

EXETER ZONING BOARD OF ADJUSTMENT
October 21, 2014 MEETING MINUTES

PRESENT:

Regular Members: Chair Bob Prior, Vice Chair John Hauschildt, Clerk Rick Thielbar, Laura Davies
Alternate Members: Martha Pennell
Building Inspector: Doug Eastman
Deputy Code Enforcement Officer: Barbara McEvoy

The meeting was convened at 7:00 PM. Chair Prior introduced the Board members and explained the protocol for the meeting.

AGENDA:

1. Case #1483: Gregg and Vicki Willett. –Variance Request – Lincoln Street
2. Case# 1484: Elizabeth Buchanan – Variance Request – Meadow Lane
3. Case# 1485: Calamar Enterprises, Inc. - Variance Request - 183 Epping Road
4. Case# 1486: Tuck Realty Corp - Variance and Special Exception Requests - 80 Epping Road

NEW BUSINESS:

1. Case #1483: Gregg and Vicki Willett

The application of Gregg and Vicki Willett for a variance from Article 4, Section 4.3 Schedule II to permit the proposed construction of a deck encroaching within the required minimum rear yard setback. The subject property is located at 13 Lincoln Street, in the R-2, Single Family Residential zoning district. Tax Map Parcel #73-297. Case #1483.

Gregg Willett, property owner at 13 Lincoln Street, proposed his application. He said there is a renovated barn on the back of the property that provides additional living space and he would like to add a deck to the back of the second level. He said he is not sure how far the boundary line is. He said the deck would be within the setback. He went on to say the deck would allow his family privacy. It would be approximately 24' x 12'. The end facing Front Street will have a privacy wall. It is a non-conforming lot. The deck would improve his living space. He said he approached the abutter to the rear and the abutter was fine with his plan.

Ms. Davies asked how big the parcel is. Mr. Willett said it is .38 of an acre. It is a multi-family lot with four units. The deck will be for his family's use only. Ms. Davies asked what the height of the deck off the ground would be. Mr. Willett said it would be one story up, so approximately 10 feet off the ground.

Mr. Thielbar asked Mr. Willett if he had considered building the deck off the side of the barn instead. Mr. Willett said they looked at that but in the winter there is so much snow on that side of the house. We went on to talk about the slope of the roof.

Ms. Davies asked what would be under the deck. Mr. Willett said it would just be ground, with maybe storage of a lawnmower. He said he wanted to clean up the landscape a bit.

Chair Prior said the main concern here is that if a deck is built, it could eventually be enclosed and built underneath and then it turns into an expansion of the structure that is non-conforming.

Vicki Willett, property owner, said the way the barn is set, it would affect the abutters the least if the deck was in the rear of the barn. She said neighbors on both side of the barn use their lawn space there. Chair Prior said according to the zoning law, putting it in the rear would be encroaching, but putting the deck on the side is not.

Ms. Pennell asked if they have thought about surveying the property. Mr. Willett said there is a fence on the rear abutter's property and a chain link fence on his, so he assumed this was where the property divided.

There was discussion about other properties in the area that have received similar variances.

With no more questions for the applicant, Chair Prior opened the public session by reading a letter from an abutter, stating she was in favor of the Board granting this variance. With no more comments from the public, he ended public session and moved into deliberations.

Mr. Hauschildt said if you look at surrounding properties, you will see a number of improvements that come within a couple feet of the rear setback. He does not see an issue with this application; he sees a bigger problem putting the deck on the side of the barn. There are no safety issues with putting it on the rear.

Ms. Pennell said she would feel better if she knew how much the deck was going back into the setback. Mr. Thielbar asked if they go with the rules and burden the neighbors, or grant the variance and please everyone. Mr. Hauschildt talked about granting a variance that does not exceed 13 feet from the back of the structure.

Chair Prior wanted to go through the criteria. Mr. Hauschildt went through the criteria and said in this case the deck is not encroaching on anyone's livability and there are no hazards. He said it meets substantial justice as it benefits the property owner. It is not diminish any abutter's property values, and the application meets all criteria.

