

**Town of Sandown
Zoning Board of Adjustment
Minutes 2/28/2019**

- 6 **Meeting Date:** February 28,2019
- 7 **Type of Meeting:** Public Hearing
- 8 **Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office,
9 Sandown Website, *Eagle Tribune*
- 10 **Meeting Location:** Sandown Town Hall
- 11 **Members present:** Steve Meisner- Chairman, Chris True- Vice Chairman, Dave
12 Ardolino
- 13 **Members absent:** Jon Goldman- Selectman Liaison, Chris Longchamps, Melyssa
14 Tapley

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16 Mr. Meisner opened the meeting at 7:07 pm

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18 **Mr. Meisner noted that they only have a 3-member board out of a 5-member board
19 and if the applicant’s choice to continue to the next scheduled meeting they can.**

20
21 **Public Hearing**

22 **M 28, L 3, 6 Shady Lane-** An appeals application of a pervious variance application that
23 was submitted by Debra Ann Trust for M 28, L 3, 6 Shady Lane that was requesting a
24 variance from Article II b, Section 3 ABC to allow construction of a dwelling on a pre-
25 existing undersized lot of records.

26
27 Mr. Meisner received a letter from Cronin Bisson & Zalinsky the lawyer representing
28 Debra Ann Trust on February 28th and the letter is dated February 21st. It reads “Dear
29 Mr. Meisner

30 As discussed, we are writing to advise you that we will continue the scheduled Motion
31 for Rehearing to the next regularly scheduled meeting of the Zoning Board of
32 Adjustment. We understand that you expect to only have three members for the meeting
33 on February 28,2019. Our client prefers to continue to increase the odds of having a full
34 Board.”

35 Mr. Meisner explained that out of courtesy he had called Mr. Cronin before the meeting
36 letting him and his client know that they would only have a 3-member board on February
37 28th as one of the members will be away on vacation and if they wish to continue to
38 submit a letter expressing their interest.

39
40 **Motion**

41 Mr. True made a motion to accept the request for a continuance to the next regularly
42 scheduled Zoning Board of Adjustment meeting for M 28, L 3, 6 Shady Lane a appeals
43 application of a previous variance application that was submitted by Debra Ann Trust for
44 M 28, L 3, 6 Shady Lane that was requesting a variance from Article II B, Section 3 ABC
45 to allow construction of a dwelling on a pre-existing undersized lot of records. Mr.

46 Ardolino second the motion. Mr. Meisner called the vote. All in favor. The motion
47 passed. (3-0-0)

48

49 **Application**

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51 **M 28, L 57, 10 Birch Drive-** An application submitted by Richard Moussa requesting a
52 variance from Article II B Section 13 A to allow construction of a dwelling on a pre-
53 existing undersized lot of records.

54

55 Richard Moussa (applicant) present.

56 Mr. Meisner noted that the Article and Section number Mr. Moussa is requesting the
57 variance for is not the right one. Section 13 talks about the lot was a legal lot of records
58 and duly recorded at the Rockingham County Registry of Deeds prior to the adoption of
59 the original Zoning Ordinance on March 13, 1956. After some research on the legal issue
60 of the lot being a lot of records prior to 1956, they were only able to go back as far as
61 1962. Mr. Moussa's lot does not qualify for Section 13 but instead qualifies for Article II
62 B Section 3 ABC.

63 Section 13 was put in the Zoning Ordinance to but relief of lots that where legal lots of
64 records prior to the original Zoning Ordinance of 1956.

65 Article II B Section 3 ABC covers Mr. Moussa's lot because he does not have the
66 required 40,000 square feet, frontage and non-sewered lots.

67

68 **Motion**

69 Mr. True made a motion to correct the application submitted by Richard Moussa
70 requesting a variance from Article II B Section 13 A to Article II B Section 3 ABC to
71 allow construction of a dwelling on a pre-existing undersized lot of records and the
72 applicant made proper changes and initialed the changes. Mr. Ardolino second the
73 motion. Mr. Meisner called the vote. All in favor. The motion passed. (3-0-0)

74

75 After the changes to the Article and Section number on the application the Board
76 Members proceeded with reviewing the rest of Mr. Moussa's application.

77

78 **Motion**

79 Mr. True made a motion to accept the application for M 28, L 57, 10 Birch Drive
80 submitted by Richard Moussa requesting a variance from Article II B Section 3 ABC to
81 allow construction of a dwelling on a pre-existing undersized lot of records and the
82 applicant will bring in a new designs plan showing the well and septic for the
83 surrounding lots for the next meeting on March 28th. Mr. Ardolino second the motion.

84 Mr. Meisner called the vote. All in favor. The motion passed. (3-0-0)

85

86 **Review of 1/31/2019 Minutes**

87 **Motion**

88 Mr. Ardolino made a motion to accept the 1/31/2019 minutes as amended. Mr. True
89 second the motion. Mr. Meisner called the vote. All in favor. The motion passed. (3-0-0)

90

91 **Amendments**

- 92 • Line 34- change Property Line. To Property line is?
- 93 • Line 37-size of lot is 24 feet. Check the lot size and make proper corrections
- 94 • Line 50- If Mr. Leather builds a 12x 12-foot structure. Change to 12 x 20-foot
- 95 structure.
- 96 • Line 52- Check tape to see what Mr. True stated.
- 97 • Line s 76-77- remove and replace with. The Board agreed the Notice of Decision
- 98 did not show adequate reasons for the denial.
- 99 • Line 82- Change appeal to rehearing.
- 100 • Line 97- Change one in a half to one and half.

101

102 **Motion to Adjourn:**

103 Mr. True made a motion to adjourn. Mr. Ardolino second the motion. Mr. Meisner called

104 the vote. All in favor. The motion passed. The meeting ADJOURNED at 8:07 p.m.

105

106 Respectfully Submitted,

107

108 Melyssa Tapley