**NEWMARKET Zoning BOARD OF ADJUSTMENT**Monday, February 14, 2022
TOWN COUNCIL CHAMBERS
7:00 PM

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

The Chair called the meeting to order at 7:05 PM
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1. **Pledge of Allegiance**

**The Chair wished to take a moment to thank Diane Hardy for her fifteen years of dedication and service to the Town of Newmarket as the Town Planner. She will be retiring at the end of this month and this is her final meeting with the Zoning Board of Adjustment. Everyone will miss her very much as it has been such a pleasure to work with Diane and wish her the best of luck in her future.**

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

**Motion:** **James** **Drago** made a motion approve the draft minutes of 10/18/2021.
**Second: Wayne Rosa
Vote:** **Unanimously** **Approved** b. November 22, 2021

**Motion:** **Al Zink** made a motion approve the draft minutes of 11/22/2021.
**Second:** **Henry Smith**  **Vote:** **Unanimously** **Approved**

The Chair appointed alternate **Henry** **Smith** as a voting member this evening with the absence of **Steve** **Minutelli**. The Board is then comprised of five voting members. Three affirmative members are required to approve an application for a variance.

**3. Regular Business
a.** [**Public hearing for an application for a Variance from Section 32-89 Dimensions Table, requested by Robert & Carol Hardy, regarding 10' side setback requirements, to permit the construction of a 10'x16' deck on the back of the existing home. The deck will be built 3' from the existing property line. The property is located at 7 South Street, Tax Map U3, Lot 149, M2 Zone.**](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2002&MeetingID=150)

Carol Hardy, 7 South Street, came before the Board and read a brief statement about her recent acquisition of the property and the proposed 10’ x 16’ ft deck. The deck would be built off the center of the back of the house, will not block anyone’s view, and will sit next to the neighbor’s driveway. She feels that her hardship in this case is that the setbacks for decks were determined between 1996-2017 and her house was built in 1903 before zoning was used in Newmarket. She pointed out that almost everyone has a deck in the neighborhood and building a deck will brighten the interior of her home considerably.

The Chair opened the meeting to public comments at 7:15 PM.

Members of the Board had questions about the size of the deck. Ms. Carol Hardy responded to the questions and her reasons for placing it in the middle of the back of her home.

The Chair closed the meeting to public comments at 7:17 PM.

**Motion:** **James** **Drago** moved to open the meeting to public comments again at 7:18 PM for additional comments from the audience. **Second:** **Henry Smith
Approved: Unanimously** **Approved**The abutter at 9 South Street, Glen Shaw, was present this evening to see the site plan and understand where the deck would be built. After seeing the plans, he had no objections to the application for the variance and was happy to meet their new neighbor.

**Motion**: **Al Zink** moved to approve the [Application for a Variance from Section 32-89 Dimensions Table, requested by Robert & Carol Hardy, regarding 10' side setback requirements, to permit the construction of a 10'x16' deck on the back of the existing home. The deck will be built 3' from the existing property line. The property is located at 7 South Street, Tax Map U3, Lot 149, M2 Zone.](https://newmarket.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2002&MeetingID=150)
 **Finding of Fact**: The materials presented by the applicant meet all the criteria for approval of the variance from Section 32-89 Dimensions Table to permit the construction of 10’ by 16’ ft deck at 7 South Street.
 **Second:** **Bob Daigle
Vote:** **Approved 5-0-0 by Roll Call Vote**

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

**5. Adjourn

Motion**: **James Drago
Second:** **Henry Smith
Vote:** **Unanimously Approved**

The meeting was adjourned at 7:26 PM

Respectfully submitted,

Sue Frick, Recording Secretary