

**Town of Sandown  
Zoning Board of Adjustment  
Minutes 4/25/2019**

**Meeting Date:** April 25,2019  
**Type of Meeting:** Public Hearing  
**Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office,  
Sandown Website, *Eagle Tribune*  
**Meeting Location:** Sandown Town Hall

**Members present** Chris True-Chairman, Chris Longchamps- Vice Chair, Steve Meisner, David Ardolino, John White Eric Olsen- Selectman Liaison

**Members absent:** Melyssa Tapley

Mr. Trues opened the meeting at 7:00 p.m.

First order of Business is swearing David Ardolino as a returning member of the Zoning Board of Adjustment.

Mr. True noted that the ZBA has a full Board tonight.

**Continued Public Hearing**

**M 28, L 57, 10 Birch Drive-** An application submitted by Richard Moussa requesting a variance from Article II B Section 3 ABC to allow construction of a dwelling on a pre-existing undersized lot of records.

Richard Moussa applicant-present PO Box 234, Danville, NH  
The Board went through the 5 Criteria requirements for the approval of the variance with Mr. Moussa.  
Mr. Moussa’s answers to the 5 Criteria questions.

**Criteria#1- The Variance will not be contrary to the public interest because**

The approval of the variance will allow construction of a home on a lot similar in size to those in the surrounding area. The lots were also created as residential lot and adding a residential home to the lot will keep the nature of the neighborhood. The house is also on a Town owned road and the home will be a similar size as the surrounding homes in the area and used in similar fashion.

**Criteria#2- The spirit of the ordinance is observed**

The proposed structure meets the current setback regulations and DES Standards. Mr. Moussa also has an approved septic design from DES. The lot was created to be used as residential and will be used for a residential home.

**Criteria#3- Substantial justice is done**

Granting the variance will allow for full and productive use of the land. Denying the variance there will be no gain to the public. The lot was created for residential use and

47 will remain as residential use. Denying the variance would prevent the building of a  
48 residential home that is consistent with what the area was intended for and denying the  
49 variance would be a injustice.

50 **Criteria#4- The value of surrounding properties will not be diminished because**

51 The proposed structure will be of equal or greater value to the surrounding  
52 structures. Mr. Moussa provided the Board with a letter from a license realtor Andrea  
53 Delhaunty stating that the new construction in the Angle pond area will benefit the  
54 surrounding properties by raising their value.

55 **Criteria#5- Literal enforcement of the provisions of the ordinance would result in an**  
56 **unnecessary hardship**

57 The are was subdivided years ago creating lots which were 50' wide. This lot was  
58 merged with another lot to create a 150' wide lot and construction of a new home  
59 meeting current setbacks. The ordinance was created to prevent overcrowding. This lot  
60 was merged with another to create a larger lot than many in the surrounding  
61 neighborhood which is consistent with the spirit of the ordinance. The benefit sought by  
62 the applicant is not outweighed by any harm to the general public or abutters. No harm  
63 will be done to the neighborhood.

64  
65 At the last meeting Mr. Moussa was missing some septic and well radius for the  
66 surrounding homes and had requested a continuance to this month meeting.  
67 Mr. Moussa has provided the Board with an updated plan showing all the well and septic  
68 radiuses for the surrounding homes.

69  
70 Mr. Longchamps spoke up. He noted that he was happy to see that it fits the setback they  
71 where able to fit the well and septic and able to keep the house with the spirit of the  
72 neighborhood. His question to Mr. Moussa is they haven't seen the size of the proposed  
73 new house.

74 Mr. Moussa answered Mr. Longchamps question about the size of the house. The size of  
75 the proposed house is two thousand and 50 square feet. It is slightly bigger than the last  
76 home that was built down there. The foundation will be 28 by 36 feet which is the same  
77 size foundation as the last new home built down there.

78  
79 Mr. True opens the meeting up to the Public

80  
81 Andrea Delhaunty- 15 Jade Drive, Danville, NH. Came before the Board on Mr.  
82 Moussa's behalf stating that she has worked with serval builders in the area and Mr.  
83 Moussa is one of the best she has worked with. He is neat organized and stays at the  
84 project sit to monitor the progress.

85  
86 Mr. True closes the hearing to the public and opens the discussion up to the Board.

87  
88 **Motion:**

89 Mr. Meisner made a motion to APPROVE the application for M 28, L 57, 10 Birch  
90 Drive- An application submitted by Richard Moussa requesting a variance from Article II  
91 B Section 3 ABC to allow construction of a dwelling on a pre-existing undersized lot of

92 records. Mr. Ardolino second the motion. Mr. True calls the vote. All in favor. The  
93 motion passed. (5-0-0)

94

95 Mr. True noted that under RSA 677-2, within 30 days after the decision anyone can  
96 appeal the application.

97

#### 98 **New Business**

99 Mr. True read an email he had revised from Lynne Blaisdell. The Board of Selectman  
100 have hired an engineering firm, Comprehensive Environmental, INC, and the Town is  
101 working directly will principal project manager, Nick Cristofori. Ms. Blaisdell is asking  
102 for one or two members to meet with Nick and he is available Tues. May 14<sup>th</sup>, Wed. May  
103 15<sup>th</sup> or Thur. May 16<sup>th</sup> and to let Ms. Blaisdell know what time and date works for  
104 everyone.

105

#### 106 **Correspondence**

107 • Letter from Russell Prescott the Executive Council for District 3 introducing  
108 himself.

#### 109 **Review of 3/28/2019 Minutes**

110

#### 111 **Motion**

112 Mr. Meisner made a motion to accept the minutes from 3/28/2019 as amended. Mr.  
113 Ardolino second the motion. Mr. True called the vote. All in favor. The motion passed.  
114 (5-0-0)

115

#### 116 **Amendments**

117 • Line 52- change Boards expectation to State and Town standards.

118 •

#### 119 **Motion to Adjourn:**

120 Mr. Longchamps made a motion to adjourn. Mr. Ardolino second the motion. Mr. True  
121 called the vote. All in favor. The motion passed. Meeting ADJOURNED at 7:47p.m. (5-  
122 0-0)

123 Respectfully Submitted,

124

125 Melyssa Tapley

126