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6 **Stratham Zoning Board of Adjustment**
7 **Meeting Minutes**
8 **May 28, 2013**
9 **Municipal Center, Selectmen's Meeting Room**
10 **10 Bunker Hill Avenue**
11 **Time: 7:00 PM**
12

13
14 **Members Present:** **Arol Charbonneau, Chairman**
15 **Jeffrey Karam, Secretary**
16 **Kirk Scamman, Full Time Member**
17 **Garrett Dolan, Full Time Member**
18 **Chris Brett, Alternate**
19

20 **Members Absent:** **Mike Smith, Alternate**
21

22 **Staff Present:** **Terry Barnes, Building Inspector**
23 **Lincoln Daley, Town Planner**
24

25
26 **1. Call to Order/Roll Call.**
27

28 The Chairman took roll call and then explained the procedure for tonight's meeting.
29

30 **2. Approval of Minutes.**

31 October 09, 2012

32 December 11, 2012
33

34 The Chairman observed that the minutes from October 9, 2012 had already been approved,
35 but Mr. Dolan made a motion to accept the minutes from October 9, 2012. Motion seconded
36 by Mr. Brett. Motion carried unanimously.
37

38 Mr. Brett made a motion to accept the minutes from December 11, 2012 as presented.
39 Motion seconded by Mr. Karam. Motion carried unanimously.
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41 **3. Public Hearing(s).**
42

- 43 a. **Case # 581: Douglas Simmons and Pamela Strong, 9A Lovell Road, Stratham, NH,**
44 **Tax Map 22, Lot 51 within the Manufactured Housing/Mobile Home District.** A
45 request for a variance from Section 4.2 Dimensional Requirements of the Stratham

1 Zoning Ordinance to locate a structure within the thirty foot front property dimensional
2 setback.

3 Mr. Karam read out the application for case # 581. Mr. Scamman made a motion to
4 accept Case # 581, Douglas Simmons and Pamela Strong, 9A Lovell Road, Stratham.
5 Motion seconded by Mr. Brett. Motion carried unanimously.
6

7 The applicants were not present. A member of the audience asked if the Board was able
8 listen to abutters. The Chairman said they couldn't without the applicants present. The
9 Board decided to give the applicants until 7:20pm (13 minutes) to show up. If the
10 applicants don't show by then, the application would be tabled.
11

- 12 b. **Case # 582: Richard Chartier, 42 River Road, Stratham, NH, Tax Map 8, Lot 51,**
13 **within Residential/Agricultural Zoning District.** A request for an Equitable Waiver
14 pursuant to RSA 674.33-a, to allow an existing garage to remain within the twenty foot
15 side property dimensional setback.
16

17 Mr. Karam read out the application for case # 582. Mr. Dolan made a motion to accept
18 the application as complete. Motion seconded by Mr. Scamman. Motion carried
19 unanimously.
20

21 The applicant Mr. Chartier said that when the garage burnt down, it was rebuilt in 2003
22 on the original footprint and a building permit was issued. He continued that when he
23 bought the house, he did not know that the garage was encroaching upon the setbacks by
24 5' and has only just found out about it when trying to sell the property. He has a buyer
25 and is unable to close on the property until this situation is resolved. The Chairman
26 added that both the property owner at the time, and the Town didn't realize the garage
27 was located in the property setbacks. In 2008 the bank had arranged for a survey to be
28 done which revealed this discrepancy, however when the current owner bought the
29 property he was informed there were no problems associated with the purchase. Mr.
30 Dolan asked when they purchased the property. Mrs. Chartier said in 2008.
31

32 Donna Frederick, realtor for the applicant, explained that despite the plot plan, the
33 violation of the property set back of the garage was not noticed, however there was a
34 comment on the title insurance policy stating that there was an encroachment. Nobody
35 was aware of this until the realtor did a title search on the property. Now, she said, they
36 have to make the encroachment legal for the sale of the property to proceed.
37

38 The Chairman noted that it was now 7:20pm so Case # 581 would have to be tabled. Mr.
39 Scamman made a motion to table Case #581, Douglas Simmons and Pamela Strong, 9A
40 Lovell Road, Stratham, NH, Map # 22 Lot # 51 as it is now 7:20 pm and the applicants
41 are not present. He would like to table this application to the next ZBA meeting. Motion
42 seconded by Mr. Brett. Motion carried unanimously.
43

44 Dave and Kristine Gruscynski, abutters asked what would happen in the future if they
45 sell their property, they wondered if it would cause any issues that the garage is only 15'
46 away from their border instead of 20'. The Chairman said it wouldn't affect the sale of

1 their property. Mr. Scamman asked Mr. Gruscynski how far away the garage was from
2 his house. He replied probably about 100' – 150' away plus there is a little wooded
3 buffer.

4
5 The Chairman asked Mr. Terry Barnes, Code Enforcement Officer to comment. He
6 explained that through no fault of the applicant or Mr. Barnes's fault, the garage burned
7 down so the then home owner pulled a permit to replace it in kind. Mr. Barnes said that
8 on the plan for the garage, the setbacks were shown as more than enough. Nowadays he
9 asks for a foundation certification to make sure a structure such as a garage meets the
10 setbacks. Mr. Barnes continued saying they are just looking for relief for the 5'
11 encroachment. It was neither the fault of the Town or the applicant.

12
13 Mr. Scamman made a motion to close the public session on case # 582. Motion seconded
14 by Mr. Dolan. Motion carried unanimously.

- 15
16 c. The Board then went through the criteria for an equitable waiver pursuant to RSA
17 674.33-a, to allow an existing garage to remain within the twenty foot side property
18 dimensional setback.

19
20 The Board agreed that the application met all of the requirements of Section 1, a-d and
21 also the 10 year requirement of Section 2.

22
23 Mr. Dolan made a motion to grant the request for case # 582 for Richard Chartier at 42
24 River Road, Stratham, Tax Map # 8, Lot # 51 for an equitable waiver pursuant to RSA
25 674.33-a. Motion seconded by Mr. Scamman. Motion carried unanimously.

26
27 **4. Miscellaneous.**

28 The Chairman shared with the Board that there would be a case coming before them which
29 originally was going to be heard at a joint meeting involving the Planning Board and
30 Conservation Commission as well as the ZBA. The case was now going to be before the
31 Planning Board on June 19, 2013. The Chairman is unable to attend but extended an
32 invitation to the other ZBA members to attend at the suggestion of Lincoln Daley, Town
33 Planner.

34
35 The Chairman then asked if Board members had any suggestions for new members as Mr.
36 Karam was resigning. Mr. Karam's resignation means there are going to be 4 full time
37 members and 1 alternate only. As Mr. Karam is resigning that leaves the position of
38 secretary vacant. The Chairman asked if anybody would like to fill that position. Mr. Brett
39 volunteered to be secretary going forward.

40
41 **5. Adjournment.**

42
43 Mr. Scamman made a motion to adjourn the meeting at 7:50 PM. Motion seconded by Mr.
44 Dolan. Motion carried unanimously.