



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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**Draft Minutes Zoning Board of Adjustment  
October 25, 2016  
7:30pm @ Community Development Department**

**Mark Samsel, Chairman** - present

**Heath Partington, Vice Chair** - present

**Pam Skinner, Secretary** - present

**Mike Scholz, Member** - present

**Bruce Breton, Member** - excused

**Mike Mazalewski, Alternate** - present

**Kevin Hughes, Alternate** - present

**Jim Tierney, Alternate** - excused

**Jay Yennaco, Alternate** - excused

**Staff:**

Dick Gregory, ZBA Code Enforcement Administrator

Andrea Cairns, Minute Taker

Meeting called to order at 7:30p.m. by Chairman Samsel.

Mr. Hughes was seated for Mr. Breton.

Chairman Samsel reviewed the process for the public.

**Lot 16-Q-172, Case #33-2016**

**Applicant/Owner**-Paul J. Adams/Peter Costa

**Location**-30 First Street

**Zoning District**-Residence A & Cobbett's Pond and Canobie Lake Watershed Protection Variance relief is requested from **Sections 702, App. A-1 & 703.1** to allow an 8 ft. x 12 ft. shed to have a 5 ft. side setback where 30 ft. is required.

Ms. Skinner read the case into the record. The abutters list was read at the previous meeting.

Mr. McAdams noted they do not have a basement and their home is only 980 sq. ft. so they need additional storage. They would like to install an 8'x12' storage shed. He submitted a new drawing for the shed (Exhibit A).

Mr. McAdams read the five criteria into the record.

There was no input from the public.

**MOTION: Mr. Scholz made a motion to go into deliberative.**

**Ms. Skinner seconded the motion.**

**No discussion**

**Vote 5-0**

**Motion carries**

44 Chairman Samsel believed they met all five points and had no issues with the application.

45

46 Mr. Partington reviewed the five criteria. In his opinion:

- 47 1. (contrary to public interest): met the criteria
- 48 2. (spirit of the ordinance): met the criteria
- 49 3. (substantial justice): met the criteria
- 50 4. (value of surrounding properties): met the criteria
- 51 5. (hardship): met the criteria

52

53 Ms. Skinner noted that the Conservation Commission had no issues with the application.

54

55 **MOTION: Mr. Scholz made a motion to grant variance relief from Sections 702, App. A-1 &**  
56 **703.1 to allow an 8 ft. x 12 ft. shed to have a 5 ft. side setback where 10 ft. is required.**

57 **Mr. Hughes seconded the motion.**

58 **No discussion**

59 **Vote 5-0**

60 **Motion carries.**

61

62 Chairman Samsel noted there is a 30-day appeal period.

63

64 **Lot 11-A-520 & 11-A-530, Case #23-2016**

65 **Request for Rehearing of decision made on 7-26-2016**

66

67 Mr. Hughes was present for the original hearing so he remained seated.

68

69 Chairman Samsel addressed the letter submitted by Cronin, Bisson & Zalinsky P.C.

70

71 A) The board agreed there was a technical error made in the notice of decision.

72 B) No technical error and no new information

73 C) No technical error and no new information.

74

75 **MOTION: Mr. Scholz made a motion to grant the request for a rehearing of the decision**  
76 **made on 7-26-2016 because the board found it made a technical error in it's notice of decision.**

77 **Mr. Hughes seconded the motion**

78 **No discussion**

79 **Vote 4-1**

80 **Motion carries**

81

82 Chairman Samsel noted he denied the request because the motion was not clear enough, but agrees  
83 in principle that the rehearing was warranted.

84

85 **Review of 9/27/16 Minutes**

86 **MOTION: Mr. Partington approved the minutes of 9/27/16 as amended.**

87 **Ms. Skinner seconded the motion**

88 **No discussion**

89 **Vote 5-0**

90 **Motion carries**

91

92 **Other Business**  
93 Mr. Jim Tierney regretfully turned in his letter of resignation and can no longer be an alternate  
94 member of the board. He thanked the board noting it has been a pleasure to work with them.

95  
96 The board thanked Mr. Tierney for his dedication and breadth of knowledge.

97  
98 **MOTION: Mr. Scholz made a motion to accept the resignation of Jim Tierney from the**  
99 **Zoning Board of Adjustment.**

100 **Mr. Partington seconded the motion.**

101 **No discussion**

102 **Vote 5-0**

103 **Motion carries**

104  
105 Mr. Scholz made a request to review the 8/9/16 minutes at the next meeting.

106  
107 Mr. Scholz also made a request that the notice of decisions be emailed to the board for review so  
108 they could avoid errors in the future. The board discussed drafting the notices of decision at  
109 meetings and have the chairman sign it so there would be less chance of errors. Mr. Tierney noted  
110 other towns have a standard form they fill out during meetings. The forms state: case number,  
111 section of the ordinance, whether the variance was granted or denied and any conditions; they are  
112 handwritten during the meeting.

113  
114 Chairman Samsel expressed concern over adding additional work to the board during a meeting.

115  
116 The board agreed it would be best for Mr. Gregory to put the notices of decisions in their packets  
117 for review. Mr. Scholz would research what other towns do. He asked for that topic to be placed on  
118 the agenda for the next meeting.

119  
120 The board discussed what would happen if they made a change to the notice of decision. Mr.  
121 Gregory would check with Attorney Campbell, but believed it would start the 30-day appeal  
122 window over with the date of the new notice of decision.

123  
124 **MOTION: Mr. Partington made a motion to adjourn at 8:54 p.m.**

125 **Ms. Scholz seconded the motion.**

126 **Vote 5-0.**

127 **Motion passes.**

128  
129 **Submitted by Andrea Cairns**