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TOWN OF NEWMARKET NEW HAMPSHIRE

Zoning Board of Adjustment

April 14, 2025 7:00 PM

Town Council Chambers

APPROVED MEETING MINUTES

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

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

[time on DCAT 02:35]

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

1. Pledge of Allegiance

2. Election of Chair and Vice Chair

[time on DCAT 03:04]

Action

Motion: Al Zink moved to nominate **Bob Daigle** as Chair.

Second: James Drago

Discussion: None

Vote: Approved 4-1-0

Action

Motion: James Drago moved to nominate **Wayne Rosa** as Vice-Chair.

Second: Al Zink

Discussion: None

Vote: Approved 5-0-0

3. Acceptance of Minutes

[time on DCAT 04:09]

a. March 10, 2025

Action

Motion: Al Zink moved to approve the minutes of March 10, 2025, as written.

Second: James Drago

Discussion: None

Vote: Approved 5-0-0

4. Regular Business

[time on DCAT 04:52]

- a. A Special Exception request by Fredrick Wallace for a horizontal expansion of a nonconforming structure pursuant to Newmarket Town Code Section 32-5(2)a to permit the expansion of the garage and create living space on the second floor of

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the expanded garage on real property with an address of 237 South Main Street (Tax Map U4, Lot 52) in R2 zoning district.

Fred Wallace introduced himself as the owner and applicant. There is currently a one-bay garage that is non-conforming, needing a variance to expand the garage and create additional living space on the second floor above the garage.

Mr. Wallace continued to refer to the drawings and explain the renovation. The new garage will be even with the front and back of the existing home, as the existing garage currently bumps out in the back. It is to be demolished and rebuilt in the new footprint. It was acknowledged that if the living space above the garage is made into an ADU in the future, that the impact fee will need to be paid. The garage is currently 9' from the rear setback, and the new configuration will be 14', becoming more conforming. It is conforming to all other setbacks.

AI asked regarding a plot plan for the property. **Mr. Wallace** confirmed that the property is 100' by 170', and that the full design and construction plans are not definite yet but that it will fit into the neighborhood. Stakes & Stones Land Surveying also helped to measure from the property lines to confirm the distances.

The public hearing was opened at 7:12 PM.

There were no public comments.

The public hearing was closed at 7:12 PM.

There was consensus that it meets the special exception criteria.

Action

Motion: **James Drago** moved to approve the special exception application from Fredrick Wallace 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 the nonconforming garage at 237 South Main Street (Tax Map U4, Lot 52) 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: **Wayne Rosa**

Discussion: None

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

- b. A Special Exception request by Russell and Carol Ross for a horizontal expansion of a nonconforming structure pursuant to Newmarket Town Code Section 32-5(2)a to permit the expansion of a garage on real property with an address of 389 Ash Swamp Road (Tax Map R6, Lot 38B) in the R1 zoning district.

Russell Ross introduced himself as the owner and applicant and explained that they are wishing to expand the garage for the purpose of more storage space. The garage is currently non-conforming to the road setback.

Pictures were provided to be added to the case file.

Mr. Ross continued to review the application.

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The Chair confirmed that this will make it more conforming.

The public hearing was opened at 7:17 PM.

There were no public comments.

The public hearing was closed at 7:17 PM.

Action

Motion: **Dylan Tooch** moved to approve the special exception application from Russell and Carol Ross 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 the nonconforming garage at 389 Ash Swamp Road (Tax Map R6, Lot 38B) within the R1 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: **James Drago**

Discussion: None

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

Item 4.d. was taken next in the agenda.

The Chair mentioned that the applicant for the 200 New Road case had requested a continuance. **AI** noted that it makes sense to grant the continuance as it seems that they are trying to work with the neighborhood.

Sarah Tambling, 204 New Road, agreed that there should be one continuance for this case and that the Board should then hear it.

Heather Berube, 209 New Road, agreed that the case should be heard at the next meeting as well since she and other abutters is taking the time to be here for the hearing.

Action

Motion: **James Drago** moved to grant the continuance requested for New Road Newmarket, LLC, variance request seeking relief from Town Code Section 32-56 Table of Permitted Uses to permit age restricted housing on real property with an address of 200 New Road (Tax Map R3, Lot 56) in the B2 zoning district, to May 12, 2025, at 7 PM in the Newmarket Town Hall, Town Council Chambers, with this to be the only continuance for the case and that if they request an additional continuance it will be denied without prejudice.

Second: **Dylan Tooch**

Discussion: None

Vote: **Approved 3-1-0**

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- c. A Variance request by John Shaheen seeking relief from Town Code Section 32-89 Dimensions Table to permit an additional dwelling unit on real property with an address of 196 South Main Street (Tax Map U4, Lot 119) in the R2 zoning district.

John Shaheen introduced himself as the owner and applicant of the property. It is a 2.18-acre lot, which he bought about 6 years ago. **Mr. Shaheen** continued to explain that he wishes to preserve the building and expand the residential units from five to six total, in order to fund the restoration. It was confirmed that there is no addition or other changes to the property proposed, and the entrances are existing.

Wayne asked if it was a condominium; **Mr. Shaheen** confirmed that it is not.

The public hearing was opened at 7:31 PM.

Wayne confirmed the total number of existing units as five; **Mr. Shaheen** confirmed.

Mr. Shaheen also spoke to how the building is 250' from the street, and referred to the Future Land Use Plan as in the Master Plan.

Dylan confirmed that it is 1 unit per ½ acre for density; it is already non-conforming with five existing units.

The Chair highlighted that the existing footprint is not being altered.

Mr. Shaheen continued to speak to the cost of the renovations for restoration, and to the current condition of the first floor of the carriage house.

The public hearing was closed at 7:36 PM.

Action

Motion: **Dylan Tooch** moved to grant a variance request from John Shaheen petitioning the Zoning Board of Adjustment for relief from Section 32-89 Dimensions Table of the Municipal Code of the Town of Newmarket, New Hampshire to allow an additional dwelling unit on real property with an address of 196 South Main Street (Tax Map U4, Lot 119) in the R2 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: **Approved 5-0-0**

Roll call: Bob Daigle – Aye; Wayne Rosa – Aye; Al Zink – Aye; James Drago – Aye; Dylan Tooch – Aye

- d. A Variance request by New Road Newmarket, LLC seeking relief from Town Code Section 32-56 Table of Permitted Uses to permit age restricted housing on real property with an address of 200 New Road (Tax Map R3, Lot 56) in the B2 zoning district.

Item was discussed after item 4.b. in the agenda order (see lines 104-128).

5. New/Old Business

a. Zoning Administrator Items

None

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182 **6. Adjournment** [time on DCAT 40:52]

183 **Action**

184 **Motion:** James Drago moved to adjourn the meeting at 7:38 PM.

185 **Second:** Al Zink

186 **Discussion:** None

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

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190 Respectfully submitted,

191 Bridgette Grotheer

192 Land Use Administrator

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

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