

EXETER ZONING BOARD OF ADJUSTMENT
March 15, 2016 FINAL MEETING MINUTES

PRESENT:

Regular Members: Rick Thielbar, Laura Davies, and Robert Prior
Alternate Members: Martha Pennell
Deputy Code Enforcement Officer: Barbara McEvoy

The meeting was convened at 7:00 PM. Chair Thielbar introduced the Board members and explained the protocol for the meeting. He told the applicants they need to make the decision of whether or not they want to move forward or postpone their requests, as there were only four members of the Board present and the application would need three positive votes to be approved.

AGENDA:

1. Case #1504: Variance Request – Donald & Julieta Petterson
2. Case #1505: Special Exception – Janine Richards

New Business:

1) The application of Donald K. & Julieta Petterson for a variance from Article 4, Section 4.2, Schedule I to permit the existing structure on the property at 87 Epping Road to be converted to a two-family residence. The subject property is located in the C-2, Highway Commercial zoning district. Tax Map Parcel #55-74. Case #1504.

Attorney Charles Tucker informed the Board that the applicants would still like to proceed with a four member Board. He talked about the application and explained the properties abutting the subject property. Across the street is a vacant parcel, however, it is under contract with Turner Porter. Mr. and Mrs. Petterson own the subject property. In 1999, the first floor and garage were converted into a daycare/kindergarten facility. Mrs. Petterson is now retired from that, and so the applicants were present to try and get that area converted back into residential. Mr. Tucker said Doug Eastman determined the applicants do need a variance for this. There will be no exterior changes and traffic will decrease without car picking up/dropping off for childcare. There will be no difference in parking. The rear abutter is the town water tower. To the right is a property that has been approved for partial residential. Chair Thielbar said the Board has a good understanding of why the applicants need a variance.

Attorney Tucker went through the variance criteria and explained how they are all met. He said the house has an acre of land. The owners will benefit from renting out the property which is an advantage to them. The public won't experience anything from this conversion. The surrounding property values will not be diminished. He explained that it would be a hardship on the applicants to convert the house into a more commercially used property.

Mr. Prior asked if the property has town water/sewer. Mr. Petterson said yes, it does. Ms. Davies asked how many bedrooms there would be. Mr. Petterson answered there would be two 1-bedroom apartments. Mr. Prior said that would require three parking spaces. Mr. Petterson said they have four parking spaces. Ms. Davies commented that the new development in that area might create a less

residential environment and just wanted to make the applicant aware of that. Attorney Tucker said they have been to many of the Felder application hearings, so they are aware of what is happening.

Chair Thielbar asked for any Public Comment, of which there was none, so he closed the Public Session.

Mr. Prior went through the criteria. He said the spirit of the ordinance is observed and he didn't see any harm to the general public. He thought there would not be any surrounding property diminishment and that the location would cause a hardship.

Motion: A Motion was made by Mr. Prior and seconded by Ms. Pennell to accept the application as presented. Motion carried – all in favor.

2) *The application of Janine Richards for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses and Article 5, Section 5.2 to permit a residential conversion of the property at 14 Hobart Street. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #74-88. Case #1505.*

Chair Thielbar read the application.

David Richards spoke on behalf of his wife, Janine Richards. He said he did accept the four member panel and wanted to proceed. He was looking to convert two of the three accessory dwellings into dwelling units. He said the parking requirements require seven spaces. The subject property is in the R-2 district. The structures on the property are over 10 years old. The three current units consist of a barn, a boathouse, and a garage. He said he acquired the property in November. On the map provided, Ms. Pennell asked if building 2 refers to the barn. Mr. Richards said yes. Chair Thielbar asked the applicant if he is planning on demolishing the structures. He said he planning on demolishing the garage and perhaps the barn. Ms. Davies asked if the garage and barn are on a concrete foundation. Mr. Richards said the garage is on a concrete slab and the barn has a foundation.

Mr. Prior said it is not articulated in the application how much the applicant wishes to increase the square footage of the structures. Mr. Richards said he would be alright scaling down the square footage to comply with regulations. Ms. Davies told the applicant he will probably need to go in front of the Planning Board. Mr. Prior asked the applicant if he is familiar with setbacks. Mr. Richards said there should not be a need for a variance on setbacks. He said he will use existing area to replace building 2.

Ms. Pennell asked the applicant how many units he is proposing. Mr. Richards said there will be a main house and two additional units. Ms. Pennell asked if it would be a main house with a two car garage extended and connected to the main house and then the barn. Mr. Richard answered yes. Mr. Prior mentioned that under new conversion criteria one unit must be owner occupied. Mr. Richards said he would be living there. Mr. Prior asked if the property has town water/sewer. Mr. Richards replied yes, it does.

Chair Thielbar said that under provisions I and G, the applicant would be required to go for Planning Board review. He said the applicant has some river property and there are no troubles with the town requirements on that, but said the State has requirements about rivers. He said any approval tonight would have a condition of Planning Board approval and State approval.

Ms. Davies asked how many bedrooms will be in each unit. Mr. Prior said there would be two or more. Ms. Pennell suggested postponing approval of this application until the applicant comes back with a clearer description of the property. Mr. Prior said the Planning Board will require much more detail.

He said the application will need to have a Site Plan Review, so he is not sure they need more detail here. He said the plan provided is sufficient for them to make a decision. He said they don't need an exact number so long as the number exceeds 400 additional square feet of renovations, which would require the application to go to the Planning Board.

