

**Zoning Board of Adjustment
May 12, 2008**

Members Present: Elizabeth Ashworth, Chair; Katheryn Holmes; Barbara Richmond; Steve Russell; Helen Wright; Alex Azodi, Alternate

Ms. Ashworth opened the meeting at 7:10 p.m.

BOARD NOMINATIONS

Vice-Chair

Ms. Wright nominated Ms. Holmes to be Vice-Chair of the Zoning Board of Adjustment. Ms. Richmond seconded the nomination. All in favor.

Ms. Wright commended Ms. Ashworth and Ms. Holmes for a job well done as Chair and Vice-Chair during this past year.

Alternate

Ms. Holmes made a motion to seek approval from the Board of Selectmen to re-appoint Sue Russell as an alternate to the Zoning Board of Adjustment for two years until 2010. Mr. Russell seconded the motion. All in favor.

At 7:15 continuation of application for Geraldine S. Bateman, for property located at 9 Frazier Ave, Newbury, NH, will seek a variance from the requirements in Paragraphs 5.9 & 7.3 of the Newbury Zoning Ordinance to permit the following: to allow for reconstruction of an existing structure within the 15 ft. and 75 ft. setbacks. Newbury Tax Map 020-327-448.

Present for this application was Charlie Hirshberg, Engineer and Agent and Carey Demers, Abutter.

Mr. Hirshberg requested this hearing to be continued due to complications with the Wetlands Board Application at the State level. He explained that Mrs. Bateman has an approved Wetland Board Permit which actually says two different things. The plans were approved and show a peaked roof, but the language in the approval says 'no increase in height', and no change in outside dimension. Additionally, the snow load capacity of the current roof does not meet the building code required by the Town. The Newbury Building Inspector says that the living space needs to be raised in order to bring the first floor above flood level. This is impossible to do without raising the roof to some degree. There has to be a compromise between the State and Town in order to make this project work; and additional time is needed to accomplish that.

Mr. Azodi commented that the roof does not need to be designed for the 90 lbs. / sq. ft. standard since the building is not heated. It could be designed for 75 lbs. /sq. ft. and remain within the safety standards.

Mr. Russell made a motion to continue the hearing until Monday, June 9, 2008 at 7:15 p.m. Ms. Wright seconded the motion. All in favor.

Ms. Ashworth advised Mr. Hirshberg that if the living space is moved further back onto the shoreline in order to satisfy the requirements of the State and Town, the Board may need a new application and plans, depending on the degree of change.

MINUTES

The Board reviewed the minutes of October 15, 2007 and made corrections.

Ms. Holmes made a motion to approve the minutes of October 15, 2007 as corrected. Mr. Russell seconded the motion. All in favor.

Ms. Holmes commented that, in general, the Board needs to be very cognizant of the impact of projects within the buffer zone. Some projects don't appear to be significant on paper, but in real life they are very dominating on the land.

The Board reviewed the minutes of November 19, 2007 and made corrections.

Ms. Wright made a motion to approve the minutes of November 19, 2007 as corrected. Ms. Richmond seconded the motion. All in favor.

Ms. Ashworth advised the Board members that the Board may only consider the application and information presented when rendering a decision. If any Board member is not clear on an issue, they should ask questions and/or ask for a continuation to clarify issues in order to make an informed and fair decision.

Ms. Holmes commented that having a visual of the virtual plans as-built to scale with the surrounding properties would be very helpful in getting a full picture of the proposed project.

Mr. Azodi commented that computer software is available and used by many architectural firms in order to accomplish that type of visual. Some firms do not have the software, and it would be difficult for an applicant who has not hired an architect to provide such a display.

Mr. Russell commented that it would also be very helpful if the applicants would stake out the footprints of proposed projects to facilitate the Board members when doing a site review.

Ms. Ashworth commented that a zoning amendment may be necessary in order to require an applicant to stake out a footprint.

Ms. Holmes suggested that a summary sheet should be maintained throughout the year of all the applications and decisions.

Ms. Ashworth commented that she is working on such a summary, which is necessary for the Annual Town Report.

FUTURE BUSINESS

Rules of Procedure – Review Mr. Vannatta’s Rules of Procedure for changes and updates.

June 9, 2008 - Meeting Minutes; Continuation of the Bateman Application; and Plass Special Exception; Other Business

Ms. Holmes suggested that a public notice should be placed in the Newbury Update informing the public that the Zoning Board of Adjustment will be meeting regularly on the Second Monday of each month.

Mr. Russell made a motion to adjourn. Ms. Wright seconded the motion. All in favor. Meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Linda Plunkett