

DRAFT MINUTES

NEW DURHAM ZONING BOARD OF ADJUSTMENT

AUGUST 27, 2008

Chairperson Terry Jarvis called the meeting to order at 7:32 PM.

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

Others Present: Peter Madden, Nancy Madden

Madden: by Peter and Nancy Madden for a variance to allow adding 6' to the side width of a deck within the 75' Shore Front setback on property located on 28 Elly Point Road, (Tax Map 39 , Lot 5). The deck was destroyed by the Tornado.

Chair Terry Jarvis appointed Helen Wellman to sit for Mike Hoffman.

Ms. Jarvis read the case and asked the applicants to describe their request. Bill McGrew asked to speak first. He drew the Board's attention to Article XV.E of the 2008 version of the Zoning Ordinance that reads in part as follows:

"For any existing building less than fifty (50) feet from the normal high water, no alteration shall extend the structure closer to the public water, except the addition of an open deck is permitted up to a maximum of twelve (12) feet towards the normal high water..."

Mr. McGrew said the Maddens are expanding their existing deck from 4' to 10' in width on the side of the house. The entire current and proposed deck is open, and it is less than 12' closer to the water than the front of the house. He believes this section of the ordinance makes it a permissible alteration. Other Board members reviewed the ordinance and agreed.

Terry Jarvis moved that the ZBA understands the proposed deck expansion by Peter and Nancy Madden to be an allowable use under the terms of Article XV.E of the New Durham Zoning and Land Use Ordinance.2008.0.6; therefore, the ZBA has no jurisdiction. Bill McGrew seconded. Unanimous with no abstentions.

Chair Jarvis asked Mr. Allen to communicate the decision to the Building Inspector.

Minutes: Terry Jarvis moved to postpone review of the minutes to the next Board meeting. Larry Prelli seconded. Unanimous with no abstentions.

Bill McGrew moved to adjourn at 7:53 PM. Larry Prelli seconded. Unanimous with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant