

MINUTES OF THE NEW CASTLE ZONING BOARD OF ADJUSTMENT
Tuesday, January 24th, 2023 – 7:00 p.m. (Town Hall)

Members Present: Todd Baker, Chair; John Fitzpatrick; Rebecca Goldberg; Ben Lannon; Margaret Sofio.

Members Absent: Mark Gardner; Alyson Tanguay; Matt Taylor.

Others Present: Ken Aspen; Monica Kieser, Hoefle, Phoenix, Gormley & Roberts, P.A.

Chair Baker called the meeting to order at 7:00 p.m.

1. Case 2022-06. Robert Moores, owner of 224 Wentworth Road, Map 5, Lot 12, has requested a variance from New Castle Zoning Ordinance Section 4.2.1 Article 3 to allow construction of a 24 foot by 24 foot garage. Lot coverage of 2,835 square feet is proposed, where 2,259 square feet of coverage is existing and 2,014 square feet is allowed. A variance from the setback requirement is also requested, as the proposed garage would be five feet from the side and rear setbacks where 15 feet is required. This case was continued from the November 29, 2022 meeting and the December 20, 2022 meeting.

Attorney Monica Kieser requested a continuance on behalf of Applicant Robert Moores. She noted that the Applicant is still working on completing all of the paperwork for the site plans. The surveys have been conducted, and Attorney Kieser acknowledged that there are concerns about the existing easement through the property. Chair Baker noted that the application came before the ZBA in November, and the Board agreed to continue the case to December, when a second continuance was then granted. Chair Baker felt that abutters should be re-notified of the meeting in order to be fair to the Applicant and the community. Mr. Fitzpatrick believed that it is best to have a complete application with full plans before coming before the Board again.

Ms. Goldberg clarified that this is actually the Applicant's third request for a continuance. She questioned whether there was a difference between an application being withdrawn and re-submitted de novo versus continuing the application to the next meeting. Chair Baker explained that the difference is in the notification of the hearing as well as the fees involved.

Ms. Goldberg expressed frustration about getting the request for a continuance right before the meeting. She stated that she is sensitive about the concerns of abutters. Ms. Goldberg encouraged applicants to have as much transparency as possible with abutters so that there is an open dialogue about proposed plans, and to hopefully allow all parties to work through any differences.

Ken Aspen is a direct abutter and noted that there is significant history between the two lots. He wanted to discuss this history so that the Board could then make its decision. Chair Baker explained that the Board does not actually have a completed application to discuss, so it is appropriate to hold any discussion on easements and abutters' concerns until the full application is presented.

Mr. Fitzpatrick motioned to continue application of Robert Moores, 224 Wentworth Road, Map 5, Lot 12 to the February 21, 2023 meeting, provided that it will be re-notified and published at the Applicants' expense. Ms. Sofio seconded. Motion carried unanimously by a vote of five to zero.

2. New Business.

Chair Baker would like to vote on accepting the Citizen's Guide to the New Castle Zoning Board of Adjustment at the next meeting. He noted that Town Counsel has reviewed the document and provided feedback already.

3. Approve Minutes.

Mr. Lannon moved to accept the December 2022 minutes as written. Ms. Goldberg 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, February 21, 2023 at 7:00 p.m. at the Town Hall.

5. Adjournment.

There being no further business, Mr. Fitzpatrick moved to adjourn the public meeting. Mr. Lannon seconded. The motion carried, unanimously, and the meeting adjourned at 7:19 p.m.

Respectfully Submitted,

Meghan Rumph
Secretary