

**Zoning Board of Adjustment
October 25, 2018 6:30 PM
Board of Selectmen's Room/Municipal Building
15 Sunapee Street/Newport, NH**

PRESENT: Melissa Saccento, Chairman; Jeffrey Kessler, BOS Representative; Ben Nelson, Beth Cassorla

ABSENT MEMBERS: Virginia Irwin, Alternate; David Lain, Vice Chairman; Scott McCoy, Alternate; Tim Beard, Alternate

VIDEOGRAPHER: Nancy Meyer, NCTV

STAFF PRESENT: Liz Emerson, Acting Zoning Administrator

COMMUNITY MEMBERS PRESENT: none

CALL TO ORDER: Chairman Saccento called the meeting of the ZBA to order at 6:34 p.m. and introduced the sitting Board members.

ADMINISTRATION: Chairman Saccento addressed the Board and public present and stated that Case #1070 was under administration. Ms. Emerson addressed the Board and explained the case was for the Special Exception for a proposed convalescent home at 135 Beech Street. A typographical error was made on the dating of the Personal Notice. The Notice read October 27th instead of October 25th. Case #1070 has been tabled in order to get new Notices posted and sent to abutters.

Chairman Saccento asked if a special meeting would be required or if it would be heard at the regular ZBA meeting on November 29, 2018. Ms. Emerson asked for a special meeting; the applicants had filed for a two week extension with the bank for their closing date (Ms. Emerson believed they had an extension until November 18, 2018). Ms. Emerson requested a special meeting around November 8, 2018.

After the Board members consulted their calendars; on a motion by Mr. Kessler, seconded by Mr. Nelson; *the Board voted to table Case #1070 until November 8, 2018 at 6:30 p.m. The motion passed 4-0-0.*

MINUTES: September 27, 2018
September 27, 2018

On a motion by Mr. Nelson, seconded by Mr. Kessler; *the Board voted to approve the minutes of the September 27, 2018 meeting as presented. The motion passed 3-0-1 (Cassorla abstained).*

Mr. Kessler addressed Ms. Emerson and asked her to print future minutes two-sided to save paper. She agreed to his request.

Chairman Saccento reviewed the ZBA format for the applicant present.

NEW BUSINESS:

Case #1069: AF Gloenco Inc. (Owner) Chuck Milliken (Agent): requests a Variance from the terms of Article II Section 211.4 of the Zoning Ordinance to reduce the rear & side setbacks. The property is identified as Map 103 Lot 001 and is located at 460 Sunapee Street in the Industrial (I) Zoning District.

Chairman Saccento opened Case #1069.

Chairman Saccento acknowledged Mr. Chuck Milliken and asked him to present his case. Mr. Nelson addressed Mr. Milliken and stated that he did not have to read his application verbatim, he could summarize the request.

Mr. Milliken addressed the ZBA and stated that AF Gloenco had closed its doors and was selling the properties at 452 and 460 Sunapee Street. As liaison for AF Gloenco, Mr. Milliken had noticed on tax maps that the existing property line went through the middle of the building he leased (for his business Shrinkfast). He had contacted a surveyor and requested a minor lot line adjustment for his property. It was completed, although there were issues with setbacks to the building.

Continuing, Mr. Milliken stated he was requesting a variance for those setbacks that were not in compliance with the Town. Mr. Milliken had spoken to all the abutters and they had no issues with the adjustment. The adjustment will make it a lot cleaner when AF Gloenco sells the properties, by clearly defining lots 452 and 460 Sunapee Street.

Chairman Saccento addressed Ms. Emerson and asked for her Administrative Review.

Ms. Emerson stated she had one additional item. The plan would add .28 acres to the smaller lot, making it 1.14 acres. This addition would make the lot conform to the Industrial Zone District size requirements. The TOPAZ department had no concerns with the plan.

Mr. Milliken addressed the Board and stated that Ms. Emerson had been a tremendous help to him.

There was a general discussion on the case and property among the Board members, Mr. Milliken and Ms. Emerson.

Chairman Saccento then closed the meeting to the public. On a motion by Mr. Nelson, seconded by Mr. Kessler; ***the Board voted to go into Deliberations for Case #1069. The motion passed 4-0-0.***

Variance Statement of Reasons and Discussion

Chairman Saccento asked for motions on questions one through five.

On a motion by Mr. Kessler, seconded by Mr. Nelson; that:

Granting the variance would not be contrary to the public interest because granting the variance would improve the setbacks. There was no discussion on the motion. Chairman Saccento called for a vote. ***The motion passed 4-0-0.***

On a motion by Mrs. Cassorla, seconded by Mr. Nelson; that:

The spirit of the ordinance would be observed because it would make the two lots more conforming. Chairman Saccento called for a vote. ***The motion passed 4-0-0.***

On a motion by Mr. Kessler, seconded by Mrs. Cassorla; that:

Granting the variance would do substantial justice because it will increase the market value of each lot. Chairman Saccento called for a vote. ***The motion passed 4-0-0.***

On a motion by Mr. Nelson, seconded by Mrs. Cassorla; that:

For the following reasons, the values of the surrounding properties would not be diminished because nothing in the neighborhood would change. There was no discussion on the motion. Chairman Saccento called for a vote. ***The motion passed 4-0-0.***

Unnecessary hardship

Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

On a motion by Mr. Kessler, seconded by Mrs. Cassorla; ***there is not a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property because the buildings currently exist.*** ***The motion passed 4-0-0.***

AND:

On a motion by Mr. Kessler, seconded by Mr. Nelson: ***that the proposed use is a reasonable one because the buildings currently exist.*** Chairman Saccento called for a vote. ***The motion passed 4-0-0.***

Chairman Saccento asked for a motion to memorialize the Board's decision.

On a motion by Mr. Kessler, seconded by Mr. Nelson: ***the Board voted to grant a Variance for Case #1069 from the terms of Article II Section 211.4 of the Zoning Ordinance to reduce the rear & side setbacks. The property is identified as Map 103 Lot 001 and is located at 460 Sunapee Street in the Industrial (I) Zoning District.*** Chairman Saccento called for a vote. ***The motion passed 4-0-0.***

Chairman Saccento addressed Mr. Milliken and stated his variance had been granted. Chairman Saccento signed the two Notices of Decision at the meeting. Mr. Milliken took one with him for his records.

Close out Case #1067

On a motion by Mr. Nelson, seconded by Mrs. Cassorla; ***the Board voted to close Case #1067 (Case #1067: Robert Howard (Owner): requesting a Special Exception for Mixed Use).*** After a short discussion on the closed case and the new case Chairman Saccento called for a vote. ***The motion passed 4-0-0.***

The new case, with Mr. Howard as applicant, will be heard at the ZBA meeting on November 29, 2018 at 6:30 p.m.

On a motion by Mrs. Cassorla, seconded by Mr. Nelson; *the Board voted to adjourn at 6:54 p.m. The motion passed 4-0-0.*

Respectfully submitted,

Maura Stetson, Scribe

Approved on: November XX, 2018

DRAFT