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**Town of Sandown
Zoning Board of Adjustment
Minutes 12/27/12**

Meeting Date: December 27, 2012
Type of Meeting: Regularly scheduled
Method of Notification: Public Posting - Sandown Town Hall, Sandown Post Office,
Sandown Website
Meeting Location: Sandown Town Hall (lower hall)
Members present: Chairman - Steve Meisner, Lauren Cairns, Donna Green
Absent: Vice Chair - BJ Richardson, Curt Sweet, Steve Brown -
Selectman's Liaison

Opening: Mr. Meisner opened the meeting at 7:25 p.m.

Mr. Meisner stated that Ms. Green would be sitting in as a voting member.

**Case # 122012-01 – H&M Holdings, LLC c/o Michael McCool, M10, L3-1,
11 Wells Village Road**
Requesting a special exception for an in-law apartment.

Mr. Meisner noted the abutters list was checked, the envelopes were submitted but there was no postage.

Mr. Meisner handed out the application for the Board to review. He noted the questions had been answered and the floor plan for the house and proposed apartment were also submitted.

Mr. Meisner noted that requirements outlined in Article 5, Section 7E, Part 7 a-c were not included.

Mr. Meisner noted for the Board that for an accessory apartment, they didn't need to put in the new system to get approval, but they needed to show that the existing system or a new proposed system would be adequate for the additional bedrooms being added to the home.

Ms. Lauren Cairns noted that on their application they stated they would be submitting the missing pieces before the hearing. Mr. Meisner suggested they accept the application contingent upon receipt of those missing items. He would make sure Ms. Andrea Cairns notified them of the missing items.

MOTION: Mr. Meisner made a motion to accept the application from H&M Holdings LLC, c/o Michael McCool, M10, L3-1, for a special exception from Article 5, Section 5,

46 to allow a one-bedroom accessory apartment over an existing attached garage. Ms.
47 Lauren Cairns seconded the motion.

48

49 *Discussion:* Ms. Lauren Cairns asked if they could still accept the application even
50 though they were missing items.

51

52 Mr. Meisner added to his motion that the applicant needed to provide postage on the
53 envelopes and the requirements outlined in Article 5, Section 7E, Part 7 a-c, on or before
54 their hearing.

55

56 Ms. Green requested that the missing items be supplied before the meeting so they could
57 review them ahead of time. Ms. Lauren Cairns was comfortable receiving the items at the
58 time of the meeting.

59

60 All members voted unanimously in favor. The motion passed 3-0.

61

62 **Case #122012-02 – Albert Lake, 174 Hampstead Road, M2 L6-4**

63 *Requesting a variance from Article II, Part B, Section 3B of the Sandown Zoning*
64 *Ordinance to permit a new 2-acre residential building lot without 200' of frontage.*

65

66 Mr. Meisner noted that the abutters list was correct, envelopes were submitted but stamps
67 were not on them. A plot plan was submitted and a copy of the check for the application
68 fee was in the folder.

69

70 Mr. Meisner explained what was changing on the plot plan for the Board.

71

72 Ms. Green noted that Mr. Lake is authorizing the engineer (Kevin Hatch) to act on his
73 behalf, but Mr. Hatch's signature is not on the Power of Attorney form submitted by Mr.
74 Lake.

75

76 Mr. Meisner noted that the case was heard approximately 2 years ago and Mr. Hatch
77 presented it last time and would likely do that again.

78

79 **MOTION:** Ms. Lauren Cairns made a motion to accept the application submitted by
80 Albert Lake requesting a variance from Article II, Part B, Section 3B of the Sandown
81 Zoning Regulations to permit a new 2-acre residential building lot without 200' of
82 frontage. Ms. Green seconded the motion. Members voted unanimously in favor. The
83 motion passed 3-0.

84

85 **Case #121312-01 – Rebecca Janco, 218 Fremont Road, M20 L3**

86 *Requesting a variance from Article II, Part D, Section 3 to permit an open space*
87 *development on the property with less than 200' frontage and less than 15 acres in area.*

88

89 Mr. Meisner noted that the abutters list was correct and the application fee was received.
90 He noted the certified envelopes were missing.

91 Ms. Green questioned the difference in the name since Rebecca Janco was listed as the
92 applicant, but the property owner was listed as Rebecca Lavalle. Mr. Meisner asked if the
93 Board wanted a new cover sheet submitted for the application clarifying the names. Ms.
94 Green felt that there was no evidence they are the same person, it is the same signature,
95 but she asked if it would be appropriate to ask for a form of identification.

96

97 Members reviewed the plot plan and proposed changes. Mr. Meisner noted that they
98 already granted the applicant a variance for the project but it has expired.

99

100 Ms. Lauren Cairns noted there was white-out used on the application and questioned if
101 that was appropriate on a legal document.

102

103 **MOTION:** Ms. Green made a motion to accept the application for Rebecca Janco, dated
104 12/13/12, for M20 L3, requesting a variance from Article II, Part D, Section 3 of the
105 Sandown Zoning Regulations to permit an open space development on the property with
106 less than 200' of frontage and less than 15 acres in area. Acceptance is conditional on the
107 receipt of a new cover sheet; a new question and answer criteria sheet without white-out;
108 proof to the ZBA that the owner and applicant are the same person; and receipt of
109 certified envelopes. Ms. Lauren Cairns seconded the motion. Members voted
110 unanimously in favor. The motion passed 3-0.

111

112 **Case #122012-01 – James and Catherine Ryder, 1 Rowell Lane, M5 L22-03**
113 *Requesting a variance from Article II, Section B of the Sandown Zoning Regulations to*
114 *permit a relocation of Yogamatters to a different location within the dwelling with no*
115 *other changes to the business. The property currently has a special exception which was*
116 *granted in 2004.*

117

118 Mr. Meisner noted that the abutters were confirmed; certified envelopes were included;
119 the application fee was paid; and a plot plan of the property and a floor plan of the new
120 location were included.

121

122 Members reviewed the plot plan and application.

123

124 Ms. Lauren Cairns noted the application stated they were willing to give up the Special
125 Exception granted in 2004 and questioned how they would do that. Mr. Meisner would
126 need to check with counsel on what they needed to do. He also explained the reason for
127 that is so the town wouldn't grant them permission to have two businesses in the same
128 location.

129

130 Mr. Meisner explained the reason they were going for a variance vs. a special exception
131 like they did in the past, noting the Sandown Zoning Regulations have changed for home
132 occupations.

133

134 Ms. Lauren Cairns noted that the acreage on the application was actually the square
135 footage and that needed to be changed.

136

137 Members discussed the court decree which was included with the application.

138

139 **MOTION:** Ms. Lauren Cairns made a motion to accept the application from James and
140 Catherine Ryder, M5, L22-03, for a variance from Article II, Section B of the Sandown
141 Zoning Regulations to permit a relocation of Yogamatters, which presently has a special
142 exception granted in 2004, into the same dwelling, with no change to the operation of
143 Yogamatters. Acceptance is conditional upon fixing the acreage listed on their
144 application to clarify the correct dimensions. Ms. Green seconded the motion. Members
145 voted unanimously in favor. The motion passed 3-0.

146

147 **MOTION:** Mr. Meisner closed the meeting at 8:49 p.m.

148

149 Respectfully submitted,



150

151 Andrea Cairns, Recording Secretary