

**Newton Board of Appeals
2 Town Hall Road
Newton, NH 03858**

MINUTES OF THE MEETING of November 13, 2017

CALL TO ORDER at 7:30 PM by Chair Tom McElroy

ROLL CALL: Chair Tom McElroy, Vice Chair Alan French, Michael Connelly, Jack Kozec and Alternate Frank Gibbs.

Mr. McElroy appointed Frank Gibbs a voting member in the place of Mr. Cardoso.

IN ATTENDANCE: Frank Gibbs, Stephen Goodwin

ACCEPTANCE OF MINUTES: A motion to accept the minutes of the meeting of October 16, 2017 was made by Mr. Kozek. Second by Mr. French. All in favor. Motion carries.

Mr. Gibbs excused himself from the table.

New Business: Frank Gibbs, 87 Smith Corner Road (Map 8 Block 2 Lot 6) requesting a special exemption from Newton Zoning XI, Non-Conforming Lots, Structures and Uses: to connect a 3,000 sq. ft. residence to a non-conforming structure (garage). Mr. Gibbs addressed the Board. Mr. Gibbs read from a prepared statement:

“After reviewing the Town of Newton Zoning Ordinance Regulations, I believe a variance is not required. All front, rear and side setbacks, etc., for the new single family residence meet all zoning requirements. There are no exceptions that require a variance.

I am seeking a Special Exemption from the Zoning Board of Adjustment to add a single family residence attached to a non-conforming structure.

In accordance with Zoning Ordinance Regulations Section XI Non-Conforming Lots, Structures and Uses, Paragraph 3 – Expansion of Non-Conforming Structures: A Special Exemption is required by the Zoning Board of Adjustment

to build the 3,000 sq. ft. single family residence, on a different footprint than the original single family residence destroyed by fire, and attach it to the currently standing non-conforming structure.

This request meets all condition set forth in Section XI Non-Conforming Lots, Structures and Uses, Paragraph 3 – Expansion of Non-Conforming Structures, Subparagraph A through G.

A copy of the certified plot plan is attached to the application submitted.”

Mr. Gibbs was granted a building permit noting a fire separation of 12” between the buildings. Mr. Gibbs was asked why he did not go back to the Building Department. He stated he was denied his request. He said if the Building Department had read the entire ordinance, they would have read about a special exemption being granted. Mr. McElroy confirmed the fact that Mr. Gibbs received a building permit. Mr. Gibbs responded yes, with a 12” fire separation. Mr. Gibbs said he does not know where the Building Department came up with the 12” measurement between buildings. He was not able to find anything in the Zoning Ordinance concerning the distance between buildings. He stated he does not know how a variance can be granted when there are “no numbers”. “You can’t just make up numbers and grant a variance.” Mr. Gibbs stated that for this reason, it is a special exemption he is requesting. Mr. McElroy clarified that no variances have been issued in the past, and Mr. Gibbs’ request is to connect the two buildings. Mr. Gibbs has been granted a building permit, with the stipulation that the two buildings not be connected. Mr. Gibbs has not received any variances. Mr. McElroy agreed that this did not qualify as a variance and should be considered a special exemption.

Mr. French made a motion to grant a special exemption for the connection of a 3,000 sq. ft. residential property to a non-conforming structure as presented. Mr. Kozec second with unanimous vote.

Mr. Gibbs joined the Board again.

Review: Application for Variance – Location on Lot (Setback)
 Stephen Goodwin
 20 Crane Crossing Road
 Map 7 – Block 3 – Lot 6

Mr. Goodwin addressed the Board. He stated he was requesting a variance to extend his garage by 4'. He is planning to demolish the existing garage (approx. 20' x 20') and replace the garage with a 20' x 24' garage. The existing garage will not accommodate cars. He would like to make the garage functional and accommodate cars. The site plan Mr. Goodwin provided is drawn to a 1" = 50' scale. The Board of Appeals requires site plans to be drawn to a 1" = 20' scale. The site plan did not show the location of the well, the septic system or the driveway. Mr. Kozec made a motion to accept the application as revised (proper scale, location of well, septic and driveway, accurate drawing of the proposed garage with any overhangs. Also in the application Mr. Goodwin must request exactly what the variance is.) Mr. Gibbs second with unanimous vote. Mr. Goodwin will attend the December 11, 2017, Board of Appeals meeting.

Correspondence: none

Budget: Mr. McElroy reported he met with the Board of Selectmen to present the Board of Appeals budget. The budget was accepted as presented.

At 8:17 PM, a motion to adjourn was made by Mr. Kozec. Second by Mr. Connelly. All in favor. Motion carries.

Meeting adjourned at 8:17 PM.

NEXT MEETING will be Monday, December 11, 2017 at 7:30 PM.

Respectfully submitted,

**Gail M. LeBlanc, Secretary
Board of Appeals**



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November 13, 2017

NOTICE OF DECISION

A Public Hearing for Frank Gibbs, 87 Smith Corner Road, Newton, NH 03858 (Map 8-Block 02-Lot 06) was held on Monday, November 13, 2017 at 7:30 PM in the Town Hall, Newton, NH, to act on the request for a special exemption for a non-conforming structure in order to connect a 3,000 sq. ft. residential property to a garage. Town of Newton Residential A Zone Area Regulations, Section XI, Paragraph 3, Expansion of a non-conforming structure.

The Board voted unanimously to grant a special exemption in order to connect a 3,000 sq. ft. residential property to a non-conforming structure. This is based on the plans provided by Steven S. Cummings, 138 Newton Road, Unit 20, Plaistow, NH, dated 5/21/16.

Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty (30) days of this notice. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustments for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA, Chapter 677, for details.