

Zoning Board of Adjustment
June 23, 2020
Minutes

Members Present via Zoom: Scott Lees, John Krebs, Craig Niiler, Jake Stephan, Karl Ogren, John Quigley (A), Denny Anderson (A)

Members Absent: Tim Cupka (A)

Others Present: Janice Zecher, Recording Secretary,

Meeting called to order at 7:00pm by Scott Lees. Scott read the following statement:

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting. However, in accordance with the emergency order, this is to confirm that we are: a) providing public access to the meeting by telephone and by access with Zoom, b) All members of the board have the ability to communicate in this meeting through the Zoom platform. The public has access to listen and, if necessary, participate in this meeting by dialing the number in the invitation. c) Providing the public with a mechanism to alert the public body during the meeting if there are problems with access. If the public is unable to access the meeting, we will adjourn the meeting and will have to reschedule it.

Roll call completed, and Scott reviewed rules of procedure for the meeting.

Minutes of the May 28 meeting were reviewed by the board. Scott made a motion to accept the May 28 minutes as written, seconded by Craig, roll call taken, all in favor.

Case #24-9-17 Ronna Werner Revocable Trust *continued from May*

Applicant seeks an appeal for Variances under Article 7, Section 706.2, side setbacks, 706.3 exceeding height of a non-conforming structure, Article 3, Section 304.6.7.3 % of impervious surface. Special Exceptions under Article 3, Section 304.6.4.1 Erosion Control, and Section 304.6.6.2 tree cutting. Applicant wishes to demolish the existing home, replace with a new structure, no closer than the old structure to the front and side setbacks. Concrete walkway/boat ramp is being replaced in kind and in place setbacks. At Map 24, Lot 9-17, 151 Haverhill Street.

Submittals for the June 23rd meeting were not received prior to the deadline of June 8. The board will vote to continue the application to July. Mark stated he thought the deadline was Thursday and that they needed the extra time to get the certification which he thought was in the timeline. He requested a meeting in 2 weeks. Ms. Werner also asked that the board review the file at this meeting. Scott explained the policy and stated that the board had to adhere to them consistently. Ms. Werner disconnected from the call at that time. Janice stated that she had received an email from Jake McConkey just prior to the start of the meeting with a

submission for the application, this would not have gotten to the board in time for the meeting. Mark McConkey requested a hearing within 30 days. The board was unanimous in continuing the application to July. Karl reminded everyone the law is now 45 days. John Krebs would like to contact the applicant and explain the policy further. Karl made a motion to continue the application to July, roll call vote, the board was unanimous.

Case #39-10-20 Joe Callanan & Deborah Stark

Applicant seeks an appeal for a Variance under Article 7, Section 706.2, Expansion of a non-conforming structure (rear setback) 47 feet. Applicant wishes to replace deck wood with Trex and take one side of deck (10 ft) and extend it 3 feet with cantilever construction at Map 39, Lot 10, 121 West Bay Road.

The applicants were present and representing themselves. Deborah Stark reviewed the application with the board. Craig asked if they had applied for a Shoreland Permit. Deborah said she was not aware that they would need one. Craig explained that the state's primary building line is 50'. The town couldn't make a decision on the application until the State approved it. Deborah asked how they should move forward. Scott said the board can continue to hear the application but could not give a final approval until the state approved. Applicant wanted to move forward. There were no abutters or members of the public to speak to the application. Scott read the note from the Conservation Commission. (see attached). The board completed a roll call vote, the board was unanimous in accepting the application with the condition that the applicants get an approved shorefront permit from the state first.

Other Business

Bryan Berlind from Land Tech, LLC was present to represent Bob Monaco, Bella 13, LLC. They submitted their application to the ZBA on time but did not have a denial from the Zoning Officer before the deadline. The town was working with temporary zoning officers beginning May 12 so this application did not get denied in time for the June ZBA meeting.

Janice verified that abutters had not been notified of this application because the Zoning Officer's denial didn't come in before the zba deadline. The board agreed that because of this, they could not make a determination on the application. A roll call vote was taken for the board to review and discuss the application so that it would be a quick process at the July meeting. Karl asked if there was any concern about reviewing the application without abutters being present. John Krebs felt that they could open the July meeting by stating they did not make any decisions and did discuss the application informally and gave the applicant feedback. All were in favor of this approach.

Bryan reviewed the application and tree maps. There was a request for a waiver for scale waiver on the map. Because the board was having difficulty reading the small print, they denied the request for a waiver. Jake noted that the contour line on grid A and Grid B have been switched. There was nobody present from the public or abutters. The board agreed that the only thing they would like to see for the next meeting is the scale of the print on the map.

This application will be continued to July. Karl asked that the plan reflect the same owners as the application; Bella 13, LLC. Karl said the abutters need to be notified when the updated plan is received for the July meeting.

Scott asked how the board felt about having the July meeting in person at the Town Hall. All members are in favor. They agreed that the meeting should be either by Zoom or in person, but not a hybrid meeting.

There being no further business, a motion was made by Karl to adjourn the meeting, seconded by Craig. Meeting was adjourned at 8:45 pm.

Respectfully Submitted,

Janice Zecher