

**NEWMARKET ZONING BOARD OF ADJUSTMENT**

**SEPTEMBER 28, 2020**

**MINUTES**

Present: Chris Hawkins (Chairman), Bob Daigle (Vice Chairman), Diane Hardy (Zoning Administrator), Wayne Rosa, James Drago

Absent: Jonathan Sack, Steve Minutelli – both excused

**1. Pledge of Allegiance**

**2. Review and Approval of Minutes** 06/01/20

(no video started at this point)

**3. Regular Business**

***Jeffrey & Rachel Eames, Eames Family Revocable Trust of 2020-There will be a public hearing for an application for Variances, reference Sections 32-86 Residential Density, 32-47 M3 Zone, and 32-56 Table of Permitted Uses, of the Newmarket Zoning Ordinance, requested by Jeffrey and Rachel Eames, Eames Family Revocable Trust of 2020, to permit the conversion of a portion of the current first floor 1,210 square foot commercial office space to an 1,100 square foot residential apartment. The property is located at 195 South Main Street, Tax Map U4, Lot 27, M3 Zone.***

 Chairman Hawkins explained there was not a five member Board present and they needed three affirmative votes to be approved. It was up to the applicant whether to proceed or continue to another night.

Rachel Eames stated she would like to continue. The Board rescheduled to October 5, 2020.

 **Action**

 **Motion: James Drago made a motion to continue to October 5, 2020 at 7:00 pm at the Town Hall**

 **Second: Bob Daigle**

 **Vote: All in favor**

***Jason & Sarah Mansfield-There will be a public hearing for an application for Variances reference Sections 32-87 Setbacks and 32-89 Dimensions Table, of the Newmarket Zoning Ordinance, requested by Jason & Sarah Mansfield, to permit the construction of a single car garage five feet from the side property line abutting 30 Ladyslipper Drive, where ten feet is required, and five feet from the rear property line abutting Sewall Farm Open Space/Lift Station, where thirty feet is required. The property is located at 32 Ladyslipper Drive, Tax Map R4, Lot 136, R2 Zone.***

 Chairman Hawkins offered the applicant the same information about proceeding this evening. The applicant chose to proceed.

 Chairman Hawkins explained the hearing procedure.

 Jason Mansfield explained the layout of the lot and indicated where the lot lines would be affected by the proposed lot lines (audio very low not able to hear all of it). One setback is 30’, which is significant in size. Building something that far in would put it on top of the house.

 Jason Mansfield stated what is unique about the property is there is a fire hydrant limiting access on the northerly side of the lot. Having the setback for the garage any more than five feet off the back side and rear side would create a situation where the access driveway would interfere with the hydrant. You would have to drive around it to get to the front of the garage.

  ***Chairman Hawkins opened the public hearing.***

Michael Whitney, 23 Ladyslipper Drive, stated he lives across the street from the property. His concern was the driveway would be between 30 and 32 Ladyslipper. He lives on the corner and cars come around fast. He was concerned about the traffic coming out of the garage. Mr. Mansfield stated the driveway would not be between 30 and 32 Ladyslipper. It would exit on the other side of the property.

 Chairman Hawkins asked if anyone else from the public would like to speak.

 There was some confusion on the driveway location. Mr. Mansfield drew a sketch on a plan and the Board shared it.

 Wayne Rosa asked if this should be treated as a shed. Diane Hardy stated the section on sheds does not apply to all residential districts. She reviewed the conditions for a second shed on the property and indicated this did not apply to this situation. Diane Hardy read from Accessory Sheds 32-239. If it meets the criteria for a shed, you can locate one up to a five foot setback. She read the regulations. The maximum area of the shed shall be 120 sq. ft. or less with no dimension being greater than 15’ or less than 8’. The height can be no higher than 12’. It has to be in the rear or side of the primary structure. Chairman Hawkins stated this was not a shed. If it is large enough for a car, it is not a shed. Mr. Mansfield stated he already has a single car garage attached to the house. He already has a shed so this would be two sheds. So, it would not apply under this section. It is not a shed.

 Romayne James, 30 Ladyslipper, stated she and her husband were okay with the garage, but had concerns about the current shed there. Mr. Mansfield stated, if this was approved, the current shed might be removed.

 Mr. Mansfield stated they would decide on the shed after the garage is built. They might move it. Ms. James asked if it could go by the existing garage. Chairman Hawkins stated you can’t have a shed in the front yard. The Board would have to look at this. Mr. Mansfield stated the only option was 10’ off where it is toward the back.

 Bob Daigle asked how far from the house is the garage. Mr. Mansfield said from the deck approximately 25’-30’.

 Chairman Hawkins stated there is a patch of woods between 30 and 32 Ladyslipper. Mr. Mansfield stated some trees will have to be removed.

 Chairman Hawkins asked if he had talked to DPW about the new driveway. Mr. Mansfield had not. Diane Hardy stated they would have to approve it.

 Bob Daigle asked if he had 30’ from the house, why is the 5’ setback so critical. Mr. Mansfield stated that was an estimate. He did not want to consume the backyard with a garage. Bob Daigle stated there was no hardship if there was 30’ to use. Mr. Mansfield stated he would have to remove two big trees. If he had to come in 30’, it would interfere with his stairs and their house windows would be facing a building. The fire hydrant would cause a lead in driveway to be added.

 Chairman Hawkins asked why this had to traverse the whole yard and couldn’t be moved toward the lift station. Mr. Mansfield stated did not want it so close to the road.

 Bob Daigle asked if it could be shifted toward the existing garage. Mr. Mansfield stated there was a big elevation change.

 Wayne Rosa asked if it could be added to the existing garage. Mr. Mansfield stated the elevation slopes off. They would have to cut trees, change the current driveway elevation, elevate forms, fill and change the pitch of the existing roof and deal with the 30’ setback there.

 Chairman Hawkins stated photos would be helpful and they should continue. Wayne Rosa suggested a condition to have the building pinned.

 **Action**

 **Motion: Bob Daigle made a motion to continue to October 5, 2020 at 7 pm**

 **Second: James Drago**

 **Vote: All in favor**

**4. New/Old Business**

None.

**5. Adjourn**

 **Action**

 **Motion: James Drago made a motion to adjourn at 7:52 pm**

 **Second: Bob Daigle**

 **Vote: All in favor**