

## APPLICATION FOR A VARIANCE

To: Board of Adjustment, Town of Gorham, NH  
Name of Applicant James A. Patry  
Address 7 Normand Ave.  
Owner Same  
Location of Property 7 Normand Ave, U 7 28  
(if same as applicant, write "same")

Do not write in this space.	
Case No. _____	
Date Filed _____	
_____ (signed - ZBA)	

NOTE: This application is not acceptable unless all required statements have been made.

Additional information may be supplied on separate pages if the space provided is inadequate.

## APPLICATION FOR A VARIANCE

A variance is requested from article IV section 41C(6) of the zoning ordinance to permit An 8' extension of the deck on rear of the home.

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because:

It would not detract from the aesthetics of the town. Rather, it would promote expansion of one's property interest as well as funds into a local builder.

2. If the variance were granted, the spirit of the ordinance would be observed because:

Article II, of Gorham's Zoning Ordinance indicates that said ordinance was designed in part, to protect the value of property. This investment protects the value of this property + enhances its use. This is not going to negatively impact any abutting property.

3. Granting the variance would do substantial justice because:

It would show a "pro-ownership" commitment

which could ~~see~~ result in individuals (prospective property owners) seeing Gorham as resident-friendly and resident-supportive.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

It would be an enhancement to an already clean, well-maintained property. In fact, its appearance would have the potential to raise surrounding property values, being next to an area w/ expanded use.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary **hardship** because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

There would still be ample walking distance between the boundary and the deck, + there would be no elevation change so that no line of sight would be impacted.

and:

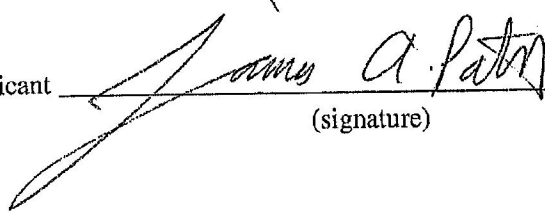
ii. The proposed use is a reasonable one because:

- 1) Ample space from the boundary remains
- 2) It would blend in w/ current decor of home
- 3) It would enhance the property's value
- 4) The deck is unseen unless near the dead-end area of Sunset Street.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

I have a simple table on the current deck. Everytime someone needs to go by, the individual seated at the table has to get up + move the chair so someone can go by. It is currently fine for individuals to have small chairs + sit side-by-side, that is all.

Applicant

 James A. Paton

(signature)

Date

2-1-21

# Town of Gorham, N. H.

## Building Permit Application

The Building/Code Enforcement Official will review your application, generally within 3 days of submission for residential construction and not more than 30 days for commercial applications. If your application is denied you will be told why and what you need to provide for approval. Once approved, you will be issued a building permit and given a building permit card. The Building Permit Card is made of heavyweight cardboard and must be visibly displayed at all times. The applicant is responsible to see that the card is displayed and available for signature by the inspectors.

NOTE: ALL PROJECTS SUBJECT TO SITE PLAN REVIEW EXCEPT SINGLE FAMILY HOMES

### PROPERTY INFORMATION

Street Address: 7 Normand Ave. Tax Map # 47  
James Patry 723-8095 Tax Lot # 28  
Zoning District: \_\_\_\_\_

Subdivision/Development Name: \_\_\_\_\_

Unit: Residential ☒ Industrial ☐ Commercial ☐ Accessory ☐

Is Lot located in 100 year Flood Plain Area (see FEMA maps at Town Hall)

Y ☐ N ☒

Is the portion of the property to be developed under a Current Use Assessment?

Y ☐ N ☒

If yes, a new Current Land Use map *must* accompany this application

Applicant's Name: \_\_\_\_\_

Owner's Name: James Patry

Mailing Address: \_\_\_\_\_

Owner's Address: 7 Normand Ave

City/State/Zip: \_\_\_\_\_

City/State/Zip: Gorham, NH 03581

Phone: \_\_\_\_\_

Phone: 326-5606

### Submission Review Checklist

Permit # B60-2020

Date of submittal:

1/4/2021 (12/20/20)

Received by:

S.B.

Fee Paid:

35

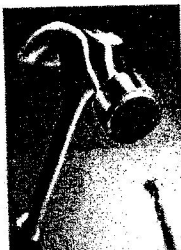
W&S Approval: \_\_\_\_\_

Septic Approval: \_\_\_\_\_

PUC Approval: \_\_\_\_\_

Driveway Permit: \_\_\_\_\_

Site Plan Review: \_\_\_\_\_





Types of Utilities (proposed/existing)

Water Supply: Municipal/Public	<input type="checkbox"/>	Well on Lot	<input type="checkbox"/>
Sewer Type: Municipal/Public	<input type="checkbox"/>	Private	<input type="checkbox"/>
Heating:	Electric <input type="checkbox"/>	LP Gas <input type="checkbox"/>	Oil <input type="checkbox"/>
Fuel Storage	Size: _____	Inside or outside: _____	Above Ground / Buried _____

WATER & SEWER APPROVAL

If Municipal/Public Water and/or Sewer are proposed to be utilized for the construction of a new residence, or there will be additional bedrooms or a change of use. This application must be reviewed by the Superintendent of the Water & Sewer Department located at 8 Main Street, Gorham, (603) 466-3302.

