

DRAFT MINUTES
NEW DURHAM ZONING BOARD OF
ADJUSTMENT
JUNE 11, 2008

Chairperson Terry Jarvis called the meeting to order at 7:12 PM.

Roll Call: Terry Jarvis (Chair), Larry Prelli (Vice-Chair), Bill McGrew, Wendy Anderson, Mike Hoffman, Helen Wellman (Alternate)

Others Present: Tom Lyons, Barbara Magovern, Robert Magovern, Deborah Jillson

Lyons: Acceptance and Public Hearing regarding an application to be submitted by Thomas Lyons for a variance to build an 8' x 10' storage shed within the 15' side lot setback on property located on 75 North Shore Road, (Tax Map 22 , Lot 19) in New Durham.

Bill McGrew recused himself as a friend of the applicant. Chair Jarvis asked if anyone was concerned about an actual or perceived conflict of interest. No one was. Ms. Jarvis asked Helen Wellman to sit for Bill McGrew.

Mr. Lyons explained that his driveway is too steep for a pickup truck and plow to plow the snow. He shoveled the snow by hand in the past. This winter that was difficult, and he is getting older. He would like to buy a snow blower and needs a place to store it.

He cannot put a shed between his house and the road because the driveway covers most of that area and the land is very steep. He cannot put it to the west of the house because his septic system is there. He can place it to the east of the house, but only if he can put it right next to the property line. The space closer to the house would block a window and access to the house door. His neighbor has no objections to having it within the 15' property line setback. He would like a variance to allow it.

_____ asked how far back from the water the shed would be. Mr. Lyons said approximately 50'. Chair Jarvis noted that if it were less than 50' he would need a state Shoreland variance. He said he would put it back 50'.

Ms. Jarvis said it would need a town shore front variance if it were less than 75' from the water. Mr. Lyons said there was no way to build it that far back. Chair Jarvis said the Board was not in a position to act on a Shoreland variance because that part of the variance request had not been posted according to state law. She noted that if the board went ahead and voted on the Shoreland variance it could be challenged at some point in the future and be a problem for Mr. Lyons at that time.

Mr. Lyons agreed to revise the application to include the request for the town Shore Front variance and return to the ZBA at a later date.

Jillson: Acceptance and Public Hearing regarding an application to be submitted by Scott & Deborah Jillson for a Special Exception to conduct a woodworking shop business in the Residential, Agricultural, and Recreation Zone on property located on 24 Main Street, #3 (Tax Map 9 , Lot 67) in New Durham. The Public Hearing may be convened if the application is accepted as complete

Bill McGrew returned to the Board. Chair Jarvis asked if anyone was concerned about an actual or perceived conflict of interest. No one was.

Ms. Jillson explained the plans she and her husband have to reopen in New Durham the woodworking business she and her husband had operated for several years in Alton, minus the retail part of it.

Larry Prelli moved to approve the Special Exception to allow the establishment of the woodworking shop under the following conditions:

- 1. The Planning Board approves the site plan application within 60 days of this decision;**
- 2. The applicant abides by all conditions of the Planning Board approval;**
- 3. All chemicals, paints, solvents or any other hazardous materials are kept in a locked code approved cabinet;**
- 4. This Special Exception is limited to the business as proposed in the Site Plan Application. Modifications to the business that require a new or revised Site Plan approval shall also require a new or revised Special Exception.**
- 5. The Special Exception expires when the applicants discontinue operation of the business.**

Bill McGrew seconded. Unanimous with no abstentions.

Magovern: Acceptance and Public Hearing regarding an application to be submitted by Barbara and Robert Magovern for a Variance to allow building a second floor dormer on a non-conforming house within the New Durham Shore Front Protection Zone on property located on 14 South Shore Road Road, (Tax Map 28, Lot 5) in New Durham.

Mr. and Mrs. Magovern explained their desire to add a dormer to the second floor of their house. They reminded the Board they had come before the ZBA several months earlier with a plan to raise the roofline and build a full second story on the house. Since then they have revised their plans and want to do only the dormer. The plan will not increase the septic load on the lot because a current first floor bedroom will be used as a family room space.

Chair Jarvis checked with the applicants and clarified that they will not be increasing the footprint of the existing house, and will not be raising the roofline above the current level. The Magovers confirmed that is the case. Ms. Jarvis said in that case, they are staying within the limits of their existing dimensions, and there is no violation of the Town of New Durham Zoning Ordinance. Therefore the ZBA has no jurisdiction in this case.

The Board members discussed with the Magovers the applicability of the State Shoreland Act, noting that after July 1 it will no longer cover increases in the height of buildings along the shore front.

Mrs. Magovern asked the Board to confirm with the Building Inspector that there was no infringement of the Town Zoning Ordinance. Chair Jarvis asked David Allen to draft a letter to the Building Inspector which she would sign stating that fact.

The meeting was adjourned at 9:12 PM.

Respectfully submitted,

David Allen
Land Use Administrative Assistant