

EXETER ZONING BOARD OF ADJUSTMENT DECEMBER 20, 2011 MEETING MINUTES

Present:

Chairman: John Hauschildt.

Regular Members: Bob Prior.

Alternate Members: Marc Carbonneau, Steve Cole, Rick Thielbar.

Building Inspector/Code Enforcement Officer: Douglas Eastman.

Deputy Code Enforcement Officer: Barbara McEvoy.

The meeting convened at 7:00 PM.

Agenda:

1. Case #1429: 127 Water Street – Three Special Exceptions and a Variance request.
2. Case #1430: 11 Summer Street- Variance request.

New Business:

1. Case #1429:

The application of Milton T. Martin, Jr. and Edda M. Martin for a variance from Article 6, Section 6.12.2 and a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses, Article 5, Section 5.2 and Article 6, Section 6.12 to permit the proposed construction of a seasonal dock to the rear of the property located at 127 Water Street. The subject property is located in the WC-Waterfront Commercial zoning district. Tax Map Parcel #72-22.

Mr. Martin approached the board and reviewed the history of approvals (to date) regarding the seawall and proposed seasonal dock at his property at 129 Water Street. He stated that at the time of submission for the building permit to construct the dock, he was made aware that the ZBA approval had expired and that an additional variance was now necessary.

Mr. Martin acknowledged a timeline of his project that was prepared by Kristen Murphy, the Natural Resource Planner for Exeter, and mentioned that state and federal approvals have been issued through 2013. He also mentioned that the Exeter Area Chamber of Commerce has allocated funds for roadway improvements to the rear of the buildings on Water Street, on the river side. Mr. Martin then mentioned that photographs were submitted with the application and pointed out the photo of the Berkowitz dock at 139 Water Street. He stated that his proposed dock would be similar.

Continuing, Mr. Martin mentioned that there is a 400' restriction requiring a variance, which was adopted in May of 2008 (after the original approval had been granted) which is why he needs relief from the board of adjustment. He also mentioned that he would need approval from the Historic District Commission and that he appeared before them on December 15, 2011, but they decided to table his case pending a decision from the ZBA. The board and applicant had a brief discussion regarding the repair of the seawall and String Bridge abutments at this time also.

At this time, the Chairman opened the hearing to public testimony and there was none.

DELIBERATIONS

Mr. Carbonneau mentioned that there was a new amendment after the original ZBA approval.

It was mentioned that the applicant has worked with all agencies and sought approvals and advice and there was a lack of Conservation Commission expertise and that the applicant took all comments under advisement. It was also mentioned that the project did not require a variance originally, and that the size and scope of the project did not change. A discussion regarding the posting of the amendment, adoption date and filing date for the project was held by the board at this time.

Mr. Carbonneau read 6.12.2 for the record at this time and Mr. Prior began a discussion of the criteria for the variance and special exception requests. The board then asked Mr. Eastman if there were any other pending applications for docks such as this one and he answered no.

**MOTION: Mr. Prior made a motion to grant the variance.
Mr. Cole seconded.
The motion passed unanimously.**

At this time, Mr. Carbonneau asked if it was necessary to “hammer out” the criteria whereas the project was previously granted. Mr. Cole mentioned that the board had addressed all of the criteria for special exception and that all were satisfied.

**MOTION: Mr. Carbonneau made a motion to approve the special exception requests.
Mr. Cole seconded.
The motion passed unanimously.**

After the final motion, Mr. Cole mentioned that he admired the effort shown pushing this project through all of the governmental agencies.

2. Case #1430:

The application of 48 Summits Realty Trust (Scott Johnson, Trustee) for a variance from Article 5, Section 5.1.2 for the expansion of a non-conforming use to permit the reconstruction of a single family residence on the property located at 11 Summer Street. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #64-30.

Mr. Paul Powell, the building contractor, approached the board and stated that the original house was in a state of disrepair and has since been demolished. He described the original proposal for the new home as having a drive-under garage and explained the amendment to the application. Mr. Powell explained that the project was redesigned and would use the existing driveway.

Continuing, Mr. Powell stated that the proposed setbacks for the new home would be 23’ in the rear and 13’ in the front. It was stated that the house would include a garage on the left side and would have a 12’ side yard setback.

Mr. Hauschildt asked what the square footage of the footprint would be. Mr. Powell stated 784 square feet for the house and 480 square feet for the garage with a total of 1260 square feet.

Mr. Eastman mentioned that the lot coverage was checked and that there is a 25% requirement.

At this time the Chairman opened the hearing to public testimony.

Mr. Thomas of 10 Summer Street approached the board and mentioned that he was trying to visualize the lot and house with the garage. Mr. Powell stated that it was going to be 1/1/2 stories and provided a plan to view.

Mr. Crowley of 9 Summer Street mentioned that he would also like to see architectural drawings of the proposed new house and he was provided with a copy of the plans to view also.

Mr. Prior mentioned that the physical appearance of a new home was not within the jurisdiction of the ZBA. He stated that only dimensional regulations were and clarified that the house would be 28' x 28' and the garage would be 20' x 24'.

The public portion of the hearing was closed at this time.

DELIBERATIONS

It was mentioned that the house was viewed by the Demolition Review Committee of the Heritage Commission and an approval was obtained to demolish the house.

Mr. Thielbar began a discussion with the board to address the criteria for a variance.

**MOTION: Mr. Carbonneau made a motion to approve the variance request as presented and amended with the drawings submitted.
Mr. Thielbar seconded.
The motion passed unanimously.**

Other Business:

1. Minutes: Acceptance of September 20, 2011 minutes.

The board reviewed the minutes and the Chairman mentioned that he would like the minutes amended after the page three motion that he did not agree that all three criteria listed were not met. He only agreed that the applicant did not meet criteria #5.

**MOTION: Mr. Prior made a motion to accept the September 20, 2011 minutes as amended.
Mr. Thielbar seconded.
The motion passed unanimously. (Mr. Carbonneau abstained)**

2. Proposed Zoning Amendments.

The board had a brief discussion/review of all three amendments at this time.

(Mr. Carbonneau left the meeting at 8:05PM. Mr. Eastman left at 8:00PM)

**MOTION: Mr. Cole made a motion to adjourn.
Mr. Prior seconded.
The motion passed unanimously.**

The meeting adjourned at 8:15PM.

The next meeting of the Exeter Zoning Board of Adjustment will be held Tuesday, January 17, 2012 at 7:00PM in the Novak Room at the Town Offices.

Respectfully submitted,

Christine Szostak
P/T Planning & Building Secretary