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Exeter Zoning Board of Adjustment meeting.

EXETER ZONING BOARD OF ADJUSTMENT NOVEMBER 20, 2012 MEETING MINUTES

Present:

Chairman: John Hauschildt
Regular Members: Hank Ouimet, Martha Pennell, Bob Prior.
Alternate Members: Rick Thielbar.
Deputy Code Enforcement Officer: Barbara McEvoy

The meeting convened at 7:00 PM.

AGENDA:

1. Case # 1442: Variance request. 5 Dewey Street - Pool.
2. Case # 1443: Variance and Special Exception request. 14 Locust Avenue – Accessory Unit.

NEW BUSINESS:

1. Case # 1442: Variance request. 5 Dewey Street - Pool.

The application of Tania Albert for a variance from Article 4, Section 4.3, Schedule II: Density and Dimensional Regulations – Residential to permit the proposed installation of an in-ground swimming pool with less than the required minimum side and rear yard setbacks. The subject property is located at 5 Dewey Street, in the R-2 Single Family Residential zoning district. Tax Map Parcel #64-16.

Mr. Prior opened the hearing at 7:00PM. Chairman Hauschildt was seated at 7:02PM.

Ms. Albert approached the board and began her presentation. It was mentioned that the relief she was seeking for installation of the pool was two (2) feet on the side and nine (9) feet on the rear. Ms. Albert stated that the area around the pool was impervious and her plans included a fence for total security of the yard.

Mr. Ouimet mentioned that the Town Planner could review the project if storm water becomes an issue.

Chairman Hauschildt stated that pervious pavers will also allow drainage.

Mr. Prior asked why a copy of the applicant's deed was in the package. Ms. Albert mentioned that it was there as documentation of a previous lot line adjustment.

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

A resident from 1 Dewey Street asked the applicant what would happen to the dirt that would be excavated. Ms. Albert stated that it would be hauled away.

DELIBERATIONS

It was mentioned that the subject property was a conforming lot.

Mr. Ouimet addressed the criteria for variance with the board. The board agreed the applicant met all of the criteria.

**MOTION: Ms. Pennell made a motion to approve the variance request. Specifically, the pool can be installed two (2) feet from the side lot line and nine (9) feet from the rear property line.
Mr. Ouimet seconded.
The motion passed unanimously.**

2. Case #1443: Variance & Special Exception requests. 14 Locust Ave.–Accessory Unit.

The application of John Michael Harasen Revocable Trust for a variance from Article 4, Section 4.2 Schedule I: Permitted Uses, Note #2. (a) and a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses (Note 2) and Article 5, Section 5.2 to permit an accessory dwelling unit to e located at 14 Locust Avenue. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #63-136.

Attorney Sharon Somers of Donahue, Tucker & Ciandella approached the board. She began her presentation by stating that her clients want to utilize space over the garage and provide reasonably affordable housing close to downtown. Regarding construction work, it was mentioned that an exterior staircase will be built.

Attorney Somers then began a discussion of the photos that were included with the application and mentioned that parking would be adequate, the abutters were in support of the proposal and the Accessory Dwelling Unit would fit with the pattern and character of the neighborhood.

Chairman Hauschildt inquired to the square footage of the proposed unit. Ms. Somers answered that it would be six hundred (600) square feet. It was also mentioned that there would be an owner occupied requirement for the property.

Mr. Prior reiterated that the only exterior changes associated with the proposal would be the addition of the staircase.

Mr. Ouimet asked about the parking. It was stated that there is two parking spots in the garage and two to the left of the garage.

Ms. Pennell mentioned that there was a 2004 building permit issued for the garage and that a shed and clubhouse had been removed to accommodate the garage. She asked about the lot coverage.

Continuing, Ms. Pennell mentioned that there are other apartments in the neighborhood that predated zoning and that there was no record in the ZBA data base of the Accessory Dwelling Units of apartments.

Mr. Prior mentioned that he was familiar with some.

Mr. Thielbar asked if the stairway would be encroaching in the setback.

Ms. Somers mentioned that her client had a discussion with Mr. Eastman and it was decided that the staircase would be allowed but it could not be enclosed.

Mr. Thielbar then stated that he was concerned about emergency vehicle access whereas there is a hedge and the staircase will be tight to the lot line.

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

DELIBERATIONS

Variance Deliberations:

Mr. Prior addressed the variance criteria with the board at this time.

It was mentioned that there was no physical change utilizing the space.

Ms. Pennell stated that she was concerned with congestion and construction of the garage originally.

Mr. Ouimet clarified that this was a request for dimensional relief.

Mr. Prior mentioned that the abutters were in favor of the proposal and there was no harm to the general public. (There are no exterior changes except for the staircase and the parking already exists.) He also mentioned that there will be no diminution and this is a reasonable use for the property.

**MOTION: Mr. Prior made a motion to approve the variance for dimensional relief.
Mr. Ouimet seconded.
The motion passed unanimously.**

Special Exception Deliberations:

Chairman Hauschildt addressed the criteria with the board.

Compatibility and post 1972 construction was discussed.

Mr. Thielbar stated that he was concerned about parking on the pavement and issues related to possible snowstorms.

Mr. Prior mentioned that there was room to the left and right of the garage structure for snow storage.

**MOTION: Mr. Ouimet moved to approve the special exception request.
The motion was seconded.
The motion passed unanimously.**

OTHER BUSINESS:

Approval of Minutes:

September 18, 2012 Minutes

MOTION: Mr. Prior moved to approve the September 18, 2012 minutes as presented.

Mr. Ouimet seconded.

The motion passed unanimously.

October 16, 2012 Minutes:

Chairman Hauschildt mentioned that he would like the minutes to reflect that criteria discussions will now be at the board's discretion. The October 16, 2012 minutes were not approved and were deferred until the next meeting to allow time for the Chairman to rewrite the language.

MOTION: Mr. Ouimet made a motion to adjourn.

Mr. Thielbar 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, December 18, 2012 at 7:00PM in the Novak Room at the Town Offices.

Respectfully Submitted,

Christine Szostak

PT Planning & Building Secretary