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**TOWN OF EXETER
ZONING BOARD OF ADJUSTMENT
August 21, 2018
7:00 PM
Approved Minutes**

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I. Preliminaries

Members Present: Chair Laura Davies, Rick Thielbar, Robert Prior, Kevin Baum,
Christopher Merrill – Alternate, Esther Olson- Murphy – Alternate

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Members Absent: Vice-Chair Joanne Petito, Martha Pennell - Alternate, Hank Ouimet –
Alternate

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Others Present: Doug Eastman, Building Inspector, Barbara McEvoy

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Call to Order

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Chair Davies called the meeting to order at 7:05 pm.

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Introductions by Roll Call

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Chair Davies asked to identify the following members who were present by Roll Call: Esther Olson-Murphy, Rick Thielbar, Laura Davies, Robert Prior and Christopher Merrill. The active voting alternate for this hearing is identified as Esther Olson-Murphy.

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II. New Business

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Hearings

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1. River Woods Company at Exeter, Tax Map Parcel #97-44, 67 Kingston Road
R-1 Low Density Residential Zoning District
Case #18-15
Variance from Article 6, Section 6.1.2.D to allow an accessory structure and parking
Within the 100' landscape buffer

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Chair Davies announced that this application was withdrawn by the applicant.

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2. Mark Moeller, Tax Map Parcel #73-08, 102 Front Street
R-2 Single Family Residential Zoning District
Case #18-18
Administrative Appeal regarding the issuance of a building permit for renovation
of the existing structure

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Mr. Moeller, an abutter to the decision, was before the Board looking for an appeal of an administrative decision to issue a building permit, in which a garage space was converted into a dwelling unit. Mr. Moeller was opposed to this decision as it was not a dwelling unit and would have a substantial effect on the neighborhood including his own house, in which this expansion created a lack of privacy.

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Chair Davies advised that the timing of the appeal was an issue. The application was received on July 6, 2018, which exceeded the 30-day time requirement, from the decision which was made on May 30, 2018.

39 **Mr. Baum moved to deny the application for an appeal due to the lapsed filing deadline.**
40 **Mr. Thielbar seconded his motion. Voting were 4 in favor, Thielbar, Prior, Baum and**
41 **Olson-Murphy and one abstention by Chair Davies. Motion carried.**

42 3. Timothy F. Willis, Tax Map Parcel #70-98, 196 High Street
43 R-2 Single Family Residential Zoning District
44 Case #18-19
45 Special Exception per Article 4, Section 4.2, Schedule I Permitted Uses and
46 Article 5, Section 5.2 to permit the conversion of an existing sf residence into two units

47 Chair Davies advised that Mr. Willis was not present.

48 **Mr. Baum moved to continue the hearing until next month's meeting (September 18,**
49 **2018). Mr. Thielbar seconded his motion. Voting were 5 in favor, Davies, Thielbar, Prior,**
50 **Baum and Olson-Murphy, so moved.**

51 4. Timothy M. Giguere (for Stephen C. Jones & Katherine B. Miller)
52 Tax Map Parcel #82-34, 23 Linden Street
53 R-2 Single Family Residential Zoning District
54 Case #18-20
55 Variance from Article 5, Section 5.3.1.A to permit the proposed construction of a
56 detached accessory garage structure on an existing non-conforming lot of record with
57 less than the minimum required side and rear yard setbacks.

58 Mr. Giguere representing TMS Architects on behalf of Mr. Jones and Ms. Miller looking for a
59 variance for a non-conforming garage structure with less than the minimum required yard
60 setbacks to permit construction of a 20'x22' garage.

61 Mr. Giguere advised that a standard garage is 24'x24' and the owners were going to construct a
62 smaller garage, to minimize the distance. There would also be a widening of the existing
63 driveway, the length staying the same.

64 Mr. Baum asked what utilities would be installed in the garage and Mr. Giguere advised there
65 would be electricity. Mr. Baum asked if there would be attic space and Mr. Giguere advised that
66 the proposed windows were for ambience and natural lighting.

67 Mr. Merrill asked if the owners spoke to the house for sale next door and Mr. Jones stated that
68 the owner is the daughter, whose mother recently passed away and grandson, who had no
69 objections.

