**Draft**

**NEWMARKET ZONING BOARD OF ADJUSTMENT**

**NOVEMBER 18, 2019**

**MINUTES**

Present: Bob Daigle (Vice President), Wayne Rosa, James Drago, Steven Minutelli, Jonathan Sack (Alternate), Connor Crowley (Alternate)

Absent: Chris Hawkins (Chairman) – excused

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

**Agenda Item #2 - Review & Approval of Minutes:** 09/16/19

**Action**

**Motion: Jim Drago made a motion to approve the minutes of 09/16/19**

**Second: Steve Minutelli**

**Vote: All in favor**

**Agenda Item #3 - Regular Business**

***Reading and discussion of amendments to the Zoning Board of Adjustment Rules of Procedure.***

Vice Chairman Bob Daigle stated some amendments were suggested since the last meeting from the Town Attorney.

Bob Daigle asked why the Town Attorney struck out so much of the Applications section. Diane Hardy stated the verbiage was very vague and it put the ZBA into a position of interpreting it and it provides a gray area that could be appealed.

Bob Daigle stated, under Public Hearings, and under Decisions number 4, the word “or” needs to be added before “deny the appeal”.

Bob Daigle stated under Records he struck out about the approved minutes being posted on the website. Diane Hardy stated there was no objection to them being online, it’s that there is nothing in the statute requiring that. It opens up an avenue for appeals.

**Action**

**Motion: Steve Minutelli made a motion to approve and adopt the Rules of Procedure as amended**

**Second: James Drago**

**Vote: All in favor**

***Kaitlyn Ferretti/The Tipsy Tabby LLC - Public hearing for an application for Variances from Sections 32-86 & 32-89, of the Newmarket Zoning Ordinance, to permit one dwelling unit on a property of less than 0.167 acres (7,260 ft.), which does not meet the residential requirements. The property is located at 90 Main Street, Tax Map U2, Lot 31, M2 Zone.***

Bob Daigle appointed Connor Crowley to replace Chris Hawkins.

Kaitlyn Ferretti handed folders to the Board containing the application material and a drawing of what the apartment would look like. She stated the lot is quite small, there is very small footage around the building, which is limiting. The building could never be expanded. The upstairs is almost set up for an apartment already. She believe it had once been a dwelling unit. The only alterations it needs to be livable is to add a shower and a stove. Her building inspector said the outside stairway to the unit is not to code and should be updated. The owner of Wing Itz next door agrees. His upstairs dwelling units share that stairway with her building’s unit. Her contract to purchase this building is contingent on this ZBA decision. She would like to improve this building.

***Bob Daigle opened the public hearing.***

No comments.

***Bob Daigle closed the public hearing.***

Bob Daigle asked what the commercial use of the upstairs used to be. Ms. Ferretti stated a real estate office used it as office space and Five Monkey Tattoo used it as office space also.

**Action**

**Motion: Connor Crowley made a motion to approve the application as submitted and to use the application as the Findings of Fact**

Bob Daigle stated this is a landlocked parcel making it unique to the downtown and it is such a small lot, it may be the smallest lot downtown. The space above the commercial space would otherwise be relatively unused.

**Second: James Drago**

**Vote: All in favor**

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

None.

**Agenda Item #5 – Adjourn**

**Action**

**Motion: James Drago made a motion to adjourn**

**Second: Steve Minutelli**

**Vote: All in favor**