

ZONING BOARD OF ADJUSTMENT
Town of Salem, New Hampshire

VARIANCE APPLICATION

Name of Applicant: **JAMES MENIATES JR & GAIL EMANIATES 2019 TRUST**
Tele #: **603-437-5000**

Address of Applicant: **-SAME-**

Address of Property: **14 SAMOSET DRIVE**

Owner of Property: **-SAME-** If same as above, write same.
Tele #: **603-560-4678**
If same as above, write same.

Address of Owner: **14 SAMOSET DRIVE, SALEM, NH 0307910**

Agent: If same as above, write same.
Benchmark LLC. 50 Nashua Road, Suite 305
Londonderry NH 03053

Location of Property: Map #: **55** Lot #: **6805**

Zoning Classification: **RURAL**

Are there any current Zoning Violations on the Property other than those that may be listed on this Application? (If Yes, please fully describe below). YES _____ NO **X**

The undersigned hereby requests a variance from Article **III**, Section **490-302C(1)** and asks that said terms of the Zoning Ordinance be waived to permit **TO ALLOW CONSTRUCTION OF AN ACCESSORY DWELLING UNIT ON AN EXISTING SINGLE FAMILY HOME WHERE A PORTION OF THIS ADDITION WILL PLACE THE CLOSEST CORNER OF THE ADU 22 FEET FROM THE LOT LINE WHERE 30 FEET IS REQUIRED IN THE RURAL DISTRICT.**

The undersigned alleges that the following circumstances exist to support this variance request.

1. The variance will not be contrary to the public interest because:

THIS IS A RESIDENTIAL AREA AND THE LOT IS DEVELOPED WITH A SINGLE FAMILY HOME. THE SURROUNDING SUBDIVISION WAS CREATED WHEN THE ZONING IN THIS AREA REQUIRED SMALLER LOT SIZES.

THE STATE HAS JUST PASSED LEGISLATION TO ALLOW MORE DIVERSE HOUSING OPTIONS, INCLUDING ADU'S (HOUSE BILL 577)

ADDING THE ADU WOULD ALLOW FOR MINIMAL CHANGE TO THE AREA. THE ADDITION IS TO THE REAR OF THE EXSTING GARAGE AREA OF THE HOME AND THE APPEARANCE OF THE ADDITION WOULD REMAIN WITH THE LOOK OF A RESIDENTIAL HOME.

WITH THIS PLAN A STATE APPROVED SEPTIC FOR THIS USE WILL BE PERMITTED.

2. The spirit of the ordinance is observed because:

THIS PROPERTY IS ZONED RURAL AND THE PROPOSAL IS TO ALLOW AN ADU TO BE ADDED TO THE EXISTING HOME. THE ADDITION WILL BE CONSTRUCTED TO TODAYS BUILDING STANDARDS. ONLY ONE CORNER OF THE ADU WILL ENCROACH INTO THE SETBACK

3. Substantial justice is done because:

GRANTING THIS REQUEST WILL ALLOW THE LAND OWNER TO CONSTRUCT AN ADU TO THEIR HOME.

4. The values of surrounding properties will not be diminished because:

THIS LOT IS ZONED RURAL WHICH IS THE SAME ZONING AS THE ABUTTING PROPERTIES. WE ARE LOOKING TO ALLOW CONSTRUCTION OF AN ADU WHICH WILL ADD VALUE TO THE EXISTING HOME

OVERALL, WE DO NOT BELIEVE THIS PROJECT, AS PROPOSED, WOULD AFFECT NEIGHBORING PROPERTY VALUES.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because: USE (A) or (B).

