

DRAFT



TOWN OF
NEWMARKET
NEW HAMPSHIRE

Zoning Board of Adjustment

May 11, 2026 7:00 PM

Town Council Chambers

DRAFT MEETING MINUTES

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

Absent: Al Zink

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

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

1. Pledge of Allegiance

2. Acceptance of Minutes

a. April 13, 2026

Action

Motion: Dylan Toooh moved to approve the minutes of April 13, 2026, as written.

Second: Wayne Rosa

Discussion: None

Vote: 4-0-0

3. Regular Business

- a. Public hearing for an application for a Special Exception, pursuant to Newmarket Town Code 32-5(2)b for the expansion of a nonconforming structure to permit the enclosure of a deck on real property located at 112 Exeter Road, Tax Map U5, Lot 52 in the R2 Zoning District.

James Sullivan, the applicant, explained that that they are looking to minimize and enclose the deck. The new proposed deck footprint will be overall smaller than the current deck and will be further away from the property line overall, but is slightly wider and therefore encroaching more in the one corner. Altogether, it is becoming less nonconforming. It was clarified that the existing deck extends 8' from the house, where the proposed deck extends 4'.

The public hearing was opened at 7:04 PM.

There were no public comments.

The public hearing was closed at 7:04 PM.

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Action

Motion: **James Drago** moved to approve the special exception application from James Sullivan 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 at 112 Exeter Road (Tax Map U5, Lot 52) 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: **4-0-0**

- b. Public hearing for an application for a Special Exception, pursuant to Newmarket Town Code 32-5(2)a for the expansion of a nonconforming structure to permit an addition on real property located at 101 Grant Road, Tax Map R4, Lot 17 in the R1 Zoning District.

The public comment was opened at 7:08 PM.

Erik Leger, owner and applicant, explained that they are proposing an addition to the side of their house, where the structure is nonconforming due to the front porch encroaching slightly into the road setback.

It was clarified that on the plan provided, the line through the middle is due to the land being two tracts. The addition is currently proposed at 20' by 20'.

The public comment was closed at 7:12 PM.

Action

Motion: **James Drago** moved to approve the special exception application from Erik Leger 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 at 101 Grant Road (Tax Map R4, Lot 17) within the RI 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: **4-0-0**

4. New/Old Business

- a. Zoning Administrator Items

Dave shared that a new alternate, **Andrew Pieroni**, will be joining the board. Members were also offered copies of the *New Hampshire Planning and Land Use Regulations, 2025-2026 Edition*, books.

5. Adjournment

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Action

Motion: James Drago moved to adjourn the meeting at 7:17 PM.

Second: Dylan Tooch

Discussion: None

Vote: Approved 4-0-0

Respectfully submitted,

Bridgette Grotheer

Land Use Administrator

DCAT:

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

DRAFT

To: Newmarket Zoning Board of Adjustment
Re: Appeal of Decision – 20 Dame Rd Special Exception
Date: March 11, 2026

Dear Members of the Zoning Board of Adjustment,

I am writing to formally appeal the decision to grant the expansion of a non-conforming structure at 20 Dame Road. The proposed detached accessory dwelling unit (DADU) does not conform to the required setback requirements, and I do not feel the applicant has demonstrated that there are no other reasonable options for this DADU or for expanding living space on the property.

According to NH RSA 677:3, an appeal process is allowed if a decision is unlawful or unreasonable. To my knowledge, the process itself was conducted lawfully; however, I believe the decision to grant this request is unreasonable.

My concerns are as follows:

First, I do not believe all appropriate abutters were properly notified. I, as mentioned, was not notified and therefore did not have sufficient time to research or respond to this non-conforming request prior to the decision. I also understand that the property at 16 Dame Road may not have been notified.

Second, the proposal suggests that the existing non-conforming garage has been used as a garage, referencing the driveway and automobile parking. From my direct view across the street over the past six years, this structure has primarily been used for storage and outdoor play space, which I welcome. The primary driveway and automobile access for the home is on the opposite side of the property.

Third, this is the second time the owner has applied for a special exception related to this property. The first request involved a rental proposal. Because of this history, I am concerned that the proposed DADU may eventually become a rental unit in the future. This neighborhood is zoned R-2, and I would appreciate and expect that it remain consistent with the intent of that zoning.

For these reasons, I respectfully request that the Board reconsider the approval of this non-conforming DADU. I would also encourage the Board members to take a few minutes to drive by the property to better understand the layout and surrounding neighborhood.

I support reasonable growth and the expansion of living space for families when it respects the surrounding area, zoning codes, and neighboring properties. Maintaining single-family homes as single-family homes helps preserve the calmness, wildlife, and natural greenery. There are many ways to increase living space while still maintaining property values and respecting neighbors and the land.

Thank you for your time and consideration

Deborah O'Neil 11 Dame rd