MOTION: *Mr. Hauschildt moved to approve the application as presented in order to build a deck that shall not be enclosed in any way and may reach as far as 13 feet from the rear end of the existing barn.*

Motion seconded by Ms. Davies.

Discussion: *Ms. Pennell wanted to amend the wording in the motion.*

MOTION: *A Motion was made by Ms. Pennell and seconded by Mr. Hauschildt to amend Mr. Hauschildt's motion to change the word "enclosed in any way..." to "enclosed neither above nor below in any way..."*

Discussion: *Doug Eastman made comments about adding lattice. He asked that the wording in the motion be very specific. Ms. Pennell and Mr. Hauschildt withdrew their amended Motion and second.*

MOTION: *A Motion was made by Ms. Pennell to amend the original Motion by changing "...shall not be enclosed in any way..." to "shall be enclosed neither above nor below in any manner at all, including lattice work, and..."*

VOTE: *5-0, the amendment passed unanimously.*

VOTE: *5-0, the amended Motion passed unanimously.*

2. Case #1484: Elizabeth Buchanan:

The application of Elizabeth Buchanan for a variance from Article 5, Section 5.3.1.A.2 to permit the proposed construction of a carport encroaching within the required minimum side yard setback. The subject property is located at 4 Meadow Lane, in the R-2, Single Family Residential zoning district. Tax Map Parcel #85-34. Case #1484.

Ms. Buchanan gave the Board a copy of the final plan for the carport. She said she was there to request a setback variance for a carport for vehicle protection and for adding more solar panels.

Chair Prior asked how far the carport would be encroaching. Ms. Buchanan said 4 feet. Chair Prior said so the setback is 10 feet and she's asking for 4 feet, leaving 6 six between her and the property line. Ms. Buchanan said yes. She said there is a flat area for parking already there, so she just wants to cover it.

Mr. Hauschildt asked about water coming off the roof in that now only 6 feet area and how the abutter would feel about that. Ms. Buchanan said the plan is to have a gutter system to direct water back towards the garage corner.

Chair Prior asked if there were any more questions for the applicant. He reminded the Board that they would have to look at this as an enclosed structure. Hearing no more questions, he opened public comment. With no public comment, he moved to deliberations.

Ms. Pennell asked if Mr. Eastman had approved the lot coverage. Chair Prior said yes.

Chair Prior said his concern was with the abutting neighbor, and without them present he assumed they must approve of the plan.

Mr. Hauschildt asked if with the carport being considered an enclosed structure could be converted to a garage. Chair Prior said yes, it could. Mr. Hauschildt thinks the abutters may have a problem with that. Chair Prior agrees and says the Motion should be very specific. He said this is a property that has been nicely maintained.

MOTION: *A Motion was made by Mr. Hauschildt to approve the application for the carport with the provisions that 1) Proper drainage shall be installed to avoid any impact to the abutting properties; and 2) that the carport remain open as a carport and not enclosed in any manner.*

Mr. Thielbar seconded.

Discussion: *None.*

VOTE: *The motion passed unanimously.*

3. Case #1485: Calamar Enterprises, Inc.

The application of Calamar Enterprises, Inc. for a variance per Article 4, Section 4.2, Schedule I-Permitted Uses to allow an age-restricted residential use (Active Adult Community) in the C-3, Epping Road Highway Commercial zoning district. The subject property is located at 183 Epping Road, Tax Map Parcel #47-8. Case #1485.

Chair Prior said this is in a C3 Epping Road Highway Commercial Zone. There was discussion about special exceptions and parking situations. Mr. Hauschildt commented that he has worked with Attorney Doug Macdonald, who represents Calamar, but that won't influence anything for him here. The Board didn't have any issues with this.

Attorney Doug Macdonald, from Keane & Macdonald, spoke on behalf of Calamar Enterprises who is asking for a variance to allow an age-restricted residential use in a C3 zoning district. He introduced Chris Trevisani, Director of Development for Calamar Enterprises.

