

SOMERSWORTH ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
NOVEMBER 2, 2016

MEMBERS PRESENT: Paul Maskwa, Chair, Matt Keiser, Vice Chair, Roland Dumont, Don Routhier and John Kennedy, Alternate.

MEMBERS ABSENT: None.

STAFF PRESENT: Shanna Saunders, Director of Planning and Community Development and Tracy Gora, Planning Secretary.

The meeting was called to order at 7:00 pm.

Maskwa appointed Kennedy as a voting member for tonight's meeting.

1) APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 5, 2016.

Motion: Kennedy moved to approve the minutes of the meeting of October 5, 2016.

Seconded by Dumont. Motion carried with a 3-0-2 vote with Maskwa and Routhier abstained.

2) OLD BUSINESS

A) Any old business that may come before the Board.

None.

3) NEW BUSINESS

A) Motion for Rehearing: A rehearing has been requested of the Zoning Board's decision to deny an appeal from administrative decision regarding the use at property located at 29 Lil Nor Avenue, in the Residential Single Family (R1) District, Assessor's Map 24, Lot 36, ZBA #21-2016.

Maskwa stated he was not present last month with the decision to deny was issued but that he has read the record and all materials and feel that he is comfortable with deliberating and deciding on this rehearing request tonight.

Routhier stated that he too was not present at the last meeting but that he has read the record and the materials and feels comfortable voting on this rehearing request tonight.

Maskwa stated that the Board needs to look at the decision made by the Board in October and determine if they want to grant a rehearing. Stated that they need to address the administrative decision in context with the variance.

Keiser stated that he read through the rehearing request and stated that the Board needs to talk about whether the decisions from the July 13, 2016 letter written by Joe Devine were in accordance with the 1965 variance. Stated that the talked at the last hearing about whether the issues in the letter where in accordance with the zoning regulations. Stated that he is not sure the Board went through all the items in the letter

to ensure applicability because Home Occupations are referenced. Stated that he is not sure the Board addressed if these issues were in accordance with the 1965 variance.

Routhier stated that he agrees with Keiser and that he feels that the rehearing request raises new legal issues about the letter from Joe Devine and if the decisions were in compliance with the 1965 variance. Stated that he feels that the Board should take another look at the letter from Joe Devine and the variance from the City to see if an error was made. Stated that he feels the burden is met and that he is in favor of looking into this again.

Maskwa stated that he agrees with Keiser and Routhier and that he feels that the letter from Joe Devine points out specific things and that the Board should look at those and see if they comply with the variance. Stated that he is in favor of granting the rehearing request.

Routhier stated that he feels that there isn't much to discuss tonight and that he wants to ensure that this is handled correctly.

Motion: Keiser moved that the rehearing request of the Zoning Board's decision to deny an appeal from administrative decision regarding the use at property located at 29 Lil Nor Avenue be **APPROVED**.

Seconded by Routhier.

Maskwa stated that the motion is for a rehearing, which would take place at the next ZBA meeting held on December 7, 2016 at 7:00 pm.

Motion carried with a 5-0 vote.

B) Any other new business that may come before the Board.

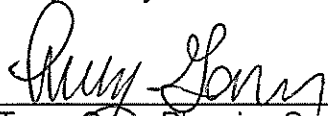
None.

Motion: Keiser moved to adjourn the meeting.

Seconded by Kennedy. Motion carried with a 5-0 vote.

Meeting adjourned at 7:08 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Zoning Board of Adjustment