The "Special Conditions" of this property that distinguish it from other properties in the area are as follows:

THIS PROPERTY HAS ENOUGH LAND AREA TO ALLOW FOR A SEPTIC FOR THIS USE. THE SHAPE OF THE EXISTING HOME HAS AN ANGLE OF THE GARAGE TO THE MAIN HOUSE WHICH MAKES BLENDING THE ADU DIFFICULT TO THE EXISTING HOME WITHOUT ENCROACHING INTO THE SETBACK

THE FOOTPRINT OF THIS HOME IS SUCH THAT THIS LAYOUT IS THE MOST PRACTICAL. IN THE TOWNS ZONING. WHEN WE LOOK A THE LOT SIZE OF LOTS IN THIS AREA THE LOTS IN THIS AREA MORE SIMILAR IN SIZE TO PROPERTIES IN THE RESIDENTIAL DISTRICT WHICH ALLOWS A 15 FOOT SIDE SETBACK.

(A) Owing to the special conditions of the property, set forth above, that distinguish it from other properties in the area:

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

SITE GRADES AND THE LAYOUT OF THE EXISTING HOME LIMIT PLACEMENT FOR AN ADU ON THIS LOT. THIS REQUEST WILL ALLOW THE PROPERTY OWNER TO BUILD THIS ADU FOR A RELATIVE SO THEY CAN BE CARED FOR BY THE PROPERTY OWNER.

- (ii) The proposed use is a reasonable one because:

THIS PROPOSAL IS TO ALLOW THE ADU TO BE 22 FEET FROM THE LOT LINE. ABOUT 100 SQUARE FEET +/- OF THE ADU IS IN THE SETBACK.

THE ADU IS ALSO PROPOSED BEHIND THE EXISTING BUILDING AND WITH THE SHAPE OF THE EXISTING BUILDING THIS PUSHES THE BACK CORNER OF THE ADU INTO THE SETBACK

-OR-

If the criteria in subparagraph (A) are NOT established, an unnecessary hardship will be deemed to exist, if and only if:

(B) Owing to the special conditions, set forth above, 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 because:

THE LAYOUT OF THE EXISTING LOT AND BUILDING LIMITS AREAS FOR THE PROPOSED ADU, THE LOCATION CHOSEN IS SUCH THAT IT PUTS THE ADDITION BEHIND THE HOME SO THAT THE ADDITION CAN BLEND INTO THE LAYOUT OF THE EXISTING HOME

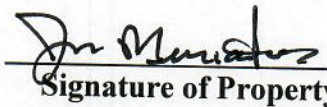
By filing this application you are authorizing us to come onto your property to do necessary site inspections.

The undersigned acknowledges that to the best of their knowledge all of the above information is true and correct.



Signature of Applicant

JAMES MENIATES JR November 11, 2025
Print Name of Applicant Date



Signature of Property Owner

JAMES MENIATES JR November 11, 2025
Print Name of Property Owner Date

PLEASE PRINT THE NAMES & LEGAL ADDRESS OF ALL ABUTTERS

IN ACCORDANCE WITH RSA 672:3, AN ABUTTER IS DEFINED AS ANY PERSON WHOSE PROPERTY ADJOINS OR IS DIRECTLY ACROSS THE STREET OR STREAM FROM THE PROPERTY TO THIS APPLICATION.

The following is a list of their names and legal mailing addresses taken from the Town of Salem Assessor's records. **APPLICANT, ENGINEER AND/OR REPRESENTATIVE** must also be included.

MAP	LOT	NAME	ADDRESS	DO NOT WRITE IN – TOWN BUSINESS
55	6805	Gail Emeniates & James Meniates 2019 trust	14 Samoset Drive	Salem, NH 03079
		BENCHMARK LLC	50 Nashua Road, Suite 305	Londonderry NH 03053
45	6806	Earl & Caroline Evans	12 Samoset Drive	Salem, New Hampshire 03079
54	6763	Harold R III & Kelly Moore	94 Lake Street	Salem, New Hampshire 03079
55	6785	Kelvin Perez	90 Lake Street	Salem, New Hampshire 03079
55	6810	Linda & Roger Trudal	88 Lake Street	Salem, New Hampshire 03079
55	6804	Michael & Cheryl Hanninen	16 Samoset Drive	Salem, New Hampshire 03079
46	6818	Antoine Antar	19 Samoset Drive	Salem, New Hampshire 03079
46	6814	Melissa Mallous	11 Samoset Drive	Salem, New Hampshire 03079

