

MINUTES OF THE NEW CASTLE ZONING BOARD OF ADJUSTMENT
Tuesday, August 17th, 2021 – 7:00 p.m. (Recreation Building)

Members Present: Todd Baker, Chair; John Fitzpatrick; Mark Gardner; Ben Lannon; Margaret Sofio; Matt Taylor.

Members Absent: Rebecca Goldberg; Alyson Tanguay.

Others Present: Michael Burns; Terrence Parker, Terra Firma Landscape Architecture.

Chair Baker called the meeting to order at 7:00 p.m. Voting members of the Board are Mr. Fitzpatrick, Mr. Gardner, Mr. Taylor, Mr. Lannon, and Ms. Sofio. Chair Baker will be an alternate this evening.

1. Case 2021-06. Michele Grennon, owner of 98 Beach Hill Road (Map 10, Lot 31) has applied for a Special Exception in order to permit building a 7 foot high privacy fence, where 6 foot high fence is permitted.

Landscape architect Terrence Parker presented on behalf of Michele Grennon. Ms. Grennon wanted a small, private garden in front of her house about ten years ago, and the project resumed during the COVID-19 pandemic. The fence is 28 feet long across 140 feet of property frontage along the road. The privacy fence would enclose the porch and kitchen area, and would be a high-end, decorative basket-weave style. Ms. Grennon and Mr. Parker have spoken with all abutters and everyone on the street is in favor of the seven foot high fence.

Chair Baker went through the criteria for a special exception in Section 6.8.1 and 6.8.2, as well as Section 4.3 of the New Castle Zoning Ordinance.

Mr. Parker explained how the fence would not diminish property values in the surrounding area because the fence will be high-end and have a softer aesthetic. There will be plenty of landscaping on both sides of the fence, which will further enhance the aesthetics of the property and the street in general. There will be no change in parking. Mr. Parker met with Town Building Inspector Russ Bookholz to go over safety concerns and ensure no sightline issues with the angled portion of the proposed fence. Mr. Parker added that the fence will not block anyone's view of the street or the surrounding seashore, as it occupies only a small portion of the property frontage on the street. The fence is only located where Ms. Grennon needs it for privacy purposes. A six foot high fence would lessen the privacy from the interior of the house on the public street. Mr. Parker noted that New Castle readily approves seven foot high fences where appropriate, and he felt that it is appropriate in this case given the recent changes in traffic flow on the street due to new construction.

Chair Baker opened the hearing to the public at 7:10 p.m. Hearing no comments, Chair Baker closed the public hearing at 7:10 p.m. and opened discussion back up to the Board. Mr. Lannon stated that the proposal seemed straight-forward and well thought-out. He noted there are no objections from abutters, and he did not have any issues. Ms. Sofio had no issues with the

application, and understood Ms. Grennon's desire to have a private area on her property. She acknowledged that Ms. Grennon checked with abutters, and she always keeps her property immaculate. Mr. Fitzpatrick felt this is a straight-forward request and believed that all criteria have been met. Mr. Gardner and Mr. Taylor agreed and had no issues.

Mr. Fitzpatrick motioned to approve the application of Michele Grennon, 98 Beach Hill Road (Map 10, Lot 31), for a seven foot high privacy fence, having met the requirements of Section 4.3 and Section 6.8.2 of the New Castle Zoning Ordinance. Mr. Lannon seconded. Motion carried unanimously.

2. Case 2021-07. Michael Burns and Jacqueline Heard, owners of 5 Atkinson Street (Map 18, Lot 7) have applied for a variance from Section 4.2.1 Table 1, Row C in order to increase the width of the front steps from 48" to 89".

Michael Burns explained that he purchased the home last December and has been renovating it since March. He described how the lot is very small and the back can get hot, whereas the front stays cool because it is in the shade. Mr. Burns would like to have larger front steps to provide an area to sit and utilize the outdoor space. The wider steps will create a more open entry space. The steps will be painted white wood, which will match the deck. The steps would not encroach any further into the street, and would be placed where there is an existing stone landing. Mr. Burns already received approval from the Historic District Commission.

Mr. Burns went through the five criteria for zoning relief.

1. *The variance will not be contrary to the public interest; and*
2. *The spirit of the ordinance is observed:*

The variance will not be contrary to the public interest, and the public will benefit from the welcoming nature of the wider steps. The setbacks will remain the same, which are nonconforming. The stairs are in a "no parking" area, and will not disrupt traffic or public use of the street. The wider steps will not increase the volume of the living space in any way.

3. *The values of surrounding properties are not diminished:*

The variance requested, along with the overall renovations to the property, will increase the value of surrounding properties.

4. *Literal enforcement of the provisions of the ordinance would result in unnecessary hardship:*

Literal enforcement of the ordinance will result in continuing to have a narrow and unsafe rise in the staircase, which creates an unnecessary hardship.

5. *Substantial justice is done:*

The property had been neglected for many years. With the renovations, it will become a more vibrant part of the downtown historic district and the New Castle community.

Chair Baker opened the public hearing at 7:17 p.m. Hearing no comments, Chair Baker closed the public hearing at 7:17 p.m. and opened discussion back up to the Board. Mr. Taylor felt that the

proposal is reasonable, and agreed that the larger front step will provide a nice area to talk with neighbors. Mr. Gardner, Mr. Fitzpatrick and Mr. Lannon did not have any concerns with the application. Ms. Sofio stated that the proposal will improve the overall appearance of the house.

Mr. Gardner motioned to approve the application of Michael Burns and Jacqueline Heard, 5 Atkinson Street (Map 18, Lot 7), to increase the width of the front steps from 48” to 89”, having met the five criteria for zoning relief. Mr. Fitzpatrick seconded. Motion carried unanimously.

3. Approve Minutes.

Mr. Gardner moved to accept the July 2021 minutes as submitted. Ms. Sofio seconded. The motion carried unanimously.

4. Set Date of Next Meeting.

Chair Baker announced that the next Zoning Board of Adjustment meeting will be held on Tuesday, September 21, 2021 at 7:00 p.m. at the Commons.

5. Adjournment.

There being no further business, Mr. Gardner moved to adjourn the public meeting. Ms. Sofio seconded. The motion carried, unanimously, and the meeting adjourned at 7:20 p.m.

Respectfully Submitted,

Meghan Rumph
Secretary