

**Zoning Board of Adjustment
July 30, 2007**

**Members Present: Elizabeth Ashworth, Chair; Katheryn Holmes, Vice-Chair;
Helen Wright; Steve Russell, Alternate.**

MINUTES

June 4, 2007

The Board reviewed the minutes of June 4, 2007 and made corrections.

Ms. Holmes clarified that Mr. Remen is a non-resident tax payer, not a resident as described by Mr. Lick on page 1, line 42.

Ms. Ashworth stated that missing from the minutes is a question that she posed to the Board. She stated that after Mr. Cluff commented that he did not feel as though he had enough information to approve or deny Mr. Remen's application (page 7 second paragraph) she asked if there were any other Board members who felt they also did not have enough information to make a decision. No Board members responded.

Ms. Holmes made a motion to accept the minutes of June 4, 2007 as corrected. Ms. Wright seconded the motion. All in favor.

June 16, 2007

The Board reviewed the minutes of June 16, 2007 and made corrections.

Ms. Wright made a motion to accept the minutes of July 16, 2007 as corrected. Ms. Holmes seconded the motion. All in favor.

Ms. Ashworth appointed Steve Russell as a voting member for this meeting.

At 7:30 p.m. Stephen Remen, property located at 23 Winter Lane, Newbury, NH will seek a Variance as provided for in 16.7 and 7.3.2 to permit the following: permit construction of an addition within the 75 foot setback from an existing stream. Newbury Tax Map 018-285-179.

This hearing was continued from July 16, 2007.

Present to present the application was Stephen Remen, Applicant, Derek Lick, Attorney, and Robert Stewart, RCS Designs.

Due to the lack of Zoning Board members present for this hearing, Ms. Ashworth gave Mr. Remen the option of having his application heard by a four-member Board or rescheduling to a later date in anticipation of the application being heard by a full, five-member Board.

Mr. Lick stated that Mr. Remen would like to continue. He commented that as common practice, he advises his clients to present the application to a full Board.

Ms. Holmes requested that the Board members be emailed and reminded of the meetings the day before to make sure there will be a full board present prior to the meeting.

Mr. Russell made a motion to continue Mr. Remen's hearing for a Variance and an Appeal from an Administrative Decision to Monday, August 13, 2007 at 7:15 p.m. Ms. Wright seconded the motion. All in favor.

Ms. Wright provided her copy of the Rules of Procedure for copying to the other members who don't already have a copy.

Elections of Board Members

Ms. Ashworth explained to the Board that she spoke with the Town Administrator regarding what to do when there is a tie vote to appoint an Alternate member to a full voting Board member and was advised that it is common practice to draw a name out of a hat.

Barbara Richmond drew Steve Russell's name out of the hat. Steve Russell shall fill Betsy Soper's position until Annual Town Meeting of March 2008.

Remen Request for Rehearing

Ms. Ashworth informed the Board that Mr. Remen has requested that the Zoning Board considering rehearing his request for an equitable waiver of dimensional requirement as was heard and denied by the Zoning Board on June 4, 2007. The Board reviewed RSA 676 to try to determine if a rehearing should be granted.

Ms. Wright commented that there was no new information in Mr. Lick's letter to support the request for rehearing; therefore, the Board cannot legally rehear the application.

Ms. Ashworth commented that the Board also needs to determine if all the proper procedures were followed or if any mistakes were made by the Board. She stated that the job of the Zoning Board is to just hear what comes before the Board.

Ms. Holmes commented that she believes that Mr. Remen put up the garage without a permit because he knew it would be denied if he asked. Other people have had to tear their buildings down. There will be a lot of financial pain if the Board denies the application and the building has to come down.

Ms. Ashworth commented that Ms. Freeman, Planning Board Chair, stated to her that the Zoning Board should not be approving variances left and right because that would mean there is something wrong with the rules.

Mr. Russell pointed out that there are two bodies of water affected by Mr. Remen's request: Cunningham Brook as well as Lake Sunapee.

The Board reviewed Mr. Remen's plan dated July 24, 2007.

Ms. Ashworth commented that Mr. Remen will have to show that there is a special condition with the land in order to get a variance. She stated that it does not appear that the appeal has presented anything new.

Ms. Holmes commented that first of all, the Board is looking at a violation of the building permit process. She stated that she is trying to look at the situation with some kind of resolve. The equitable waiver was denied. Ms. Holmes asked if the variance is passed, what benefit would that have for the situation.

Ms. Ashworth commented that Mr. Remen would be able to keep his garage.

Ms. Wright made a motion to table the discussion to decide on Mr. Remen's appeal to rehear the request for equitable waiver of dimensional requirement. Ms. Holmes seconded the motion. All in favor.

Ms. Holmes made a motion to adjourn. Mr. Russell seconded the motion. All in favor.
Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Linda Plunkett