PROPERTY LOCATION: **14 Samoset Drive** MAP **55** LOT **6805**

ZBA MEETING DATE _____

PETITION # _____

Signature of Applicant

November 14, 2025

Date

Town of Salem, New Hampshire

Town Hall, 33 Geremonty Drive
Salem, New Hampshire 03079 603-890-2020

Permitting Hours Monday through Friday
8:30-9:30am & 4:00-5:00pm

BUILDING PERMIT APPLICATION

Date November 10, 2025 Permit # _____
Map 55 Lot 6805 Unit# _____

ADDRESS 14 SAMOSET DRIVE

www.townofsalemnh.org (application valid for 60 days)

NAME OF OCCUPANT JAMES MENIATES JR & GAIL EMANIATES 2019 TRUST PHONE # _____
NAME OF OWNER JAMES MENIATES PHONE # _____
CONTRACTOR'S NAME BENCHMARK LLC PHONE # 603-560-4678
CONTRACTOR'S ADDRESS 50 NASHUA ROAD#305 CITY LONDONDERRY STATE NH ZIP 03053

Impact fees are due prior to occupancy: New Dwelling \$ _____ Road Improvement \$ _____
Assessment fees for water and sewer are due prior to occupancy \$ _____

Zone RURAL LOT LINES: Front 30 Side (L) 30 Side (R) 30 Rear 30 Corner Lot NO

Variance required? Yes ☒ No ☐ Floodplain? Yes ☐ No ☒ Wetlands? Yes ☐ No ☒ Historic District? Yes ☐ No ☒
Town Water ☐ Town Sewer ☐ Private Well ☒ Private Septic ☒ Fire Sprinklers? Yes ☐ No ☒

RESIDENTIAL	COMMERCIAL	MISCELLANEOUS
<input checked="" type="checkbox"/> Single Family (E,P,H, F)	<input type="checkbox"/> New Commercial (E,P,F,H)	<input type="checkbox"/> Sign (P)
<input checked="" type="checkbox"/> Apartment (E,P,H)	<input type="checkbox"/> Commercial Foundation (E,P,F,H)	<input type="checkbox"/> Shed
<input type="checkbox"/> Residential Add./Alt. (E,H)	<input type="checkbox"/> Add./Alt. (E,P,F,H, ENV)	<input type="checkbox"/> Pool (E,H)
<input type="checkbox"/> Residential Raze (E,H,ENV)	<input type="checkbox"/> Municipal Add./Alt. (E,P,F,H)	<input type="checkbox"/> Repair
<input type="checkbox"/> Manufactured Home (E, H, F)	<input type="checkbox"/> Hotel/Motel (E,P,F,H)	<input type="checkbox"/> Deck (E,H)
<input type="checkbox"/> Residential Garage (E,H)	<input type="checkbox"/> Multi-Family (E,P,F,H)	<input type="checkbox"/> Casual Sales(P,F)
<input type="checkbox"/> Residential Foundation(E,P,H)	<input type="checkbox"/> Commercial Raze (E,P,F,ENV)	<input type="checkbox"/> Renew Permit (E,P,H)
<input type="checkbox"/> Shoreland CSPA (E,P,H)	<input type="checkbox"/> Change of Use (E,P,F,H)	
	<input type="checkbox"/> Change of Occupant (E,P,F,H)	

E=Engineering P=Planning F=Fire H=Health ENV=Enviro. Survey

****Residential Addition & Alteration require smoke and carbon monoxide alarms to be upgraded** (IRC 314/ 315)**

****Existing Residential Fire Sprinklers shall be extended into additions/alterations****

*****PLANS ARE REQUIRED TO BE SUBMITTED*****

Estimated Value: _____ Dig Safe _____ Fee: _____

Work Description and Uses: TO ALLOW CONSTRUCTION OF A SINGLE FAMILY DWELLING WITH AN ADU.

