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Zoning Board of Adjustment

July 10, 2023 at 7:00 PM  
 Town Council Chamber  
 **APPROVED MEETING MINUTES**  
**Present:** Wayne Rosa (Vice-Chair), David Evans (Zoning Administrator),   
Henry Smith (Alternate), and Al Zink.  
**Absent:** Bob Daigle (Chair) and James Drago.   
   
The Vice-Chair called the meeting to order at 7:03 PM. [time on DCAT 6:04]  
  
The Vice-Chair appointed **Henry** **Smith** (Alternate) as voting member this evening. The three voting members will be: **Wayne** **Rosa**, **Henry** **Smith**, and **Al** **Zink**.  
 **1. Pledge of Allegiance  
  
2.**  **Acceptance of Minutes** [time on DCAT 6:40]a. June 12, 2023  
 **Action**  
**Motion: Al Zink** moved to approved the draft minutes of June 12, 2023 as   
 written.  
**Second: Henry Smith  
Discussion:** none  
**Vote: Approved 3-0-0**    
  
The Vice-Chair is filling in for Chair Bob Daigle this evening and he asked Mr. Smart if he was willing to proceed with three voting members this evening. Mr. Smart agreed.   
  
**3. Regular Business** [time on DCAT 7:56]  
Read by the Vice- Chair: **a.** **There will be a public hearing for an application for a Special Exception from  
Section 32-87(4)(b) of the Newmarket Zoning Ordinance, requested by Charles & Carole Smart, to permit the installation of a propane tank in relation to the setback requirements established when the subdivision was approved. The lot is located at 181 Grant Road, Tax Map R7, Lot 8-4, Zone R1.**Mr. Smart rose to speak about the application for a Special Exception to install a new 500 gallon propane tank. The tank proposed will be 9’11” long and will be outside of the setbacks currently permitted on this lot. He is asking to allow the tank placement based on the setback requirements of 10’ when the subdivision was first approved in 1977.  
 **\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***A briefrecess was approved by the Vice-Chair at 7:09. The meeting resumed at 7:12 PM. **\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***  
Mr. Smart continued with his presentation. He explained that there was no other location to put the tank, as he needs additional propane storage to heat the new addition to his home after recently receiving approval for a Special Exception to expand a non-conforming structure and an Equitable Waiver to make the non-conforming structure conforming. The tank location will be where the generator sits now on the plans provided to the ZBA.The Chair opened the meeting to public comment at 7:15 PM. [time on DCAT 18:16]  
  
There were no comments from the audience.

The Chair closed public comment at 7:16 PM. [time on DCAT 18:26 ] **Dave** affirmed that there were no letters received and all abutters were noticed.  
  
Before the motion, **Al Zink** wished to refer to the staff report on page 2 which states that one of two standards must be met as the Special Exception is considered. The first related to lot size and is mute and the second describes setback requirements. **Al Zink** proceeded to read the second standard into the record that the ZBA determines that the former setback requirements are sufficient to secure the purposes of Section 32-87(4)b of the Municipal Code:  
  
“ #2) The proximity of a structure to abutting lots affects fire safety, the provision of adequate sunlight and air circulation for this and neighboring lots and structures, and the availability of space for site amenities such as landscaping, driveways, and so forth.”  
In his opinion, the Special Exception application before the ZBA falls under #2. No other members had comments or suggestions.  
 **Action**  
**Motion: Al Zink** moved toapprove the *special exception* application from Charles and Carole Smart petitioning the Zoning Board of Adjustment for approval under 32-87(4)b of the Municipal Code of the Town of Newmarket to permit the installation of a propane tank in relation to the setback requirements established when the subdivision was approved at 181 Grant Road (Tax Map R7, Lot 8-4) within the R1 zoning district, as the application satisfies the enumerated standards, pursuant to Sec. 32-87(4)b of the Municipal Code of the Town of Newmarket, New Hampshire. **Second: Henry Smith  
Discussion:** none  
**Vote: Approved 3-0-0**  
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4. New/Old Business** [time on DCAT 22:39]There was no new/old business this evening. **5. Adjournment** [time on DCAT 22:55]  
  
 **Action**  
**Motion: Al Zink** moved to adjourn the meeting at 7:20 PM. **Second: Henry SmithenryH  
Discussion:** none  
**Vote: Approved 3-0-0**Respectfully submitted,  
   
Sue Frick  
Recording Secretary

DCAT:  
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