Mr. Trevisani had prepared a PowerPoint presentation to describe the company and what kind of development they do. He said they are proposing a senior community. It is an independent community of 116 apartments. The age restriction will be either 55 or 62, depending on what the town wants. There will be no children allowed to live in the community. He provided some photos of some of their existing communities. There are exercise rooms, libraries, and lounges. There is a lifestyle coordinator on staff. The typical tenant is 72 years old and 90% of them are retired. They are active members in the community. He gave some demographics of the market area. The Calamar senior communities are made up of 1 or 2 bedroom apartments that are 625 to 1000 square feet. There is no buy-in or deposit required. The rent includes most utilities. The community is 100% smoke free. The company is looking to make a \$10+ million investment in Exeter. Jobs will be created. He said the project will spur further economic development.

Ms. Davies said a lifestyle coordinator was mentioned. She asked what they will be doing. Mr. Trevisani said the primary focus is to keep the community interactive. The coordinator will also help residents coordinate activities such as a party. Ms. Davies asked if they would be coordinating services such as transportation. Mr. Trevisani said they will not be providing onsite services, but will help with coordinating offsite services.

Ms. Pennell asked if after the community gets going, would the activities director phase out. Mr. Trevisani said the director will still be there to help residents.

Mr. Thielbar asked if it is just a use variance being sought today. Mr. Trevisani said yes.

Jennifer Hale, from Tighe & Bond Engineers, showed maps explaining where the use will occur. She gave the background as to how they came up with their current plan for where the building will go. She said there is an existing right of way on the property that will serve as the road to enter the community. She said the building plan allows for more commercial development in the commercial zone. Industrial zone is in the rear. Balance of that one property will remain the same zone that is it, which is commercial. She said eventually, if the variance is granted, they would take the next steps to subdivide.

Chair Prior asked Ms. Hale for an indication of what percentage of buildable land would remain commercial, and what percentage would become multi-family. Ms. Hale said the approximate area that

would be the area she is asking for the use for is 11.58 acres. The total acreage of map 47, lot 8 is 21.87 acres. So, 10.29 acres remaining are commercial.

Mr. Thielbar said if they get a variance to allow the use, it doesn't change zoning of the property. He asked why they're not getting a use for the entire property. Ms. Hale said she is proposing a variance for a C3 zone. So, when you look at what is required for that zone, they are all being met for the C3 with this plan.

Chair Prior said his concern is removing buildable land. Ms. Hale said they would be building on land that is designated commercial buildable.

Ms. Davis said regarding the right of way, who has access and what are the restrictions. Ms. Hale said the right of way is over the existing parcel. It provides access and it is in the benefit of the property owner to the left. Ms. Davies asked if this right of way is the only access to that property. Ms. Hale said yes. Ms. Hale went on to say this will still remain C3. She said they would not create a non-conformity by creating this lot.

Mr. Hauschildt asked for some more specific clarification of the map.

Ms. Pennell asked if the right of way is spelled out in the deeds. Ms. Hale said the right of way was part of a legal decision and has been defined. She said the roadway could be shared access. Chair Prior asked if the right of way that is laid out is the only possible access to where the proposed building will go. Ms. Hale said any other road would require additional clearing.

Chair Prior asked if there were any more questions for Ms. Hale, of which there were none.

Mr. Macdonald asked if there were any more questions for him regarding Ms. Hale's presentation. Mr. Hauschildt had a question about access and the right of way. Mr. Macdonald said the right of way has been recorded. Mr. Hauschildt said his understanding is that the right of way is in favor of the rear property (Carlisle property) and there is a lot not of record yet that is being proposed. He talked about a condition for approval that the lot be split as designated and a recorded right to use that easement as access for Calamar. Mr. Macdonald said that could be made a condition of the variance. Mr. Macdonald said as for the current layout, he wanted to clarify again that the right of way is already there. Mr. Hauschildt said he understood that but said it's a question as to who gets to use it.

