

Town of East Kingston, New Hampshire
Zoning Board of Adjustment Meeting Minutes
March 5, 2020
7:00 pm

MINUTES

Case #19-01 – Brian Graham, 128 Newton Rd, Plaistow, NH requests variances for property located at 4 Cove Road, EK, NH (MBL 02-01-33)

Case #20-01 – Brian Graham, 128 Newton Rd, Plaistow, NH requests variances for property located at 4 Cove Road, EK, NH (MBL 02-01-33) from the provisions of (a) Article VII.D.2 - minimum leach field size, Article VII.D.6 – septic leach field boundaries (setback from property line and private well) and (b) Article IX.A.1. – contagious frontage, Article IX.A.2. minimum lot size, and Article IX.C. building setbacks (front, side and rear) for construction of a potential new home.

Members Attending: Chairman Tim Allen, Vice Chairman Ed Robbins, David Ciardelli, and Paul Falman.

Others Attending: Applicant Brian Graham, applicant’s Attorney Daniel Muller, Esq. - Cronin, Bisson & Zalinsky, East Kingston Building Inspector John Moreau and various East Kingston residents.

Chairman Allen opened the meeting at 7:00 pm and Mrs. White called the role.

Mr. Allen noted the passing of long-time Zoning Board Chairman John Daly who had devoted decades of expertise and service on the Zoning Board and asked for a moment of silence.

Mr. Allen then introduced himself as the newly-elected Chairman of the Zoning Board and Ed Robbins as the newly-elected Vice Chairman.

He explained to the applicant and the applicant’s attorney there was not a full board present and asked if they wanted to proceed with Case #20-01 tonight or continue to next month. Mr. Muller and Mr. Graham conferred and decided to continue to the April meeting date. Mr. Allen noted the date of the next Zoning Board meeting will be on April 23rd.

Continued Case #19-01 – Brian Graham, 128 Newton Rd, Plaistow, NH who is requesting variances for property located at 4 Cove Road, EK, NH (MBL 02-01-33) from the provisions of (a) Article VII.D.6 – septic leach field boundaries (setback from property line and private well) and (b) Article IX.C – building setbacks (front, side and rear) in order to convert an existing garage to a residential use.

Mr. Allen opened the Public Hearing for Case #19-01.

The applicant has asked to withdraw this application (19-01) without prejudice; board consensus was to approve the withdrawal of the application.

Mr. Allen closed this Public Hearing

Case #20-01 – Brian Graham, 128 Newton Rd, Plaistow, NH requests variances for property located at 4 Cove Road, EK, NH (MBL 02-01-33) from the provisions of (a) Article VII.D.2 - minimum leach field size, Article VII.D.6 – septic leach field boundaries (setback from property line and private well) and (b) Article IX.A.1. – contiguous frontage, Article IX.A.2. minimum lot size, and Article IX.C. building setbacks (front, side and rear) for construction of a potential new home.

Mr. Allen opened the public hearing for Case #20-01.

Mr. Allen noted there will be no references to information pertaining to the 19-01 application coming forward for the #20-01 application. The applicant will present the new application and all abutters will be asked to restate their opinions.

Mr. Allen noted the variances requested for Article IX.A.1 contiguous frontage and Article IX.A.2. minimum lot size were not required as it is a grandfathered non-conforming lot of record. Mr. Muller withdrew those variance requests.

Mr. Muller noted they would also like to withdraw the variance request for Article VII.D.2 for minimum leach field size as the system has been redesigned to accommodate a 3-bedroom leach field as required by the zoning ordinance.

Mr. Allen asked for a **MOTION** to continue this public hearing.

Mr. Falman **MOVED** to continue Case #20-01 for Brian Graham, 128 Newton Rd, Plaistow, NH who is requesting variances for property located at 4 Cove Road, EK, NH (MBL 02-01-33); second by Mr. Robbins with a unanimous vote.

Mr. Allen noted Case #20-01 is continued until April 23, 2020.

