

**UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
May 16, 2017**

Present: Mark Wright, Chairman, Jim Lagana, Vice Chairman. Mike DiPietro & Kevin Stuart, Members. Peggy Neveu & Robert Beaurivage, Alternate Members. Minutes recorded by Denise Royce.

Absent: Jeffrey Benson, Member and Stephen Carroll, Alternate Member.

Also Present: Carrie Rouleau-Cote, Building Inspector.

Mr. Wright called the meeting to order at 7:04 p.m. and introduced the Board members to everyone present tonight and explained the procedure for tonight's hearing. Mr. Wright indicated that the first case has asked to be tabled until next month and with that in mind they would take the second case right up.

At this time, Mr. Wright asked Ms. Royce to read the first case into the minutes for the record. Mr. Wright indicated that they were short one full member this evening and elevated Mrs. Neveu to full voting status for the first case.

**Case #17-07
Martha Herrick
640 Pingree Hill Road – Tax Map 2, Lot 44-3
Zoned Rural
TABLED from April 25, 2017**

Applicant is requesting a Variance to allow a 16 foot by 20 foot storage shed to remain in the location it was built onsite within the side setback in a Rural zone. (Article 4, Section 4.05(4))

Mr. Wright explained that the Board has opened this case up and that the Herrick's were before the Board last month and that the Board sent them back with a request to have a certified survey of their property giving the location of the shed where it was placed as built when they approached the Board. Mr. Wright went on to say that the Board received an e-mail on May 8th requesting to continue the case until the June 20th hearing date as they have had some difficulty getting a surveyor within that timeframe that the Board requested and did not see a reason to not grant the continuance. Mr. Wright did inform everyone that they did receive a fairly detailed memo from an abutter that went through the factors and an opinion as to whether each of them were met and what he would suggest doing is waiting until next month until we have the applicant here and then they could read this into the minutes unless the abutter was present and would

like to present it on their own. At this time, Mr. Wright stated that he would entertain a motion to table this case until June.

Mr. Lagana made a motion to TABLE the case until June 20th, 2017 for Case #17-07, 640 Pingree Hill Road, Tax Map 2, Lot 44-3, Mrs. Neveu seconded the motion. Mr. DiPietro voted to grant, Mr. Stuart voted to grant, Mr. Lagana voted to grant, Mrs. Neveu voted to grant and Mr. Wright also voted to grant. All were in favor, the motion passed unanimously.

Case #17-07 has been Tabled until June 20th.

Case #17-13

Jonathan L'Abbe

113 Hooksett Road – Map 31, Lot 19

Zoned Commercial Two

Applicant is requesting a Special Exception to allow an Accessory Dwelling Unit which is permitted by Special Exception in the Residential Two zone. (Article 4, Section 4.06(5))

Mr. Wright elevated Mr. Beaurivage to full voting status for this case.

Mr. L'Abbe read his application into the minutes for the record and then passed out copies of a proposed plan showing the location of the Accessory Dwelling Unit. At this time, the Board members reviewed the plan. Mr. Wright explained that, there was a follow up e-mail concerning this case and some question as to whether Mr. L'Abbe would be able to reconfigure the Accessory Dwelling Unit to address a side setback issue and asked Mr. L'Abbe if he had addressed this issue. Mr. L'Abbe pointed out that when he filled out the application he believed it was outside of the 30 foot side setback and once the septic design has completed was when he was informed that a corner of the Accessory Dwelling Unit would be within the side setback and pointed out the location on the plan. Mr. Wright asked if it would remain in that location. Mr. L'Abbe said yes because of the placement of the existing home. Mr. DiPietro believed this would require a Variance. Mr. Wright said that it would be a Variance which would require another application and re-noticing abutters. Mr. L'Abbe indicated that it would be a whole new redesign and would be costly. A brief discussion ensued with regard to the request for a Variance and the applicant coming back before the ZBA requesting a Variance unless he reconfigured the ADU.

A brief discussion ensued with regard to the septic which is currently a 4 bedroom septic design and that Mr. L'Abbe now has a 5 ½ bedroom septic design.

Mr. Demirjian of 127 Hooksett Road commented that they were the only abutting neighbor that this would affect and that he understood the formality if it had to be later on in the month but that they were present tonight and that they did not have any issues with what Mr. L'Abbe was proposing. Mr. Wright thanked Mr. Demirjian but that there

were also three (3) more abutters that were not present tonight. Mr. Demirjian understood and the meeting continued. Mr. Demirjian informed the Board members that the only comments he had pertained to the Variance aspect of the plan and that he could share them now or wait until the next meeting to be discussed when Mr. L'Abbe appears before the Board to request a Variance for the setback. Mr. Demirjian indicated that, the only thing he cared about was the vegetation and the privacy screen between the two properties to remain and that he has shared this with the L'Abbe's already. Mr. Wright thanked Mr. Demirjian and asked if there were any other abutters present. None were noted.