Chair Thielbar called for Public Comment.

Joe Brackett, a neighbor across the street from the subject property, said the property lines aren't what they appear. He urged the Board to be careful when addressing parking for the property. He said this information he has is from when the property was sold and surveyed. He asked how much property is needed for three dwellings. Mr. Prior said the applicant will have to follow setback rules. Ms. Davies said less land is needed to do a conversion than to build new construction. Mr. Brackett asked about road width requirements. He said he does not agree with putting three livable dwellings on the subject property based on the amount of traffic there will be and the way the property will appear.

David Comarsik, of 20 Hobart Street, said his concern is with the size of the conversion. He asked if there is a limit to grandfathering. Chair Thielbar said grandfathering applies to the footprint and height of a structure. Ms. Davies asked if there is a driveway now to the barn. Mr. Comarsik said no, it is all grass now. He said there is no concrete or curbing.

Paige Holman, of 12 Hobart Street, said he wasn't a direct abutter, but 10 Hobart Street is. She just wanted to make sure 10 Hobart was notified of the meeting. Mr. Prior said 10 Hobart was notified.

Mr. Richards said since he has to go in front of the Planning Board, he assumes a survey will need to be done. He added that on the site map, 5 Hobart Street is a multi-family. Mr. Prior suggested Mr. Richards look to see if there is any information recorded with his deed in regards to a survey.

Chair Thielbar closed Public Comment.

Ms. Davies said if they approve this application, they will need to make it conditional on a survey. She is concerned with parking and access to the barn unit being restricted which could be a problem. Mr. Prior said they need to be careful with language. He said they may not need to require a survey, but evidence. He said they are not granting a special exception for setbacks here. He said the applicant will have to use the existing footprints. The applicant has not asked for an exception on parking and Mr. Prior said if the applicant can't fulfill the seven parking space requirements then he will have to come back. Chair Thielbar asked if curb-cutting is Planning Board's purview. Mr. Prior said it is not part of zoning so he was reluctant to talk about that. He said he is concerned about the density on the property. He stated the lot is approximately .86 acres. If one-third of the lot is river that would take 12,000 square feet off the total area, the applicant would still meet criteria with sufficient area. So, he is okay with the square footage. However, he said it is the density he has concerns with. The lot would have the possibility of seven cars and two driveways.

Ms. Davies asked what the status of the Little River is. Mr. Prior said they do not need to know as long as they put a condition on this that it meets all state and town regulations. Ms. Davies said she was just wondering if they have a buffer.

Mr. Prior went through the special exception criteria. He is fine with all criteria except b, c, and e. He then listed off the residential conversion criteria. He thought the applicant met all of these, which would include a Planning Board review. Chair Thielbar said in regards to special exception e), they don't have enough information but a site plan review will be done. Mr. Prior said it does seem highly

likely that there will be two separate driveways and stated again that he is concerned the applicant does not meet criteria e, b and c.

Ms. Pennell said the applicant is adding cars to a street that is a dead-end. She said part of the criteria states the applicant can go in front of the Planning Board for a site plan review before the ZBA renders a decision. She asked if he is denied at the Planning Board, how long before he could come back again. Ms. McEnvoy said the applicant could come back with a change to the application.

Motion: A Motion was made by Mr. Prior to deny the application as presented on the basis it doesn't meet special exception criteria b, c or e. With no second, the Motion fails.

Ms. Pennell stated again that she feels the applicant should go in front of the Planning Board first. Mr. Prior said if the applicant goes to the Planning Board and the site plan review passes, then they (ZBA) still need to approve the special exception which may not happen anyways. He said he was not sure the site plan review will satisfy their questioned criteria.

Chair Thielbar and Ms. Davies thought it would be unfair to deny this application because submission is not clear enough yet. Mr. Prior said he would prefer giving the applicant clarity now before he goes through the whole Planning Board process.

Ms. Davies said she is concerned the second driveway. She said if the applicant wants to take the risk of going through the expense of the site plan review, then he can do that. She said maybe he will modify his plan. She said she would like to know how this is going to be done so that it is compatible with the neighborhood.

Ms. Pennell said she does have a density issue. She also felt she does not have enough information here.

Motion: A Motion was made by Ms. Davies and seconded by Ms. Pennell that the ZBA require the applicant to obtain Planning Board's approval of the site plan prior to rendering a decision on this application. Chair Thielbar said they should add specifics that they are concerned about which include parking ingress and egress, state wetlands, and evidence of the property line. He recommended they add in language saying that Planning Board approval be conditioned on receiving state wetlands permits if required. **Amendment:** An amendment was made by Ms. Davies and seconded by Mr. Prior to amend the original Motion to request that the Planning Board pay particular attention to the matters of 1) parking ingress and egress, 2) that they condition their approval on the applicants obtaining of State wetlands permits if required, and 3) evidence of the lot lines be provided and reviewed for any setback issues. Chair Thielbar called the vote on the Amendment, which passed unanimously. Chair Thielbar called the vote on the original Motion, which passed unanimously.

Other Business:

Approval of minutes: 11/17/15, 12/15/15, and 2/16/16

The Minutes were tabled.

At the end of the meeting, the ZBA discussed the Warrant Articles and whether the vote of the Boards should be portrayed on the ballot.

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

Adjournment

A Motion was made by Mr. Prior and seconded by Ms. Davies to adjourn the meeting at 9:16pm.
Motion carried – all in favor.

Respectfully submitted,
Nicole Piper
Recording Secretary