

**Town of Auburn  
Zoning Board of Adjustment  
June 24, 2014**

**Present:** Mark Wright, Chairman, Jim Lagana, Vice Chairman, Mike DiPietro, Peggy Neveu and Elizabeth Robidoux, Members. Kevin Stuart, Alternate Member. Minutes recorded by Denise Royce.

**Also Present:** Carrie Rouleau-Cote, Building Inspector.

**Absent:** Jeffrey Benson and Robert Beaurivage, Alternates.

Mr. Wright called the meeting to order at 7:03 p.m. and informed everyone present that he would now turn the meeting over to Mr. Lagana for the first two cases as he had a conflict of interest with the first two cases and would rejoin the board with the Marcoux case. At this time, Mr. Lagana called the meeting to order at 7:04 p.m. and proceeded by introducing the Board members and explained the procedure for tonight's hearing to everyone present.

Mr. Lagana elevated Mr. Stuart to full voting status for the first two cases and asked Ms. Royce to read the first case into the minutes for the record.

**Case #14-05**

**Matthew Minuti**

**Katherine Hamilton**

**552 Manchester Road, Tax Map 22, Lot 22**

**Zoned Residential One**

*Applicant is requesting a variance to allow the removal and replacement of existing 10 foot by 20 foot shed that will encroach within the side setback in a Residential One zone. (Article 4, Section 4.06(6))*

Mr. Minuti explained that the lot was a very small lot containing .248 acres. There is an existing 10 foot by 20 foot shed that is falling down and that they would like to replace it with a new one. Ms. Hamilton passed out pictures of the existing shed which is falling down. Mr. Minuti stated that he has spoken with his neighbor and he suggested that it might be easier to knock it down and get something from Reeds Ferry as it is very close to his driveway. Mr. Lagana asked Mr. Minuti how long the shed had been there. Mr. Minuti was unsure but believed it could have been there since the 1920's. Mr. Minuti also pointed out that there is really no other place to put the shed. Ms. Hamilton added that the lot was only 70 feet wide and the propane tank kind of limits where they could put it but would like to have it in the same location. Mr. Minuti read his application into the minutes for the record.

Mr. Lagana asked if there were any abutters present. None were noted. Mr. Lagana asked if there were any interested parties that wished to speak. Mr. Stuart asked Mr. Minuti if the shed he was talking about was described as a garage on the plan. Mr. Minuti stated that it was the same thing but that he did not believe you could fit a car in it and pointed out that it was a septic plan that was on file with the town. Mr. Lagana wanted to clarify with the applicant that what they were looking for was to remove the 10 foot by 20 foot structure and replace it with another 10 foot by 20 foot shed. Mr. Minuti and Ms. Hamilton said yes. Mrs. Rouleau-Cote asked Mr.

Minuti if he planned to make it taller. Mr. Minuti said no. Mr. Lagana asked if there were any other questions or comments. Mrs. Robidoux stated that she would be hard pressed to find a more non-conforming lot in town.

***Mr. DiPietro made a motion that they vote on the application as presented 552 Manchester Road, Tax Map 22, Lot 22, Case #14-05, seconded by Mrs. Robidoux. Mrs. Robidoux voted to grant, Mrs. Neveu voted to grant, Mr. DiPietro voted to grant, Mr. Stuart voted to grant because they are talking about a very narrow lot, and Mr. Lagana also voted to grant as he believes that the application has met all the conditions for the variance. The motion passed in the affirmative.***

Mr. Lagana explained that there was a 30 day appeal period at which time abutters may appeal the ZBA's decision so that any activity prior to the 30 day appeal period would be at the applicants would be at their own risk. Ms. Hamilton asked how they would be notified. Mr. Lagana stated that they would receive notice from Ms. Royce. Mrs. Rouleau-Cote further informed the applicant that they would have two (2) years to act on the variance otherwise they would have to come back before the Board.

#### **Case #14-06**

**Richard and Sharyn Ramos**

**530 Bunker Hill Road – Map 5, Lot 82**

**Zoned Residential Two**

*Applicant is requesting a variance to allow the addition of an in-law apartment to an existing home within a Level One wetland setback (where 125 feet is required) and it's supporting addition to the leach bed in a Residential Two zone. (Article 5, Section 5.04(1)(a))*

Mr. Lagana asked if Mr. Ramos was present tonight which he was and asked Mr. Ramos if he wanted to table this until next month. Mr. Ramos said yes, that he has been in contact with Ms. Royce and informed the Board members that there is an issue with Conservation Commission that based on their septic design which has been already submitted to the state that Conservation Commission has raised a few questions with regard to the final design of the septic system. Mr. Ramos further added that, with the late notice from the Conservation Commission that it did not give them enough time to address their concern and with that they would like to table this hearing until the July hearing date. Mr. Ramos feels that they should address the Conservation Commission's concerns first before they come before the ZBA. Mr. Lagana thanked Mr. Ramos for his indulgence and believed that after the first and second case and after the original and the re-hearing that they can see how important the Conservation Commissions input is with regard to case involving wetlands. Mr. Lagana believed that the Conservation Commission would be meeting on July 8<sup>th</sup> and that the next ZBA hearing would be held on July 22<sup>nd</sup>. Mr. Lagana has asked that they acquire both the Conservation Commission's minutes of the July 8<sup>th</sup> meeting and hopefully have someone from the Conservation Commission attend the July 22<sup>nd</sup> ZBA meeting to obtain testimony from them. Mr. Lagana indicated that unless there is any further discussion with this that he would entertain a motion to table this case until July 22<sup>nd</sup>.