ON A LOT WITH 158.27 FEET OF FRONTAGE WHERE 150 FEET OF FRONTAGE W/ AN ADDITIONAL 20 FEET OF FRONTAGE, FOR THE ADU,

IS REQUIRED ON AN ACCEPTED MUNICIPAL STREET AND TO ALLOW THE PROPOSED ADU ADDITION TO BE 22 FEET FROM

THE SIDE LOT LINE WHERE A MINIMUM OF 30 FEET IS REQUIRED IN THE RURAL DISTRICT

Departmental Releases:

Town Planner (P) _____
Health Officer (H) _____

Town Engineer (E) _____
Variance Sign Off _____

Fire Marshal (F) _____

I (print name) Joe Maynard agree to meet all requirements of the applicable building codes & zoning ordinances & will not backfill or cover any work until inspections have been done and the installations are approved.

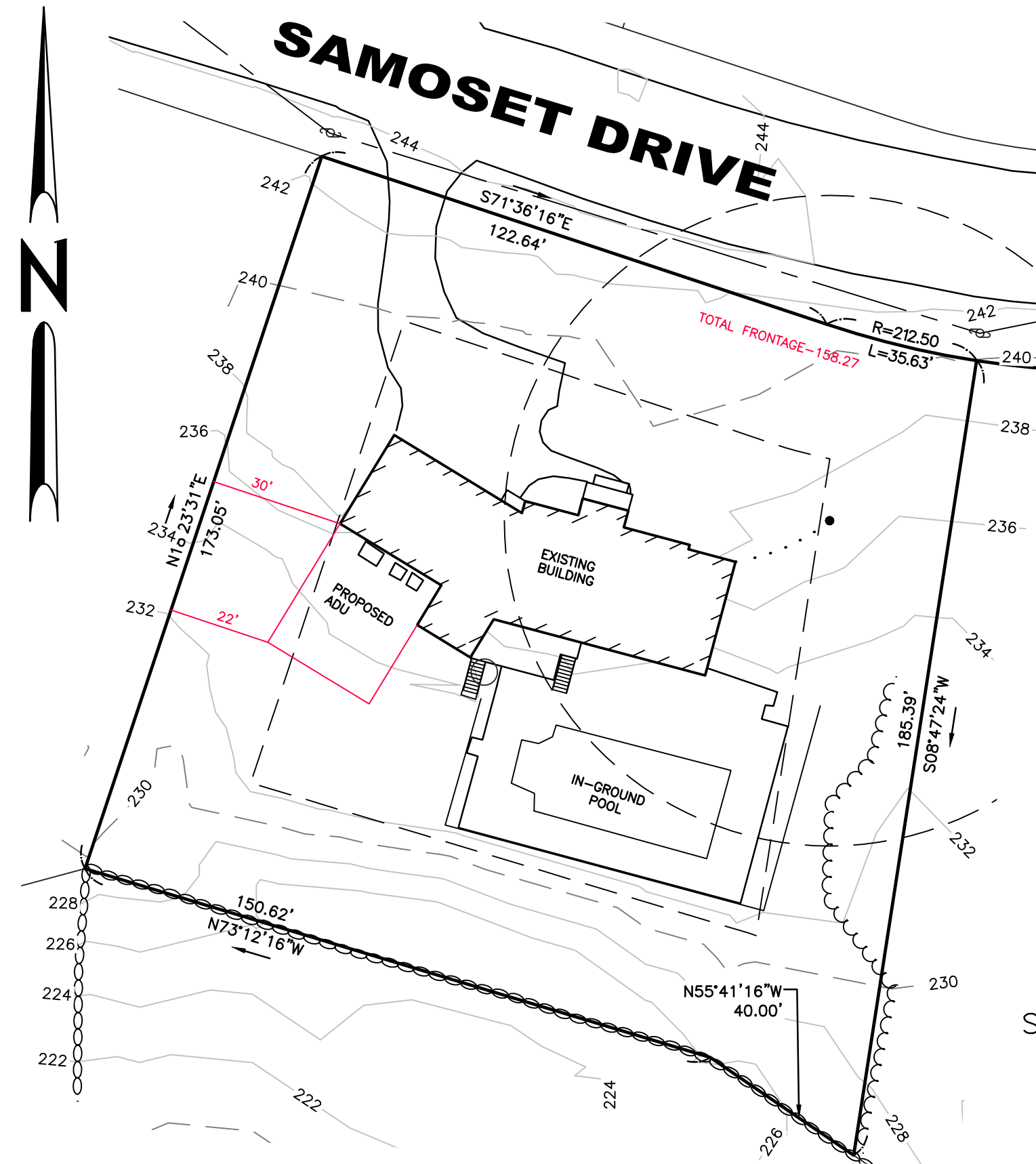
Signature of Applicant

Building Official

COMPLETE BOTH SIDES

Developed/1-20-09(S.Kalucki) Revised 5-25-10 (I. Vidović)

Denied



NOTES:

1. PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED IMPROVEMENTS TO THE PROPERTY LOCATED AT 14 SAMOSET DRIVE (MAP 55 LOT 6805) FOR THE PURPOSE OF APPLYING FOR A VARIANCE TO ALLOW FOR LESS THAN THE REQUIRED FRONTAGE FOR AN ADU AND TO ALLOW ONE CORNER OF THE PROPOSED ADU TO BE IN THE SIDE SETBACK
