

ZBA Minutes 07/09/12

NEWMARKET ZONING BOARD OF ADJUSTMENT MEETING MONDAY, JULY 9, 2012 MINUTES

Present: Bill Barr, Wayne Rosa (Vice Chairman), Chris Hawkins (Chairman), Diane Hardy (Zoning Administrator), Bob Daigle, Ea Ksander (Alternate)

Absent: Gerry O'Connell (recused)

Called to order: 7:05 p.m.

Adjourned: 7:32 p.m.

Alternate Ea Ksander was asked to sit on the Board to fill the open vacancy.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Review and Approval of Minutes: 05/21/12

A motion was made by Robert Daigle, second by Bill Barr to approve the minutes of the May 21, 2012 meeting. All in Favor. Wayne Rosa and Chris Hawkins abstained.

Agenda Item #3 – Regular Business

Russell Serbagi, Jr. & Timothy Nichols-Acadia Engineers & Constructors, Public Hearing for a Variance reference Section 3.04, Setbacks, of the Newmarket Zoning Ordinance, to allow the redevelopment of the property with the demolition of the existing abandoned building and the construction of a new 20,000 sq. ft. building that will encroach within the 10' rear and side setbacks required by the zoning ordinance along the side of the building. There has been a reconfiguration of the footprint of the proposed building for which a variance was previously granted by the ZBA on September 22, 2011. The building footprint has shifted eastward approximately four feet. The rear of the building along the westerly property line adjacent to the Church now complies with the required 10 foot setback and a portion of the building along the side abutting the Rivermoor property has been extended five feet northward into the side setback. The property is located at 13 Water Street, Tax Map U3, Lot 4, M-2 Zone.

Tim Nichols presented the new information regarding the application. He stated they have moved the building approximately 4 feet away from the church, so it now complies with the side zoning setback of 10 feet. There is a reduction of about 95 square feet of the area that was previously granted a variance. The extension of the building along the Rivermoor side is approximately 5 feet, which is approximately 45 sq. ft. of added area to the existing variance. The reduction and increase result in a net reduction of approximately 50 square feet to the previously approved area variance. He went over the proposed uses of the building. The building will be a four story building for mixed-uses including residential and commercial, mostly likely offices.

Chairman Hawkins opened the public hearing.

Tim Dunegan is an abutter who lives at Rivermoor Landing. He is on the Board of Directors. He relayed comments from the Rivermoor Landing residents. They do not see much difference in the plan. It does not adversely impact their property and they have no issues with the proposed changes. They remain concerned about traffic going through Rivermoor Landing. They would like to see limited, or no, retail to reduce traffic on the waterfront. They think the proposal is good for the area.

Leo "Skip" Manseau, Kimball Way, represented the Newmarket Community Church. He missed the first part of Mr. Nichol's presentation and asked if he would go over what he had said. Mr. Nichols did so.

Mr. Manseau stated the church was happy to see the eastward movement of the building, which eliminates the need for the original variance along the Newmarket Community Church property line.

He asked if now that the building is located closer to Rivermoor would it connect to the parking garage. He asked if there would be a need for drainage improvements. The church's property slopes in that direction. Mr. Nichols stated they don't have a final design yet, but he explained how the drainage would work.

Marilyn Allen, Moody Point Drive, stated she was pleased with the change.

There were no further public comments and Chairman Hawkins closed the public hearing.

Action

Motion: Bill Barr made a motion to adopt, as the Findings of Fact relative to the current application, the Findings of Fact for the prior application that we approved on September 22, 2011, with the understanding that there is some further movement northward into the setback and an elimination of the need for the variance relative to the church and that, with those findings in mind, we approve the variance subject to the condition that if there is an increased invasion of the setbacks as a result of review by the Planning Board, we reserve the right to take a further look at the application at that time.

Second: Bob Daigle

Vote: All in favor

Agenda Item #4 – Other Business

Vote on an amendment to the Zoning Board of Adjustment Rules of Procedure to amend the language regarding the election of a Chairman and Vice Chairman by the Zoning Board from being held in the month of June to being held at the first Zoning Board of Adjustment meeting following Town elections in March

Action

Motion: Bob Daigle made a motion to make the changes to the timing of elections to reflect the changes in timing of Town elections to make them consistent with the Town schedule, as reflected in the April 2, 2012 document

Second: Bill Barr

Vote: All in favor

Election of Officers

Bill Barr nominated Chris Hawkins as Chairman. Bob Daigle seconded. There were no other nominations. All were in favor.

Chairman Hawkins nominated Wayne Rosa. Bob Daigle seconded. There were no other nominations. All were in favor.

Agenda Item #5 – Adjourn

Action

Motion: Bob Daigle made a motion to adjourn at 7:32 p.m.

Second: Ea Ksander

Voted: All in favor