***Mrs. Robidoux made a motion to TABLE the ZBA Public Hearing for Case #14-06, Richard and Sharyn Ramos, 530 Bunker Hill Road, Tax Map 5, Lot 82, seconded by Mrs. Neveu. Mrs. Robidoux voted to grant, Mrs. Neveu voted to grant, Mr. DiPietro voted to***

***grant, Mr. Stuart voted to grant, and Mr. Lagana also voted to grant the continuance. The motion passed in the affirmative and Case #14-06 has been TABLED until July 22, 2014.***

Mr. Lagana informed everyone present tonight that this would be the only notice that they will not be receiving another notice in the mail so if they would like to attend the hearing scheduled for July 22<sup>nd</sup> that they put it on their calendar.

At this time Mr. Wright resumed the public hearing at 7:20 p.m.

#### **Case #14-07**

**Edward and Kathleen Marcoux**

**57 Hooksett Road, Tax Map 10, Lot 30**

**Zoned Residential Two**

*Applicant is requesting a variance to allow construction of a 12 foot by 14 foot shed that will replace a 20 foot by 24 foot garage that was demolished that will encroach within the side setback in a Residential Two zone. (Article 4, Section 4.06(6))*

Mrs. Marcoux began by reading their application into the minutes for the record. Ms. Royce passed out photos of the dilapidated garage that was included with the application for the Board's review. Mrs. Marcoux indicated that the property consisted of less than 1.2 acres.

Mr. Wright asked if there were any abutters present. Scott Brawall and Mike Gibbons of 62 Hooksett Road stated that they had no objections and actually were in support of what they were proposing.

At this time, Mrs. Neveu asked if there was a plot plan available. Mrs. Marcoux showed the Board members the location on the plan. Mr. Lagana asked the applicant if the new structure would be going out of the footprint of the current location. Mrs. Marcoux said that the new structure would be 12 feet by 14 feet and the previous structure was 20 feet by 24 feet. Discussion ensued with regard to the location. It was determined that the new structure would not be moved outside of the existing footprint.

Mr. Wright asked the Board if they had any further questions or comments. The Board was all set. Mr. Wright commented that if the Board was all set then he would entertain a motion to vote on the application as submitted.

***Mrs. Robidoux made a motion that they vote on the application as presented 57 Hooksett Road, Tax Map 10, Lot 30, Case #14-07, seconded by Mrs. Neveu. Mrs. Robidoux voted to grant, Mrs. Neveu voted to grant, Mr. DiPietro voted to grant, Mr. Lagana voted to grant, and Mr. Wright also voted to grant. The motion passed in the affirmative.***

Mr. Wright explained the 30 day appeal period as well as the two (2) year period to act on the variance to the applicants. Mr. and Mrs. Marcoux thanked the Board members for their time.

#### **General Business**

Mr. Wright began to discuss the Rules of Procedure for the ZBA and asked if it had been acted upon. Ms. Royce stated no. Mr. Lagana indicated that they wanted to wait until Mr. Wright

returned before proceeding with a vote. Mr. Wright asked if they had a chance to review the comments from town counsel. The Board said yes. Mr. Wright asked Ms. Royce to place the voting on the Rules of Procedures for the ZBA for July and August because they needed to notice it for the next two public hearings and then they would vote on it.

Mr. Wright talked about election of officers. Mrs. Neveu stated that they would like to nominate Mr. Wright and Mr. Lagana again and take a vote.

***Mrs. Neveu made a motion that they vote to re-elect Mr. Wright as Chairman and Mr. Lagana as Vice-Chairman for the ZBA, seconded by Mr. DiPietro. Mrs. Robidoux voted yes, Mrs. Neveu voted to yes, Mr. DiPietro voted to yes. Mr. Wright was re-elected as Chairman and Mr. Lagana was re-elected as Vice-Chairman.***

Mrs. Rouleau-Cote pointed out that the re-write of the Watershed Protection Regulations has made the Conservation Commission very busy where it's not just 125 feet straight up anymore.

Mr. Wright asked if there was any other business to discuss. Mrs. Rouleau-Cote wanted to inform the Board members that she will not be available for the July 22<sup>nd</sup> Public Hearing so if the Board wanted any comments from her regarding any cases to please notify her in advance and she will send them a member with her comments.

The ZBA Board members requested that Ms. Royce inform the Board members of when the next scheduled Conservation Commission meeting would be held. Ms. Royce will notify the Board when the next Conservation Commission meeting will be held in July.

Mr. Wright also asked the Board Members to please notify Ms. Royce, ZBA Secretary if they were going to be absent due to vacation scheduling and the like so that they will be aware that they have a quorum. The Board agreed.

## **Minutes**

***Mr. DiPietro made a motion to accept the minutes of March 24, 2014 as written, seconded by Mrs. Robidoux. The motion passed in the affirmative.***

## **Adjourn**

***Mr. Lagana made a motion to adjourn, seconded by Mrs. Robidoux. All were in favor, the motion passed unanimously and the meeting stood adjourned at 7:41 p.m.***

**The next ZBA Hearing is scheduled for July 22, 2014 at 7:00 pm and will be held at the Town Hall, 47 Chester Road.**