

**EXETER ZONING BOARD OF ADJUSTMENT  
February 16, 2016 FINAL MEETING MINUTES**

PRESENT:

Regular Members: Robert Prior and John Hauschildt  
Alternate Members: Martha Pennell and David Mirsky  
Deputy Code Enforcement Officer: Barbara McEvoy

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

AGENDA:

1. Case #1503: Variance Request – Jaime Lopez, Agostinho Nunes and David Bair

**New Business:**

**1) *The application of Jaime Lopez, Agostinho Nunes and David Bair for a variance from Article 5, Section 5.1.2 and Section 5.6.6 for the expansion of a non-conforming use to permit a proposed restaurant use to be located in the building at 6 Front Street with less than the required number of off-street parking spaces being provided. The subject property is located in the C-1, Central Area Commercial zoning district. Tax Map Parcel #72-16. Case #1503.***

Mr. Prior disclosed that he is next door neighbors with the applicant. Neither the Board nor the applicant felt this was a problem and the applicant opted to move forward tonight.

Agostinho Nunes said he is one of the owners at the Inn at the Bandstand. He went through his application and said the purpose he was there was because he was proposing an area of the Inn be used for a restaurant. The proposed restaurant will be approximately 1000 square feet and will have 38 seats. He said he has spoken with the Health and Fire Departments and his only issue to bring in front of the Board is their parking situation. He spoke to seek relief for 9 parking spaces.

Mr. Nunes has owned the Inn for 2.5 years. The space of the proposed restaurant has been empty for a year. There have been people interested in the area, but the owners have not thought any interested prospects would fit into the space. He said he inherited a building desperately in need for repair. He said it has been extremely costly to do these renovations in a 9 room Inn that only receives compensations for those 9 rooms.

Mr. Nunes went on to say they send a significant number of their guests to Portsmouth, and surrounding areas, to dine. He said having a restaurant at the Inn would just be another reason for people to visit the Inn, and Exeter in general. He is concerned that financially they will not be able to continue operation of the Inn in the future. The proposed restaurant will offer a different menu than what is already in town. He said they have to turn away catering jobs because there is no dining component at the Inn. The restaurant component is essential for the Inn to operate. He said they have done a lot of renovations in hopes to keep things open. He said the Inn needs to be more of a destination.

Acting Chair Hauschildt asked for any questions from the Board.

Ms. Pennell asked if the restaurant will be open to the public. Mr. Nunes said yes, it will. Ms. Pennell asked if it will serve breakfast, lunch and dinner. Mr. Nunes said it will, and that they are trying to get away from the “bed and breakfast” label.

Mr. Mirsky asked how many customers they expect to serve that are not residing at the Inn. Mr. Nunes said they hope to be at capacity, with their guests dining at the restaurant at least one out of two nights there.

Mr. Hauschildt read the “Bed & Breakfast” town definition and said he does not believe this Inn fits the definition. He said he thought it sounds more like Mr. Nunes had a hotel/motel. He asked what parking is available currently for the Inn. Mr. Nunes said he believes that there are five parking spots that belong to the Inn.

Mr. Hauschildt explained that if the use on the principal structure were to change, they would have to come back for parking again, as they are grandfathered in for the parking they do have. He said if they look at the restaurant as a separate structure, then the Inn has insufficient parking. If the Inn had sufficient parking, Mr. Hauschildt said this would be an easy solution.

Ms. Pennell asked if the breakfast function will be moved from the dining room in the Inn to the restaurant. Mr. Nunes said the dining room will remain a dining room and that function will not change.

Mr. Hauschildt asked for any more questions from the Board. With none, he closed the public session and moved to deliberations.

Mr. Prior said over the years, there have been a significant number of applications that have come in front of the Board for similar relief. He said relief for 25 spaces was granted three years ago for a similar application right next door to the Town Office. Mr. Hauschildt said that was only a dinner service though, and this is potentially breakfast and lunch as well. Mr. Prior said there are a significant number of examples where they have granted relief for similar uses. He said relief in this case is quite modest.

Mr. Pennell said since they have given relief for at least three others in a similar situation, so she said it is fair to grant this application.

Mr. Mirsky said he thinks this is fair. He said the Inn is an important business in Exeter. Granting this application will allow a business to prosper when it might otherwise have problems. Mr. Hauschildt added that also a good chunk of seats in this restaurant will be taken up with Inn patrons.

**Motion:** A Motion was made by Mr. Prior and seconded by Mr. Mirsky that the ZBA approve the application as presented. The Board discussed the address of the restaurant. The restaurant will be 4 Front Street, which is formerly known as Sleeper Jewelry Store.

**Amendment:** An Amendment was made by Mr. Prior and seconded by Mr. Mirsky to grant the application as written for special relief regarding Sleeper Jewelry Store at 4 Front Street. Ms. Pennell said she looks at it as the restaurant being part of the building. Mr. Hauschildt said they are separating it because if they include it in the Inn then they have to address the whole parking issue. Ms. Pennell said this was confusing to her. Mr. Hauschildt explained that this is similar to Station 19, which they approved. Mr. Hauschildt called the vote. The Amendment passes, unanimously. Mr. Hauschildt called the vote for the Motion. Motion passes, unanimous.

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

**Other Business:**

Approval of minutes: 11/17/15 and 12/15/15

The Minutes were tabled. Mr. Mirsky indicated he would like to see the November minutes amended before approval.

At the end of the meeting, the ZBA discussed the All Boards Meeting.

**Adjournment**

A Motion was made by Mr. Prior and seconded by Mr. Mirsky to adjourn the meeting at 7:49pm. Motion carried – all in favor.

Respectfully submitted,  
Nicole Piper  
Recording Secretary