

**BOARD OF ADJUSTMENT MEETING
APRIL 8, 2003**

MEMBERS:

Bruce Breton - Chairman
Rob Gustafson - Secretary
Al Souma - Member
Chris Doyle - Member
Tony Pellegrini - Alternate
Dick Drummond - Alternate (Absent)

Alternate Appointment The Chairman appointed Mr. Pellegrini to replace Mr. Gattinella for this meeting.

Lot #17-L-73, Case #10-2003

Henry A. Basil, Jr.
42 Horseshoe Road

A variance is requested from Sections 401, 501, 405.2, 405.3, 405.5 and 702 of the Zoning Ordinance to permit a deck expansion from 5-feet to 10-feet in width and 30-feet to 34-feet in length with a sunroom 18-feet X 10-feet as part of the deck.

Mr. Doyle read the case into the record. Attorney Mason, representing the applicant, presented the case. Attorney Mason explained that the applicant would like to expand the existing deck from 5 to 10-feet. On one end of the deck there would be a stairway to allow access to the deck from the outside. Six columns would support the proposed deck. Attorney Mason presented photos and a brief history of the property to the Members. In 1995 the owner at that time was granted a variance that allowed a 12-foot encroachment to the pond (30-feet was required). On September 12, 1995 Building Permit #227 was issued and it included a 12' X 34' deck. One half of the proposed deck area would be used for an enclosed porch. The enclosed porch would not be a year-round facility. The applicant is required to request a waiver from the State of New Hampshire's Shoreland Protection Act Section 483-B:11 (nonconforming structures) for the enclosed portion of the deck. Attorney Mason read the five supporting facts into the record. Mr. Gustafson asked Mr. Flanders, Building Inspector, if the Board were to grant this variance as shown, with the sunroom on the plan, would that basically be any enclosed structure and could it become living space? Mr. Flanders replied that as far as the variance is concerned it is not living space. Mr. Gustafson asked if the applicant needs a variance from all the sections listed on the posting. Mr. Flanders said that the only sections that apply to this request are 401 and 702. Mr. Gustafson asked Attorney Mason about the setbacks of the surrounding properties. Attorney Mason said that the property to the right side is closer to the pond, two properties over to the right are right on the pond, to the left it is the same distance to the pond and a new property on the left side is approximately 50-feet from the pond. Mr. Doyle read into the record a letter of support from Mr. & Mrs. Corbin of 40 Horseshoe Road. Karol Vitale, an abutter, voiced a concern that Mr. Basil's setbacks would not affect any development to her property and she also was concerned about privacy. Mr. Doyle read into the record a letter from the Conservation Commission stating that they agreed to support the construction of the deck with appropriate erosion controls during construction, but they do not support the construction of the sunroom due to their interpretation of the Shoreland Protection Act, Chapter 483-B:11-I. Mr. Doyle motioned and Mr. Gustafson seconded the motion to go into Deliberative Session. Passed unanimously.

Deliberative Session, Case #10-2003

Mr. Gustafson motioned to grant Case #10-2003 for Sections 401 and 702 Appendix A-1 for the setbacks per the plan submitted and subject to a waiver from the State concerning Chapter 483-B (Shoreland Protection Act) for the addition of a deck and open porch. Mr. Doyle seconded the motion. Mr. Souma, Mr. Doyle, Mr. Gustafson and Mr. Breton voted to grant this request. Mr. Pellegrini voted to deny this request. Request granted 4-1.

The Chairman granted a five-minute recess.

The Chairman called the meeting back to order.

Minutes

Mr. Doyle motioned to approve the March 25, 2003 minutes as written. Mr. Gustafson seconded the motioned. Mr. Doyle, Mr. Souma, Mr. Gustafson and Mr. Breton voted to approve the minutes. Mr. Pellegrini abstained because he did not attend the March 25, 2003 meeting. Minutes approved 4-0-1.

Mail

1. NH Office of State Planning - Announcing Regional Workshops for Smart Growth.
2. Notice regarding a public hearing on the amendments to subdivision and site plan regulations.
3. Copy of a letter to Mr. Carpenter from Mr. David DeVries regarding an office-building complex.
4. Copy of letter to the Board of Selectmen from Mr. & Mrs. Nassar regarding Case #6-2003.
5. Memo from Walter Warren, Town Planner regarding an April 9, 2003 Workshop for the new requirement of the EPA's National Pollutant Discharge Elimination System and the Best Management Practices.
6. A copy of a letter to Mr. Gattinella from David Sullivan, Town Manager, expressing his and the Board of Selectmen's deepest regret in accepting Mr. Gattinella's resignation from the Zoning Board of Adjustment.

Other Business

The Members asked Mr. Doyle if he discussed Zoning Board issues at the Selectmen's meeting as motioned in the March 25, 2003 minutes. The Members also discussed Mr. Souma's meeting with the Board of Selectmen.

Mr. Breton advised the Board that Mr. Drummond does not want to be re-appointed to the ZBA when his term is up and Mr. Pellegrini does not want to be a regular Member. Mr. Souma asked what happened to the request the ZBA sent to the Selectmen months ago for more Alternate Members. Mr. Breton said that the Selectmen will request candidates for the ZBA.

Mr. Gustafson motioned to adjourn at 9:00 PM. Mr. Doyle seconded the motion. Passed unanimously.

The next meeting of the Zoning Board of Adjustment will be on April 22, 2003 at 7:30 PM at the Planning & Development Office.

NOTE: These minutes are in draft form and are respectfully submitted for approval by Patricia Kovolyan.

