

*New Durham Zoning Board of Adjustment*

*May 8, 2018*

*Approved*

**NEW DURHAM ZONING BOARD OF ADJUSTMENT**

**New Durham Town Hall**

**May 8, 2018, 7:00p.m.**

**Present**

Wendy Anderson, Vice Chair

Joan Martin, Member

Stephanie Richard, Member

Art Hoover, Member

David Shagoury, Alternate Member

**Excused Absence**

Terry Jarvis, Chair

Paul Raslavicus- Alternate Member

**Also Present**

Laura Zuzgo, Administrative Assistant

Tom Varney, Varney Engineering

Timothy Courounis, Applicant

Ed Brannan, Town of Middleton

Laura Parker, Town of Middleton

Joe Bailey, Town of Middleton

**Call to Order**

Vice Chair Anderson called the meeting to order at 7:00pm.

Ms. Anderson appointed Mr. Shagoury to sit on the board in Ms. Jarvis' place.

**Public Hearing – Case # 2018-002 Timothy & Pamela Courounis- Variance**

Mr. Hoover referenced RSA 674:33 stating action must be taken within two years of final approval and noted the prior owner was granted approval but two years has passed. He stated he wants to be sure the current application has the appropriate information so there are no appeals down the road. The Board reviewed and discussed the relevant statutes and it was noted additional requests would be needed as things have changed since the last approval and additional variances will be needed. The Board reviewed and discussed the application, and concurred the application is incomplete but it was suggested to amend it to include the additional variances as needed.

Ms. Anderson asked if there is any conflict of interest with members of the Board. None was indicated.

Determination that the Application is Complete and Actionable – The Board agreed to continue the hearing for the application to be amended.

May 8, 2018

Approved

**Mr. Hoover made a motion that the hearing be postponed for the period of one month to allow the applicant to file an amendment to the application. Ms. Martin seconded the motion. Motion passed, 5-0-0.**

It was noted the next Zoning Board of Adjustment is June 12, 2018 and Ms. Anderson noted the application needs to be in five days prior to the meeting date.

**Public Hearing – Case # 2018-003- Town of Middleton- Variance**

Ms. Anderson stated the request for the variance is to Article 5, Section C regarding nonconforming road frontage dimensions.

Ms. Anderson asked if any members of the Board have any conflict of interest with hearing this case. None was indicated.

The application was reviewed for completeness by the Board.

The Board reviewed and discussed the application. It was clarified this variance will make a lot more non-conforming and an abutting lot less nonconforming.

**Ms. Richard made a motion that the application for variance to Article 5, Section C, is complete and actionable. Mr. Shagoury seconded the motion. Motion passed, 5-0-0.**

Ms. Anderson opened the public hearing at 7:40pm.

The Board reviewed the maps and plans presented. Representatives from the Town of Middleton, including the Road Agent, Board of Selectman member and secretary were present and gave an overview of the application, explaining the need to move a driveway. It was noted this has to be presented to the New Durham Planning Board for a Boundary Line Adjustment.

***Discussion: Variance to Article 5, Section C***

*Granting the variance would/would not be contrary to the public interest:* The Board concurred that moving the lot line a small amount will make it better for both parties. Mr. Shagoury stated it corrects an existing hardship.

*The spirit of the ordinance would/would not be observed because:* It was clarified there is no change and the lots are already nonconforming.

*Granting the variance would/would not do substantial justice because:* The Board agreed it would do an injustice to not grant the variance.

*For the following reasons the values of surrounding properties would/would not be diminished:* The surrounding properties will be improved.

*New Durham Zoning Board of Adjustment*

*May 8, 2018*

*Approved*

*Unnecessary Hardship:* The Board concurred both parties would have a hardship if the variance is not granted.

**Mr. Hoover made a motion to approve the application for Case #2018-003 for a variance to Article 5, Section C with the understanding that a small strip of land will be deeded to an abutting property line. Ms. Richard seconded the motion. Motion passed, 5-0-0.**

**Approval of Minutes**

Meeting of January 9, 2018 – Edits were made. **Mr. Hoover made a motion to approve the minutes as amended. Mr. Shagoury seconded the motion. Motion passed, 5-0-0.**

Meeting of February 13, 2018 – Edits were made. **Ms. Richard made a motion to approve the minutes as amended. Mr. Hoover seconded the motion. Motion passed, 3-0-2.** Ms. Martin and Ms. Anderson abstained.

Meeting of March 22, 2018 – Postponed as a quorum is not present of those at the meeting.

**Election of Chair and Vice Chair**

Ms. Anderson stated she discussed Ms. Jarvis remaining as chair and she confirmed she is willing to do so.

**Mr. Hoover made a motion to nominate Ms. Jarvis as the chairman of the Zoning Board of Adjustment. Ms. Martin seconded the motion. Motion passed 5-0-0.**

**Mr. Shagoury made a motion that Ms. Anderson be vice-chair. Mr. Hoover seconded the motion. Motion passed, 4-0-1.** Ms. Anderson abstained.

**Correspondence**

Ms. Zuzgo stated the Planning Board will be holding a workshop meeting on the third Tuesday of the month for May, July, September and November and she encouraged the Board to attend.

**Adjourn**

**Ms. Martin made a motion to adjourn. Ms. Richard seconded the motion. Motion passed, 5-0-0.**

The meeting was adjourned at 8:40pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary