

FINDINGS OF FACTS

BOARD OF ADJUSTMENT, Westmoreland, New Hampshire

Hearing held at 7:30 on December 13, 2005 at Westmoreland Town Hall
Concerning a request by Bill Fosher
For a Special Exception
Concerning Article II, Sections 206 and 207; Article V, Section 501B and table 502 of the
Westmoreland Zoning Ordinance

Applicant proposes to construct an addition to an existing home on a nonconforming lot
of record

On property located at 97 Old County Road

In the Forestry-Residential zone

Summary of the facts of the case discussed at the above public hearing:

Mr. Fosher was represented by attorney who outlined the requirements for Special Exception with Fosher's interpretation and reaction to these requirements. The lot on which the house sits is a nonconforming lot of record, being a two acre lot in a zone that requires 10 acre lot size. Abutter Joe Gragen's only concern was that a buffer be maintained between the addition and his property. This 28' x 26' home was built to replace an original structure which burned about 5 years ago. The elapsing of time precludes using the size of the original structure as a basis for size of an addition to the current structure. The addition he is requesting is 20' x 22' with a 10' x 10' connector. The board members found that the specific site was an appropriate location for the use, that the approval of the Special Exception would not reduce the values of surrounding properties, there would be no nuisance or hazard to vehicles or pedestrians; and that appropriate facilities were in place. However, under Article II, Section 206:1 the ordinance stipulates that an increase in size of a nonconforming building can not exceed 20% by Special Exception. Mr. Fosher is requesting about 70% increase in the size of the building which the ZBA feels does not fit in the realm of Special Exception, hence denied the request on that basis.