

**DRAFT MINUTES  
NEW DURHAM ZONING BOARD OF ADJUSTMENT  
8 DECEMBER 2015**

Chair Anderson called the meeting to order at 7:08 pm.

**Roll Call:** Wendy Anderson (Chair), Joan Swenson (Vice Chair), Joan Martin, Dave Shagoury (Alternate), Recording Secretary Amy Smith.

**Others Present:** Videographer Peter Pijoan, Paul & Susan Raslavicus, Tom Varney, PE, Karen & Chris Shorette, Jack Szemplinski, Rick & Joan Goodrich, John Goyette, Deborah Randall.

**Public Hearing - Case 2015-04- Application submitted by Thomas Varney, PE on behalf of Chris & Karen Shorette. The applicant is seeking a Variance to Article XIV Section C 1 (b), (c), (e) [Shorefront Conservation Overlay District Section] and Article XX Sections C 1, 2 and E 1 (a), E 2 (b), (c) [Non-Conforming Buildings, Land or Uses Section] of the New Durham Zoning Ordinance in order to tear down an existing cottage and build a new home and garage 50' from the lake and install a septic tank less than 125' to the lake and leach bed less than 10' to the property line. The building size will be greater than 15% of the lot area. The property in question is located at 379D Merrymeeting Road (Tax Map 110, Lot 23).**

Chair Anderson asked the applicants if they believed anyone sitting on the Board had a conflict of interest. The applicants stated they did not. Mr. Shagoury informed Board members he has done some work for the Shorettes in the past. Board members had no issue with this.

Chair Anderson read the public hearing notice and opened the hearing.

Chair Anderson informed Mr. Varney and the applicants that a full Board consists of five members. Currently there are four members for Case 2015-04. Chair Anderson continued to state Board member Cecil Williams is unable to attend tonight's meeting but member Stephanie Richard may just be running late as she has a new baby. Mr. Varney stated he wished to have a full Board for Case 2015-04

Chair Anderson suggested taking the cases out of order and opening Case 2015-05 to give Ms. Richard more time in case she was just running late.

**Public Hearing - Case 2015-05 - Application submitted by Thomas Varney, PE on behalf of Freeman & Joan Goodrich. The applicant is seeking a Variance to Article XIV Section C 1 (b) [Shorefront Conservation Overlay District Section] and Article XX Section E 2 (b) [Non-Conforming Buildings, Land or Uses Section] of the New Durham Zoning Ordinance in order to tear down an existing cottage and build a new home with attached garage 50' from the lake. The property in question is located at 375 Merrymeeting Road (Tax Map 110, Lot 27).**

Chair Anderson read the public hearing notice and opened the hearing. Mr. Shagoury noted he is an abutter to this property and would not be able to sit on that case. Mr. Shagoury remained seated at the table but made it clear he would not be a voting member on this case. Chair

Anderson informed Mr. Varney that on Case 2015-05 there are currently only three members sitting in on the case and asked him if he wished to proceed. Mr. Varney discussed this with his clients.

Board members agreed to review the minutes to give Ms. Richards more time. Chair Anderson asked Ms. Smith to contact Ms. Richard to see if she was able to attend.

### **Review of Minutes**

Board members reviewed the minutes of 8 September 2015. Mr. Shagoury returned as a voting member. Mr. Shagoury noted a typo on page 6, third line down, the word “and” between the words “Postage” and “\$200.00” should be “at”.

**Chair Anderson made a motion to approve the minutes of 8 September 2015 as corrected. Vice Chair Swenson seconded the motion. The motion was approved with three affirmative votes (Swenson, Anderson, Martin) and one abstention (Shagoury).**

### **Review of Mail**

There was no mail.

Ms. Smith informed Chair Anderson she was unable to contact Ms. Richard.

Board members returned to Case 2015-05. Mr. Shagoury stepped down as a voting member. Mr. Varney stated he wished to have a full Board for Case 2015-05.

**Chair Anderson made a motion to recess Case 2015-05 - Application submitted by Thomas Varney, PE on behalf of Freeman & Joan Goodrich. The applicant is seeking a Variance to Article XIV Section C 1 (b) [Shorefront Conservation Overlay District Section] and Article XX Section E 2 (b) [Non-Conforming Buildings, Land or Uses Section] of the New Durham Zoning Ordinance in order to tear down an existing cottage and build a new home with attached garage 50’ from the lake. The property in question is located at 375 Merrymeeting Road (Tax Map 110, Lot 27) until 12 January 2016 at 7 pm at the Town Hall. Vice Chair Swenson seconded the motion. The motion was unanimously approved.**

Board members returned to Case 2015-04. Mr. Shagoury returned as a voting member.

**Chair Anderson made a motion to recess Case 2015-04- Application submitted by Thomas Varney, PE on behalf of Chris & Karen Shorette. The applicant is seeking a Variance to Article XIV Section C 1 (b), (c), (e) [Shorefront Conservation Overlay District Section] and Article XX Sections C 1, 2 and E 1 (a), E 2 (b), (c) [Non-Conforming Buildings, Land or Uses Section] of the New Durham Zoning Ordinance in order to tear down an existing cottage and build a new home and garage 50’ from the lake and install a septic tank less than 125’ to the lake and leach bed less than 10’ to the property line. The building size will be greater than 15% of the lot area. The property in question is located at 379D**

**Merrymeeting Road (Tax Map 110, Lot 23) until 12 January 2016 at 7 pm at the Town Hall. Vice Chair Swenson seconded the motion. The motion was unanimously approved.**

The policy regarding cancellation of meetings due to inclement weather was discussed as the applicants for both cases live out of State and need to travel. Chair Anderson agreed to make a decision regarding cancellation of the meeting in the event of inclement weather by 2 pm. Chair Anderson noted she would contact Ms. Smith who would contact Mr. Varney as he is the agent for both applicants.

#### **Land Use Administrative Assistant Interviews**

Chair Anderson stated neither she nor Vice Chair Swenson are able to attend the interviews for the Land Use AA position scheduled for 17 December 2015 at 10 am. Mr. Shagoury stated he is able to attend. Chair Anderson designated Mr. Shagoury to represent the ZBA on the Oral Board for the Land Use AA position.

**At 7:44 pm Vice Chair Swenson made a motion to adjourn. Chair Anderson seconded the motion. The motion was unanimously approved.**

Respectfully submitted,

Amy Smith  
Recording Secretary