

These minutes are subject to possible corrections/revisions at a subsequent  
Exeter Zoning Board of Adjustment meeting.

## EXETER ZONING BOARD OF ADJUSTMENT JUNE 15, 2010 MEETING MINUTES

### Present:

Vice Chairman: Marc Carbonneau.

Regular Members: Steve Cole, John Hauschildt, Robert Prior.

Alternate Members: Martha Pennell.

Deputy Code Enforcement Officer: Barbara McEvoy.

The meeting convened at 7:00 PM.

### Agenda:

1. Case #1402: Variance request. 93 Brentwood Road.

### New Business:

1. Case #1402:

*The application of Lindsay Rich for a variance from Article 9, Sections 9.3.4.C and 9.3.4.I.3. to permit the proposed construction of a 24' x 24' garage with attached breezeway within the required 150' building setback from the Little River (major tributary of the Exeter River). The subject property is located at 93 Brentwood Road in the R-1, Low Density Residential zoning district. Tax Map Parcel #61-25.*

Mr. Henry Boyd, LLS of Millennium Engineering approached the board to present the application on behalf of the owner, Lindsay Rich. It was mentioned that the applicant was in Ohio on business and that the applicant's son Scott was in attendance. Mr. Boyd also mentioned that Mr. Mark West, CWS was also present and that in April he had flagged the wetlands at the site and included the edge of the shoreline and the seasonal high water mark.

Continuing, Mr. Boyd stated that the existing structure is within the 150' setback and the applicant plans to convert the existing garage into living space. He also mentioned that the new structure would be 116' from the seasonal high water mark and that all construction would be further away.

Vice Chairman Carbonneau mentioned 9.3.4 C, which addressed setbacks and 9.3.4.I.3 regarding residential accessory buildings being permitted within the 150' setback.

It was clarified through the Code Enforcement staff that the primary issue with this application is that 400 square feet is allowed within the setback and that this proposal is for 576 square feet.

Mr. Boyd mentioned that a 20' x 20' garage (without a breezeway) would not require relief. He clarified that the applicant was seeking 176 square feet of relief.

Mr. Hauschildt asked why 400 square feet would not work.

Mr. Boyd answered that 24' x 24' is a standard size for a two-car garage and the applicant plans to finish off the existing garage for living space.

Vice Chairman Carbonneau offered the applicant representative the opportunity to address the criteria for variance at this time.

Mr. Boyd read from the application the responses to the variance criteria and indicated that Mr. West has an aerial photo of the site if the board wished to view it.

Mr. West of West Environmental approached the board at this time and stated that the building is sited as far away as possible. He also stated that the most disturbed area of the site is from where the structure was originally built. Mr. West then mentioned that there is no threat to water quality, it is a flat area, and that there is no impact to ground water recharge. It was also mentioned that functions of the river were protected and that from the wetland/floodplain perspective, the proposed location is the only place on the property suitable and least impacted.

Mr. Prior asked if there was any concern regarding storage of fuels (ie. a lawnmower) in relation to high water.

Scott Rich mentioned that the current structure was closer than proposed.

Mr. Boyd stated that he will discuss the issue with Mr. Eastman. He also stated that there have been no problems during heavy rains this year.

At this time, the Vice-Chairman opened the hearing to public testimony. There was none. It was mentioned that an abutter, Mr. Simard, had stopped into the planning office to view the file and he did not express any problems with the application.

Ms. Pennell asked about the small wetland. It was mentioned that the 400 square feet was isolated.

Mr. West stated that the soils qualify as jurisdictional wetland and that they are minimally functional.

## DELIBERATIONS

Mr. Prior began a discussion to review variance criteria. It was determined that the applicant met all of the criteria.

Mr. Boyd mentioned that the breezeway will be open and that there will be very little excavation necessary for the new structure.

**MOTION: Mr. Hauschildt made a motion to approve the variance request as presented.  
Mr. Cole seconded.  
The motion passed unanimously.**

Other Business:

1. Minutes: May 18, 2010 ZBA Meeting Minutes.

**MOTION: Mr. Hauschildt made a motion to approve the 5-18-10 minutes as presented.  
Mr. Prior seconded.  
The motion passed unanimously. (Mr. Cole abstained)**

2. Updates:

\*Mr. Prior asked if there were any updates regarding the Old Town Farm Road case and the answer was no.

\*Vice Chairman Carbonneau mentioned that 9.3.4.C needs clarification to refer the reader to subsection I (permitted uses). Mr. Hauschildt stated he would mention this to ZORC.

**MOTION: Ms. Pennell made a motion to adjourn  
Mr. Hauschildt seconded.  
The motion passed unanimously.**

The meeting adjourned at 7:35PM.

The next meeting of the Exeter Zoning Board of Adjustment will be held Tuesday, July 20, 2010 at 7:00PM in the Novak Room at the Exeter Town Office building.

Respectfully Submitted,

Christine Szostak, PT Secretary  
Planning & Building Departments