



TOWN OF NEWMARKET NEW HAMPSHIRE

Zoning Board of Adjustment

October 9, 2023 at 7:00 PM

Town Council Chambers

DRAFT MEETING MINUTES

Present: Bob Daigle (Chair), Wayne Rosa (Vice-Chair), David Evans (Zoning Administrator), Henry Smith (Alternate), James Drago, and Al Zink

Absent: Steven Minutelli

The Chair called the meeting to order at 7:00 PM.

[time on DCAT 4:11]

The Chair appointed **Henry Smith** (Alternate) as a voting member.

The five voting members this evening will be: **Bob Daigle, Wayne Rosa, Henry Smith, James Drago, and Al Zink.**

1. Pledge of Allegiance

2. Acceptance of Minutes

a. July 10, 2023

Action

Motion: Al Zink moved to approve the Draft Minutes of July 10, 2023 as written.

Second: Henry Smith

Discussion: none

Vote: Approved 3-0-2 (Bob Daigle & James Drago abstained)

b. August 7, 2023

Action

Motion: James Drago moved to approve the Draft Minutes of August 7, 2023 as written.

Second: Wayne Rosa

Discussion: none

Vote: Approved 3-0-2 (Al Zink & Henry Smith abstained)

b. August 14, 2023

Action

Motion: Al Zink moved to approve the Draft Minutes of August 14, 2023 as written.

Second: Wayne Rosa

Discussion: none

Vote: Approved 4-0-1 (Henry Smith abstained)

3. Regular Business

[time on DCAT 7:52]

Read by the Chair:

a. There will be a public hearing for a variance request by Christopher Alexandrou for property located at 75 Exeter Road, Tax Map U3, Lot 135, located in the B1 Zoning District. The applicant is seeking a variance from Newmarket Town Ordinance Section 32-124(2)b to permit the installation of a sign above the top of the exterior wall but below the roof line in order to utilize the pre-existing sign infrastructure.

Mr. Christopher Alexandrou rose to address the members regarding his variance request. He provided an explanation for the sign along with a photoshopped picture to help with visualization. The electrical hardware already exists on the roof top from the previous owner. If he removed it from the roof, it would likely require replacing the entire roof otherwise leaks may occur in the future.

The Chair opened the meeting to public comment at 7:07 PM. [time on DCAT 9:17]

Dave reported to the Board that the public hearing was noticed and abutters were notified.

Mr. Michael Pelczar, owner of Pelczar Funeral Home LLC, is a direct abutter and he wanted to encourage the Board to approve the variance as this will enhance the restaurant and the area in general.

The Chair opened the discussion amongst members. **Henry** had a question about hardship given he has a very nice sign out by the road.

Dave reported that no letters or emails have been received from the public.

The Chair closed public comment at 7:09. [time on DCAT 11:17]

Variance Request:

There was more conversation and the members considered the 5 criteria for approval.

Action

Motion: **James Drago** made a motion to grant a variance request from Christopher Alexandrou, petitioning the Zoning Board of Adjustment for relief from Section 32-124(2)b of the Municipal Code of the Town of Newmarket, New Hampshire to permit the installation of a sign above the top of the exterior wall but

below the roof line in order to utilize the pre-existing sign infrastructure on real property with an address of 75 Exeter Road (Tax Map U3, Lot 135) within the BI zoning district, as the petition satisfies the 5 part test of the variance statute, pursuant to RSA 674:33.

Second: Wayne Rosa

Discussion: none

Vote: Unanimously Approved Roll Call 5-0-0

4. New/Old Business

[time on DCAT 18:55]

There was no new/old business to consider this evening.

5. Zoning Administrator's Report

Dave wished to discuss the current noticing fee for newspapers. Right now the fee is \$75.00. However, the actual cost is an average of \$125.00. He has checked with Town staff, and because the fees are posted in the application and not approved by the TC as an RSA, the Board may adjust the fees as necessary. The Board would simply adopt a change in the application.

Read by the Chair and to be discussed.

[time on DCAT 23:10]

"Resolution for the Newmarket Zoning Board of Adjustment: whereas the current newspaper noticing fee is \$75.00 and, whereas, the State of New Hampshire requires notice of a public hearing in either a local newspaper or a newspaper of general circulation and, whereas, the current cost to notice a public hearing averages \$125.00 per notice and, whereas, the schedule of fees for the Newmarket Zoning Board of Adjustment is published in the application to appear before said Board and, whereas, changes to the application to appear before the Newmarket Zoning Board of Adjustment may only be made through resolution pursuant to the rules of procedure, be it resolved that the Newmarket Zoning Board of Adjustment amends the current application to update the newspaper notice fee to \$125.00."

Action

Motion #1: **Al Zink** made a motion to adopt the Resolution for the Newmarket Zoning Board of Adjustment: whereas the current newspaper noticing fee is \$75.00 and, whereas, the State of New Hampshire requires notice of a public hearing in either a local newspaper or a newspaper of general circulation and, whereas, the current cost to notice a public hearing averages \$125.00 per notice and, whereas, the schedule of fees for the Newmarket Zoning Board of Adjustment is published in the application to appear before said Board and, whereas, changes to the application to appear before the Newmarket Zoning Board of Adjustment may only be made through resolution pursuant to the rules of procedure, be it resolved that the Newmarket Zoning Board of Adjustment amends the current application to update the newspaper notice fee to \$125.00.

Second: Wayne Rosa

Discussion: The members discussed an increase to \$150.00.

Al Zink accepted a friendly amendment to the motion to change \$125.00 to \$150.00 in two places.

Motion #2: **Al Zink** made a motion to adopt the Resolution for the Newmarket Zoning Board of Adjustment: whereas the current newspaper noticing fee is \$75.00 and, whereas, the State of New Hampshire requires notice of a public hearing in either a local newspaper or a newspaper of general circulation and, whereas, the current cost to notice a public hearing averages \$150.00 per notice and, whereas, the schedule of fees for the Newmarket Zoning Board of Adjustment is published in the application to appear before said Board and, whereas, changes to the application to appear before the Newmarket Zoning Board of Adjustment may only be made through resolution pursuant to the rules of procedure, be it resolved that the Newmarket Zoning Board of Adjustment amends the current application to update the newspaper notice fee to \$150.00.

Second: **James Drago**

Discussion: none

Vote: **Unanimously Approved 5-0-0**

All members signed the approval form provided by **Dave**.

6. Adjournment

[time on DCAT 28:35]

Action

Motion: **James Drago** moved to adjourn the meeting at 7:26 PM.

Second: **Henry Smith**

Discussion: none

Vote: **Unanimously Approved 5-0-0**

Respectfully submitted,

Sue Frick

Recording Secretary

DCAT:

https://videoplayer.telvue.com/player/XSekdEeRsk0JHQVHAvKJVka7_5VjxKP/videos