2. TOTAL PARCEL AREA 0.69 ACRES (FROM PLAN REFERENCES)
3. PARCEL ZONE: RURAL
4. ZONING REQUIREMENTS
 - MINIMUM LOT SIZE - 5 ACRES
 - MINIMUM FRONTAGE - 150' PLUS 20 FOR EACH ADDITIONAL UNIT
 - FRONT SETBACK - 30 FEET
 - SIDE SETBACK - 30 FEET
 - REAR SETBACK - 30 FEET
 - MAXIMUM COVERAGE - 30% BUILDING 1 UNIT/LOT
5. SURVEY COMPLETED IN CONJUNCTION WITH RANGEWAY LAND SURVEY & DESIGN
252 DANIEL PLUMMER ROAD
GOFFSTOWN, NEW HAMPSHIRE 03045



PLOT PLAN

TAX MAP 55 LOT 6805

#14 SAMOSET DRIVE

SALEM, NEW HAMPSHIRE 03079

OWNER OF RECORD/PREPARED FOR
JAMES MENIATES JR & GAIL EMANIATES 2019 TRUST
14 SAMOSET DRIVE
SALEM, NEW HAMPSHIRE 03079
RCRD BOOK 6653/PAGE 1045

SCALE: 1"=30'

SHEET 1 OF 1 NOVEMBER 09, 2025



BENCHMARK LLC

Consulting Engineers Land Planners
50 Nashua Road, Suite 305
Londonderry, New Hampshire 03053
Phone: (603) 437-5000



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of Salem, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/29/2025
Data updated 4/01/2025

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

TAX MAP.

