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**Zoning Board of Adjustment Minutes**  
**March 18, 1998**

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Deputy Chairperson Michael Iafolla called the meeting to order at 7:30 P.M. with Mark Johnson, Terry Mackin, Allen Brandt, Sam Checovich, Building Inspector Susan Zarlengo, and members of the public present. Iafolla introduced the members of the Board and explained the procedures of the meeting.

**OTHER BUSINESS**

Two appeals had been submitted to the Zoning Board of Adjustment. The appeals were prepared by Judy Day and Larry Miller; and Attorney Costello (Hampton) for David Duskocil.

Both appeals were asking the board for a rehearing of the original request for appeal made by David Duskocil in November. Last month, (February) the request for appeal had been denied by the Board based on the submittal of a "Reconsideration for Hearing" submitted by Turner Porter.

Iafolla informed the Board that he had spoken with Larry Miller, Judy Day and David Duskocil regarding the fact that there would not be a quorum tonight. Only four members would be hearing their appeals for a rehearing. If there was a tie in the vote, applicant would lose. In the past, the board has always given the applicant the option of tabling their request until a quorum is present. He advised the applicants of this option, and all three agreed to table until the next meeting. Attorney Sanford Roberts, representing Turner Porter, was allowed one minute to discuss with the board why they did not need to present this option to the applicants, and how the law was written. His main point was that at the previous meeting, the board unanimously decided not to hear the appeal submitted by Duskocil.

Brandt moved to uphold the decision of the chairman, Checovich seconded. Vote 3 for, 1 opposed (Mackin) Iafolla didn't vote.

Brandt stated there's a correction to the minutes of January 14, 1998. The letter from John Ryan was not read but distributed to members only, not for public record.

**PUBLIC HEARINGS**

Case 98:16 Fred and Donna J. Seigel, 126 Atlantic Avenue, requested a variance to permit installation of an in-ground swimming pool within the 50' wetlands buffer.. This case was heard last month and approved. It has been properly advertised and abutters notified of tonight's meeting . Zarlengo stated "no problem". Iafolla said "issue now closed.."

Case 98:17 James Booth, 20 Woodknoll Drive, requests a variance to permit an addition be constructed within 25' of setback and for expansion of a non-conforming lot. Existing lot is 0.44 acres and has 120' frontage.. He showed plans and explained setback is 23'. Can't go back because of the septic system.

Case 98:18 Kevin Gregory, 2 Beau Monde Drive, requests a variance to permit construction of an addition to a conforming existing house, that will encroach the setback. Proposed addition will be 24' from the side property line.

Gregory showed plans and photos and explained he bought the land in 1985. Due to changes in the law when he was ready to build he went back to the engineer. He lost a garage, mud room and ½ bath. The covenants require a 2-car garage, had to put his under the house. Too close to sideline, no wetlands impact.

Mrs. Atkins a next door neighbor spoke in opposition. She presented a letter from her husband who couldn't attend tonight. Iafolla read Mr. Atkins's letter, which also opposed the addition.. Mrs. Atkins stated when they bought the property they were told that it was wetlands so probably wouldn't be built on. Now there's a house there and an addition proposed.

Gregory stated he never cut any trees inside the 20' buffer. The person who put in the driveway prior to the Atkins took the trees down. Because of wetlands he can't put the addition any closer to other side. Checovich asked if his architect had exhausted all possibilities? Answered "yes, spent thousands of dollars on this already."

Dale Bode, 11 Beau Monde Drive, stated if this construction were next to his property he would have a problem too.

Brandt asked about moving the sunroom. Answered "it would be a hardship."

Iafolla then asked the 3 parties to go into the entry and try to resolve in 5 minutes.

Case 98:19 Thomas Garrigan, 10A Walnut Avenue, requests a variance to permit construction of a detached garage 15' from property line on a non-conforming lot. Lot has 0.95 acres and no frontage on a town approved road. Iafolla explained that due to the new ordinance recently passed this no longer needs to be heard by Zoning Board of Adjustment. Garrigan withdrew his application and will see the Building Inspector in the morning for a permit.

Case 98:20 Steven Carpenter for property at 188 Mill Road, requests a variance for construction of an addition to existing conforming house on a non-conforming lot. The lot is 0.5 acres and has 140' frontage on Mill Road.. He withdrew his application for the same reason as the previous case.

Brandt moved for a short recess at 8:40 P.M., Checovich seconded. Motion carried.

## **DECISIONS**

Case 98:17 Johnson moved to accept as requested, Checovich seconded. Motion carried.

Case 98:18 Mackin moved to table till the next meeting, Johnson seconded. Motion carried.

Discussion followed with Joe Roy and John Chagnon, Ambit Engineering, Portsmouth, regarding the 40 units that are in violation. Iafolla explained the problem is they got a variance from the Planning Board that's illegal. They gave permission and they don't have authorization. Campground is grandfathered but not R-3. Iafolla read John Ryan's letter and said it doesn't deal with what's happening there. Brandt asked to see what the Planning Board granted in conformity. They'll be in to next meeting to request a variance for 40 units. Will re-advertise with no cost to Roy.

Meeting adjourned at 11 P.M.

Beverley Frenette, Secretary