

Town of Winchester
Zoning Board of Adjustment
Minutes
7-5-18

Site Visit: 6:30pm at 21 Ashuelot St. Bill McGrath, Becky Roy, Ken Cole and Mike Doherty were the members present. Linda Hitchcock (realtor) and Dani Soni were present. The board did a walk through the house and property. The proposed layout of the interior and exterior were explained. The board left 6:55pm.

Meeting opened at the Town Hall: 7:07pm.

Members present: Becky Roy, Mike Doherty, Bill McGrath (V. Chair), and Ken Cole. Jason Cardinal and Lou Fox were absent. Margaret Sharra is the Land Use Administrator.

Public present: Linda Hitchcock, Dani Soni, Kevin Bazan, and Brandon Day.

First order of business: The LUA informs the public of the site visit done at 6:30. She reads the hearing notice and notes all certified letters were sent and notices were posted. The owner signed a letter of representation for the applicant. The applicant, Dani Soni who is purchasing it, wishes to convert a 6 bedroom single family home to a 3 unit multifamily dwelling. The property is owned by Craig Croteau and is located at 21 Ashuelot Street, map 26, lot 41. She lists the multiple reasons for the variances; use and density/lot size, and the request for a special exception for a duplex. B. McGrath corrects the lots size she stated, the lot is .38 not .75. There is a lengthy discussion on lot sizes required. 40,000 square ft lot size is the minimum needed for multifamily. There is 83ft of road frontage.

B. Roy moves to accept the application as complete, K. Cole seconds. The vote is 4 yes.

M. Doherty moves to enter a public hearing on the matter, B. Roy seconds. The vote is 4 yes. 7:15pm.

Dani Soni presents the application. He explains this property was a 2 family for a long time up until about 9 months ago when the owner removed a kitchen and asked the town to change it back to a single family. This property is surrounded by 3 and 4 family properties. He states there is a housing shortage in the area and he will make this property nice. This is a big house; no one would want a 6 bedroom single family home. He then speaks to the variance criteria:

- 1) This use is in the public interest because the town needs good rental units. B. McGrath asks about parking. Dani replies all 6 spaces are off street and shows him the plot plan showing the parking.
- 2) The use is not contrary to the ordinance because no additional space or bedrooms are being added to the building. Using what is already there.
- 3) There would be substantial justice because it is the best use of this large home for multifamily. The previous use was a 2 family. All surrounding properties are multifamily.
- 4) Values of surrounding properties will not be diminished. This property will be there same as the neighborhood.
- 5) The hardship is the owner has been trying to sell for the last 6 months and it hasn't sold because the home is too large. This is a reasonable use of the property because it is not normal to have that many bedrooms. Most families are not interested. Multi generations do not live together like they use to anymore.

Linda Hitchcock comments that based on her experience, the rooms would end up being rented out individually. Most towns do not have ordinances preventing that. The LUA confirms what Linda is saying. She is not aware of any law restricting persons from renting out rooms in their homes.

K. Cole asked questions about the basement.

Kevin Bazan, public and School Board member, asks how many apartments. Dani replies 3 apartments; 1- 1 bedroom, 1- two bedroom, and 1- three bedroom. Kevin then asks if the number of persons in a family can be limited. Dani said whatever the regulations allow him to do. Will you take subsidies like section 8? Dani said, the law doesn't allow him to say no. Can you limit the number of children? Again, Dani says the law does not permit him to do that.

Kevin explains his position that by allowing another multifamily in town could put a stress on the enrollment of children in our school system. He asks if the building qualifies for tax credits. B. McGrath explains about Federal tax credits and says Dani could be eligible. The LUA explains RSA 79-E. Dani stated he would not apply for RSA 79:E for this property. Kevin is concerned about all the big buildings being turned into apartments. Dani explains the limited bedrooms proposed. Kevin states the cost of education and special education keep going up and the government gives towns less and less. This proposal is not good for the town.

There are no other comments.

K. Cole moves to close the hearing, M. Doherty seconds. The vote is 4 yes.

The board deliberates. K. Cole is concerned if the board grants this then the lot size/density will come up again elsewhere. B. Roy understands but reminds him how all other properties on the street are the same. B. McGrath questions the square footage of the apartments. He and B. Roy calculate it. They also determine there is enough outside area for recreation.

B. McGrath reviews the variance criteria for compliance.

1) B. McGrath could argue both sides if it is a public interest.

2) He is struggling with the spirit of the ordinance. The ordinance is clear on density. B. Roy gives the history of the house, Thompson/Magee 2 family residence for years. B. Roy says it is a hardship to keep the home as a single family. Also the surrounding properties are multifamily. B. McGrath says we can't control what happened in the past. The LUA explains density in the areas with town water & sewer. K. Cole is concerned by granting the variance will impact future decisions.

B. McGrath disagrees with Dani's explanation of substantial justice. K. Cole & B. Roy disagree with B. McGrath. It is a very large home.

All agree there are no diminished values of properties in the neighborhood.

In discussion of Hardship, B. Roy notes it is difficult to distinguish between Dani's or Craig's hardship. B. McGrath does not see a hardship and it does not meet the spirit of the ordinance. B. Roy stresses there is a limited use of the property because it is so large. Granting the variance makes the property more usable and it would fit with the surrounding properties. K. Cole does not believe it meets the criteria. M. Doherty agrees with B. Roy. He says the lot size may be small but it accommodates the need of parking and recreation area.

B. McGrath moves to deny the application because the hardship requirement was not met and neither was the spirit of the ordinance. K. Cole seconds. K. Cole explains because of density he is concerned about future applications. The vote is 2yes and 2 no. The motion fails. The LUA says they can make a different motion to deny or make a motion to approve. M. Doherty moves to approve. B. McGrath suggests waiting on a decision until there is a full board. The LUA suggests if the board decides to wait to make a decision that is fine but should do it next week. K. Cole asks M. Doherty if he would add to the motion that the board acknowledges the application does not meet density requirements but the structure fits the neighborhood based on the number of multifamily units. He agrees. B. Roy seconds the motion. The vote passes 3 yes and 1 no (BM).

The LUA informs the applicant of the 30 day window for someone with standing could appeal the decision.


Second order of business: The board reviews the minutes of 3-15-18 for approval. **B. Roy moves to approve, M. Doherty seconds. The vote is 4 yes.**

Third order of business: Resident Brandon Day submitted a volunteer interest form to join the ZBA as an alternate member. He gives the board a brief history of himself. **B. McGrath moves to request the Selectmen to appoint Brandon day as an alternate member, M. Doherty seconds. The vote is 4 yes.**

Kevin Bazan expresses his disappointment over the board granting the variance. He also explains the problems our school system is facing.


B. McGrath moves to adjourn, M. Doherty seconds. The vote is 4 yes. 8:50pm.

Minutes respectfully submitted:

Margaret Sharra, LUA 

Minutes approved by the board on: 8/1/18

Minutes signed by:


William McGrath, V. Chair