



7/15/2019 - Minutes

1. CALL TO ORDER

Meeting was called to order by Chair S. Bogert at 6:32 PM.

2. ROLL CALL

Present: Steve Bogert; Orry Gibbs; Michael DellaVecchia; G. Ober
Mike Foote; Roland Maheu (6:51PM)
Absent: Michael DellaVecchia

G. Ober was seated as a voting member.

S. Bogert addressed the applicants, he informed them that with only a four member board, a 3-1 vote would be needed to pass. The applicants were offered the opportunity to be heard or to continue until the next meeting when there may be a full board.

Patrick Wood, attorney for the applicant for application ZO2019-0024VAR 221 Pleasant St Variance, opted for the application to be heard at the August meeting. The other applicants chose to have their applications heard.

3. RECORDING SECRETARY

Karen Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

Karen Santoro, Zoning Technician

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. June 18, 2019 Zoning Board Of Adjustment Regular Meeting Minutes (PDF)

O. Gibbs made a motion to accept the minutes of the June 18, 2019 meeting as presented.

M. Foote seconded the motion.

Three in favor; One abstained (G. Ober)

6. EXTENSIONS

6.I. Akwa Vista LLC Special Exception Extension Request - 664 Scenic Rd (PDF)

C. Duprey updated the Board on the three project extension requests. He noted that they have been working on the townhomes on an abutting project property. They did receive the extension of the Alteration of Terrain (AoT) permit for the project. C. Duprey also noted that they will be going to the Planning Board in October to request an extension prior to the project expiring.

O. Gibbs made a motion to grant the Special Exception Extension Request for 664 Scenic Road until January 31, 2020.

O. Gibbs noted that the developer has made consistent attempts to move the project forward, and that

they have filed the extensions on time. She also noted that the abutting properties to the project sites have not been developed and that the city holds adequate site security for the projects.

M. Foote seconded the motion.

All in favor. (4-0)

6.II. Akwa Waterfront LLC Special Exception Extension Request - 63-99 Fletcher Lane (PDF)

O. Gibbs made a motion to grant the Special Exception Extension Request for 63-99 Fletcher Lane until January 31, 2020.

O. Gibbs noted that the developer has made consistent attempts to move the project forward, and that they have filed the extensions on time. She also noted that the abutting properties to the project sites have not been developed and that the city holds adequate site security for the projects.

G. Ober seconded the motion.

All in favor. (4-0)

6.III. Akwa Waterfront LLC Variance Extension Request - 63-99 Fletcher Lane (PDF)

S. Bogert made a motion to grant the area Variance Extension Request for 63-99 Fletcher Lane until January 31, 2020.

S. Bogert re-stated O. Gibbs comments, the developer has made consistent attempts to move the project forward, and that they have filed the extensions on time. It was also noted that the abutting properties to the project sites have not been developed and that the city holds adequate site security for the projects.

O. Gibbs seconded the motion.

All in favor. (4-0)

7. CONTINUED PUBLIC HEARINGS, CONSIDERATION AND POSSIBLE VOTE Note: The Purpose Of This Agenda Section Is For The Board To Continue The Public Hearing For The Applicant And The Public To Provide Input. The Board May Also Deliberate The Application, Decide And Conduct A Final Vote At This Time.

8. PUBLIC HEARINGS, POSSIBLE CONSIDERATION AND VOTE Note: The Purpose Of This Agenda Section Is For The Board To Have A Presentation From The Applicant And Open A Public Hearing For The Public To Provide Input. The Board May Also Deliberate The Application, Decide And Conduct A Final Vote At This Time.

8.I. ZO2019-0022VAR 231 Weirs Blvd Variance (PDF)

Keith Normand outlined the proposed project to the Board. He noted that originally they proposed to build a new set of stairs next to the old one, then remove the old one however, the State would not approve the project in that format. He explained that they can rebuild the stairs in current location but make them wider for safety and accommodate two people passing on the stairs. The current stairs are 36" wide, they will be removed and rebuilt to 42" wide. Keith Normand clarified that the Shoreland Impact permit includes both the proposed stairs and new pylons but that the variance request is for the stairs only.

