**NEWMARKET ZONING BOARD OF ADJUSTMENT**

**MAY 3, 2021**

**MINUTES**

Present: Bob Daigle (Chair), Diane Hardy (Zoning Administrator), Wayne Rosa (Vice Chair), Al Zink, James Drago

**1. Pledge of Allegiance**

 Bob Daigle read a statement regarding the hybrid meeting.

 Bob Daigle stated the Cheney Property Management Corp. application had been withdrawn.

**2. Review and Approval of Minutes – moved to end of meeting**

**a.** 03/08/21

 **Action**

 **Motion: James Drago made a motion to approve the minutes**

 **Second: Al Zink**

 **Vote: All in favor – roll call vote**

**3. Regular Business**

 ***a. There will be a public hearing for an application for a Variance, reference Sec 32-234 (a) and (b) Special Exception, reference Section 32-234, Accessory Apartments, to Permit the addition of an accessory dwelling unit above an attached garage in a single family home (to be constructed), requested by Leo Manseau. The property is located at 435 Wadleigh Falls Road, Tax Map R6, Lot 4-1, B3 Zone.***

Leo Manseau presented the application. He read his submittal.

To Criteria 1, he responded this would enhance the tax base and would not adversely affect surrounding properties.

 To Criterion 2, he stated the B3 zone was created to promote and maintain an extended commercial tax base. Only two commercial uses have been developed there. The ADU would increase the tax base.

To Criterion 3, this would create a secure and affordable housing arrangement in a tight market. The benefit to the public outweighs any loss.

 To Criterion 4, this would not diminish property values and would increase the tax base.

 To Criterion 5, the B3 zone was created for commercial development, but all of the development created so far on Ash Swamp Road since has been residential. Having no water and sewer utilities, the availability of commercial sites elsewhere and limits on truck traffic have placed an unnecessary hardship on property owners there.

 This affords the owners to have an ADU in their homes like others in Newmarket.

 This lot is surrounded by residential, which makes it difficult to market for commercial and the shape of the lot is not conducive for commercial.

 Bob Daigle gave him the opportunity to continue to a time when they had a five member Board. Mr. Manseau chose to go forward.

 To the Special Exception criteria he responded:

 To Criterion 1, the apartment will be 728 sq. ft.

 To Criterion 2, it is an efficiency apartment.

 To Criterion 3, the main house will be owner occupied.

 To Criterion 4, two spaces in the garage and two in the driveway.

 To Criterion 5, no exterior changes unless they maintain the aesthetic quality of the principal dwelling.

 To Criteria 6, on site well and septic.

 To Criterion 7, the purpose of the B3 zone has not been met and the intent of the Master Plan has not been met. Other variances and special exceptions in the area have been granted.

 To Criterion 8, interior door will be provided.

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

Bob Daigle stated that the Whitcombs, abutters, submitted a letter of support.

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

**Action**

 **Motion: Al Zink made a motion that the variance be approved for**  **Section 32-234, Accessory Apartments, to allow the addition of an accessory dwelling unit in a single family home in the B3 Zone, which does not allow residential uses**

 **Second: James Drago**

 **Vote: All in favor – roll call vote**

Bob Daigle stated the application would be the Findings of Fact.

 **Action**

 **Motion: James Drago made a motion to grant the Special Exception as written**

 **Second: Al Zink**

 **Vote: All in favor – roll call vote**

 ***b. There will be a public hearing for an application for a Special Exception, reference***

 ***Section 32-234, Accessory Apartments, to permit a one bedroom accessory apartment, with 525 sq. ft. of finished living space in the basement of the existing single family home, requested by Laurie C. Murray. The property is located at 32 Cedar Street, Tax***

 ***Map U2, Lot 157, R3 Zone.***

Laurie Murray chose to proceed with a four member board.

 Criterion 1, the apartment will be 525 sq. ft.

 Criterion 2, one bedroom.

 Criterion 3, owner in primary living space.

 Criterion 4, ample parking for four vehicles.

 Criterion 5, no exterior change.

 Criterion 6, Town water and sewer.

 Criterion 7, ?

 Criteria 8, there will be an interior door.

 She has heard no objection from neighbors.

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

No comments.

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

 **Action**

 **Motion: Al Zink made a motion to approve the Special Exception**

 **Second: James Drago**

 **Vote: All in favor – roll call vote**

***c. There will be a public hearing for an application for an Appeal from Administrative***

***Decision, reference the decision cited by the Zoning Administrator in her letter of March***

***30, 2021, that a building proposed by Cheney Property Management Corp is contrary***

***to Section 32-160(b)(2) and Section 32-46A(b)(2)(e) of the Newmarket Zoning***

***Ordinance, in that no residential units shall be located in the street level space if the***

***project has frontage on Exeter Road, which is inconsistent with the intent of the M2A***

***zoning. This appeal is requested by Cheney Property Management. The property is***

***located at Exeter Road, Tax Map U3/U4, Lots 11, 12. 15, 138-1, M2A Zone.***

Withdrawn by the applicant.

**4. New/Old Business**

 **Action**

 **Motion: James Drago made a motion to keep the Board’s officers as is**

 **Second: Al Zink**

 **Vote:**

 **All in favor – roll call vote**

Diane Hardy mentioned the Spring Conference on May 15 by NHOSI.

**5. Adjourn**

 **Action**

 **Motion: James Drago made a motion to adjourn at 7:37 p.m.**

 **Second: Al Zink**

 **Vote: All in favor – roll call vote**