Superintendent of the Water & Sewer Dept. \_\_\_\_\_

Date: \_\_\_\_\_

Notes: \_\_\_\_\_

DRIVEWAY PERMIT

Approval from the Gorham Planning Board is required for all projects that require a driveway connection to a Town road. See the Town's Driveway Regulations in The Gorham Zoning Ordinance. Connection to a State of New Hampshire road requires the approval of the State of New Hampshire DOT District 1 located in Lancaster, NH. (603) 788-4641.

COMPLIANCE - STATE SEPTIC SYSTEM

If Town Sewer is not required please provide the following information from the NH Department of Environmental Services (NH DES), Division of Water Supply & Pollution Control (Concord NH (603) 271-3503).

Construction Approval Number: \_\_\_\_\_ Date: \_\_\_\_\_ Size/Type of System: \_\_\_\_\_

COMPLIANCE - NEW HAMPSHIRE ENERGY CODE

All new construction (including additions over 150 square feet) must comply with the NH Energy Code -- a permit will not be issued until approval is received from the Public Utilities Commission. Permit available on-line at [www.puc.nh.gov](http://www.puc.nh.gov) click on Energy Codes.

ADDITIONAL NOTES

Inspections: The contractor/builder is responsible for contacting the Fire Chief/Code Enforcement Officer at (603) 466-2549 to schedule all necessary inspections.

Certificates of Occupancy: In the case of a building permit application for a new principal structure(s) a "Certified As-Built Plan" shall be required prior to the issuance of a Certificate of Occupancy. Certification shall be provided by a NH licensed engineer or surveyor and so marked on all of the plans. Certificate of Occupancy inspections shall be scheduled at least two (2) weeks in advance.

Appreciable Start Requirements for all Permits: new construction residences -- Four (4) months from date of approval (foundation in and capped). All other work -- six (6) months from date of approval to actively proceed and/or make an appreciable start. If you do not make an appreciable start, the application will lapse and you will need to re-apply. All work must be completed with exteriors finished within 2 years of the date of issuance of the Building Permit.

Demolition of industrial, commercial and four or more residential units requires notice to the State of New Hampshire Environmental Protection Agency (DES) if asbestos is involved

- Asbestos Containing Materials (ACM): Friable = Any material that contains more than 1% asbestos and can be crumbled, pulverized, or reduced to powder by hand pressure. Non-friable = any material that contains more than 1% asbestos and cannot be pulverized under hand pressure.
- Regulated Asbestos Containing Materials (RACM)
  - Friable asbestos material.
  - Category I non-friable ACM that has become friable.

- Category I non-friable ACM that will be reduced to powder by the forces expected to act upon the material in the course of demolition or renovation operations.
- Category I non-friable ACM that will be, or has been, subjected to sanding, grinding, cutting, or abrading; and
- Category II non-friable ACM that has a high probability of becoming, or has become, crumbled, pulverized, or
- Category II non-friable ACM that has a high probability of becoming, or has become, crumbled, pulverized, or reduced to powder by the forces expected to act upon the material in the course of demolition or renovation operations.

Summary of ASB-9: Asbestos Siding and Roofing Removal Guidelines for Homeowners.

- The removal of siding and roofing can be legally performed by homeowners, general contractors, or licensed abatement contractors as long as each does not violate the National Emissions Standards for Hazardous Air Pollutants and complies with OSHA standards.
- If the homeowner has tenants then the homeowner has to follow the same regulations that apply to contractors.
- The homeowner (or contractor removing the material) is responsible for determining the condition of the asbestos material ("non-friable" or "friable").
- The homeowner may remove the material himself if the siding/roofing is in good condition. If the material is found to be friable, the homeowner may still elect to do the removal work but should exercise caution.
- the homeowner is responsible for the proper disposal of asbestos material

Summary of ASB-8: Asbestos Siding and Roofing Removal Guidelines for Contractors.

RACM can only be removed by a licensed asbestos abatement contractor with the exception of an individual homeowner with no tenants doing work on his own single family home.

Appeals From An Administrative Decision may be taken under RSA 676:5. The appeal shall be filed within thirty (30) days of the decision. Pursuant to RSA 674:33, the ZBA may hear and decide appeals if it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance adopted under RSA 674:16.

Appeals From A Zoning Board Of Adjustment Decision "by any person aggrieved" (RSA676:5): If issuance of this permit authorizes construction pursuant to a decision of the Zoning Board of Adjustment, such a decision is subject to appeal within thirty (30) days of the ZBA decision; therefore, implementation during this time period is at the owner's risk. Any such appeal suspends the permit until the appeal is dealt with.