70 Chair Davies opened the meeting to the public at 7:38 pm for comments and being none, closed
71 the hearing at 7:39 pm.

72 Mrs. Olson-Murphy stated that she was concerned with the addition of bulk that could alter the
73 character of the neighborhood. Mr. Baum stated that he struggled with the hardship as the
74 family could probably do with a one-car garage instead of a two. Chair Davies stated that no
75 abutters came forward and no opposition had been presented, the scale was considerate. Mr.
76 Prior stated that he was in favor provided that they adhered to what was presented and did not
77 change the setbacks later. Mr. Thielbar stated that they had done an exceptional job fitting the
78 proposed garage while retaining functionality.

79 **Mr. Prior motioned to approve the variance for the project, as presented and depicted in**
80 **the presentation. Mr. Thielbar seconded the motion. Voting 5 in favor, Davies, Baum,**
81 **Prior, Thielbar and Olson-Murphy, motion carried.**

82 5. Elliott Berkowitz/Pairpoint Group LLC, Tax Map Parcel #72-39, 23 Water Street
83 WC-Waterfront Commercial Zoning District
84 Case #18-21
85 Variance from Article 4, Section 4.4 Schedule III Density & Dimensional Regulations-
86 Non-Residential for the proposed construction of a new structure

87 Mr. Prior stated that he was not going to vote on this one, so Chair Davies appointed Mr. Merrill
88 as acting alternate on this hearing.

89 Mr. David O'Sullivan stated that he represented Elliott Berkowitz for a new building in a vacant
90 lot, closer to the lot line than allowed. There are existing easement on the right and left sides of
91 the proposed building. The previous building had burnt down so this building would have non-
92 combustible side-walls and a sprinkler.

93 Mr. Berkowitz stated that he owns one of the adjoining buildings, with a 6'8" access easement
94 from the property line and that in order to match they would need to have the building on the
95 property line to achieve that separation.

96 Mr. Baum asked if it would be purchased separately from the Chocolatier building and Mr.
97 Berkowitz stated that it was the same LLC ownership while they were not merging with the
98 Chocolatier.

99 Mr. Thielbar stated that the applicant was seeking setback relief without discussing parking for
100 the proposed residence.

101 Mr. O'Sullivan stated that the previous owner had received relief for 48 spots and Mr. Eastman
102 added that this relief would not expire because it was granted prior to the change in the
103 ordinance.

104 Mr. Berkowitz assured that there would be no change in use for the building next door, the
105 Chocolatier.

106 Mr. Prior asked if 11 Water Street (next door) ceases to exist would a 6'8" access separation
107 still be required, or would they be entitled to zero as well.

108 Mr. Eastman did not have a clear answer to that question. Mr. Prior advised that the
109 continuation of this easement should be a condition of approval.

110 Chair Davies opened the hearing to the public for comment at 8:08 pm.

111 Mr. Dennis Wilcomb stated that he had waited a long time for the building to be built.

112 Having no other public comment, Chair Davies closed the hearing to the public at 8:09 pm.

113 **Mr. Baum motioned to approve the application as presented with the condition that the**
114 **owner maintains his existing access easement or an equivalent restriction between 11**
115 **and 23 Water Street. Mr. Merrill seconded the motion. Mr. Thielbar abstained from**
116 **voting, with 4 Voting in Favor, Davies, Baum, Olson-Murphy and Merrill; so moved.**

117 **III. Approval of July 17, 2018 Minutes**

118 Mr. Thielbar suggested that on Page 5, Line 183 his name be changed from “Mr. T” to “Mr.
119 Thielbar.”

120 Mr. Prior and Mr. Baum departed the meeting at 8:20 pm.

121 ***Mr. Thielbar motioned to approve the minutes, as amended. Mrs. Olson-Murphy***
122 ***seconded the motion. Chair Davies voted – aye, Mrs. Olson-Murphy voted – aye; Mr.***
123 ***Merrill voted – aye and Mr. Thielbar voted – aye. With 4 in favor, no abstentions, so***
124 ***moved.***

125 **IV. Adjourn**

126 **Mr. Thielbar motioned to adjourn the meeting at 8:23 pm. Mr. Merrill seconded his**
127 **motion, with all in favor, the vote was 5-0, motion carried.**

128 Respectfully submitted,

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132 Daniel Hoijer
133 Recording Secretary