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 Zoning Board of Adjustment

 December 18, 2023 7:00 PM
 Town Council Chambers
 **APPROVED MEETING MINUTES**
**Present:** Bob Daigle (Chair), Wayne Rosa (Vice-Chair), David Evans (Zoning Administrator), and Al Zink
**Absent:** James Drago, Steven Minutelli, and Henry Smith (Alternate)

The Chair called the meeting to order at 7:02 PM. [time on DCAT 4:36]

The three voting members this evening will be: **Bob Daigle, Wayne** **Rosa**,
 and **Al Zink.**
 **#1. Pledge of Allegiance

#2. Acceptance of Minutes** [time on DCAT 4:56]  **a.** *November 27, 2023* **Action
Motion: Al Zink** moved to approve the Draft Minutes of November 27, 2023 as
 written.
**Second: Wayne Rosa
Discussion:** none
**Vote: Approved 3-0-0**
**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***The Chair stated that a full board is constituted by five members, but three members forms a quorum. If the applicant agrees to continue with three members and not a full board, all three members must vote in the affirmative to approve the request.

Mr. Veader agreed to proceed with three voting members this evening.

**#3. Regular Business**  [time on DCAT 6:42]Read by the Chair:
**a. There will be a continuation of a public hearing for an application for a Variance, reference *Section 32-89 of the Newmarket Zoning Ordnance, Dimensions Table,* to permit an additional dwelling unit in a development that already has the maximum number of dwelling units allowed, requested by Lee Veader, at 104 Kent Place, Tax Map U3, Lot 145, M2 District.**Mr. Lee Veader rose to present his request for the above variance. He read prepared responses to the criteria for requesting the variance to permit an additional dwelling unit in a development that already has the maximum number of dwelling units allowed. His remarks focused around the central contention that he should be allowed to make this change because of the unique conditions of the property at 104 Kent Place.
 The Chair opened the meeting to public comment at 7:29 PM. [time on DCAT 31:14]
The Chair asked that public comment be remain open for 15 minutes (until 7:45 PM) and then close automatically. If someone from the public does come in later to speak, then the comment would be opened again to accommodate them.
 **Dave** said that he had not received any correspondence regarding this request and confirmed that all abutters were identified.

The Chair said that he did not understand the ‘hardship’ with respect to this property.
**Al** asked Mr. Veader to detail what changes he wanted to make to the unit. He wishes to turn the downstairs into his business show room and use the two-car garage for deliveries. For the upstairs, he plans 3 bedrooms plus 1 room for an office, with a bath and kitchen. Downstairs would be the show room, conference room, and a half-bath and access to the attached garage. He wishes to live upstairs with his wife and move his business show room from 501 Kent Place. His business is a kitchen design company named Benchmark Home Improvement. As the members discussed, the units in this building were set up to look and feel like a dwelling, but were originally approved as commercial space. Mr. Veader does not plan to make any changes other than cosmetic. As the Chair explained, Mr. Veader does not mention the unique aspects for hardship. Since this is already a ‘residential unit’ by design, the applicant is not asking to remodel commercial space into residential. The ‘hardship’ issue would be the cost of conversion back into a commercial unit only.
The Chair closed public comment at 7:45 PM.
 **Bob** wrote the following after lengthy discussion with the applicant, members and **Dave:**
“As the written testimony does not present evidence of a hardship and while the unit is already a residential unit (evidence from the verbal testimony), the applicant is, therefore, asking to make his unit ‘legal’ by increasing the residential density at 104 Kent Place, Tax Map U3, Lot 145, M2 District, by 1 residential unit.
 **Action
Motion: Bob Daigle** moved that, as there is no dissenting testimony, the Zoning Board of Adjustment hereby grant the variance. Finding of Fact: the unit currently has 3 bedrooms, 1 kitchen, 1 office, and a 2 car attached garage with commercial space below.

**Second: Wayne Rosa
Discussion:** none
**Vote: Unanimously Approved by Roll Call 3-0-0

Dave** asked Mr. Veader to come by the office tomorrow morning and he agreed. **\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*
#4. New/Old Business** Nothing to consider the evening.

**#5. Zoning Administrator’s Report** [time on DCAT 1:03:55]
*a. Regularly Scheduled Meetings*
**Dave** would like to schedule meetings on the second Monday of each month, rather than trying to set meetings as requests come into the office. The members were in agreement that regular meetings would be fine. **Dave** will work on transitioning the meetings to a regular schedule of the second Monday of every month and the deadlines for applications. The next meeting will be January 8, 2024.
*b. Expansion of a Non-Conforming Structure*
**Dave** asked the members what they thought of moving expansion of a non-conforming structure out of a ‘special exception’ and making it an ‘administrative process’ by the Zoning Administrator (still require the applicant to meet the standards). **Dave** gave an example for their consideration by using 98 Main Street. The members pointed out that the abutters would not be notified or have a say. The members agreed that the twelve regularly scheduled meetings would be sufficient and that the expansion of non-conforming structure requires deliberation by the Board.

**#6. Adjournment** [time on DCAT 1:13:10]

 **Action**
**Motion: Al Zink** moved to adjourn the meeting at 8:12 PM. **Second: Bob DaigleenryH
Discussion:** none
**Vote: 3-0-0**Respectfully submitted,

Sue Frick
Recording Secretary

DCAT:
https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7\_5VjxKP/videos