

# ZBA Minutes 03/04/13

## NEWMARKET ZONING BOARD OF ADJUSTMENT MEETING

MARCH 4, 2013

### MINUTES

Present: Chris Hawkins (Chairman), Wayne Rosa (Vice Chairman), Bob Daigle

Absent: Bill Barr (excused)

Called to order: 7:05 p.m.

Adjourned: 7:12 p.m.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Review & approval of minutes: 01/28/13

The minutes were not available for review and the item was tabled until the next meeting.

Agenda Item #3 – Regular Business

William Pothier – Continuance for Special Exceptions reference sections 1.05(B)(1) & (2) and Variances reference Sections 1.05(B)(1)(b) and 1.05(B)(2)(c), of the Newmarket Zoning Ordinance. The applicant requests the Special Exceptions and Variances to permit the expansion and raising of an accessory building, which is a non-conforming structure, five feet to prevent flooding from high tides and rising water levels. The lot is located at 8 Bay Road, Tax Map U2, Lot 356, R2 Zone.

Chairman Hawkins stated the Board has received a request for a continuance from the applicant's attorney, Attorney Scott Hogan. The applicant has recently retained an attorney and they would like a continuance in order for the attorney to get up to speed on the application.

Attorney Hogan was present and stated that he is a land use attorney from Lee, NH. He had been recently asked by Mr. Pothier to present these applications to the Board. All he has gotten to do so far is take a quick look at the file and he has looked at the property. He believed another variance may be necessary to submit to the Board. He felt it made sense to hear all of the material simultaneously. As he looked at the record and spoke to Mr. Pothier, it was obvious that part of Mr. Pothier's intent in doing the improvements to these buildings was for them to have a residential use. From what he has seen, Mr. Pothier has not asked this Board for any zoning relief to allow residential use of the building. That should be something that is applied for and presented at the same time as the current applications. With the variance that is before the Board, he would like time to go to a local realtor to get an opinion letter relating to diminution of surrounding property values. He would like to talk to the contractor and the applicant a little bit more. He felt within a month's time they would be able to present a more rounded application and perhaps a new application to be considered at the same time.

Chairman Hawkins stated he felt they should hear all of the applications at the same time. He stated he told Mr. Pothier at the last meeting and he asked Attorney Hogan to pass it along again, that any further work Mr. Pothier undertakes at this point is at his own risk. He wanted to make sure that was clear. Attorney Hogan stated that he understood.

#### Action

Motion: Bob Daigle made a motion to continue the meeting to April 8,

2013 at 7:00 p.m.

Second: Wayne Rosa

Vote: All in favor

Agenda Item #4 – Other Business

No other business.

Agenda Item #5 – Adjourn

#### Action

Motion: Bob Daigle made a motion to adjourn at 7:12 p.m.

Second: Wayne Rosa

Vote: All in favor