



**Stratham Zoning Board of Adjustment
Meeting Minutes
January 14, 2020
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM**

Members Present: Garrett Dolan, Chairman
Phil Caparso, Full Time Member
Bruno Federico, Full Time Member
Amber Dagata, Alternate
Richard Goulet, Alternate

Members Absent: Drew Pierce, Full Time Member
Tana Ream, Alternate

Staff Present: Shanti Wolph, Code Enforcement Officer/Building Inspector

1. Call to Order/Roll Call

Chairman took roll call. Mr. Dolan asked Mr. Goulet to be a full Board member. The Board accepted Mr. Goulet as a voting member.

2. Approval of Minutes

a. December 10, 2019

Mr. Caparso made a motion to approve the December 10, 2019 meeting minutes as presented. Ms. Dagata seconded the motion. Motion carried unanimously.

3. Public Hearing(s)

- a. Case #652, John Iudice and Melissa Iannacone, 17 Winnicutt Rd, Map 17 Lot 106, Residential Agricultural Zoning District, represented by Bruton & Berube, PLLC of 601 Central Ave. Dover, NH. The applicant requests a Special Exception under Ordinance section 5.1.3 to expand a preexisting nonconforming structure at 17 Winnicutt Rd in Stratham, NH.**

Josh Lanzetta, an attorney, reviewed the application. He explained that the home encroaches on the side setback of the property by 1.7 feet. Mr. Lanzetta expressed that he believed the setbacks

47 were applied after this house was built. The owners hope to build an Accessory Dwelling Unit
48 above their garage for the children's Grandmother who is their primary caregiver now. The
49 encroachment is a total of 36 square feet and is represented on the plans. Mr. Lanzetta said that
50 they meet the criteria on the application. The plan is to not change the existing footprint, but to go
51 up on the existing footprint. The houses are spaced a part so that there will be no visual impact
52 with the addition.

53 Ms. Dagata confirmed that the plan is to build an apartment above what is there now.

54 Mr. Lanzetta explained that is the plan.

55 Mr. Dolan said that Mr. Wolph has provided them a Staff Review.

56 Mr. Wolph explained why he believed that the application should be approved.

57 Mr. Dolan opened the meeting to the public.

58 Brad Jones, a Stratham resident from 18 Winnicutt Rd, said that he is in support of the project and
59 believes it will be an improvement.

60 Mr. Carpaso made a motion to close the public hearing and Ms. Dagata seconded. The vote
61 passed unanimously.

62 Mr. Dolan read the criteria that needed to be met and the Board voted:

63 *a) The proposed expansion must intrude no further into any setback area than does the existing*
64 *structure.*

- 65 1. Phil Caparso: Yes
- 66 2. Gary Dolan: Yes
- 67 3. Amber Dagata: Yes
- 68 4. Richard Goulet: Yes
- 69 5. Bruno Federico: Yes

70
71 *b) The expansion must have no further adverse impact on the view, light, and air of any abutter.*

- 72 1. Phil Caparso: Yes
- 73 2. Gary Dolan: Yes
- 74 3. Amber Dagata: Yes
- 75 4. Richard Goulet: Yes
- 76 5. Bruno Federico: Yes

77
78 *c) The expansion must not cause property values to deteriorate.*

- 79 1. Phil Caparso: Yes
- 80 2. Gary Dolan: Yes
- 81 3. Amber Dagata: Yes
- 82 4. Richard Goulet: Yes
- 83 5. Bruno Federico: Yes

84
85 *d) The expansion must not impede existing rights of access or egress.*

- 86 1. Phil Caparso: Yes
87 2. Gary Dolan: Yes
88 3. Amber Dagata: Yes
89 4. Richard Goulet: Yes
90 5. Bruno Federico: Yes

91
92 *e) That portion of the proposed expansion, which will intrude into the setback must, in no event,*
93 *exceed the footprint square footage of that portion of the structure which presently intrudes*
94 *into the setback, regardless of the number of applications made over time under this*
95 *subsection.*

- 96 1. Phil Caparso: Yes
97 2. Gary Dolan: Yes
98 3. Amber Dagata: Yes
99 4. Richard Goulet: Yes
100 5. Bruno Federico: Yes

101
102 *f) In the event the non-conforming structure contains a commercial use, there must be no*
103 *adverse impact on access, traffic, parking, lighting, or other safety or visibility features of the*
104 *existing structure.*

- 105 1. Phil Caparso: Yes
106 2. Gary Dolan: Yes
107 3. Amber Dagata: Yes
108 4. Richard Goulet: Yes
109 5. Bruno Federico: Yes

110
111 *g) A special exception under this subsection may be granted only as to expansion into the side,*
112 *front, and rear setbacks, and is not available for expansions which violate height restrictions*
113 *of this ordinance.*

- 114 1. Phil Caparso: Yes
115 2. Gary Dolan: Yes
116 3. Amber Dagata: Yes
117 4. Richard Goulet: Yes
118 5. Bruno Federico: Yes

119
120 Mr. Caparso made a motion to reopen the public hearing and Ms. Dagata seconded the motion
121 which passed unanimously.

