

**MEETING MINUTES
ZONING BOARD OF ADJUSTMENT MEETING
Early Childhood Learning Center
77 Ramsdell Lane
Barrington, NH
December 19, 2012
7:00PM**

ROLL CALL was conducted at 7:05 p.m.

Karyn Forbes, Chair
George Bailey
Ellen Conklin
Raymond Desmarais
Gerard Gajewski
All Present

Staff Present

Marcia J. Gasses, Town Planner & Land Use Administrator

NOTE: THESE ARE THE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE THROUGH THE LAND USE DEPARTMENT.

MINUTES REVIEW AND APPROVAL

1. Approval of October 17, 2012 Regular Meeting Minutes.

A motion was made by R. Desmarais and seconded by G. Gajewski to approve the October 17, 2012 minutes with the change of the vote of approval of the August 15, September 12, and September 19, 2012 meeting minutes from 5-0 to 4-1. The motion carried unanimously.

ACTION ITEMS

2. **269-11-RC-12-ZBA (Robert & Deborah Martin)** Request by applicant for a variance to build 30 x 40 residential garage within 100 feet from the centerline of Route 4 under Article 3 Section 3.3.5 no residential structures are permitted within five hundred (500) feet of the centerline of Route 125 and Route 4 on a 11.98 acre lot located in the Regional Commercial (RC) Zoning District at 314 Old Concord Turnpike. By: White Law Offices, PA; 44-0 Dover Point Road; Dover, NH 03820.

Request by applicant to continue until January 16, 2013

A motion was made by R. Desmarais and seconded by G. Gajewski to approve the request for a continuance by the applicant to the January 16, 2013 meeting. The motion carried unanimously.

3. **240-15.7-NR-12-ZBA (Fisheye, LLC)** Request by applicant Fisheye, LLC by Attorney Leonard W. Foy III, Esquire, to appeal the decision of the Code Enforcement Officer of Article 14 Impact Fees, Section 14.7 Appeals from this Article, for a new dwelling has replaced an existing dwelling, which has since been demolished on an 2.32 acre lot located in the Neighbor Residential (NR) Zoning District at 112 Young Road (Map 240, Lot 15.7) By: Attorney Leonard W. Foy III; 76 Northeastern Blvd; Suite 26B; Nashua, NH 03062

Attorney Leonard W. Foy III represented the applicant. Explained they were the appealing the decision by Tom Abbott regarding the assessment of an impact fee on lot 0240-0015-0007.

R. Desmarais recused himself.

K. Forbes explained that the applicant would still need three yes votes.

Attorney Foy continued and explained that the applicant tore down an existing home and was putting up a newly constructed home. He addressed that Mr. Abbott had contested that there had been abandonment. He argued that no abandonment had occurred. A demolition permit was issued in April 2011 and an asbestos survey had taken place in May of 2011.

Mr. Thibodeau explained the dumpster was removed in August 2011.

Mr. Thibodeau explained there were problems with the demolishing company.

Attorney Foy made arguments against considering the home as abandon by the dates.

G. Bailey asked the assessed value of the home.

Attorney explained the value was 91,000

G. Gajewski explained the house value was 15,100.

Attorney Foy wished there had been better record keeping.

K. Forbes asked if the septic functioned and if power had been turned off.

Attorney Foy explained that the applicant had fully explained that they planned to pay the impact fee on the 11 other homes.

E. Conklin asked about the prior home being on two lots.

K. Forbes wanted to discuss the ordinance. She read the ordinance. She described new, as newly created. Use change did not apply. Conversion still talked about use. Karen read the definition for development. Some of the items did not apply.

G. Gajewski expressed that discontinuous of the use happened when the occupant moved out.

G. Bailey expressed that the demand on the school did not change.

Attorney Foy explained that Mr. Abbott's argument of the abandonment did not apply.

K. Forbes had an issue with the use of abandonment in this case.

K. Forbes asked the boards thought.

G. Bailey did not feel abandonment applied here. He did not feel there should be an impact on this one unit.

G. Gajewski felt they just squeaked in just under a year.

K. Forbes did not feel it applied in this case. She read new as additional.

E. Conklin felt the fee should not be assessed.

A motion was made by G. Bailey and seconded by E. Conklin to approve the request to overturn the ruling of the Code Enforcement Officer and not assess an impact fee on lot 0240-0015-0007. The motion carried unanimously.

4. **262-14.6-GR-12-ZBA (Skahan office addition)** Request by applicant for a variance to build a 16 x 16 addition off the side of the single family residence requirement under Article 6.2.4 Dimensional Standards for Single-Family Lots on a .69 acre lot located in the General Residential (GR) Zoning District located at 27 Cedar Creek (Map 262, Lot 14.16). By: Josh Henry Woodworking, LLC; 283 Old Garrison Rd, Dover, NH 03820

Josh Henry explained the applicant works from home and they are in need of space for the family. Mr. Henry explained that David Vincent the land surveyor realized when he provided the as built that the addition was proposed for the side of the house. Due to the setup of the house, it would be problematic to place the addition on other sides of the building. A building permit had been issued by the Town and the foundation had been installed.

R. Desmarais asked the applicant to show pictures to the board.

Josh Henry explained it would be a financial hardship.

K. Forbes explained they would need an estimate on the cost to remodel the house in order to stay within the setbacks.

G. Bailey questioned the interior set up of the house. He felt moving the underground propane tank would only disrupt service for a short period.

R. Desmarais questioned whether the location of tank would be a hardship.

Ray Billideau explained his property line would be closest he did not see any adverse impact. He also understood that it would require redesigning the floor plan.

R. Desmarais believed they need hardship.

K. Forbes explained that they needed the septic with measurements. All the measurements need to be on one drawing. She explained the applicant could bring in financials and that financial hardship could be considered. She suggested the applicant ask for a continuous and coming back with an updated plan.

A motion was made by R. Desmarais and seconded by G. Bailey to continue to the January 16, 2013 meeting. The motion carried unanimously.

ADJOURNMENT

A motion was made by R. Desmarais and seconded by G. Bailey to adjourn at 8:10 p.m. The motion carried unanimously.

Respectfully Submitted,

Marcia J. Gasses
Town Planner and Land Use Administrator