**NEWMARKET ZONING BOARD OF ADJUSTMENT**

**SEPTEMBER 17, 2018**

**MINUTES**

Present: Chris Hawkins (Chairman), Diane Hardy (Zoning Administrator), Bob Daigle (Vice Chairman), Wayne Rosa, James Drago, Richard Shelton (Alternate)

Absent: Steve Minutelli (Alternate)

**Agenda Item #1 - Pledge of Allegiance**

**Agenda Item #2 - Review & Approval of Minutes: 07/16/18**

 **Action**

**Motion: Richard Shelton made a motion to approve the minutes of the 07/16/18 meeting**

 **Second: Wayne Rosa**

 **Vote: Bob Daigle abstained due to absence**

 **All others in favor**

**Agenda Item #3 - Regular Business**

 Chairman Hawkins appointed Richard Shelton to sit in as a full board member.

***Donald Eaves III - Public hearing, for an application for a Special Exception from Section 32-234, of the Newmarket Zoning Ordinance, and a Variance from Section 32-234(b) to allow an accessory apartment in an existing detached structure. The property is located at 21 Bald Hill Road, Tax Map R7, Lot 19-7, R1 Zone.***

Chairman Hawkins stated the Board has read through the application. He explained if there was anything the applicant would like to expand upon or add, this was his opportunity to do so. Donald Eaves III stated the application was sufficient.

 ***Chairman Hawkins opened the public hearing***

 Ok Kyong Leblanc, 13 Bald Hill Road, next door, stated she had no objection whatsoever. Chairman Hawkins thanked her for coming in.

 ***There were no other members of the public present and no further comments. Chairman Hawkins closed the public hearing.***

Bob Daigle asked if they should address the variance first. The Board agreed that would be best, as the variance was necessary due to the accessory apartment being proposed in a detached structure and the conditions of the Special Exception could not be met without it. The requirement is that the accessory apartment is within the primary structure.

 Wayne Rosa stated there is verbiage in the paperwork that 32-234(b) states one accessory apartment shall be permitted per detached single family residence. That is a change from a year ago. Diane Hardy stated it had to be attached. Chairman Hawkins stated that section goes on to state the apartment has to be within the detached single family structure. So, there may be more than one single family structure on the lot and the accessory apartment needs to be within that.

 Chairman Hawkins asked for more explanation regarding the information given for the hardship criterion.

 Richard Shelton suggested the Board do a site walk. He has been to the site and felt it would be helpful for the Board members to see it. He did not feel the applicant could meet the hardship with what he has written. Chairman Hawkins stated he thought it would be best to look at the site prior to going through the criteria.

 Mr. Eaves asked if there was a certain aspect to what he had written they had questions about. Richard Shelton stated it wasn’t meeting the hardship criteria. His application is just saying it is easier to put it in the detached structure rather than the house. The applicant needs to show why this cannot be part of the house. Chairman Hawkins explained the applicant needs to show there is some condition on the property that is unique and distinguishes the property from others. It is typically helpful for the Board to look at the property.

Mr. Eaves asked them to explain what hardship would be. Chairman Hawkins stated it is hard to say, as all properties are different. He sees on his application there is reference to the septic location. That is helpful. If they could see the property they may see, for example, very wet areas where you cannot add on to the house.

Mr. Eaves stated one of the difficulties he may have is downstairs in the basement is a really big open space that could be an apartment. The difficulty is adding a bathroom and hooking to the septic, because there would have to be the addition of a pump to get it around up to where the existing septic is. If they tried to put an addition on the house, there are large boulders that would make it unruly to do that.

Chairman Hawkins stated it was not their intent to make the applicant’s life more difficult with a site walk, but to better understand the situation and to get the fullest picture possible to understand his application and give him the best chance for approval.

There was a question about the word “sewer” being used. Mr. Eaves clarified he means septic system. He stated there is already a septic tie-in to the detached structure. It was there when he bought the house. There is one septic system on the property, with a line to the house and a line to the detached structure.

Richard Shelton asked where the well was located. Mr. Eaves drew a location on the plan he had provided. It is off of the front corner of the house, on the right side, if you are facing the house, which would be the Newfields side.

Mr. Eaves stated the detached structure also has water to it.

Wayne Rosa asked about the capacity of the septic system. Diane Hardy stated that was part of the building permit process. The State requirements size it based on the number of bedrooms. They would have to pull the map/lot file to see if a septic system plan is there. Wayne Rosa stated this would also factor in if he was doing an addition. It would have to be adequate for its present use as well as the proposed addition.

Bob Daigle asked why he could not expand off the Newfields side of the house. Mr. Eaves stated there are large boulders there. Also, he would not be able to maintain sufficient flow and keep within code for drainage (gravity) of additions to bathroom and plumbing. It is either a 1 to 8 ratio or a 1 to 12. Either way, both of them would not maintain that, because of the topography.

The Board decided to have a site walk on Saturday and continue to a meeting next Monday. Bob Daigle cannot attend Saturday, but the Board can take photos and discuss everything at the meeting on Monday, which he can attend.

Mr. Eaves stated he had photos on his phone of the house. Mr. Eaves asked if he can send photos to the Board. Chairman Hawkins stated he can add whatever he would like to his application to help him put his best foot forward. He stated the site walk was for the applicant’s benefit to make sure the Board understands and has all of the information it needs to make a decision.

Diane Hardy stated she cannot attend Monday due to another meeting she is attending.

Richard Shelton asked if he had to provide a septic plan for this detached structure. Diane Hardy stated it is already connected to the septic system.

**Action**

**Motion: Wayne Rosa made a motion to continue the public hearing to a site walk at 21 Bald Hill Road, on Saturday, September 22, 2018 at 9:00 a.m. and then to a meeting on Monday, September 24, 2018, at 7:00 p.m. in the Town Hall**

 **Second: Bob Daigle**

 **Vote: All in favor**

**Agenda Item #4 - New/Old Business**

None.

**Agenda Item #5 – Adjourn**

 **Action**

 **Motion: Richard Shelton made a motion to adjourn**

 **Second: Bob Daigle**

 **Vote: All in favor**