

**UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
September 26, 2017**

Present: Mark Wright, Chairman. Mike DiPietro & Kevin Stuart, Members, Peggy Neveu & Stephen Carroll, Alternate Members. Minutes recorded by Denise Royce.

Absent: Jim Lagana, Vice Chairman. Robert Beaurivage, Alternate Member.

Also Present: Carrie Rouleau-Cote, Building Inspector.

Mr. Wright called the meeting to order at 7:06 p.m. and introduced the Board members to everyone present tonight and explained the procedure for tonight's hearing. Mr. Wright moved on to elevate both Mrs. Neveu and Mr. Carroll to full voting members for night's hearing.

At this time, Mr. Wright asked Ms. Royce to read the case into the minutes for the record.

Case #17-15

Brian K. Demyanovich

672 Londonderry Turnpike – Tax Map 1, Lot 9

Zoned Industrial

Applicant is requesting a Variance to permit the construction of a mudroom off existing single-family home with the addition to be constructed within the front setback in an Industrial zone. (Article 4, Section 4.09(4))

Mr. Demyanovich began by saying that the house is old and has been in the town for many years and he would like to put on a small addition. Mr. Demyanovich explained that when the house was built that the setbacks were further away but since the area was rezoned, the setbacks changed which put the house almost totally within the front setbacks. Mr. Demyanovich stated that he cannot really use the front door as it is so close to the road and that he's not asking to put on a huge addition. Mr. Demyanovich talked about the metal roof on his house and how the snow slides off and onto the cement steps and believes that it would be better to have a mudroom to be able to take off your boots and hang your coat up. Mr. Demyanovich further explained that there would be a little dormer over the mudroom which would divert the snow or rain to each side.

Mr. Demyanovich added that he really did not have any neighbors and that the old discontinued Rattlesnake Hill Road abuts his property which makes him a corner lot is no longer used and that he looks at it as a right of way. Mr. Demyanovich stated that the mudroom would be a great asset to him and would help him out a lot. Mr. DiPietro asked if the mudroom would be any closer to the road than the existing house. Mr. Demyanovich said no. A brief discussion ensued regarding the location of the proposed mudroom. Mrs. Rouleau-Cote clarified that the mudroom would be on the side of the old Rattlesnake Hill Road side.

Mr. Wright asked Mr. Demyanovich to read through his application. Mr. Demyanovich read his application into the minutes for the record. Mr. Wright commented to the Board that each Board member should have received a Zoning Determination prepared by Mrs. Rouleau-Cote from Ms. Royce. Mr. Wright explained that the Zoning Determination that described the property and the specifics of the application request and the application of the zoning ordinance. Mr. Wright also pointed out that, in addition to this Variance from Article 4, Section 4.09(4) within the setback that Mrs. Rouleau-Cote also pointed out that the applicant would be looking for a Variance from 3.05(2)(d) for expansion of a non-conforming use on a non-conforming lot. Mr. Wright noted that the structure would be an 8 foot by 8-foot mudroom. Mr. Wright also pointed out that no abutters are present and they have been noticed along with Manchester Water Works who is an abutter.

Mr. Wright asked the Board members if there were any questions or comments regarding the request for a Variance under 4.09(4). Mr. Stuart asked if the mudroom would be attached to the existing door. At this time, Ms. Royce presented the Board members with the original plan that showed the actual location of the proposed 8-foot by 8-foot mudroom because it did not show up in their copies. At this time, the Board members reviewed the plan for the exact location of the proposed mudroom. Mr. Wright pointed out that this application met the hardship regarding safety and the fact that the lot was built pre-zoning and put in a place that leaves Mr. Demyanovich unable to do anything without a Variance. Mr. Wright asked the Board members for a motion to vote on this application.

Mr. DiPietro made a motion to vote on the variance to allow the applicant to construction an 8-foot by 8-foot mudroom as shown on the plan presented tonight from Article 4, Section 4.09(4) for Case #17-15, 672 Londonderry Turnpike, Tax Map 1, Lot 19, Mrs. Neveu seconded the motion. Mrs. Neveu voted to grant, Mr. DiPietro voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant and Mr. Wright also voted to grant. The Board members unanimously believed the five (5) factors have been met by the applicant. All were in favor, the motion passed unanimously.

Mr. Wright believed that the second Variance with regard to the non-conformity is recommended which our Code Enforcement Officer picked up on and asked the Board members to make a motion in this regard which would allow for an expansion of use on a non-conforming lot which under our current ordinance does not comply and would fall under Section 3.05(2)(d). Mr. Wright asked Mr. Demyanovich to confirm that all of the factors and facts that support the Variance that they just discussed are equally applicable to this next Variance so they can incorporate what he said by reference into this next Variance. Mr. Demyanovich stated that he does not have anything new that he could add to that and wanted to do what it takes to get it right. Mr. Wright believed that they were so closely connected to what he is proposing to do that all of those facts would support this Variance as well and asked the Board if they agreed. Mrs. Rouleau-Cote commented that, what makes this one unique is that this was one of the last holdout residential homes within the Industrial zone and that is very unique to his property and is probably why it did not get picked up at first. Mr. Wright concluded by saying that after hearing the comments that he would entertain a motion to act on a Variance under Section 3.05(2)(d). With this in mind, the Board members understood what was being asked and therefore Mr. DiPietro made the following motion.

Mr. DiPietro made a motion to vote on the variance to allow the expansion of a non-conforming use on a non-conforming lot to permit the construction of an 8-foot by 8-foot mudroom as shown on the plan presented tonight from Article 3, Section 3.05(2)(d) for Case #17-15, 672 Londonderry Turnpike, Tax Map 1, Lot 19, Mrs. Neveu seconded the motion. Mrs. Neveu voted to grant, Mr. DiPietro voted to grant, Mr. Carroll voted to grant, Mr. Stuart voted to grant and Mr. Wright also voted to grant. The Board members unanimously believed the five (5) factors have been met by the applicant. All were in favor, the motion passed unanimously.

Mr. Wright informed Mr. Demyanovich that he would be receiving a copy of the Notice of Decision from the ZBA and then he could contact Mrs. Rouleau-Cote to apply for a building permit. Mr. Wright further informed Mr. Demyanovich that there was a 30-day appeal period where an abutter or interested party could appeal the ZBA decision. Mr. Demyanovich understood what Mr. Wright was saying and then thanked the Board members for their time and exited the meeting.

Minutes

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

Mr. DiPietro made a motion to accept the minutes of July 25, 2017, as written, seconded by Mr. Grillo. All were in favor, and the motion passed.

Mrs. Neveu asked if there were any new cases. Ms. Royce said that she did not have any applications yet but that the deadline was Tuesday, October 3rd. Mrs. Rouleau-Cote believed that there would be a couple of applications that would be coming in.

Mr. Wright indicated that he would entertain a motion to adjourn.

Adjourn

Mr. DiPietro 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 October 24th, 2017 at 7:00 pm and will be held at the Town Hall, 47 Chester Road.