

ATKINSON ZONING BOARD OF ADJUSTMENT
21 Academy Avenue
Atkinson, New Hampshire 03811

Public Hearing Meeting Town Hall
Thursday, February 10, 2010

Present: Hank Riehl, Vice-Chairman; Glenn Saba; Sam Zannini

Mr. Riehl called the meeting to order at 7:00 P.M.

Correspondence

Incoming

- 1)1/31/10 Report of Department Expenditures
- 2)1/20/10 Memo from Supervisors of the Checklist appointing Mr. Garrity Interim Moderator
- 3)1/25/10 Letter from Town counsel re: Notice of Decision
- 4)1/19/10 Letter from town counsel re: answer from Mr. Mason, Atkinson v. Mason
- 5) Publication: Town and City
- 6) 1/29/10 letter from RPC re: workshop 2/10/10 on Regional Impact

Outgoing

- 1)1/19/10 ZBA Notice of Decision to Ashworth
- 2) 1/19/10 ZBA Notice of Decision to Zedalis
- 3) 1/20/10 ZBA Notice of Decision to Allen and Meuse

Approval of minutes – January 13, 2010

The following corrections/additions were made:

Page 1; number 6, change “Des” to “DES”

Page 2, first paragraph after the public hearing, delete extra “Mr.”, change “frame” to “framed”.

Page 3, in the motion, change “prejudiced” to “prejudice”, delete extra “Mr.”

Page 3, First paragraph, add “lot line” after side, and delete “setback”.

Page 3, In the motion, add “The motion passed unanimously”.

Mr. Zannini made a motion to accept the minutes as corrected. Mr. Saba seconded and the motion was approved.

The Board discussed the reorganization and agreed they needed all of the Board members present. They deferred the reorganization.

Correspondence

Incoming

Outgoing

Before opening the Public Hearing, Mr. Riehl explained to the applicants that since there were only three members of the Board the vote would have to be unanimous. He gave the applicant the opportunity to continue to the next regularly scheduled hearing. The applicant requested to proceed for this hearing.

PUBLIC HEARINGS: 7:30 P.M.

George and Laura Murray; submission of an Application for Variance from Article V, Section 530, from Sideline Setback for access to deck at 6 Murray Drive, Map 15, Lot 32, TR2 Zone.

Abutter's list was read with the following present:

Mr. and Mrs. Murray

Mr. Murray explained that there was a deck existing on the house and that it was torn down and a newer one was constructed with a landing and a ramp. This was done without the benefit of a Building Permit. Mrs. Murray's elderly grandmother spends a lot of time with the family and uses a wheelchair. The 5' x 6' landing encroaches on the sideline setback from the Bogetti's, who are the neighbors to that side of the house, by approximately 6 feet. The property was surveyed by Lavalley when the garage was built, and the garage is the permitted 30 feet from the side lotline. This deck & ramp's 6-foot extension from the garage is how the 6-foot variance (now 24' from the lot line) was determined.

The other side of the house has a crushed stone surface and the topography is not flat. There are steps leading up to the deck and this location is on the other side of the house furthest from the garage. Mr. Murray had a certified plot Plan and pictures of both areas of the home. This siting of the ramp and deck landing were chosen as it was served by a pre-existing walkway along the side of the garage and the change-in-elevation to the deck was far less than at other access points, requiring a smaller, less-steep ramp.

Applicants indicated there is no abutter impact as there are arborvitae trees to the side of the property with the deck and cannot be seen by any neighbors or from the street. There was no abutter input.

The Board reviewed the Application

1. None of the abutters were present to speak against the proposal. The Board agreed this was met based on the application and discussions.
2. This is not a detriment to the public. The Board agreed this was met.
3. The Board discussed the landscape of the lot. It was impractical to walk to the other side of the property based on the grading and the 5 steps to the deck. The Board agreed this was met. There is a uniqueness to the property because of the topography and pre-existing walkway to the ramp location. The use of the ramp and landing is a low intensity use. The board agreed that all of these conditions were met.
4. There is a question of safety and handicap access and no one is wronged by this action. The Board agreed this was met.

5. Again there is a safety issue and there is a uniqueness to the topography of the land. This will give wheelchair access. There is low impact on the use. The Board agreed this was met.

Mr. Saba made a motion to grant the Variance as stated for 6' +/- on the side setback for a 5 x 6 foot landing and ramp. Mr. Zannini seconded and it was unanimously approved.

Motion to adjourn was made and seconded. Mr. Riehl adjourned the hearing at 8:15 P.M.

Respectfully Submitted

Minutes transcribed from tape

Rebecca Russo