Mr. Macdonald talked next about the criteria for the variance. He said this is a tough lot to build upon. Their hope is that the project will spur economic development. The project is consistent with the purpose of the zoning ordinance. The use will not violate the basic zoning objectives of the ordinance. He continued through criteria, explaining why this development meets all the criteria. It meets substantial justice. It will not devalue any of the surrounding property owners. The building sits back 668 feet from Epping Road, which would create commercial disadvantage because lack of visibility from the roadway. He asked the Board if they had any questions pertaining to the five criteria factors, of which they did not.

Chair Prior asked Ms. Hale what the 668 feet is to, i.e. road to building. Ms. Hale said it is 668 feet from the property line to the face of the proposed building.

In closing, Mr. Macdonald asked to clarify the previous discussion with respect to the C-1 zoning district density. He indicated that the variance application submitted was seeking relief for the residential "use" of the property, however, the density calculations provided as part of the application were based on the C-1 zoning district density requirements.

There being no Board discussion, Chair Prior opened public comment and asked if there were any interested parties who wished to speak on the application.

Bill Campbell, Exeter resident, had some comments on his proposal being age restricting. He said this state is the second oldest in the nation. He said Exeter does not need another age restricting development. He said Exeter needs young people. He is also concerned with permitting residential in a land zoned for non-residential uses. He talked about situations where this has happened. The pattern of granting variances concerns him. It could establish a precedent for more residential in the area. He hoped the Board would deny this application.

Scott Carlisle, property owner to the rear, spoke in regards to the right of way and his lot. His lot is 18.55 acres. There are 700 feet of frontage on Rt. 101. There is evidence of paths for logging and such going to and through his lot. He said in 2004-2005 he gave his lot to a broker and there was interest but it was too far from Epping Road so he took it off the market. At this time, his lot is zoned industrial. He said this proposal would not be a conflict with him. He does not oppose or see a problem. He said the right of way will enable him. Ms. Davies asked if he knew the length of his right of way. He said 1350 feet. Ms. Davies asked if he would see 116 apartments conflicting with his land. He said no, it is his purpose to bring something, either commercial or industrial, to his lot.

Mr. Winham endorsed the project. He said it will bring residential in who will be eating out 3-5 times a week, and will stimulate commercial development in the area. He agrees with Mr. Campbell, but in this case this project would be beneficial. The problem with this area is there is currently no water/sewer there. He talked about putting water/sewer not only at this site, but at Mr. Carlisle's too. Mr. Winham said he would like to see commercial built along Epping Road so it's esthetically pleasing, maybe even putting parking in the rear. He would like to make an access to downtown that is sightly. Mr. Hauschildt said so this would be providing some demand for commercial. Mr. Winham said yes, and it helps water/sewer get there. Chair Prior said the applicant and Mr. Carlisle said the access road is critical and there is not conflict. He said he doesn't see how industrial use vehicles would not be in conflict with the 116 apartments. They would have to interact with this. Mr. Winham said the road would be engineered industrial. Ms. Pennell asked how they would propose funds for water/sewer. Mr. Winham said they are looking into that. There was discussion about water/sewer requirements.

Chair Prior said he is loath to put a multi-family property into a commercial district without requirement of water/sewer. He wondered if the Board puts a condition out that the applicant is required to put water/sewer on this, could the town be obligated to pay for it. He was reluctant to have the Board do such action if it could encumber the town. Mr. Thielbar said the Planning Board is going to have to come into play here. He said it is the property owner's responsibility to make sure tenants have water/sewer. There were continued discussions about the water/sewer requirements for residential. Chair Prior pointed out that water/sewer is for fire suppression also.

Ms. Hale said they were there to see if they can get the use first. She said this would have to go through the Planning Board process to make sure everything is in order. She thought the discussions were getting a bit derailed. Mr. Hauschildt said they do need to consider if this may cause a problem to the public welfare.

Ms. Carlisle said in regards to the right of way, the court decreed that is would be built 50 feet in order to accommodate industrial and commercial use.

Chair Prior asked if there were any more questions for the applicant. Being none, he closed the public session and moved into deliberations.