State Use 1010
Print Date 11/14/2025 11:59:38 A

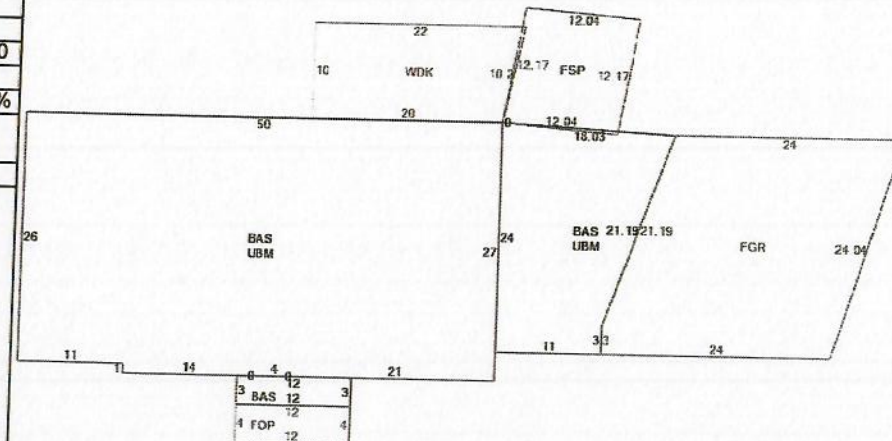
CURRENT OWNER				TOPO		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT							2232 SALEM, NH VISION																
MENIATES GAIL E & JAMES JR TRUS GAIL EMENIATES 2019 TRUST & JAM 14 SAMOSET DR SALEM NH 03079				1 Level		5 Well		1 Paved		3 Rural		Description		Code		Assessed		Assessed																	
						6 Septic						RESIDENTL		1010		359,300		359,300																	
												RES LAND		1010		191,100		191,100																	
												RESIDENTL		1010		14,400		14,400																	
				SUPPLEMENTAL DATA												Total		564,800		564,800															
				Alt Prcl ID 78-13/X						WB LTR D SALES RE ADD LETT SENT DISC EAS C/O Assoc Pid#																									
				ROAD ID 8143 E 911 UNIT # WATER B GIS ID 6805																															
RECORD OF OWNERSHIP				BK-VOL/PAGE		SALE DATE		Q/U		V/I		SALE PRICE		VC		PREVIOUS ASSESSMENTS (HISTORY)																			
MENIATES GAIL E & JAMES JR TRUSTEES JANUSZ MITCHELL & LAUREN BRANCATO MAURICE G BRANCATO SUSAN M BRANCATO MAURICE G & SUSAN M				6653 1045		09-30-2025		Q		I		800,000		00		Year		Code		Assessed		Year		Code		Assessed V		Year		Code		Assessed			
				6014 2119		07-02-2019		Q		I		385,000		U		2025		1010		359,300		2024		1010		359,300		2023		1010		359,300			
				5651 2002		08-28-2015		U		I		0						1010		191,100				1010		191,100				1010		191,100			
				5093 2247		01-22-2010		U		I		0								1010		14,400				1010		14,400				1010		14,400	
				3507 2884		09-29-2000		Q		I		218,000		U																					
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EXEMPTIONS																																			
Year				Code		Description		Amount		Code		Description		Number		Amount		Comm Int																	
Total				0.00																															
Nbhd				Nbhd Name		B		Tracing		Batch																									
65																																			

CONSTRUCTION DETAIL

Element	Cd	Description
Style:	01	Ranch
Model	01	Residential
Grade:	05	Average +20
Stories:	1	1 Story
Occupancy	1	
Exterior Wall 1	25	Vinyl Siding
Exterior Wall 2		
Roof Structure:	03	Gable/Hip
Roof Cover	03	Asph/F Gls/Cmp
Interior Wall 1	05	Drywall/Sheet
Interior Wall 2		
Interior Flr 1	12	Hardwood
Interior Flr 2		
Heat Fuel	03	Gas
Heat Type:	05	Hot Water
AC Type:	01	None
Total Bedrooms	03	3 Bedrooms
Total Bthrms:	2	
Total Half Baths	1	
Total Xtra Fixtrs		
Total Rooms:	6	6 Rooms
Bath Style:	02	Average
Kitchen Style:	02	Average
Loc_Adj		

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description
CONDO DATA		
Parcel Id	C	Owne 0.0
Adjust Type	Code	Description Factor%
Condo Flr		
Condo Unit		
COST / MARKET VALUATION		
Building Value New		423,854
Year Built		1975
Effective Year Built		2005
Depreciation Code		VG
Remodel Rating		
Year Remodeled		
Depreciation %		16
Functional Obsol		0
External Obsol		0
Trend Factor		1
Condition		
Condition %		
Percent Good		84
RCNLD		356,000
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		