R. Maheu joined the meeting (6:51PM)

At 6:52 PM S. Bogert opened the hearing to the public.

At 6:52 PM with no one to speak for or against the application, the public hearing was closed.

The Board briefly discussed the application. They noted that due to the property being a very narrow sliver of land, anything that is done on the property requires relief from the Board.

O. Gibbs made a motion to approve with conditions application ZO2019-0022VAR for a variance from Article VI Section 235-35 Minimum Setback Requirements to allow for the reconstruction and widen of a set of stairs to 42" to access an existing dock.

Conditions of approval: All state and local permits and approvals must be obtained, the approval is for the stairs only (the pylons on the Shoreland Impact permit are under State of NH jurisdiction), stairs are

not to exceed 42" in width and no additional vegetation is to be disturbed.

1. Granting the variance would not be contrary to the public interest because the stairs will replace old, dilapidated stairs and replace them with wider, safer stairs.

2. If the variance were granted, the spirit of the ordinance would be observed it provide safe access to and from and existing dock.

3. Granting the variance would do substantial justice because it would not alter the character of the neighborhood, it provides for access to and from the existing dock, has no effect on traffic and does not create any demand on public services and utilities.

4. If the variance were granted, the values of the surrounding properties would not be diminished because it would not alter the character of the neighborhood and it will have no effect on surrounding property values and will improve the appearance of the subject property.

5. Unnecessary Hardship. Literal enforcement of the regulations would not allow the property owners to improve or upgrade the property. The property is very narrow, anything that would be done on the parcel would require relief from the zoning regulations.

G. Ober seconded the motion.
All in favor. (5-0)

8.II. ZO2019-0023VAR 3160 Parade Rd Variance (PDF)

Applicant Jill Miller outlined the request she is making to the Board. She explained that her house was built prior to zoning and the house sits in the current 75' front setback. She is requesting to install an 8' wide farmer's porch with a single 12" step on the front of her house. Her house currently sits 52' from the property line, the porch, including the step, would reduce the distance to 43'. J. Miller explained that the house is below the grade of the road and when it rains both the water from the road and her roof come in to her basement. She stated she has installed French drains and other measures to help mitigate the water. J. Miller explained that the porch is intended to help push the water away from the foundation, giving it time to seep into the ground and let the drains do their work to hopefully reduce or prevent the amount of water getting in.

At 7:04PM S. Bogert opened the hearing to the public.

At 7:04 PM with no one to speak for or against the application, the public hearing was closed.

The Board briefly discussed the application.

G. Ober made a motion to approve application ZO2019-0023VAR for a variance from Article VI Section 235-35 (A) Minimum Setback Requirements – Front Setback to allow for the addition of an 8' wide farmers porch on the front of the existing house.

1. Granting the variance would not be contrary to the public interest because the porch will have no effect on the public.

2. If the variance were granted, the spirit of the ordinance would be observed it will assist the homeowner with mitigating a water issue and improve the appearance of her home.

3. Granting the variance would do substantial justice because it would not alter the character of the neighborhood, it provides for access to and from the home and will help with water issue, has no effect on traffic and does not create any demand on public services and utilities.

4. If the variance were granted, the values of the surrounding properties would not be diminished because it would not alter the character of the neighborhood and it will have no effect on surrounding property values and will improve the appearance of the subject property.

5. Unnecessary Hardship. Literal enforcement of the regulations would not allow the property owners to

improve or upgrade the property. The house was built prior to the zoning being instituted and anything that would be done on the front of the house would require relief from the zoning regulations.

O. Gibbs seconded the motion.
All in favor. (5-0)

8.III. ZO2019-0024VAR 221 Pleasant St Variance (PDF)
Application moved to August 19, 2019 meeting.

9. OTHER BUSINESS

S. Bogert informed the Board that Suzanne Perley has resigned her position on the ZBA. The Board thanked her for all her hard work over the years.

10. ADJOURNMENT

At 7:18 PM S. Bogert made a motion to adjourn the meeting.

R. Maheu seconded the motion.

All in favor. (5-0)

DRAFT