Mr. Hauschildt said at first he had similar thoughts to Mr. Campbell's. However, this would allow for commercial development. He understands Mr. Campbell's concerns, but there is demand for age-restricting housing. This will add to the tax base. He said he has a hard time seeing anything but positives here, as long as certain criteria are met, i.e. that the lot be subdivided as shown, that the applicant obtain and record an easement from Epping Road to their property, and that they deal with the age-restriction (age 55 or 62). It will spur commercial growth. Chair Prior challenged the net tax comments and said he is not sure they can be sure about that. He said he thought there would only be net benefits if there is further development.

Ms. Davies said this proposal brings the critical mass factor into play. She said somebody needs to make initial investments of infrastructure. Then, she said, there will be commercial development. A lot of things could happen once infrastructure is in. She said traditionally, having residential next to industrial is a conflict.

Ms. Pennell said she can sympathize with the driving problems. She is concerned with getting water/sewer to the property at no expense of the town. She wondered if this is exclusively residential use, or if commercial could come in eventually. Chair Prior said the underlying commercial use remains.

Mr. Thielbar is in favor of this project. He said elderly age is 55. Ms. Davies agreed, and said there is no need to tinker with the age. Ms. Pennell said they have to question if children are allowed also. Ms. Davies said that is a legal question and she's not sure how that works. Chair Prior wondered if they allow residential use, can they prohibit children from living there. He said the age restrictions are more compatible with possible industrial abutters.

Mr. Hauschildt started with variance criteria. He said on the first criteria, if you talk about age restrictive housing you have compatible intent. He thought the spirit of the ordinance was observed. Chair Prior said it has not been successfully developed as commercial. However, there is support for economic development. Mr. Hauschildt said this proposal is something that will add to the tax base. He said this is almost the same as commercial development because of the age restrictions. Ms. Davies said seniors require services which are additional costs. Chair Prior said the hospitals and doctors in the area benefit by age restricting housing. Ms. Davies said development would provide a benefit to providing infrastructure and development in the area. Mr. Hauschildt said surrounding lots may not be developed for a number of years. Chair Prior is not convinced it meets criteria 1 and 2, so they decided they would circle back to those two.

Next, Mr. Hauschildt said substantial justice is met. He does not see a detriment to the abutters. Chair Prior wondered if there would be a detriment with additional traffic. There was discussion how the property does not currently have water/sewer and Chair Prior said that could be the reason why there have been no development proposals. Chair Prior said the amount of land that is buildable that is taken out of the commercial property is all of the land that has been proposed to build on.

Ms. Davies said residents have the right to their safety and this may be an issue down the road with industrial trucks. Chair Prior said they are causing the possibility of conflict. Ms. Davies said they are going to want their health and welfare protected and it may be a conflict with future industrial abutters. Mr. Hauschildt asked what the harm is. Ms. Davies said they are simply opening the possibility for conflict for future uses.

Next, Mr. Hauschildt read the criteria for values of surrounding properties. The Board agreed the surrounding property values would not be diminished.

Next, Mr. Hauschildt read criteria 5. Mr. Thielbar said the right of way down the middle of the property is an encumbrance. Mr. Hauschildt said you cannot have frontage with this property. The Board agreed the applicant met this criterion.

Mr. Hauschildt went back to criteria 1 and 2. Chair Prior is concerned this is taking commercial property away from the possibility of commercial development. Mr. Hauschildt said the public interest is to spur development in the area. He said it is not contrary to the public and the spirit of the ordinance has been observed. He said this is an area that at this time is not commercially viable. It doesn't have proposals for developments. No abutting properties have any proposals either.

MOTION: *A Motion was made by Mr. Hauschildt and seconded by Mr. Thielbar to approve the application as presented because it meets all five criteria, with the following conditions:*

1. The lot be subdivided as a separate legal lot with a lot area of approximately 11.6 acres as shown on the plan that came with the application.

2. That the applicant obtain and record with the Registry of Deeds the perpetual right to use the existing access easement from Epping Road to the proposed lot.

