**NEWMARKET Zoning BOARD OF ADJUSTMENT**Monday, November 22, 2021
TOWN COUNCIL CHAMBERS
7:00 PM

**Present:** Bob Daigle (Chair), Wayne Rosa (Vice Chair), Diane Hardy (Zoning Administrator), James Drago (arriving at 7:05 PM), Steve Minutelli, and Henry Smith (Alternate) and Al Zink.
**Absent:** John Greene

The Chair called the meeting to order at 7:01 PM

1. **Pledge of Allegiance**
2. **Review and Approval of Minutes**a. October 18, 2021

Motion: **Al Zink** made a motion to table the minutes of 10/18/2021 until the next meeting.
**Second:** **Wayne Rosa**
**Vote:** **Unanimously** **Approved**

**3. Regular Business**

**a.** [**Michael Mangan - Continuation of a public hearing for an application for Variances from Section 32-87 Setbacks and Section 32-89 Dimensions Table, requested by Michael Mangan, to permit the building of a 27’ x 18’ structure, for personal use, with storage for tenants/owners on the lower level and a multi-purpose space for tenants/owners to do arts/crafts or play music, for example, that has a 16’ setback on/from the Washington Street property line, where 25’ is required. The property is located at 10 Nichols Avenue, Tax Map U2, Lot 237, R3 Zone.**](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1900&MeetingID=135)

Mr. Mangan returned this evening to make a stronger argument for the unnecessary hardship portion of his variance request. He also presented members with a drawing of his two options: one moving the structure to meet the setbacks and one which he originally wanted to use in order to obtain the variance. Mr. Mangan’s revised Variance Criteria may be found at: <https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1900&MeetingID=135> on pages 13-16.

The Board has questions about the proposed loss/moving of the tenant parking spaces. **Diane** **Hardy** pointed out that Town site review regulations requires a 9 x 18 ft space for each parking place and his current plan does not meet the site review requirements of the Town. The driveway aisle would be within the setback and there is not enough turning radius.

The Chair opened the meeting to public comments at 7:14 PM. No one had any appropriate comments. Public comments were closed at 7:15 PM.

The Board began to deliberate and ask questions. Mr. Mangan does not want to upset his neighbors by moving parking closer to their property and believes this would be contrary to the spirit of the ordinance. **Diane** **Hardy** explained that the lot and apartments are ‘grandfathered’ because it was built and in place prior to the Town’s adoption of the current zoning ordinance. However, the applicant may not add to the non-compliance of the lot.

The Chair is focusing on the unnecessary hardship upon the applicant. The lot is large enough to build the structure and not add to the non-compliance of the lot. It may not be convenient, but it can be accomplished by moving the required parking for the tenants. **James** **Drago** asked if the applicant had a list of the costs which may cause financial hardship. Mr. Mangan estimated that he has spent thousands of dollars to put in pavers for the recreation area out back and on the new pavement for the revised tenant parking area. He believes that he could incur many unanticipated costs if he tried to move the building to a different location to meet the setback requirement.

**Motion: Al Zink** made a motion to deny the request for [a variances from Section 32-87 Setbacks and Section 32-89 Dimensions Table, requested by Michael Mangan, to permit the building of a 27’ x 18’ structure, for personal use, with storage for tenants/owners on the lower level and a multi-purpose space for tenants/owners to do arts/crafts or play music, for example, that has a 16’ setback on/from the Washington Street property line, where 25’ is required. The property is located at 10 Nichols Avenue, Tax Map U2, Lot 237, R3 Zone.](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1900&MeetingID=135)

**Finding of Fact**: The materials presented by the applicant do not meet Criteria 5 - Unnecessary Hardship. There is no physical hardship inherent in the land which unreasonably restricts the property and there are other viable alternatives which could be implemented which would achieve the same goals for the applicant without the need for a variance.

**Second: James Drago
Discussion:** If the motion is approved to deny the variance, the applicant has 30 days to appeal by introducing new evidence. The applicant may also return with a totally new building permit which meets the setbacks requirements.
**Vote: Unanimously** **Approved**

**b.** [**Chris Redmond - Variance from Section 32-89 Dimensions Table, requested by Chris Redmond, to permit the construction of a 16’X26’ bedroom addition to be 24.4’ from the property line, where 25’ is permitted. The property is located at 67 Grant Road, Tax Map R4, Lot 8, R1 Zone.**](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1951&MeetingID=135)Mr. Redmond presented his reasons for requesting a variance to the Board. His Variance Criteria may be found at: <https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1951&MeetingID=135> on pages 5-7,

The Chair opened the meeting for public comments at 7:55 PM.

Abbutter, Ms. Adrienne Rubino, 71 Grant Road, rose to ask about possible updates to the septic system. The answer is that no update is necessary. The current system is already set up for a two bedroom home. The Board thanked Ms. Rubino for attending.

The Chair closed public comments at 8:00 PM.

**Motion:** **James** **Drago** made a motion to approve the application as submitted for [variance from Section 32-89 Dimensions Table, requested by Chris Redmond, to permit the construction of a 16’X26’ bedroom addition to be 24.4’ from the property line, where 25’ is permitted. The property is located at 67 Grant Road, Tax Map R4, Lot 8, R1 Zone.](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=1951&MeetingID=135)

**Findings of Fact:** The materials presented by the applicant met the 5 Criteria required for approval.

**Second: Al Zink
Discussion**: None  **Vote:** Unanimously Approved

1. **New/Old Business**None.

**5. Adjourn

Motion**: **James Drago**
**Second:** **Al Zink
Vote:** Unanimously Approved

The meeting was adjourned at 8:06 PM

Respectfully submitted,

Sue Frick, Recording Secretary