

**ZONING BOARD OF ADJUSTMENT
OCTOBER 18, 2016
DRAFT MINUTES**

1. CALL TO ORDER:

The session was called to order by Chair Laura Davies at 7:00 pm.

2. INTRODUCTIONS:

Members present were John Hauschildt, Rick Thielbar, Clerk, Laura Davies, Chair, Kevin Baum, Vice-Chair, and Robert Prior.

Staff present was David Pancoast, Recording Secretary. Members of the public were present as well.

3. NEW BUSINESS:

There was no New Business.

4. OTHER BUSINESS:

Leonard Novak, Jr., Trustee of the LJM Spendthrift Realty Trust-Case #1465, 4 Prospect Street, Tax Map Parcel #65-157: Request for one year extension of variance approval (expires 10/15/16)

Kendra King, realtor for Mr. Novak, requested a one year extension on a 5 year variance approval. The property has been shown many times, is now under contract, contingency of sale is for one year extension in order to complete the work if the buyer decides to do so. Ms. Davies asked if sales efforts had impeded the work and Ms. King said yes. The buyer wants to finish the work. Discussion was held regarding an existing building. Mr. Hauschildt asked if the sales contract was available but Ms. King said she had not brought it. Mr. Hauschildt said that normally the buyer would make this request. Ms. Davies said the approval conditions would stand and if

approved, there would be only one year on the extension. She opened the public comments period.

There was no public comment.

Ms. Davies ended the public session. On Board discussion Mr. Hauschildt said they normally grant extensions if market issues and such, but this area was an issue for any development at all. It's been three years, he'd rather have had new homeowner appear to actually do the work. A contingency contract exists but he would like to see it. Mr. Baum said that the contract terms normally wouldn't be shared with the public. Mr. Prior said that he was unopposed to a brief extension. Mr. Hauschildt said it's been three years and projects aren't supposed to go on for years and years.

There was discussion on whether abutters had been notified or not on this. Mr. Prior said he was unaware of the protocol on that point and planning staff not being present, it can't be answered. Ms. Davies asked the members about the prior proceedings. Mr. Prior said that abutters were present, but no problem with improving this property. A collapsed building was demolished on this matter. He said he was inclined to support a one year extension. Mr. Baum agreed with Mr. Prior. Mr. Hauschildt said he had no problem with the decision, the property can support the change. Mr. Baum said nothing in Zoning Ordinance addresses this. There are no criteria for extensions in them that he could see. The Board should visit that issue for future guidance. Mr. Thielbar said this is no problem. Mr. Prior moved to accept this application for one year extension, seconded by Mr. Hauschildt. On discussion Mr. Thielbar asked if the year started tonight or on the actual expiration date. The Board concluded that it would be from 10/15/16 to 10/15/17, using the date of actual expiration. The vote was unanimous.

On other matters, Mr. Hauschildt raised his attendance at the Planning Board session this past week with Mr. Thielbar. There was discussion on "air B & B's" and the Planning Board's proceedings.

Mr. Thielbar told that Board that renting a structure can become a hotel. Mr. Prior said it would be hard to come up with an ordinance that would

cover all the possibilities that exist. Mr. Baum said Portsmouth wrestled with this issue and has had problems with it. Mr. Hauschildt said that folks are renting out their Exeter homes without living there. Nothing disallows rental properties in Exeter, there are hundreds of them and you can't stop it overnight. Mr. Prior said it is hard to manage. Ms. Davies said that transient nature of the "Air B & B was" that tracking and management are issues. This is a problem for some neighborhoods. Discussion was about renting a room in your house not being a problem, but absentee owners are a problem.

Life safety issues exist. If Boardmembers have opinions on this, they should present them to the Town Planner so the Planning Board has something to look at and consider.

5. APPROVAL OF MINUTES: SEPTEMBER 20, 2016:

These minutes were not submitted yet for approval.

6. ADJOURNMENT:

There being no other business before the Board this evening, Mr. Prior moved to adjourn, seconded by Mr. Baum, and the vote was unanimous. The session was adjourned by Ms. Davies at 7:20 pm.

Respectfully submitted by David Pancoast, Recording Secretary.