3. That the age of the residents be restricted to 55 and older.

Discussion: *Ms. Davies thought it was a tempting proposition. Ms. Pennell asked about children. Chair Prior said all residents are restricted to 55.*

VOTE: *Motion passed with a 3-2 vote, Prior and Pennell voting nay.*

4. Case #1486 Tuck Realty Corp.

The application of Tuck Realty Corp. for a special exception per Article 5, Section 5.2 and Article 4, Section 4.2, Schedule I-Permitted Uses to allow 'multi-use' development of the subject property; and a special exception per Article 4, Section 4.3, Schedule III, Note #12 to allow a fifty-foot (50') structure height for a multi-use building. The Applicant is also seeking a variance from Article 4, Section 4.4, Schedule III, Note #20 to permit the transfer of permitted unit density from the portion of the subject property in the C-2 zone to the portion of the subject property located in the R-4 zone; and a variance from Article 7, Section 7.6.1.F.1 to allow a structure within ten-feet (10') of a right-of-way or parking area. The subject property is located at 80 Epping Road, in the C-2 Highway Commercial and R-4, Multi-Family zoning districts. Tax Map Parcel # 55-3 and portion of #62-111. Case #1486.

Chair Prior read through the application and turned the floor over to Mike Garrepy from Tuck Realty.

Mike Garrepy talked about the property. He said there is 16 acres total on the property, 13 of which are zone C4 district. He said he was there to talk about the conceptual plan and to seek special exception for multi-use in the front part of the parcel. He is also seeking a height special exception as well. He wanted to talk about moving some of the density from the C2 zone and moving it to the R4 portion of the property. Chair Prior wanted to be clear that this is all one parcel. Mr. Garrepy said yes.

Jonathan Ring, Engineer, explained the parcel from a map. He said the front portion is 3.76 acres and the back portion is 12.87 acres and zoned R4. He explained some calculations and said all of his calculations are in accordance with the ordinance. He said 28 units area allowed on the C2 portion of the

property. They intend on 50% of the 12.87 front area saving for conservation land. He talked about leaving 63 units on the R4 land and 28 residences on the C2 land, totaling 91 residential units on the property. They are proposing to place a 9000 square foot building on the front area. The first floor will be commercial (stores and such), the second floor will be office space, and the third floor will be 10 single family units. The architectural plans are in the packet. There will be a total of 27,000 square feet including all three floors. There will be 73 parking spaces associated with mixed use. With this proposal, 10 units being in the front of the parcel will mean 18 units will shift to the back R4 part of the parcel. There are three 27-unit buildings being proposed for the back. This would leave 81 units in the back and 10 in the front. He said he could provide floor plans if needed. The wetland between buildings 1 and 2 is a manmade wetland and is not required to have the 75-foot setback. There is a 10-foot separation between the C2 building and parking lot (a 5-foot green space and a 5-foot sidewalk). Chair Prior asked why they are proposing to have residences closer to the parking lot than normal. Mr. Ring said to maximize the open space behind the building. Chair Prior asked if the decision impacts density. Mr. Ring said no, it does not. Mr. Hauschildt said it looks as though there will still be adequate absorption of water if this is approved. Mr. Ring agreed. Mr. Hauschildt had some questions about the drawings of the proposed buildings. Mr. Garrepy said they were conceptual drawings and are apt to change after meeting with the Planning Board.

Mr. Hauschildt said he agreed with the calculations but asked if they even need to get a variance. Mr. Garrepy said they decided it would be better to add anything they may need now. Attorney John Ratigan, representing Tuck Realty, said regarding the need of the variance, the Board can vote on it and save them the issue of presenting it.

Mr. Ratigan went on to say there are two special exceptions; the first to allow multi-se in the zone, and the second to allow a 50-foot structure. He talked about the criteria and explained how they are all met.

Michael Keane, Architect, explained the layout of the interior of the building, i.e. ceiling heights. All the floors together add up to about 36 feet. He explained that with the pitched roof the building will need a variance because it will be higher than the requirement. Chair Prior asked if in the absence of a special exception, would they be able to have a 3-story building within the 35-foot restrictions. Mr. Keane said if they took some space out of the first floor and eliminated the pitched roof they could. He made another point that if making the height from 35 feet to 50 feet will not add any density.

