

EXETER ZONING BOARD OF ADJUSTMENT
August 16, 2016 MEETING MINUTES

PRESENT:

Regular Members: Rick Thielbar, Robert Prior, Laura Davies, and John Hauschildt
Alternate Members: Martha Pennell
Building Inspector: Doug Eastman

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

AGENDA:

1. Case #1511: Variance Request – 129 Front Street
2. Case #1512: Variance Request – San Juan Realty Trust

New Business:

1) The application of Anna Hardy for a variance from Article 4, Section 4.2 Schedule I: Permitted Uses to allow an existing mixed use building to be converted to multi-family residential use. The subject property is located at 129 Front Street, in the R-2, Single Family Residential zoning district. Tax Map Parcel #73-212. Case #1511.

Anna Hardy, applicant, was present asking for permission to convert her commercial property into residential. She said her property already has residential units, one of which she lives in, and plans to either sell or rent the others. She said the property is in the R-2 zoning district and she is the only commercial building in the area. Everything around her is multi-family. She said she would like to add a second floor to the front unit, which is now the area she runs her business in. There are currently 4 other units in the building, and the fifth unit will be above the showroom.

Ms. Hardy went on to say there are currently 4 apartments and one townhouse in the building. Those are all single level. She said there is ample parking. She said this project will take a few years, and she wants permission to close her shop slowly. She plans to relocate her business in Exeter, or a surrounding town.

Ms. Hardy said there will be no negative impact on the neighborhood due to the fact she is staying within her current footprint. Most of the work being done is in the interior.

Mr. Thielbar said the drawing is missing of what goes on the second floor. He asked where the second apartment is. Ms. Hardy said the second apartment is already completed, so it is not included. Mr. Thielbar said the detail for the second apartment doesn't match anything. Ms. Hardy said the second apartment is on the ground floor.

Ms. Hardy had been in a couple years before this, and Mr. Prior asked what that variance was for. Ms. Hardy said it was so her business could stay open later.

Mr. Prior asked what the number of bedrooms is in each unit. Ms. Hardy said there are two 3-bedroom apartments, two 2-bedroom apartments, and the 2-bedroom townhouse. Mr. Prior said he was curious because of the parking. Ms. Hardy said there will be 17 parking spaces when everything is done.

Chair Davies asked if the spaces 1-6 at the rear lot line are paved. Ms. Hardy said no, they are not. Chair Davies asked if impervious area will be added and Ms. Hardy said yes, she plans to pave the spaces.

Mr. Prior asked why more spaces are being added when they are not needed. Ms. Hardy said she wants to give people more parking. Mr. Prior told her she is only required 12 spaces.

Chair Davies asked what the lot size is. Mr. Hauschildt said it is 13,939 square feet.

Ms. Hardy said she plans to add some outdoor spaces for each unit. She explained how each unit will layout and where the green space will be.

Ms. Pennell asked Ms. Hardy if she wants to raise the roof on the front of the building. Ms. Hardy said she does, and that she already got a variance to do that. Ms. Pennell asked how high the rear of the building will be. Ms. Hardy said it is 34 feet to the peak.

Chair Davies asked if this needs to go before the Planning Board. Mr. Eastman said someone from Planning should review this.

Chair Davies said she is concerned about the extra pavement. Ms. Hardy said she would like to add a bike rack as well. Ms. Davies asked for pictures of the back of the building. Ms. Hardy provided pictures on a slideshow. She said there is gravel back there; however it has been paved before.

Ms. Hardy went on to say she wants to design these apartments artistically. She said basically the Fire Department told her she will need to vacate her apartment if this variance is not granted. They told her she will need to put in a fire suppression system if commercial stays in the building. However, if the building is converted from business to residential than she is fine.

Chair Davies asked for any public comment. With none, she moved to Board deliberations.

Mr. Hauschildt said a lot of neighbors in the subject area want commercial out of the neighborhood. He said moving to residential will be very welcoming. He felt an appraiser would better see this property as residential.

Chair Davies said she doesn't see a problem with changing to residential, but thinks five units in this building is a lot. She is also concerned with the parking in the rear. Mr. Hauschildt agreed, but said they can't dictate how much pavement is put down.

