

ZONING BOARD OF ADJUSTMENT

TOWN OF BARNSTEAD

TOWN HALL

September 16, 2019 @7:00 P.M.

MINUTES

CALL TO ORDER: David Brown, Chair called the meeting to order at 6:57 P.M.

ROLL CALL: David Brown - Chair, Rick Duane - Member, Steve Vail - Member, Gary Mullen - Member, Thomas McCarthy – Member, Mary Clarke - Alternate, Paula Penney - Select Board Representative, Joanie Foss - Alternate/Recording Secretary

#2 CASE No. 0819-256 was heard first as the applicant for **#1 CASE No. 0819-255** was not yet in attendance.

#2 CASE No. 0819-256: Amy and John Seiler of 132 Ridge Rd, Map 29 Lot 21, are requesting a variance to **Article 4, Section 4-2.04**, of the Town of Barnstead Zoning Ordinances. **Article 4, Section 4-2.04** entitled **Front Yard** states **4-2.04 Front Yard** “Buildings must set back fifty (50) feet from a right-of-way”. Chair Brown explained the procedures to be followed in review of the proposal. First the applicant will make a presentation on the proposed project, and then there would be the opportunity for questions from the ZBA. Tom Varney from Visual Engineering presented for Mr. and Mrs. Seiler. The proposed construction is a 24’ x 24’ garage to replace an existing pavilion. In review of the five criteria Mr. Varney stated the structure would not diminish the value of the property in addition the planting of trees surrounding the house would improve the aesthetics; residential use will remain the same; the structure will not change the character of the neighborhood. Mr. Varney stated that a shoreline permit is pending. Chair Brown asked for questions from board members. Chair Brown asked if there were any other garages in the area, Mr. Seiler stated that there was a much larger garage on a neighboring lot. Mr. Seiler presented the board with written statements from abutters approving the proposed structure. An abutter that has a right-of-way through the Seiler’s property also approved the proposed structure.

PUBLIC HEARING: Chair Brown opened the public hearing on the application at 7:15 p.m. He called for testimony from abutters and interested parties, hearing none Chair Brown asked if there were further questions from the Board, hearing none Chair Brown closed the public hearing at 7:16.

R. Duane requested a motion to approve the variance with an 8.7’ left corner setback and 6.8’ right corner setback to Ridge Rd. S. Vail seconded the motion. Chair Brown called the vote and the Board voted unanimously to accept the application. The Chair noted that there is a 30 day appeal period on the decision.

#1 Case No. 0819-255: Randy & Joanne Fellbaum, Trustees of the R and J Family Trust, 62 Lake Shore Drive, Map 31, Lot 26, are requesting a variance to **Article 3, Section 3-3.01**, of the Town of Barnstead Zoning Ordinances. **Article 3, Section 3-3.01** states “on lots forty thousand (40,000) square feet or less where the width of the lot is less than two hundred (200) feet, the required side yard setbacks may be reduced six (6) inches for every two (2) feet of width that is less than the required two hundred (200) feet, with the limitation that a minimum of fifteen (15) feet shall not be exceeded”. Chair Brown explained the procedures to be followed in review of the proposal. First the applicant will make a presentation on the proposed project, and then there would be the opportunity for questions from the ZBA. Chair Brown asked the Fellbaum’s to present their application. Mr. Fellbaum explained that they would like to build a garage to replace the existing garage. The structure would sit on the same footprint of the old garage/lean-to only the new structure would be wider therefore the request for a variance. In review of the five criteria Mr. Fellbaum stated that the structure will not diminish the value of the surrounding property; will not impair the neighbor’s safety; and will not create a nuisance or increase traffic. Mr. Fellbaum explained they already have their shore land permit and the state has okayed the building plan. R. Duane asked what the footage of the existing garage is and what the footage of the proposed garage will be. Mr. Fellbaum said the existing garage is 16’ x 32’ – height 12’, the proposed garage would be 24’ x 32’ – height 24’.

PUBLIC HEARING: Chair Brown opened the public hearing on the application at 7:30 p.m. He called for testimony from abutters and interested parties. Abutters Mr. and Mrs. Henderson expressed concern about the height of the new garage as they currently have a view of the lake during the winter months. R. Duane explained that the building code states the building could be as high as 36’. Chair Brown asked if there were further questions from the Board, hearing none Chair Brown closed the public hearing at 7:36.

T. McCarthy requested a motion to accept the application with a side setback of 4’, R. Duane seconded the motion. Chair Brown called the vote and the Board voted unanimously to accept the application. The Chair noted that there is a 30 day appeal period on the decision.

CORRESPONDENCE: Chair Brown received correspondence about the following conference/workshop, if you are interested in attending notify Chair Brown.

- **NHMA/OSI Fall 2019 Land Use Law Conference (formerly known as the Municipal Law Lecture Series)** Saturday, October 5, 2019 - 9:00am to 3:00pm
- **Local Road Regulation & Enforcement: A New Hard Road to Travel Workshop!** Friday, October 4, 2019 - 9:00am to 12:30pm

OLD BUSINESS: None

NEW BUSINESS: None

MINUTES: T. McCarthy made a motion to approve the minutes of August 19, 2019 (with T. McCarthy added to the roll call) this was seconded by S. Vail. The motion was passed unanimously.

ADJOURNMENT: M. Clarke made a motion to adjourn the meeting, G. Mullen seconded the motion. The motion passed unanimously.

Chair Brown adjourned the meeting at 7:55 p.m.

Respectfully submitted,

Joanie Foss
Recording Secretary