

**Town of Kingston
Zoning Board of Adjustment
December 10, 2020**

PRESENT:

Electra Alessio, Chair; Larry Greenbaum, Vice Chair; Peter Coffin, Richard Johnson, Members; Chuck Hart, Alternate Member

Chairwoman Alessio called the meeting to order at 7:00 PM.
Mr. Hart will be a voting member for this meeting.

BOARD BUSINESS

Approval of Meeting Minutes:

MOTION: by Mr. Coffin to approve the minutes of November 12, 2020 as written,

SECOND: by Mr. Greenbaum

In favor: Alessio, Greenbaum, Coffin, Hart, Johnson; Motion passes.

Meeting Format - COVID-19 Precautions

Chairwoman Alessio asked the Board for their thoughts on holding future meetings via Zoom software, as the number of COVID cases has continued to rise steeply in the area. She said there may be one case to hear in January, and that applicant may have an issue with joining remotely. However, she said she felt that was not an urgent case, and if necessary could be put off to a later month when the Board may be able to meet in person.

The Board members were amenable to meeting via Zoom; this decision will be made on a month-to-month basis.

PUBLIC HEARINGS

7:05 p.m.

Ken and Irena Anthony
3 Concannon Road
Kingston, NH 03848

IN RE: Tax Map U-1, Lot 70

This is a public hearing whereby the applicant seeks a Variance to the terms of Article 205, Section 205.9 A, of the Town of Kingston Zoning Ordinance, and asks that terms be waived to permit an expansion of a non-conforming use in the Shoreland Protection District. The applicant seeks to repair and expand an existing home.

Barry Gier of Jones and Beach and applicant Irena Anthony were present. Mr. Geir began by showing the lot on the tax maps; it is partially in the Town of Newton and the town line goes through the middle of the house. The closest corner of the house is 50 feet from Country Pond. Mr. Geir explained that the owner wishes to add a deck and 204 square feet to the house. The square footage will be increased by squaring off the portion of the house that is farthest from the pond. He said the goal is to reconstruct and improve the house.

Mr. Geir then went through the five criteria as addressed in the written application:

1. The proposed Variance will not be contrary to the public interest because the home will be located no closer to the Shoreland Protective District than current. Expansion will take place away from the shoreland.

2. The spirit and intent of the Ordinance is preserved because the Ordinance allows for construction within the Shoreland Protective area for lots of record with a Special Exception. As this is a current non-conforming use, the Special Exception does not apply but allows the intent.

3. There is substantial justice in granting the variance because the existing structure is in need of major repair. Granting the variance will allow applicant to repair and expand the existing home. Increase in size is limited to 204 additional square feet.

4. The values of the surrounding properties will not be diminished because the improvement to the existing home and small scope of the expansion will increase overall aesthetics of the neighborhood, thereby increasing the value of surrounding properties.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship because this property is an existing home on an existing lot of record. Section 205.7 allows for the erection of a structure on our existing lot of record, but as the home is existing it cannot be expanded. The applicant finds this to be a hardship.

Mr. Gier noted that a rain guard is being added as suggested by the Conservation Commission.

Comments/Questions of Abutters: None present.

Questions of the Board:

Mr. Hart asked what the new room would be used for, as he wondered if the septic system would need to be expanded. Mr. Geir clarified that this is not an addition, but rather an overall expansion of size. He said that the existing septic can be used but the owner needs to apply for a new permit in case of failure. Mr. Coffin said that the new house will be on the exact same foot print as the existing house, except for the corner that will be squared off.

Mr. Coffin said he appreciated that a rain guard is being added, as this will improve the condition of the property.

Mr. Greenbaum asked for clarification on where the new space will be, and it was explained that the entire house is to be torn down and replaced.

Chairman Alessio then asked the Board to go through the 5 criteria for approval:

Will there be a diminution of value of surrounding properties? All 5 voted no; passes

Granting will be of benefit to Public interest? 5 voted yes; passes

Will literal enforcement of the ordinance result in unnecessary hardship to the applicant?

All 5 voted yes; passes

Will substantial justice be done if granted? 5 voted yes; passes

Will the use contemplated, if granted, be contrary to the spirit of the ordinance? 5 voted no; passes

MOTION: by Mr. Coffin, to grant a Variance to the terms of Article 205, Section 205.9. A, of the Town of Kingston Zoning Ordinance, and that terms be waived to permit an expansion of a non-conforming use in the Shoreland Protection District.

SECOND: by Mr. Greenbaum

In favor: Alessio, Greenbaum, Johnson, Coffin, Hart; Variance granted.

The applicant was cautioned to wait 30 days before proceeding in case new information comes forward for the Board to consider.

Meeting adjourned at 7:20 PM.

Respectfully submitted,
Susan Ayer, Administrative Assistant