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TOWN OF NEWMARKET NEW HAMPSHIRE

Zoning Board of Adjustment

June 8, 2026 7:00 PM

Town Council Chambers

DRAFT MEETING MINUTES

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

The Chair called the meeting to order at 7:01 PM.

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

1. Pledge of Allegiance

2. Acceptance of Minutes

a. May 11, 2026

Action

Motion: **Bob Daigle** moved to approve the minutes of May 11, 2026, as written.

Second: **James Drago**

Discussion: **Bob** mentioned the public hearing opening and closing at the same time.

Vote: **4-0-1**

3. Regular Business

- a. Public hearing for an application for a Variance from Newmarket Town Code Section 32-155(f) to permit the disturbances within the wetland buffer on real property located at 37 Exeter Road, Tax Map U3, Lot 38 in the VC-C Zoning District.

The Chair read the above into the record.

Shawn Dunphy, attorney with Cronin Bisson & Zalinsky, introduced himself as the representative for the owner, Ryan Jarosz, along with **Nicole Sanborn**, PE with Tidewater Engineering, and **Marc Jacobs**, wetland scientist.

It was presented that the existing property is in need of improvement, and that the project has been explored with different designs and layouts where the current proposal is found to be the best layout option. The wetlands will not be touched, as the proposal will only have construction within the buffer as well as the third unit's placement in the buffer. It was also explained that the buffer will be improved after construction.

Review of the variance criteria ensued. It was explained that: the proposal will not change the character of neighborhood as it is remaining as a residential use with townhouse style units; that access to the property will be improved; the project will not

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impact the wetland itself and is impacting the buffer with the buffer to be improved after construction; the application adheres to the goal of the ordinance to protect the wetlands; the application will be an improvement to the downtown corridor; the current state of the property is dilapidated and this application best works with and meets regulations; there is no indication that the proposal would have a negative impact on surrounding property values and would likely result in improvement to values; hardship of a small lot size of 0.07 acres with the current existing house from the 1700s, the lot having a shallow depth, and being close to the stream all contributing to unique conditions; and, reiteration that the proposal can be completed without impacting the wetland and by only impacting the buffer. It was stated in conclusion of the presentation that it is a reasonable proposed use since it is residential in a residential area with on-site parking, and the ability to be done safely without direct wetland impact.

The public hearing was opened at 7:10 PM.

Andrew asked if other layouts were considered. **Ms. Sanborn** explained the size constraint of lot as well as the shape of the lot and property lines that creates further layout restrictions. The restrictions of sight distance with existing neighboring lots makes it so that it cannot be any closer to road. Also, the ability to safely drive a vehicle in and out of garage with enough space restricts the location, and so that future residents would not have to back out into street. **Dave** also added that zoning requires parking to be shielded from right-of-way.

Dylan asked regarding number of bedrooms; **Ms. Sanborn** confirmed that they will be two-bedroom units with one parking space per unit.

Al asked if two units instead of three was considered as to not impact the buffer at all; **Ms. Sanborn** explained the financial feasibility would not make sense for only two units for the owner to be able to develop and make a return-on-investment.

Mr. Dunphy added that the application focusses on the reasonableness of the proposal, including safety measures for the wetland and maintaining spirit of the ordinance. The financial aspect is not part of what they are presenting.

The public hearing was closed at 7:14 PM.

Action

Motion: **Al Zink** moved to grant a variance request from RKJ 37 Exeter LLC, petitioning the Zoning Board of Adjustment for relief from Section 32-155(f) of the Municipal Code of the Town of Newmarket, New Hampshire to allow disturbance within the wetland buffer without a Special Use Permit from the Newmarket Planning Board on real property with an address of 37 Exeter Road (Tax Map U3, Lot 38) within the VC-C Zoning District, as the petition satisfies the 5 part test of the variance statute, pursuant to RSA 674:33.

Second: **James Drago**

Discussion: None

Vote: **5-0-0**

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4. New/Old Business

a. Zoning Administrator Items

Dave welcomed **Andrew** as the new alternate.

Bob suggested an idea to rotate the Chair responsibilities for meetings. **Dave** said he would take a look at the Rules of Procedure for if that is possible.

5. Adjournment

Action

Motion: **James Drago** moved to adjourn the meeting at 7:21 PM.

Second: **Dylan Tooch**

Discussion: None

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

Respectfully submitted,
Bridgette Grotheer
Land Use Administrator

DCAT:

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