

TOWN OF GILMANTON
ZONING BOARD OF ADJUSTMENT
THURSDAY, AUGUST 19, 2010 – 7 PM.
ACADEMY BUILDING
MINUTES

Chairman Hackett called the meeting to order at 7:04 PM
Members attending: Elizabeth Hackett, Israel Willard, Paul Levesque, Ron LaBelle,
Wayne Gray (alternate).
Member not attending: Carolyn Baldwin
Also in attendance: Annette Andreozzi, Land Use Clerk.

The Chair made introductions and explained the ZBA procedures.

Mr. Gray was seated as full voting member for this session.

Public Hearing Case # 12-2010 –Wendy & Derryl Dion: Request for Special Exception from Article VII-B-2 to extend a deck not in the set back, but the house is non-conforming (in a side setback), also to roof and screen that portion of the existing deck not in a setback. Property located at 98 Fox Drive in the Residential Lake Zone; Town Map/Lot #122-41.

Mrs. Dion stated that they were looking to make their existing deck slightly larger and to screen in a portion to keep bugs out.

Mr. Levesque asked who the builder was, and was he aware of needing a building permit.

Mrs. Dion said the builder told them that a permit was not needed.

Mrs. Hackett asked about the steps, and was told they would come out 4' and be parallel to the deck. She clarified that the applicant wished to square off the existing deck. Mrs. Hackett stated that the request for the screen porch is to avoid bugs, if allowed, the space must remain as screening and never be enclosed.

Mrs. Dion said she understood the statement and had no intention of making the space a room. Presently there is an electric outlet and maybe they would put in another one to connect a fan or light.

Mr. Levesque moved to close Public Hearing Case # 12-2010 –Wendy & Derryl Dion
Seconded by Mr. LaBelle. **Motion passed unanimously.**

Mr. LaBelle recused himself for the following case due to being an abutter.

TOWN OF GILMANTON
ZONING BOARD OF ADJUSTMENT
THURSDAY, AUGUST 19, 2010 – 7 PM.
ACADEMY BUILDING
MINUTES

Public Hearing Case #13-2010 –Steve & Pam Brooks: Request for Variance from Article IV Table 2 to build a deck which will be less than 75 feet from the edge of Shellcamp Pond. Property located at 209 Lakeshore Drive in the Rural Zone; Town Map/Lot #131-21

Mrs. Hackett explained that there were only 4 board members and the applicant will need approval of at least 3 members. The applicant could request the hearing to be continued to the next meeting. Mr. Brooks decided to postpone to the next meeting.

Mr. Willard moved to continue Public Hearing Case #13-2010 –Steve & Pam Brooks until the next regular ZBA meeting. Seconded by Mr. Gray.
Motion passed unanimously.

DELIBERATIVE SESSION:

Case # 12-2010 –Wendy & Derryl Dion: Request for Special Exception from Article VII-B-2 to extend a deck not in the set back, but the house is non-conforming (in a side setback), also to roof and screen that portion of the existing deck not in a setback. Property located at 98 Fox Drive in the Residential Lake Zone; Town Map/Lot #122-41.

Mr. Willard stated that the contractor should have known that he needed a permit. The contractor's specs state that electrical work will be done at additional cost. Maybe the Board should allow an open deck with no roof. The rafters for the roof are presently on the new part of the deck.

Mr. Gray asked if the Board had any recourse with the builder, and was told that the Board did not.

Mr. Willard stated that the plan could easily become an enclosed room.

Mr. Levesque said that he was bothered by the fact that the contractor didn't pull a permit, but he can't fault the owners.

Mr. Gray stated that the contractor's specs aren't what the owners are asking the Board to approve.

Mr. Levesque noted that the way the started construction looks is good and would be a benefit to the home.

Mr. Willard said that the applicant would have had to get a permit in MA where they live, and that they should have known to ask about getting one in Gilmanton.

Mrs. Hackett expressed that the owners expected the builder to take care of the permit.

TOWN OF GILMANTON
ZONING BOARD OF ADJUSTMENT
THURSDAY, AUGUST 19, 2010 – 7 PM.
ACADEMY BUILDING
MINUTES

Mr. Gray was concerned that the contractor's contract is a half step from enclosing the deck for a room, though the applicant has not requested that.

Mrs. Hackett stated that an approval can have conditions that eliminate the lines of the contract that the Board does not want.

Mr. Levesque said that there should be no insulation, heat, nor walls to make a room.

Mr. Gray expressed concern that if one crosses out lines in the contractor's contract, a future applicant will say that the Board didn't say they couldn't have electricity or insulation.

Mr. LaBelle said that for previous decks, the Board stated that the deck could not be enclosed for living purposes.

Mrs. Hackett indicated that some of those decks, soon became a room.

Mr. Levesque didn't want to penalize the owner for the mistakes of the contractor, but was concerned about the contractor's contract.

Mr. Willard was concerned that the screens could be taken out and glass put in their place.

Mrs. Hackett said that the Board has seen lots of things happen, but the Board must go by what is said in the application before them.

MOTION: Mr. Levesque moved to grant a special exception in Case # 12-2010 Wendy & Derryl Dion: from Article VII-B-2 to build an extension of 11' x 12' to the northwest side of the existing deck, and 4' wide stairs on the north side of the deck to ground level. And to roof and screen in the northwest 12' x 22' of the deck. Property located at 98 Fox Drive in the Residential Lake Zone; Town Map/Lot #122-41.

- a. The additions are an appropriate location because they do not infringe on the zoning setback requirements.**
- b. There was no evidence that the new usage as developed will adversely effect the neighborhood.**
- c. Adequate and appropriate facilities are already provided for the proper operation of the use.**
- d. There is no nuisance or hazard created, the stairs will create an additional egress from the house**
- e. All structures proposed meet the dimensional requirements of Article IV, Table 2.**

CONDITION:: No area of the existing or future deck will ever be converted to living quarters nor fully or partially walled in. No insulation or heat is to be put on the deck. There is to be no ceiling over the deck.

Mrs. Hackett seconded.

Vote was 3 in favor of the motion, 2 opposed. Motion passed.

TOWN OF GILMANTON
ZONING BOARD OF ADJUSTMENT
THURSDAY, AUGUST 19, 2010 – 7 PM.
ACADEMY BUILDING
MINUTES

Mrs. Hackett discussed the budget. The expended amount to date was well within the budget.

APPROVAL OF MINUTES

MOTION: Mr. LaBelle moved to approve the minutes of the July 15, 2010 meeting. Seconded by Mr. Levesque. Motion passed unanimously.

OTHER BUSINESS

Mrs. Hackett announced the municipal law series classes coming soon to the Meredith area and to let Annette know if anyone would like to attend the classes.

Mr. Willard, Mr. Gray, and Ms. Hackett mentioned that they will be attending the classes.

ADJOURNMENT: Motion made by Mr. Willard and seconded by Mr. Gray to adjourn, vote passed unanimously. Meeting adjourned at 8:08 p.m.

Respectfully submitted,

Annette Andreozzi, Land Use Clerk