Board Business

Rules of Procedure – As any existing Rules of Procedure for the Zoning Board of Adjustment could not be located, the Board reviewed and approved an updated Rules of Procedure document to adopt going forward. Mrs. White explained changes that were made since the initial review.

Mr. Allen asked for a **MOTION** to adopt the revised Rules of Procedure.

Mr. Ciardelli **MOVED** to adopt the revised Rules of Procedure for the East Kingston Zoning Board of Adjustment as presented; second by Mr. Robbins with a unanimous vote.

A finalized copy will be provided to the Town Clerk for filing, and copies will be distributed to all Zoning Board members and will also be included on the Town website.

Minutes - Discussion ensued regarding how to proceed with approving minutes as the board does not meet on a monthly basis, but on an as-needed basis. Board consensus was that all minutes will be issued as DRAFT minutes until approved.

Mr. Allen closed the discussion on Rules of Procedure.

Mr. Allen asked for a **MOTION** on the December 5, 2019 minutes.

Mr. Falman **MOVED** to approve the December 5, 2019 minutes as presented; second by Mr. Robbins with a unanimous vote.

Mr. Allen asked for a **MOTION** on the January 23, 2020 minutes.

Mr. Robbins **MOVED** to approve the January 23, 2020 minutes as presented; second by Mr. Ciardelli with a unanimous vote.

Mr. Allen asked for a **MOTION** on the February 5, 2020 minutes.

Mr. Allen **MOVED** to approve the February 5, 2020 minutes as presented; second by Mr. Falman with a unanimous vote.

Board Attendance

Mr. Robbins announced he will not be available for the April meeting date, and Mr. Falman noted he will not be available for the June meeting date.

Member Interest

Mr. Allen stated Mr. Nat Maher was in attendance and was interested in serving as an alternate to the zoning board. He asked Mr. Maher to tell the board a little about himself.

Mr. Maher stated he and his wife have lived in East Kingston since 2006. He is a licensed Civil Engineer in New Hampshire and Massachusetts. He worked for many years in the private sector and in 2010 went to work for the Navy. He now runs a large construction project for the Navy in Portsmouth. Now that he and his family are more settled, he is ready to serve on the Board. He hopes his civil engineering background can enable the board to make more informed decisions for some of their cases.

Mr. Ciardelli explained in cases where the ordinances will not allow something a person wants to do, they would need to come before the zoning board for a variance or special exception. The board is charged to make educated determinations if the applicants meet the parameters for the special exception or variance. There are five variance criteria they need to satisfy.

Mr. Allen explained that the Zoning Board is a quasi-judicial board providing relief to people from ordinances, when appropriate, as well as administrative decisions. The board meets on an as-needed basis; some years not meeting at all. The average is two cases per year.

Mr. Falman noted “The Five Variance Criteria in the 21st Century” is great reference material. Mrs. White will see where she can purchase more copies for the board.

Mr. Ciardelli explained that alternates could be appointed to take the place of an absent member for voting purposes, but were always asked to join the discussions about the cases before the board even if not designated to exercise a vote.

Mr. Allen thanked Mr. Maher for his interest in becoming a Zoning Board member.

Mr. Allen **MOVED** to recommend Mr. Nat Maher to the Board of Selectmen as an alternate to the Zoning Board of Adjustment; seconded by Mr. Ciardelli with a unanimous vote.

Mrs. White will send a letter of recommendation to the Selectmen next week. Hopefully they can get Mr. Maher approved for the Board by the meeting On April 23rd.

Mr. Allen noted it would be a 3-year term, and Mr. Maher will need to take an Oath of Office with the Town Clerk when the Selectmen have the paperwork ready.

As an alternate, it is recommended to attend all the meetings to be informed first-hand of the information for applications, and you will be appointed to vote in the absence of a regular member if needed.

Election of Officers

There was discussion of the recent election of officers.

The meeting was adjourned at 7:35 PM.

Respectfully submitted,

Barbara White

Minutes Approved _____

Tim Allen, Chairman