

**TOWN OF WEBSTER, NEW HAMPSHIRE**  
***Zoning Board of Adjustment***  
**945 Battle Street/Rte. 127**  
**Webster, NH 03303**  
**Tel. (603) 648-2272**

**Zoning Board of Adjustment Minutes July 9, 2013**

**Case No. 13-06 Special Exception**  
**Susan Panilaitis et al c/o Benson**  
**118 Westwind Village Road, Map 13 Lot 4**  
**Requesting permission to construct a new**  
**Residential building (to replace existing building)**  
**No closer than 25 feet from the property sidelines, lake and roadway.**

Present: Chairman Martin Bender, Members David Barnes, Robert Drown, Jr., Barbara Corliss, and Alternate Jaye Terrazzano. Alternate Terrazzano served as a voting member due to the absence of Member Don Koberski.

**7:02 PM:** Chairman Bender opened the hearing. Secretary Alternate Terrazzano took attendance and read the application. Chairman Bender explained the procedure to the applicants and then invited them to make their presentation. Attorney Derek Lick spoke on behalf of his clients, Dr. & Mrs. Benson, who represented their daughters, who are the property owners. Attorney Lick introduced Dean Anderson, builder and Mark Moser, engineer who provided the plans presented to the Board. He stated that he was there to present a plan for a special exception that addressed the concerns from the prior ZBA meetings. After the variance was denied, the Bensons met with their builder and engineer and developed alternative plans. Attorney Lick stated that after reading the ZBA minutes it seemed the primary concerns were the setbacks from the side property lines. Attorney Lick pointed out that the revised plans showed the setbacks from the side property lines were both more than 25 feet which would be within the special exception requirements. At this time, Attorney Lick approached the Board to go over the revised plans that had been laid out on the conference table. There were two pages to the plans; "Existing Conditions Plan" and "Proposed Conditions Plan". Attorney Lick pointed out the existing building was a bit skewed to the west on the lot. The proposed building would be shifted more to the center of the lot and back from the lake; the setback from the westerly property line would be 25.4 feet; from the road would be 34.9 feet; from the easterly line would be 25.7 feet and from the lake, 33 feet. Attorney Lick stated that the Bensons' tried to address the Board's and the abutters' concerns that were raised at prior ZBA meetings. He stated that the proposed plan would be less nonconforming than the existing plan and would not be detrimental to the neighborhood. Attorney Lick stated that with respect to Dr. Berryman on the west, the proposed building would be further

away from his property; with respect to DES, the proposed building would be further away from the lake; with respect to the roadway the setback would be consistent and actually further away than many of the other buildings in that neighborhood. Attorney Lick informed the Board that he did have a conversation with Dr. & Mrs. Berryman prior to the hearing. He stated they did not have any objection to the proposed plans. In closing, Attorney Lick stated that he hoped that a special exception would be granted.

Chairman Bender asked the Board if there were any questions; there were none at this time. Chairman Bender asked if anyone would like to speak in favor of the application. Mark Moser, engineer, stated he felt they had reached the goal of meeting the minimum 25 foot setback. Mr. Patrick Malfait, an abutter, stated the he and his wife were in favor of the application.

Chairman Bender inquired as to the height of the building. Attorney Lick stated that the concentration of the plans was the footprint with regards to this hearing. Mr. Moser asked if there were any restrictions on the height. Chairman Bender stated that the Town's Zoning Ordinance does not have any specific limitation on the height. Chairman Bender stated that most towns have two and on half stories because of the fire trucks' ladder heights. Chairman Bender asked the applicants if they would feel comfortable making the height limitation two and one half stories. Attorney Lick stated he would discuss that with his clients.

Chairman Bender asked if there was anyone else who would like to speak in favor of the application.

No one spoke in opposition.

**7:12 PM** Chairman Bender closed the testimony and the Board discussion began. Member Corliss voiced her concern regarding the height because of safety reasons. She referred to the Zoning Ordinance, page 10, number 3. **Conditions to be Applied to Special Exceptions:**

"...B. Limiting the coverage of height of buildings because of obstruction of view and reduction of light and air to adjacent properties."

A brief discussion followed between Member Corliss and Chairman Bender.

Attorney Lick asked to address the Board. He stated that if it was necessary for the Board to set a height limitation, then his clients would agree to a restriction with no more than a first and second floor with a walk-out basement. He stated that his clients did not plan on doing anything crazy! Attorney Lick stated that the Zoning Ordinance condition

stated above did not apply because the home would not obstruct the view. In closing he requested the Board not to impose such a restriction.

Member Drown stated that he felt the Board's concerns about the 25 foot setbacks had been addressed. He had no problem with the application. Member Barnes made a motion to grant the special exception; motion was seconded by Member Drown, and passed unanimously.

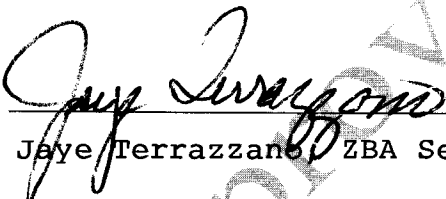
**7:17 PM** The hearing was adjourned.

The next item on the agenda was the review of the draft minutes of June 11, 2013. Acting Member Terrazzano made a motion to approve the minutes as written; motion seconded by Member Drown and unanimously approved as written.

The next item on the agenda was the election of officers. Member Corliss nominated Chairman Bender to remain as Chairman; seconded by Member Barnes and unanimously approved. Chairman Bender nominated Alternate Terrazzano to remain as Secretary; seconded by Member Barnes and unanimously approved.

**7:19 PM** The meeting was adjourned.

These minutes were approved as written at the ZBA meeting on September 10, 2013.

  
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Jay Terrazzano, ZBA Secretary