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5 **Stratham Zoning Board of Adjustment**
6 **Meeting Minutes**
7 **April 10, 2012**
8 **Municipal Center, Selectmen's Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
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13 **Members Present:** **Arol Charbonneau, Chairman**
14 **Dave Short, Vice Chairman**
15 **Jeffrey Karam, Secretary**
16 **Bruce Barker, Full Time Member**
17 **Kirk Scamman, Full Time Member**
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19 **Members Absent:** **Mike Smith, Alternate**
20 **Chris Brett, Alternate**
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22 **Staff Present:** **Lincoln Daley, Town Planner**
23 **Paul Deschaine, Town Administrator**
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28 **1. Call to Order/Roll Call:**
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30 The Chairman took roll call and explained that as he has an ongoing professional relationship
31 with Mr. McNeill, the Applicant's attorney, he would have to reclude himself from the case.
32 Mr. Dave Short, Vice Chairman deputized as Chairman.
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34 **2. Approval of Minutes:**

35 March 20, 2012
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37 Mr. Scamman made a motion to approve the minutes. The motion was seconded by Mr.
38 Karam, and the motion passed unanimously.
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40 **3. Public Hearing(s):**

41 **Case # 571: Jason White, 39-41 Union Road, Stratham, NH, Tax Map 10 Lot 78. A**
42 **Special Exception has been requested, pursuant to the Zoning Ordinance, Sections**
43 **20.1.5.a and d, 20.4.1, and 17.8.2, to allow the construction of a new residence and**
44 **appurtenant septic system. A Special Exception is required because the test pits used for**
45 **the septic system do not meet the requirements of Stratham Zoning Ordinance, Sections**

1 20.1.5.a. and d. specifying a minimum of two feet of natural permeable soil above the
2 seasonal high water table beneath the sewage disposal area and sewage reserve area.

3 Mr. McNeill, the Applicant's attorney, said that after consultation with the Applicant and
4 understanding that the ZBA allows an applicant to proceed with a full board, it would be the
5 Applicant's preference to proceed with a Board that has five members.

6 Mr. Short said he would like to open the public hearing and review the March 20, 2012
7 minutes which the Board did. He then confirmed with Mr. McNeill that his applicant was
8 opting for a date of May 1, 2012 due to contractual arrangements. Mr. Short suggested the
9 Board could attempt to reschedule this hearing until April 24, 2012 and make every effort to
10 have five members present. The four members present at tonight's meeting confirmed they
11 could be available for April 24, 2012.

12 A member of the public asked what was being discussed at this meeting so Mr. Short read
13 out case # 571.

14 Mr. Daley said he felt it would at least behoove the applicant to introduce the application to
15 the ZBA as Mr. Daley had some questions about it. He said he had been reviewing the
16 application and discovered that the application may require additional approvals from the
17 Planning Board, but in order to determine that he would need more information from the
18 Applicant regarding the location of poorly and very poorly drained soils on the property
19 itself.

20 Mr. McNeill commented that he knew nothing about this issue until he walked into the room.
21 Mr. McNeill felt that there were adequate materials before the Board to act on the special
22 exception and if other approvals were necessary, the Applicant would get those approvals. In
23 his opinion, that was not a reason to delay the hearing. Mr. McNeill continued that the
24 Planning Board has a different jurisdiction to the Zoning Board and he didn't want to make a
25 presentation to a Board that might not be sitting in on this case. Mr. McNeill reiterated his
26 request to have a full Board present.

27 Mr. Deschaine, Town Administrator explained that the intent of the request was solely for the
28 benefit of the Applicant in terms of scheduling. Mr. Deschaine explained that if it was
29 decided that in fact a variance is required then the applicant would not have enough time to
30 prepare for the April 24, 2012 meeting due to legal notice requirements. Depending on the
31 presentation, it may require a Conditional Use Permit which would require a different
32 jurisdiction.

33 Mr. Short said the next date the ZBA could meet after April 24, 2012 would be May 1, 2012.
34 Mr. McNeill said that in the interim he would speak to Mr. Daley and if there were any issues
35 that required any relief there would at least now be an additional time period if it is May 1,
36 2012.

37 Mr. Karam made a motion that the meeting be continued until Tuesday, May 1, 2012. The
38 motion was seconded by Mr. Barker and was passed unanimously.

39 After further consideration and taking additional input from the Applicant, the Board
40 amended the preceding motion to continue the meeting to April 24, 2012. A motion was
41 made by Kirk Scamman and was seconded by Mr. Barker to continue the meeting April 24,
42 2012. Motion was approved unanimously.

1 **4. Miscellaneous:**

2 There were no miscellaneous items to report.

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4 **5. Adjournment:**

5 Mr. Short made a motion to adjourn the meeting at 7:11pm. Motion seconded by Mr. Karam.

6 All in favor.