

**MINUTES OF THE NEW CASTLE ZONING BOARD OF ADJUSTMENT**  
**Tuesday, March 29<sup>th</sup>, 2022 – 7:00 p.m. (Macomber Room)**

**Members Present:** Todd Baker, Chair; Rebecca Goldberg; Ben Lannon; Margaret Sofio; Alyson Tanguay; Matt Taylor.

**Members Absent:** John Fitzpatrick; Mark Gardner.

**Others Present:** Federico Clerici-Hermandinger; Pat Driscoll.

Chair Baker called the meeting to order at 7:01 p.m. Voting members of the Board are Chair Baker, Ms. Goldberg, Mr. Lannon, Ms. Sofio, and Ms. Tanguay. Mr. Taylor is an alternate.

**1. Case 2022-01. Weston Family Trust, owner of 158 Portsmouth Avenue (Tax Map 15, Lot 9) has applied for a variance from Article 4, Section 4.2.1 Table 1, Row C in order to permit construction of bulkhead stairs 12.5 feet from the lot line where 15 foot side setback is required.**

Federico Clerici-Hermandinger and Pat Driscoll presented on behalf of the applicants. Mr. Clerici-Hermandinger stated that the purpose of the proposed bulkhead is to provide an external way to get into the basement. Mr. Driscoll, the contractor for the job, noted that this is an old house, and the project has previously come before the ZBA. During digging, rotten ledge was found, which allowed the builders to get down to the depth needed for a full basement. The bulkhead allows an extra means of egress. The applicants wanted to make the access to the basement as least invasive as possible for neighbors and others, while maintaining the aesthetics of the historic house. The proposal does not affect the existing patio or the look from the street. The area is about 200 yards from the neighboring house, and there is a line of hedges that will further block the view of the bulkhead.

Mr. Driscoll 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 proposed bulkhead is not visible from the street and does not violate any basic objectives of the Zoning Ordinances. There will be no harm to the general public, and the property owner will have the benefit of a safer building with additional means of egress and a full basement.

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

The values of surrounding properties will in no way be diminished.

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

The 2.5 feet that the bulkhead will encroach will have no negative effect on abutters or the public. There is a clear benefit to the applicants and safety personnel.

5. *Substantial justice is done:*

By denying the variance, there would be no benefit to the public, and the owners would face unnecessary hardship.

Ms. Sofio asked if the Fire Department had any problems with the proposal, given the need for adequate space between houses. Mr. Driscoll responded that the bulkhead will be metal and is noncombustible. This will be safer because it provides additional access.

Chair Baker opened the public hearing at 7:09 p.m. Hearing no comments from the public, Chair Baker closed the public hearing at 7:09 p.m. and opened discussion back up to the Board.

Ms. Tanguay felt that the application is straightforward and noted that when looking at the plans, the front part of the house infringes more upon the setback than the proposed bulkhead. Ms. Goldberg believed this was a de minimis request that satisfied all five criteria for zoning relief. Mr. Taylor agreed. Ms. Sofio's concern has been satisfied, and she was in favor of the application. Mr. Lannon stated that there were not many other options for the bulkhead due to the ledge. He also felt that all five criteria for zoning relief have been satisfied.

Mr. Lannon motioned to approve the application of Weston Family Trust, owner of 158 Portsmouth Avenue (Tax Map 15, Lot 9) as submitted, having met the five criteria for zoning relief for a variance from Article 4, Section 4.2.1 Table 1, Row C in order to permit construction of bulkhead stairs 12.5 feet from the lot line where a 15 foot side setback is required. Ms. Goldberg seconded. Motion carried unanimously by a vote of five to zero.

**2. Approve Minutes.**

Mr. Taylor moved to accept the November 2021 minutes as written. Mr. Lannon seconded. The motion carried unanimously.

**3. Set Date of Next Meeting.**

Chair Baker announced that the next Zoning Board of Adjustment meetings will be held on Tuesday, April 19, 2022 at 7:00 p.m., and Tuesday, May 24, 2022 at 7:00 p.m. at the Town Hall.

#### **4. Adjournment.**

There being no further business, Ms. Sofio moved to adjourn the public meeting. Ms. Goldberg seconded. The motion carried, unanimously, and the meeting adjourned at 7:17 p.m.

Respectfully Submitted,

Meghan Rumph  
*Secretary*