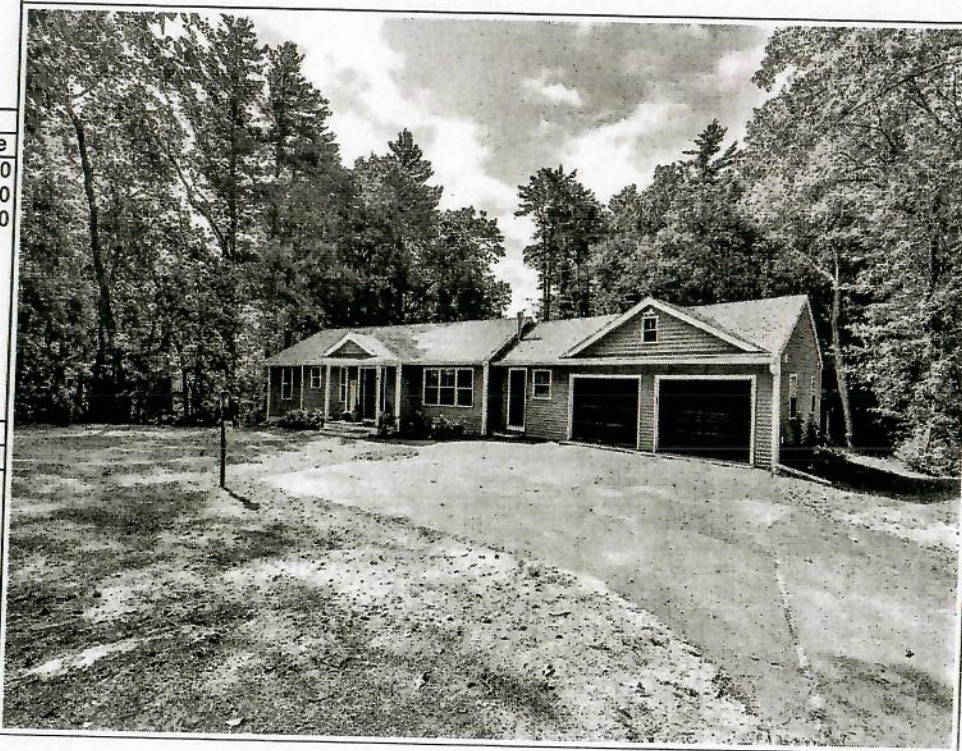


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

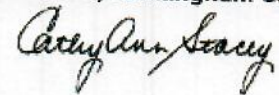
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
SPL2	VINYL/PLASTI	L	800	30.00	2000		60		0.00	14,400
FPL1	FIREPLACE 1	B	1	3000.00	2003		84		0.00	2,500
HRTH	HEARTH	B	1	1000.00	2003		84		0.00	800

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,707	1,707	1,707	177.30	302,651
FGR	Garage, Framed	0	563	197	62.04	34,928
FOP	Porch, Open, Finished	0	48	10	36.94	1,773
FSP	Porch, Screen, Finished	0	146	37	44.93	6,560
UBM	Basement, Unfinished	0	1,671	334	35.44	59,218
WDK	Deck, Wood	0	210	21	17.73	3,723
Ttl Gross Liv / Lease Area		1,707	4,345	2,306		408,853



Return to:
James Meniates, Jr and Gail E. Meniates
14 Samoset Drive
Salem, NH 03079



LCHIP	ROA719946	25.00
TRANSFER TAX	RO139223	12,000.00
RECORDING		18.00
SURCHARGE		2.00

WARRANTY DEED

Mitchell Janusz and Lauren Janusz, Husband and Wife, of 14 Samoset Drive, Salem, Rockingham County, New Hampshire 03079, for consideration paid, grant a 50% interest to Gail E. Meniates and James Meniates, Jr., as Trustees of the Gail E. Meniates 2019 Trust, u/d/t dated August 6, 2019, and a 50% interest to James Meniates, Jr. and Gail E. Meniates, as Trustees of the James Meniates, Jr. 2019 Trust, u/d/t dated August 6, 2019, all of 9568 Siracusa Court, Naples, Florida 34113, as Tenants in Common, with WARRANTY COVENANTS:

A certain tract or parcel of land with the buildings thereon, situated at 14 SAMOSET Drive, Town of Salem, County of Rockingham, State of New Hampshire, and being shown as Lot #31 on a Plan of land entitled "Gananoque Park, Section IV" dated July 1968. and recorded in the Rockingham County Registry of Deeds as Plan #1181, said parcel being more particularly bounded as follows:

