

**MINUTES OF
ZONING BOARD OF ADJUSTMENT
Held October 20, 1999**

Present: **Michael Iafolla, Chairman**, Russell Jeppesen, Allen Brandt, Mark Johnson, and Robert Field.

Iafolla called the meeting to order at 7:35 P.M. He introduced the members of the Board and explained the procedure of the meeting.

Brandt moved to accept the minutes of September 20, Johnson seconded, motion carried.

Case 99:19 – Lamprey Brothers Inc., Zoning Board received a letter from Lamprey dated October 18, 1999, stating that they would be withdrawing their petition for a variance, and that the project will be postponed to a time uncertain.

Case 99:16 – Douglas and Karin Nelson, Iafolla stated that we still have no information from their attorney, we will keep advertising and he also stated that he will determine if they should be included on the next agenda.

Case 99:20 – Craig Schreck, there was discussion among board members that Mr. Schreck needs to provide them with an up to date plot plan, needs to have the septic system checked to see if it is up to code and if septic is not acceptable, where would the new one be located. The applicant requested to table his request at this time, and will be advertised at a date and time certain. Brandt made the motion to accept, Field seconded, motion passed 5-0.

Case 99:21 – Wayne & Marcia Gagnon, Mr. Joseph Sears, 12 Woodknoll Drive, stated that as an abutter, he had no objections to the granting of this variance. The only question he did have, was that the garage would be “approximately 20 feet” from his property line. Brandt made the motion to grant the variance, but also to request that the applicant establish definite property lines and placement. Johnson seconded the motion, it carried 5-0.

Case 99:21 – Paul Marston, there was extensive discussion among board members concerning the need for a variance, Builder Cliff Peterson stated his plan would involve the building of a swale, a grassy area and retention ponds to handle the runoff from the pipe that stops midway across the property. Field stated that the effect on abutting properties is conditional for issuing the variance. Joe Fitzgerald, owner of Giant Lift, stated that a study was done and that the existing pipe could not handle the amount of water (4.6 cubic feet) that would be flowing through this area. He also provided the Board with pictures of erosion to his property caused by this. It was suggested by the Board that the Board give Paul Martston a variance to move the existing pipe. Joe Fitzgerald stated that the pipe was too close to the property line and volume of water was too great. Attorney Robert Battles, representing Joe Fitzgerald, stated that the applicant has not met the five (5) “findings of fact” as stated in the **New Hampshire RSA:**

674:33 Powers of Zoning Board of Adjustment

- b) *Authorize upon appeal in specific cases such variance from the terms of the zoning Ordinance as will not be contrary to the public interest, if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.*

Applicant (Paul Martson) then decided to withdraw.

Brandt made the motion to adjourn public sector of meeting, seconded by Johnson.

Meeting adjourned at 10:10 P.M.