

**UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
November 16, 2021**

Present: Mike DiPietro, Chairman. Kevin Stuart, Vice-Chairman, Shawn Matte, Member. Shannon Daoust, Nick Pappas & Steven Kimball, Alternate Members. Minutes were taken and prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement. Attorney Michael Tierney. Joseph Falzone and Attorney Mark Johnson.

Absent: Patrick Bergeron & Jill Dross, Members.

Mr. DiPietro called the meeting to order at 7:00 p.m.

Mr. DiPietro informed everyone that there was only one case before the Board tonight and that Mr. Falzone was present tonight. Mr. DiPietro moved on by introducing himself and the Board members and Alternate members of the Board to everyone present. Mr. DiPietro elevated both Mrs. Daoust and Mr. Kimball to full voting members in the absence of Mr. Bergeron and Ms. Dross. Mr. DiPietro pointed out that, Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer was also present this evening.

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

**Case #21-30
Joseph Falzone
Auburn School District c/o SAU #15
Dollard Road & Hooksett Road – Map 10, Lot 19
Zoned Residential Two**

Applicant is requesting a Variance from Article 8, Section 8.07(4) 55 & Older Housing Regulations to exempt the eave roof overhang, cement foundation, and metal bulkhead attached to each building from the 30-foot setback requirement in a Residential Two zone.

Attorney Mark Johnson introduced himself and indicated that he would be representing Mr. Falzone and stated that what they are proposing here is that, if the Variance is granted that we are proposing to install sprinkler systems in all the homes which is not a requirement within the bylaws and that they would also have access to a fire cistern. Mr. Falzone passed around a photo of a proposed house showing the overhang. Mr. Falzone indicated that, the overhang would be approximately one foot, and some would be a foot in a half. Mr. Falzone stated that, the bulkheads are metal so they cannot burn. Mr. DiPietro asked them to read through the factors. Attorney Johnson read the application

into the minutes for the record and commented that, he would be happy to answer any questions that the Board may have.

Mr. DiPietro asked Mrs. Rouleau-Cote if she had any comments to add. Mrs. Rouleau-Cote indicated that she has spoken with Chief Williams of the Auburn Fire Department and that they have no objections with the applicant's request. Mrs. Rouleau-Cote asked Mr. Falzone what number of units would be affected by this. Mr. Falzone stated that it would be somewhere between 25 and 50 percent. A brief discussion ensued with regard to the overhang. Mrs. Rouleau-Cote asked about how many would be overlapping meaning that there would be two (2) houses that would both be overlapping. Mr. Falzone stated that, he won't know until the houses are chosen.

Mr. DiPietro asked the Board members if there were any further questions for the applicant. Mr. Stuart asked if this was something that the Planning Board should be looking at because the article points to the Planning Board. Mr. Stuart read Article 8, Section 8.01 – Authority Statement ***“The Auburn Planning Board, under the authority of this Article, may grant the Applicant relief from the requirements of this article as they deem appropriate and necessary.”*** Mr. Stuart asked if this should be something that the Planning Board should be dealing with instead of the Zoning Board because it sounds like they are looking for relief under Article 8, Section 8.07(4). A brief discussion ensued with regard to this request. Mr. Falzone indicated that they were informed to go to the ZBA. A discussion ensued with regard to a specific number that they would be looking for relief from. Mr. DiPietro asked if the intent was to be able to build more units. Attorney Johnson stated that, the intent is to build what they have designed. Mrs. Rouleau-Cote indicated that the Planning Board has approved the site plan with the building location and has gone through the Planning Board process so there would be no additional units as they are bound by their site plan. Depending on what people choose as their house design they may run into some issues with regard to the overhang. Mr. Falzone indicated that, these are the same architectural plans that he submitted to the Planning Board. Mr. Stuart asked what the maximum the overhang would be. Mr. Falzone commented that, the maximum roof overhang would be two feet. Mr. Falzone also mentioned that the bulkhead would be five feet and five inches but that most of them would be in the rear of the house. Mr. Falzone just does not know where they will be. At this time, the Board reviewed the site plan showing all the potential locations of the houses. A brief discussion ensued with regard to making a motion and attaching a dimension to it. Mr. Falzone was fine with what the Board members were suggesting.