Mr. Prior said he would like to see less impervious surface in the back. He said, for example, where the snow needs to be dumped does not have to be paved. Mr. Hauschildt suggested asking the Planning Director to review parking and impervious surfaces.

Motion: A Motion was made by Mr. Hauschildt and seconded by Mr. Thielbar to approve the application as presented to allow an increase of the height of the building that is not yet to the point of 25 feet (2.5 stories) with a condition that the parking and impervious areas be reviewed by the Planning Director.

Amendment: An amendment was made by Mr. Hauschildt and seconded by Mr. Prior to approve the property as presented for the use as solely residential and no more than 5 units. Chair Davies called the vote on the Amendment. Amendment carried- all in favor.

Chair Davies called the vote on the Motion. Motion carried – all in favor.

2) *The application of San Juan Realty Trust of NH for a variance from Article 4, Section 4.4 Schedule II: Density & Dimensional Requirements (Non-Residential) to permit the proposed construction of an office building on the property with less than the required minimum front yard setback. The subject property is located at the corner of High Street and Holland Way in the PP-Professional Technology Park zoning district. Tax Map Parcel #69-39. Case #1512.*

Attorney David Howard introduced himself and Christian Smith.

Mr. Smith, of Beals Associates, reminded the Board he was before them in May of this year. He said he went through his application and made some eliminations. He told the Board they are not looking at a conforming lot. He eliminated every variance request, except the one for the front yard setback. He said the wetland impacts are dealt with under the conditional use permit with the Planning Board. He showed the former lot line on a map.

Mr. Prior asked if all the access is off Holland Way. Mr. Smith said it is off Corporate Drive.

Attorney Howard said San Juan is proposing a 25,200 square foot building located in the Professional Technology Park district. The lot was created by NHDOT. The proposed building is a two-story office building with parking, which is permitted through the ordinance.

Attorney Howard next addressed the five criteria for a variance. He said this proposal is not contrary to the public's interest and the spirit of the ordinance is observed. He explained how there will not be surrounding property value diminishment. If the variance is granted, he said there will be no change to the neighborhood. There is an existing office building across from this proposal, so it is consistent with the neighborhood. Substantial justice will be done by granting the variance to allow the property owner to build on his property. He explained how the hardship has to do with the small lot size and the frontage on Holland Way.

Chair Davies asked for some explanation on the map. Mr. Smith explained the area as the 40-foot poorly drained wetlands setback.

Mr. Thielbar suggested moving the building to south and having covered parking instead of parking in the back. Mr. Smith said the Fire Department likes access to three side of the building.

Ms. Pennell asked if all vehicles come out of Corporate Drive to Holland Way. Mr. Smith said yes, they do. Ms. Pennell asked if DOT ever thought of a traffic light there. Mr. Smith said it doesn't currently meet signalization rules.

Chair Davies asked for public comment. With none, she closed public comment and moved to Board deliberations.

Mr. Thielbar thought this was a modest request. Chair Davies said the wetlands are the biggest concern here. Mr. Hauschildt thinks the impact is minimal and he does see the hardship here. Chair Davies said the ROW is plenty wide enough.

Motion: A Motion was made by Mr. Hauschildt and seconded by Mr. Prior to approve the application as presented to allow encroachment of the front setback to be no closer than 62 feet to the lot line. Motion carried – all in favor.

Other Business:

Approval of Minutes: May 17 and July 19, 2016

Approval of minutes: 5/17/16

Motion: A Motion was made by Mr. Hauschildt and seconded by Mr. Prior to approve the minutes of the May 17, 2016 ZBA meeting, as amended and presented. Motion carried – 3-0-2 vote.

Approval of minutes: 7/19/16

Motion: A Motion was made by Mr. Hauschildt and seconded by Mr. Prior to approve the minutes of the July 19, 2016 ZBA meeting, as amended by changing “south” to “southbound side” on page 4. Motion carried – 4-0-1 vote.

Adjournment

A Motion was made by Mr. Prior and seconded by Mr. Thielbar to adjourn the meeting at 8:20pm. Motion carried – all in favor.

Respectfully submitted,
Nicole Piper
Recording Secretary