NORTHERLY One hundred fifty-eight and 27/100 (158.27) feet by Samoset Drive;

EASTERLY One hundred eighty-five and 39/100 (185.39) feet by Lot 30;

SOUTHERLY One hundred ninety and 62/100 (190.62) feet by land now or formerly of Leopold Rorulka; and

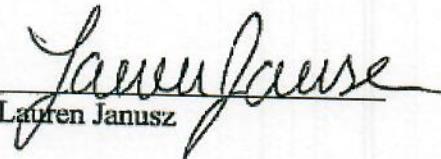
WESTERLY One hundred seventy-three and 05/100 (173.05) feet by Lot 32.

Subject to an easement to New England Telephone and Telephone Company and Granite State Electric Company recorded in Book 1861, Page 379 in the Rockingham County Registry of Deeds.

Meaning and intending to describe and convey the same premises conveyed to Mitchell Janusz and Lauren Janusz a Warranty Deed from Maurice G. Brancato, dated July 2, 2019 recorded with the Rockingham County Registry of Deeds on July 3, 2019 at Book 6014, Page 2119.

The Grantors herein release any and all rights to homestead which they have or may have had in the property described herein and affirm under oath that there are no other persons entitled to claim rights of homestead.

Executed this 30th day of September, 2025.

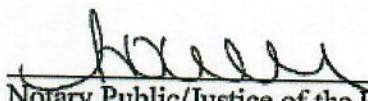

Lauren Janusz

COMMONWEALTH OF MASSACHUSETTS

Middlesex County

On this 30th day of September 2025, before me, the undersigned Notary Public/Justice of the Peace, personally appeared Lauren Janusz proved to me through satisfactory evidence of identification, which was MA Driver License, to be the person whose name is signed on the attached or preceding document and acknowledged to me that she signed it voluntarily for its stated purpose and that it was her free act and deed.




Notary Public/Justice of the Peace
Commission expiration: 9/4/2031

Executed this 1st day of October, 2025.

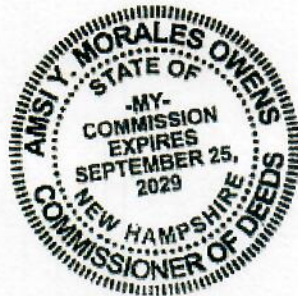


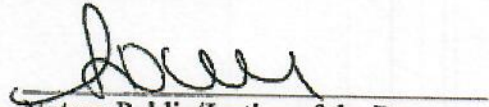
Mitchell Janusz

STATE OF NEW HAMPSHIRE

Rockingham County, ss.

On this 1st day of October 2025, before me, the undersigned Notary Public/Justice of the Peace, personally appeared Mitchell Janusz proved to me through satisfactory evidence of identification, which was ANH Dwyer License to be the people whose names is signed on the attached or preceding document and acknowledged to me that he signed it voluntarily for its stated purpose and that it was her free act and deed.





Notary Public/Justice of the Peace
Commission expiration: 9/25/2029

**JAMES MENIATES & GAIL MENIATES 2019 TRUST
14 SAMOSET DRIVE
SALEM, NEW HAMPSHIRE 03079**

November 16, 2025

Town of Salem
33 Geremonty Drive
Salem, New Hampshire 03053

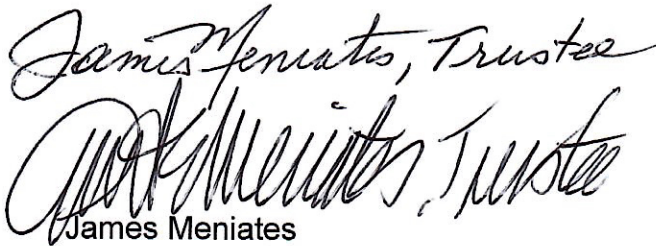
RE: ZONING BOARD APPLICATION 14 SAMOSET DRIVE – SALEM, NH

Town whom it may concern;

We authorize Benchmark LLC to represent our variance before the town of Salem Zoning Board.

If you have any questions please let me know

Sincerely


James Meniates