Mr. Lanzetta wanted to say that they are not planning to exceed the height requirements.

Mr. Caparso made a motion to close the public hearing and Ms. Dagata seconded which passed unanimously.

Mr. Dolan said the application does not violate the height restrictions of the ordinance. All those in agreement were asked to vote.

1. Phil Caparso: Yes
2. Gary Dolan: Yes
3. Amber Dagata: Yes
4. Richard Goulet: Yes
5. Bruno Federico: Yes

Mr. Dolan said that was all the criteria for granting a special exception under the ordinance section 5.1.3.

Mr. Dolan said that a motion to grant a special exception for the expansion of a non-conforming structure under section 5.1.3 is in order.

Mr. Wolph said that the procedure that the Board adopted is to vote on the criteria individually and the Board has voted on the criteria 1-7 and it was unanimous acceptance. Mr. Wolph said that he believes after number 7 is passed then the application has been accepted and approved.

Mr. Dolan said that he thought they agreed to make a formal vote at the end.

Mr. Wolph said he encourages the Board to ask about what they should do at the upcoming training in February.

Mr. Dolan said that he wants there to be a final vote for the record.

Mr. Caparso made a motion to accept case # 652, 17 Winnicutt Road, Ms. Dagata seconded the motion. The Board voted individually as follows:

1. Bruno Federico: Yes
2. Gary Dolan: Yes
3. Phil Caparso: Yes
4. Amber Dagata: Yes
5. Richard Goulet: Yes

4. New Business:

- a. The Board had discussion on voting once instead of individually.

Mr. Goulet said that he likes voting individually because he wants to avoid legal action.

Mr. Wolph agreed that it is nice to have each criteria listed out and voted on. He suggested that the Board doesn't need to have a final vote.

Mr. Dolan said that he likes having a final vote.

Mr. Wolph explained why having a final vote isn't necessary but the Board can decide what they

prefer to do.

- b. Vote to designate February 25, 2020 for a ZBA training event to take place in Meeting Room A at 7:00 PM

The Board voted to accept the change in the 2020 meeting schedule for the training to be held on February 25th. The vote passed unanimously.

- c. Vote to adopt the proposed 2020 Zoning Board of Adjustment calendar which acknowledges there will be no meetings on the following dates in 2020: February 11-Presidential Primary, February 25-ZBA Training, March 10-Town Election, September 8-State Primary.

The Board voted to accept the change in the 2020 meeting schedule for no meetings to be held on the following dates in 2020: February 11-Presidential Primary, February 25-ZBA Training, March 10-Town Election, September 8-State Primary.

Mr. Caparso made a motion to accept the amended calendar and Ms. Dagata seconded. The Board voted individually as follows:

1. Bruno Federico: Yes
2. Gary Dolan: Yes
3. Phil Caparso: Yes
4. Amber Dagata: Yes
5. Richard Goulet: Yes

Mr. Federico asked about Legacy Lane Farm parking. He explained that he has noticed that the number of cars is more than what they were approved for. He counted 22 cars last weekend.

Mr. Dolan said that he thought the Board accepted it as 9 parking spaces.

Ms. Dagata said she remembered 5 or 6 spots accepted.

Mr. Wolph said that it would be okay if it was a onetime thing, but they can't have cars parking on Route 33 regularly.

The Board discussed signage in the road Right of Way off Portsmouth Ave and across from the Fire Station.

Mr. Wolph said he would go and look at it.

Ms. Dagata said the sign read "Inner Truth Massage".

5. Other Business: None.

6. Adjournment

Mr. Caparso moved to adjourn and Ms. Dagata seconded. Motion passed unanimously.

Note(s):

1. Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For more information, contact the Stratham Building/Code Enforcement Office at 603-772-7391 ext.180.
2. The Zoning Board of Adjustment reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda.