



TOWN OF
NEWMARKET
NEW HAMPSHIRE

Zoning Board of Adjustment

March 10, 2025 7:00 PM

Town Council Chambers

APPROVED MEETING MINUTES

Members Present: Bob Daigle (Chair), Wayne Rosa (Vice-Chair), Al Zink, James Drago, Dylan Toooh, David Evans (Zoning Administrator)

Members Absent: Henry Smith (Alternate)

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

[time on DCAT 02:45]

The voting members will be: Bob Daigle, Wayne Rosa, Al Zink, James Drago, and Dylan Toooh.

1. Pledge of Allegiance

2. Acceptance of Minutes

[time on DCAT 03:07]

a. February 10, 2025

Action

Motion: James Drago moved to approve the draft minutes of February 10, 2025, as written.

Second: Dylan Toooh

Discussion: None

Vote: Approved 3-0-2

(Wayne Rosa and Al Zink abstained due to not being present)

3. Regular Business

[time on DCAT 03:56]

The Chair stated that the 200 New Road applicant withdrew their application currently.

a. **There will be a public hearing for an application for a Special Exception requested by Peter Witham for a vertical expansion of a non-conforming structure pursuant to Newmarket Municipal Code Section 32-5(2)b to convert an existing deck into a screen room on real property located at 20 Riverbend Road (Tax Map U1, Lot 1-9) in the R2 Zoning District.**

The Chair read the above into the record.

Peter Witham, Bay Head Builders, introduced himself as the applicant and representative for both Andrew Moeller, 20 Riverbend Road, and Margaret Moeller, 18 Riverbend Road, the next application.

Mr. Witham explained that there is an existing pressure treated deck that is in disrepair that the owner wishes to replace in the same footprint, but to add a 10'x12' screen room that would be accessed through the living room, a part of the same previous deck

footprint. The plan would be to use the existing footings for the deck replacement. The architectural plans by Newmarket Plains, and the survey from Boudreau Surveying, were also referred to for discussion.

AI asked for clarification regarding the special exception; **Dave** confirmed that the structure is expanding vertically due to the screened porch area, therefore needing the special exception.

Dylan confirmed that it is within the 125' setback that makes it nonconforming.

The public comment was opened at 7:13 PM.

There were no public comments.

The public comment was closed at 7:15 PM.

The Chair continued to review the four Special Exception criteria as submitted in the application by the applicant. There was consensus that it meets the criteria.

Action

Motion: **AI Zink** moved to approve the special exception application from Peter Witham petitioning the Zoning Board of Adjustment for approval under 32-5(2)(b) of the Municipal Code of the Town of Newmarket to permit the vertical expansion of a nonconforming structure by converting a section of the existing deck to a screen room at 20 Riverbend Road (Tax Map U1, Lot 1-9) within the R2 zoning district, as the application satisfies the enumerated standards, pursuant to Sec. 32-5(2)(b) of the Municipal Code of the Town of Newmarket, New Hampshire.

Second: **Wayne Rosa**

Discussion: None

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

b. There will be a public hearing for an application for a Special Exception requested by Peter Witham for a horizontal expansion of a non-conforming structure pursuant to Newmarket Municipal Code Section 32-5(2)a for the addition of a 2-story covered screen room with a hot tub below on real property located at 18 Riverbend Road (Tax Map U1, Lot 1-8) in the R2 Zoning District.

The Chair read the above into the record.

Mr. Witham continued to present the application. There is an existing two-story deck in disrepair, with the owner proposing to remove and replace with a new vinyl deck on the second floor, and a closed in enclosure on the first floor with a slab poured and screened in for a hot tub. On the second floor, there is a slider that leads into the kitchen, with the owner hoping to build a second screen room off of that. There is horizontal expansion as they are going slightly bigger than the current existing footprint. They have applied to NHDES for a shoreland permit, which was approved and submitted along with the application materials.

The public comment was opened at 7:21 PM.

The Chair commented that the majority of the property is in the Shoreland Protection Overlay District. Dave pointed out that there is only a small area that is in the setback

which makes it nonconforming. The nonconforming area of the footprint is not changing. **Mr. Witham** clarified that the first story is to be fully screened in, and the second story will have window screens.

AI asked which area on the architectural plans is new; it was pointed out on the plan. The public comment was closed at 7:27 PM.

The Chair continued to review the six Special Exception criteria as submitted in the application by the applicant.

Mr. Witham spoke to how it is well buffered from abutting properties, and that it will look better than existing.

There was consensus that it satisfies the criteria requirements

Action

Motion: **James Drago** motioned to approve the special exception application from Peter Witham petitioning the Zoning Board of Adjustment for approval under 32-5(2)(a) of the Municipal Code of the Town of Newmarket to permit the horizontal expansion of a nonconforming structure by constructing a two story covered screen room with a hot tube below at 18 Riverbend Road (Tax Map U1, Lot 1-8) within the R2 zoning district, as the application satisfies the enumerated standards, pursuant to Sec. 32-5(2)(a) of the Municipal Code of the Town of Newmarket, New Hampshire.

Second: **AI Zink**

Discussion: None

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

c. **There will be a public hearing for an application from New Road Newmarket, LLC for variances from Newmarket Town Ordinance Section 32-56, Newmarket Town Ordinance Section 32-89, and Newmarket Town Ordinance Section 32-155(c) (3-4), to permit 46 age restricted residential units on real property located at 200 New Road (Tax Map R3, Lot 56) in the B2 Zoning District.**

The Chair reiterated that the application has been withdrawn at this time.

4. New/Old Business

[time on DCAT 34:08]

a. Zoning Administrator Items

Dave thanked **Henry Smith** for his time on the board, as he is not renewing his term on the board in April.

Dave also mentioned correspondence from the town attorney regarding variance criteria and encouraged members to review it and reach out with any questions.

5. Adjournment

[time on DCAT 36:13]

Action

Motion: **James Drago** moved to adjourn the meeting at 7:35 PM.

Second: **Bob Daigle**

135 **Discussion:** None
136 **Vote:** **Approved 5-0-0**

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139 Respectfully submitted,
140 Bridgette Grotheer
141 Land Use Administrator

142 **DCAT:**
143 https://videoplayer.telvue.com/player/XSekkdEeRsk0JHQVHAvKJVka7_5VjxKP/videos

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