

ZONING BOARD OF ADJUSTMENT

June 19, 2018

DRAFT MINUTES

1. Call to order

The session was called to order at 7:05 p.m. by Ms. Laura Davies - Chair.

1. Introductions

Members present Laura Davies – Chair, Robert Prior, Martha Pennell - Alternate, Joanne Petito – Vice Chair, Chris Merrill – Alternate. Staff present: Doug Eastman – Building Inspector.

Ms. Davies – Chair announced that the following Applications will be postponed until the July 17th 2018 Meeting:

The Application of Porches at Exeter Case# 18-13

The Application of Excel Construction Management, LLC Case #18-14

2. New Business

3. **The Application of Thomas J Antolino and Mary Lou Norris for a special exception per Article 4, Section 4.2 Schedule I: Permitted uses and Schedule I, Note #2 and Article 5, Section 5.2 for the proposed construction of an accessory dwelling unit on the property located at 85 Watson Road. The subject parcel is located in the R1 district. Tax Map Parcel #26-4. Case # 18-11**

Mr. Antolino appeared before the Board tonight seeking a special exception to build a detached accessory dwelling on his property. The dwelling will be near the center of our 3.84 acres and will meet all setback and code criteria for our R-1 zoning district. There are currently 4 parking spaces and approximately 725 Ft of road frontage that creates a large natural buffer from neighbors. The property also has 2 driveways. They plan on using the dwelling for aging and extended family, and possibly future long term downsizing.

There were no public comments and after a brief discussion the Board entered deliberation.

Mr. Prior says he sees no issues with this application which meets all the Criteria.

Ms. Davies- Chair agrees with that assessment.

Mr. Prior motioned to accept the application for an accessory dwelling unit as proposed.

Ms. Petito – Vice Chair seconded the motion.

Ms. Pennell says that Mr. Priors motion should state approve rather than accept the application. Since the application itself was already accepted.

Mr. Prior motioned to amendment his prior motion and to change the word accept to the word approve.

Ms. Petito - Vice Chair seconded the motion.

The motion passed 5-0

Motion to approve the application passed 5-0.

New Business continued:

The application of 2 Hampton Road LLC for a modification to the original variance approval granted for the multi-family residential development known as Windsor crossing (regarding the total number of units permitted) The subject property is located on Windsor Lane, in the PP-Professional/Technology Park. Tax Map parcel #69-3. Case # 18-12.

Mr. John Ratigan, Esquire-Donahue, Tucker Ciandella, PLLC appeared before the Board tonight representing 2 Hampton Road LLC. Here to seek modification on an unanticipated error of finishing 39 Units instead of the 38 approved units. Mr. Ratigan says nothing has changed as far as Neighborhood Safety and there is no external impact to neighbors because of the 39 Units. Mr. Ratigan is asking the Board to use their authority to grant a relief and will work with Mr. Eastman the Building Inspector to get additional parking if needed. Mr. Ratigan states that this was an innocent mistake.

Ms. Davies – Chair states she finds it hard to believe that no one saw the discrepancy between 38 and 39 units.

Mr. Ratigan says that he did not find out until at the end of the construction and it was an innocent mistake.

Mr. Prior concurred with Ms. Davies comment. And he hopes that the applicant is not taking advantage of the Board.

Mr. Bob Paolini Manager and General Contractor approached the Board tonight and says it sits on his shoulders. He says that he never added up the Units and applied for everything under 39 Units and

never used 38 Units. He says there is nothing else that can be done with the Unit since there are already 1200 Sqft for social areas and if that were to increase that would increase the Condo Fee.

There were no Public Comments and after a lengthy discussion the Board entered Deliberation.

Ms. Pennell is asking for clarification on what was previously approved.

Ms. Davies – Chair says that the first variance was for a total of 68 residential Units for the entire property. Then the second application was for the office building which was also on the same property in addition to the original 68 residential Units. And now there is a request for 69 Units.

Ms. Pennell feels it was an honest mistake.

Ms. Davies – Chair feels it is contrary to the public interest to grant relief and then have people do something different and come back and ask for the relief to be extended. And the whole point of the process is to grant relief to the rules and ordinance if it is appropriate. It also conflicts with the purpose of the ordinance.

Mr. Prior motioned to re-open the Public Session in order to hear the request from the applicant.

Ms. Petito – Vice Chair seconded the motion.

The motion passed 5-0.

Mr. Ratigan approached the Board and states that this is not about the money but about the continuity and that if the Board grants relief his client is willing to give the profits of 25K as a donation to the Town. His client wants uniformed Units the way it was represented to the AG Office and does not want to tear anything down.

Ms. Petito – Vice Chair is asking if the Units are on 1 floor apartments and have the interior walls been build yet.

Mr. Ratigan says the interior walls have been build.

After a lengthy discussion of the criteria the Board accepted a motion.

Mr. Prior motioned to modify the decision that was reached at our meeting on August 20, 2013 at which time we voted to grant the variance from article 4, section 4.2 Schedule I Permitted uses, to permit a multifamily residential use for up to 68 Units on the property Tax Map Parcel 69-3 and to modify that by increasing the number 68 to 69 Units . And further that we add the following 2 conditions to our approval. No. 1 – That applicable water and Sewer, Public School and Recreation impact fees for the additional Unit be paid prior to the issuance of certificate occupancy. No.2 – That adequate parking, which is 2 additional spaces, is provided on site.

Ms. Petito – Vice Chair seconded the motion.

Motion passed 4-1.

Approval of the Minutes May 15th 2018

The Board discussed amendments to be made.

Mr. Prior motioned to approve the minutes as amended.

Motion passed 5-0.

The Session was adjourned by Ms. Davies - Chair at 9.30pm

Respectfully submitted,
Melody Hypolite
Recording Secretary

DRAFT