Mr. DiPietro noted that there were no abutters present and did not believe there were any further questions and therefore would entertain a motion to vote on the Variance application.

Mr. Stuart made a motion to vote on the Variance application with the stipulation that the bulkhead and its foundation extension be no more than six feet off the foundation and that the overhang be no more than two feet off the wall for #21-30, Joseph Falzone, Auburn School District c/o SAU #15, Dollard Road and Hooksett Road, Tax Map 10, Lot 19. Seconded by Mrs. Daoust. Mr. Matte voted to Grant finding all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, Mr. Kimball voted to Deny finding that all five (5) factors have not been met as the applicant had alternative means of relief, Mrs. Daoust voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, the motion passed with a vote of four (4) in favor and one motion to deny. The motion Passed.

Mr. DiPietro informed the applicant that the Variance was granted. Mr. Falzone and Attorney Johnson both thanked the Board members for their time and the discussion ended.

Mr. DiPietro moved on to other business before them today.

Case #21-25

Gary B. Michaud, Trustee

145 Appletree Road – Map 17, Lot 45

Zoned Residential One

Applicant is requesting that the ZBA reopen and rehear the “Administrative Appeal of Administrative Officer’s Decision (Board of Selectmen) Decision Denying Application for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39-aa on August 30, 2021.”

Mr. DiPietro informed the Board that they are in receipt of a request for rehearing of their decision from last month where they upheld the BOS Decision.. Mr. DiPietro stated that they have all read through the request and need to decide whether they will rehear this or decide to deny the rehearing. Mr. DiPietro asked Mr. Matte what he thought. Mr. Matte made a motion to move to a vote.

Mr. Matte made a motion to move to a vote on the request for rehearing for Case #21-25, 145 Appletree Road, Tax Map 17, Lot 45. Seconded by Mr. Stuart. All were in favor to move to a vote.

Mr. DiPietro explained that a motion would be to rehear the case or to deny the rehearing.

Mr. Kimball voted to Deny the rehearing, Mrs. Daoust voted to Deny the rehearing, Mr. Matte voted to Deny the rehearing, Mr. Stuart voted to Deny the rehearing, and Mr. DiPietro also voted to Deny the rehearing. A vote was taken and, all voted to DENY the Rehearing.

Mr. DiPietro indicated that we would be sending a letter to the applicant.

Mr. DiPietro moved on to the approval of the meeting minutes for October 26, 2021. Ms. Royce asked the Board members if they saw the corrections that Ms. Franklin wanted made to the minutes. Mr. DiPietro asked Mrs. Rouleau-Cote if she had anything she wanted to add as some of the comments were made about what she had stated about Note #12. Mrs. Rouleau-Cote stated that, she recalls what Note #12 is and that basically Ms. Franklin is stating how she remembers the conversation in field even if it was different from what she recalled occurred. A discussion ensued about the corrections and believed it did not matter if it was right or not as it was stated by Ms. Franklin. Mrs. Daoust commented that it did not matter as it does not change our determination. The Board did not have a problem with making the corrections. Mr. DiPietro believed that they could move to acceptance of the minutes with the corrections to be made by Patricia Franklin based on her statements.

Minutes

Mr. Stuart made a motion to accept the minutes of October 26, 2021, with the corrections to be made by Patricia Franklin delivered to the Board in writing (a copy of which can be found in the file), seconded by Mr. Kimball. All were in favor, and the motion passed.

Other Business

Mr. DiPietro asked about the December hearing. Ms. Royce stated that the Board has one case already for December but that they may have one more that would be coming. The deadline was Monday, November 22, 2021.

Mr. DiPietro thanked the Board Members.

Adjourn

Mr. Stuart made a motion to adjourn, seconded by Mrs. Daoust. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7:36 p.m.

The next scheduled meeting is a week early due to the holiday schedule and is scheduled for December 14, 2021 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.