4'6" to accommodate opening the door.

Mr. Polletta stated that the total encroachment is about 2 ½ feet into the setback and that this will be done inside the fenced in garden area. Another example of a home on Depot/Willow Road was given.

Chairman Daly opened discussion with abutters. Mr. & Mrs. Merrill Damon stated that they had no problems with the Polletta's proposal and that they (Polletta) have continued to maintain their home in an excellent manner. They further stated that this is a safety issue and that the variance should be granted.

Mr. Dennis Quintal stated that he too believes this is a safety issue and that the encroachment of this proposal to the setbacks is far less an impact than all the other examples mentioned. He stated that although he believes the intent of the ordinance is to create a safe buffer from the highway, he is not sure why 30-feet was chosen. He then explained that because the house originally had a victorian porch off the front door, it should be grandfathered. He stated that an addition like the one the Polletta's are proposing should be allowed.

Chairman Daly reviewed the five criteria and noted that all have been met. He also acknowledged a letter submitted by Debra & David Pelley expressing their approval of the applicants' proposal.

MOTION: Mr. Ciardelli motioned to grant the application for variance from Article VI.C allowing the applicants to construct a front entry addition as presented. Mr. Riley second. With no further discussion, the motion passed 3-0.

September 22, 1998 Minutes: With out objections, the board approved the September 22, 1998 Zoning Board of Adjustment minutes as presented.

Joint Board Meeting Minutes: Without objections, the board approved the October 29, 1998 Joint Board minutes as presented.

Bianco Update: Chairman Daly apprised the board of recent action taken by the property owners regarding the August 13, 1998 public hearing. A motion for rehearing was submitted untimely and the matter is now before the Superior Court.

With no further discussion, Chairman Daly closed the public hearing and this November 17, 1998 Zoning Board of Adjustment meeting adjourned at 8:09 PM.

Catherine Belcher

Minutes completed and on file November 18, 1998.