Mr. Ratigan continued with the criteria for special exception and explained how they are all met. He said criteria I & J do not apply. He next started on variances, going through criteria and explaining how they were met. Chair Prior asked him to comment on variance criteria as it has to do with the transfer of the density from the front area to the rear. Mr. Ratigan said as to the spirit of the ordinance the transfer of density will allow residential development where residential development is allowed, and maximize commercial development in the front.

Ms. Davies asked if there are age-restrictions. Mr. Garrepy said no, there are not. Ms. Davies asked if these would be rental units. Mr. Garrepy said they have not determined that yet.

Chair Prior asked what the height of the rear three buildings would be. Mr. Garrepy said they are less than 40 feet, which is within the zoning requirements. He said they are also within the code as far as setbacks.

Chair Prior opened the discussion to the public.

Barbara Burton, abutter, said she would like to see the footprint if the transfer is allowed. She would like to see a tighter footprint so she and her neighbors are not as impacted. Chair Prior said it appears the applicant is meeting all height and setbacks for that parcel. He suggested talking to the applicant as opposed to conflict.

Keith Metcalf, abutter, said this would be in his backyard. He suggested if they don't transfer density maybe the buildings in the back could be smaller. He said it is swampy back there and he is not sure a building should go there. Chair Prior said that would be Planning Board's concern.

Darren Winham, Economic Development Director, said the transfer would allow for more economic development.

Chair Prior asked the applicant if he wanted to comment. Mr. Garrepy said they are committed to working with the neighbors.

Chair Prior closed the public session and moved to deliberations.

Mr. Hauschildt said he wanted to tackle variances first. In regards to swapping density, he does not believe the applicant requires a variance approval to do what they are asking. Ms. Davies agreed. Mr. Thielbar said he thought the variance was necessary. Chair Prior talked about going through the criteria for the variance. Mr. Hauschildt said there is nothing in the regulations that says the applicant needs a variance.

MOTION: *Mr. Hauschildt moved to approve the variance for the transfer of permitted unit density from the portion of subject property in a C2 zone to the portion of the subject property located in the R4 zone.*

Ms. Davies seconded.

Discussion: *Mr. Thielbar said he would prefer the variance to say a specific number. There was discussion about modifying the Motion to add more specific numbers.*

VOTE: *The Motion passed 4-0, with 1 abstention.*

MOTION: *A Motion was made by Mr. Hauschildt and seconded by Ms. Davies to approve the special exception to allow a 50-foot structure height for the multi-use building in the C2 zone.*

Discussion: *Mr. Thielbar said he thinks they need to limit the building to three stories.*

MOTION: *A Motion was made by Mr. Thielbar and seconded by Mr. Hauschildt to amend Mr. Hauschildt's Motion to limit construction to three stories.*

VOTE: *Amendment to Motion passes unanimously.*

VOTE: *Original Motion passes unanimously.*

MOTION: *A Motion was made by Mr. Hauschildt and seconded by Ms. Pennell to approve the special exception to allow multi-use development on the subject property in the C2 portion of the property.*

VOTE: *Motion passes unanimously.*

Other Business:

Chair Prior wanted to talk about a request for modification of a floor plan they had received for Porches of Exeter. He said this was delayed several times. He is not sure if the Board has any business even acting on this. He read the original request. There was discussion about it not being the Board's call to specify interior space. There was discussion about the applicant submitting a new application for

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

specificity. Chair Prior said they should make an exception for the applicant to come back before the Board and allow a rehearing and the Town should take care of the renotification. Mr. Hauschildt said the applicant should follow the criteria and apply for a variance. The Board came to the conclusion that if the applicant wants a modification, she needs to apply for a new variance at her own cost.

MOTION: *Mr. Hauschildt moved to adjourn.*
 Ms. Davies seconded.

VOTE: *The motion passed unanimously.*

The meeting was adjourned at 11:25 P.M.

The next meeting of the Exeter Zoning Board of Adjustment will be Tuesday, November 18, 2014 at 7:00 P.M. in the Exeter Library.

Respectfully submitted,

Nicole Piper
Recording Secretary