Mr. Wright asked Mrs. Rouleau-Cote if she had any comments to add. Mrs. Rouleau-Cote commented that the Board's action tonight is for the use so before any building permits were issued that we would make sure that the proposed structure would meet all setbacks otherwise there would be a need for a Variance. Mrs. Rouleau-Cote also informed the Board that she has already witnessed test pits on site and did receive a preliminary septic design for a 5 ½ bedroom which is a state requirement for the in-law.

Mr. Wright asked if there were any questions or comments from the Board members. Mr. Lagana had one comment which was to thank the applicant for the effort that went into this application considering some of the other applications they have seen over the past several months. The rest of the Board members also agreed with Mr. Lagana. Mr. Wright moved on to say that if there were no further comments or questions and that he did not see the need to go into deliberations that he would entertain a motion to vote on the application as submitted.

Mr. Beaurivage made a motion to vote on the application as submitted for Case #17-13, 113 Hooksett Road, Tax Map 7, Lot 25-4, Mr. Lagana seconded the motion. Mr. DiPietro voted to grant, Mr. Beaurivage voted to grant, Mr. Stuart voted to grant, Mr. Lagana voted to grant as the four (4) factors have been satisfied and, Mr. Wright also voted to grant as he believed the four (4) factors have been met for a Special Exception. All were in favor, the motion passed unanimously.

Mr. Wright informed the applicant that he would be making another application and as with this case and the next one that there was a 30 day appeal period and since they were not breaking ground and coming back before the Board that the 30 day period would not be an issue for them. Mr. Wright asked Mr. L'Abbe if it was his thought to be on the June agenda. Mr. L'Abbe said yes. Mr. Wright informed Mr. L'Abbe that there were new deadlines because the June meeting was moved up a week and informed Mr. L'Abbe that the next ZBA hearing would be held on June 20th at 7:00pm and that the deadline for the application would be May 30th.

Mr. Donckers had a question for the Board regarding this case and asked if the applicant would be required to have a survey. Mr. Wright said no that he has presented plans to the Board already. Mr. Donckers did not believe that the plans presented were done by a land surveyor. Mr. Wright stated that the Board does not always require surveyed plans as it would be dependent on what the Board is presented with for details

and in this case the Board does not feel the need for a survey as the septic plan provided indicates that he will need relief for approximately 5 feet to encroach into the side setback. Mr. Donckers said okay and this concluded the public hearing this evening.

Minutes

At this time, Mr. Wright moved on to the approval of minutes for April 25, 2017.

Mr. Stuart made a motion to accept the minutes of April 25, 2017 as written, seconded by Mr. Beaurivage. All were in favor, and the motion passed.

Other Business

At this time, Mr. Wright asked Ms. Royce if they would potentially have two (2) cases for June with one being Tabled from tonight's meeting. Ms. Royce said yes and that the deadline is May 30th for any new cases.

Ms. Charest of 29 Highwood Drive wanted to address the Board regarding a pond that is located in the front of her property and informed the Board of an issue with a neighbor with regard to the pond. Mr. Wright asked Mrs. Rouleau-Cote if she had any comments at this time. Mrs. Rouleau-Cote informed Mr. Wright that this matter had nothing to do with the Zoning Board of Adjustment. Mr. Wright agreed and informed Ms. Charest that it was a civil matter regarding a dispute with her neighbor and did not see anything that would allow the ZBA jurisdiction or authority with regard to this issue. Mr. Wright further pointed out to Ms. Charest to maybe contact Mrs. Rouleau-Cote who would inform her to obtain an attorney. Ms. Charest said she had for the fence and further explained what the neighbor was doing in the buffer. Mr. Wright informed Ms. Charest to speak with Mrs. Rouleau-Cote as this was a civil matter but unfortunately there was nothing the ZBA could do. Mrs. Rouleau-Cote also added that this area pre-dates all of our zoning as it was built in the 70's or early 80's and reiterated that it had nothing to do with this Board.

Mr. Wright ended the discussion and indicated that he would entertain a motion to adjourn.

Adjourn

Mr. Lagana made a motion to adjourn, seconded by Mrs. Neveu. All were in favor, the motion passed unanimously and the meeting stood adjourned at 7:29 p.m.

The next ZBA Hearing is scheduled for June 20, 2017 at 7:00 pm and will be held at the Town Hall, 47 Chester Road.