

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

Public Hearing Meeting Town Hall
Wednesday April 10, 2013

Present: Glen Saba, Chair, Sam Zannini, Vice Chair, Dick Paquin; David Farris; Shane Keating

Approval of Minutes

Correspondence:

To be acted on: **Auto Wholesale Dealer License Application**
 ATK Wholesale, Christopher Lewis
 5 Meadow Lane

Mr. Saba read the application received from the State of New Hampshire, Division of Motor Vehicles.

Mr. Zannini made a motion that the Board not act on the application as the applicant was not present at the hearing to answer any questions the Board may have. Mr. Paquin wanted to know what the Board's responsibility was. Mr. Saba explained what an established place of business meant. Mr. Zannini stated that the Board would need to ask the applicant questions regarding traffic, etc. Shane seconded the motion and the Board unanimously agreed to defer it to the next scheduled hearing.

Public Hearings– 7:40 P.M.

David and Melissa Spero, application for a Variance from Article IV Section 410:8a to allow construction of a garage 35 feet from wetland instead of the required 100 feet, (65 foot variance) on property located at 6 Providence Hill Road, Map 7 Lot 196 in the TR2 Zone.

The list of abutters was read with the following present:

Mr. Spero

Mr. Spero explained that that he was looking to put a garage onto the existing home. The dimensions of the garage are not going to encroach any further toward the wetlands than the house already does. He went to the Conservation Commission last week and they deemed the wetlands as a swale that goes through the property. There is quite a bit of pitch in the driveway and he is looking to relieve some of that by adding the garage. The property line from the proposed garage to his neighbor is approximately 26 feet. It is approximately 76 feet to the road and probably ¾ of an acre to the back property line. The garage is going to be masonry, 4 foot frost wall, with a 4 inch slab. He would like the upper part of the garage to be a loft for storage. They do not have an attic in their house so they would like the extra storage. There will be no plumbing or heat in the garage.

Mr. Saba asked Mr. Spero if he had a plan. Mr. Spero did not but the dimensions are to scale. Mr. Paquin asked if there were already a garage there and there is not. Mr. Saba read the letter from the Conservation Commission into the record. The Conservation Commission unanimously voted in favor of the proposal. The Conservation Commission felt the garage would offer greater protection to the drainage swale (wetland) than the current conditions allow. It would protect fluids from vehicles parked in the driveway running down into the wetlands. They suggested removing any remaining pavement from the back of the proposed garage, re-grading the driveway, elevating the garage slightly and installing gutters on the left side for runoff. Mr. Spero said there was no pavement behind the garage, only gravel. Mr. Saba asked if he had a problem removing that and Mr. Spero said he did not. Mr. Saba explained to Mr. Spero that because he did not have a certified plan he may be off on the measurements and is

taking a risk that he meets the setbacks, but the Board is willing to go with the plan he submitted because he will have to have a certified foundation plan to build, if this is approved.

The Board reviewed the criteria based on the application:

- 1.) The Board agreed unanimously that this was met based on the discussions and the application as presented. Mr. Zannini believed there is no overcrowding and the proposal is a residential use.
- 2.) The Board agreed unanimously that this was met based on the discussions and the application as presented. Mr. Zannini said there is less of an impact on the wetlands with this proposal. The Board thought that the side setback might have to be 30 feet but they will continue with this application as it is presented and that might have to be dealt with later.
- 3.) The Board agreed unanimously that this will be met based on the discussions and the application as presented. The proposed garage will keep fluids contained and away from the wetlands. The runoff will be directed to the left side of the property.
- 4.) The Board agreed unanimously that this was met based on the discussions and the application as presented.
- 5.) a.) The Board agreed unanimously that this was met based on the discussions and the application as presented. The addition is no closer to the wetland than the existing structure. The letter from Conservation sums it up.
b.) The Board agreed unanimously that this was met based on the discussions and the application as presented. This is a permitted use and the size is similar to others in the neighborhood. There is no garage there now.

Mr. Zannini made a motion to approve the request for a Variance 65' +/- , as stated above based on the application as presented and all of the criteria having been met and that all of the conditions stated in a letter from the Conservation Commission dated April 10, 2013 are met. The loft of the garage will be unfinished. Mr. Paquin seconded the motion and it was unanimously approved.

Motion was made and seconded to adjourn the hearing. The Chair adjourned the hearing at 8:20 p.m.

Respectfully Submitted

Minutes transcribed from tape

Rebecca Russo