CERTIFICATION

This is to certify that the information included with this application will be followed during construction and any changes shall be only after notifying the Gorham Town Office. (Depending on the scope of the changes further approval may be required from the Building/Code Officer or the Gorham Planning Board).

This will further certify that any permit issued based on inaccurate information is subject to immediate withdrawal. That the above referenced project meets the standards as printed and amended in the NH Code of Energy Conservation. That the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and further agree to conform to all applicable laws of this jurisdiction. (Letter from the property owner must accompany this application if submitted by an agent.) I further certify that I am aware of and will comply with, any regulations or conditions imposed by the Board of Selectmen, Zoning Board of Adjustment and/or the Planning Board as it relates to this property and the proposed use.

NOTE: Signatures on this building permit authorizes the Code Official, Assessor, or their agents for the Town of Gorham to conduct inspections from time to time during, and upon completion of the work for which this permit is being issued.

Signature of Applicant: James A. Patry Printed Name of Applicant: James A. Patry

Date of Application: \_\_\_\_\_

Approved ☐

Denied\* ☐

Signature of Code Official: \_\_\_\_\_

Description of Work to be done:  
*Deck expansion*

NOTE: Setback Distances from structures to all property lines. Remember the front setback is measured from your property line not the road!

PROPOSED & EXISTING

Distance Rear *13'*

Distance Left *unchanged*

Distance Right *unchanged*

Distance Front *unchanged*

Name of Street:

*7 Normand Ave.*

Name of Applicant:

*James A. Patry*

Reviewed by Board of Selectmen

Tax Map & Lot #

*47-28*



PROPERTY LINE

15'-

26'-2"

15'-

8'-

16'-

FUTURE DECK

EXISTING DECK

8'-2"

8'-2"

HOUSE (ATTACHED)

21'-

MAP NUMBER: U7  
LOT NUMBER: 28

PERMIT NUMBER: B60-2020  
DATE: JANUARY 29, 2021

**TOWN OF GORHAM  
DENIAL FOR BUILDING PERMIT**

Owner's Name JAMES PATRY  
Address 7 NORMAND AVENUE

Your application for a building permit was DENIED because of the following reason(s):

1. ☐ Not permitted in District.
2. ☐ Does not meet lot size requirements.
3. ☒ Does not meet set back ☐ front ☒ back ☐ right side ☐ left side
4. ☐ Does not meet height requirements.
5. ☐ Property located in Wetland.
6. ☐ Property located in Flood Plain.
7. ☐ Change of Use.
8. ☐ Other \_\_\_\_\_

**ACTION WHICH MAY BE TAKEN:**

- A. ☒ Request a Variance from Gorham Zoning Board, concerning  
Article IV Section 4.1 C (b)
- B. ☐ Request a Special Exception from the Gorham Zoning Board, concerning  
Article \_\_\_\_\_ Section \_\_\_\_\_
- C. ☐ Call Building Inspector, 466-3322.

**RSA 676:5 APPEALS TO BOARD OF ADJUSTMENT**

- I. Appeals to the Board of Adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, (30 days) by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

JANUARY 29, 2021  
DATE

John K  
Scarinza

BUILDING INSPECTOR

Digitally signed by John K Scarinza  
DN: cn=John K Scarinza, o=Town of  
Gorham, ou,  
email=jscarinza@gorhamnh.org, c=US  
Date: 2021.01.29 16:29:03 -05'00'

# Town of Gorham

## Zoning Board of Adjustment

### PERSONAL NOTICE

(7 Normand Avenue)

Per RSA 676:7, you are hereby notified of a public hearing to be held on **Tuesday, April 6, 2021 at 7:00 pm.**

This hearing is concerning a request by **James Patry** for a **Variance** concerning **Article IV, Section 4.1 (C) (2) (b)** of the Town of Gorham Zoning Ordinance for property located at **Tax Map U7, Lot 28.**  
The applicant is requesting a variance to erect a deck which will not meet the setback requirements for Residential A Zone.

Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing the Town of Gorham's live-streamed video system (Town Hall Streams) along with a conference call setup for this electronic meeting as well as "zoom". All members of the Board have the ability to communicate contemporaneously during this meeting through these platforms, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through either of the following:

- 1) **Town Hall Streams** by following this link: <https://townhallstreams.com/town.php?id=34> for video access. In order to speak during the meeting using this platform, please dial the following phone #1-425-436-6353, when prompted please enter the **access code 322665.**
- 2) **Zoom** by following this link: [www.zoom.us](http://www.zoom.us) and click "Join Meeting". When prompted enter Meeting ID 948 3470 8268 and Password 546262

*b) Providing public notice of the necessary information for accessing the meeting:*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Town Hall Streams and/or telephonically as well as zoom. Instructions have also been provided on the website of the Board: <https://www.gorhamnh.org/zoning-board-adjustment>

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

**If anybody encounters an issue, please call 603-466-2334.**

*d) Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.  
Please note that **all votes** that are taken during this meeting shall be done by **roll call vote.**

**Steve Roy, Chairman**  
**Zoning Board of Adjustment**