

1  
2  
3  
4  
5  
6

**TOWN OF EXETER  
ZONING BOARD OF ADJUSTMENT  
November 20, 2018  
7:00 PM  
Approved Minutes**

7  
8  
9  
10  
11

**I. Preliminaries**

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

**Members Absent:** Martha Pennell - Alternate, Hank Ouimet – Alternate

**Others Present:** Doug Eastman

12  
13

**Call to Order**

Chair Davies called the meeting to order at 7:00 pm.

14  
15  
16  
17

**Introductions by Roll Call**

Chair Davies asked to identify the following members who were present by Roll Call: Esther Olson-Murphy, Rick Thielbar, Laura Davies, Joanne Petito, Robert Prior, Kevin Baum and Christopher Merrill. The active voting alternates for Case #18-28 is Esther Olson-Murphy and for Case #18-26 is Christopher Merrill.

18  
19

**II. New Business**

**Hearings**

Chair Davies indicated the order was changed so the extension of variance could go first.

20  
21  
22  
23

**1. Slania Enterprises, Inc. – Case #1477**

**Request for extension of variance approval for development at 29 Front Street (TM #72-220)- Tabled**

24  
25  
26  
27

**2. Serenity Maloney**

**Special Exception, Article 4, Section 4.2, Schedule I:  
Permitted Uses and Schedule I, Note #2 and Article 5, Section 5.2 for the  
proposed conversion of an existing in-law/extended family” unit to an  
accessory dwelling unit  
21 Old Town Farm Road  
R-1, Low Density Residential zoning district  
Tax Map Parcel #28-20, Case #18-25**

Chair Davies read out loud the hearing notice for Case #18-25.

Ms. Maloney stated the property was approximately 4.5 acres set 200' from the road with a structure that was previously a gambrel with a garage that she would like to change to an accessory dwelling unit to rent it out.

41 Chair Davies asked if there were any encroachments to the setbacks? – no.

42  
43 Mr. Thielbar asked for clarification of the new state ordinance relative to square feet.  
44 Ms. McEvoy indicated the size was limited to 750 square feet, the applicant has 720  
45 square feet.

46  
47 Chair Davies instructed the applicant that per the Ordinance the applicant was  
48 responsible to have the Occupancy Certificate signed and recorded for valid  
49 approval.

50  
51 Ms. Maloney stated the septic was 10 years old and shared and was double the size  
52 needed for the home.

53  
54 Ms. Maloney stated one dwelling will be owner-occupied and there will be no  
55 changes to the exterior.

56  
57 Chair Davies asked if there were any questions or comments from the public and  
58 being none closed the hearing to the public for deliberations.

59  
60 Mr. Thielbar stated the application was clean. Chair Davies added the applicant had  
61 done a nice job.

62  
63 ***Mr. Thielbar moved to approve the request of Serenity Maloney for a Special***  
64 ***Exception, as submitted, for the conversion of the existing unit to an***  
65 ***accessory dwelling unit. Mr. Prior seconded the motion. Voting 5-0 in favor***  
66 ***were: Chair Davies, Mr. Thielbar, Mr. Prior, Mr. Baum, and Ms. Petito, so***  
67 ***moved.***

68  
69 **3. Jeff Caley**  
70 **Special Exception, Article 4, Section 4.2, Schedule I:**  
71 **Permitted Uses and Article 5, Section 5.2 to permit the conversion of an**  
72 **existing single-family residence into three (3) residential units.**  
73 **20 Pine Street**  
74 **R-2, Single Family Residential zoning district**  
75 **Tax Map Parcel #83-65, Case #18-26**

76  
77 Chair Davies read out loud the hearing notice for Case #18-26 and asked Mr. Caley  
78 if he was the owner of the property. Mr. Flynn is the property owner. Mr. Baum  
79 recused himself and sat with the Public. Ms. Petito questioned the absence of an  
80 abutter's list. Ms. McEvoy indicated notices had been sent by certified mail, return  
81 receipt requested. Ms. Petito requested to review the abutter's list to ensure there  
82 were no conflicts. Mr. Caley provided a copy of the abutter's list and it was reviewed  
83 by the sitting Board members.

84  
85 Mr. Caley stated the application was for a Special Exception to convert the existing  
86 residence to three condominium units which will be sold. Mr. Caley described the  
87 design with no changes to the exterior and fully landscaped with Town water and

88 sewer. Parking provided an ample turnaround where the previous accessory garage  
89 structure had been shown, which is being removed.

90  
91 Mr. Thielbar asked about the square footage of the lot - .47 acre, per tax map,  
92 15,000 sf., minimal lot size. Need 30% of 15,000 sf. per unit. Ms. Petito indicated  
93 the applicant had over 20,000 sf.

94  
95 Mr. Prior asked about the entrance to Unit B. Mr. Caley indicated the entrance on  
96 the map.

97  
98 Mr. Thielbar stated that Planning Board approval requires, per note 1f, if Board  
99 requires, the second sentence indicates three or more units must be approved by the  
100 Planning Board.

101  
102 Chair Davies asked if there were any comments or questions from the public and  
103 being none, closed the hearing to the public for deliberations.

104  
105 Mr. Prior stated that he had vague discomfort converting the single family. Mr.  
106 Thielbar countered this is exactly what the Special Exception is designed to do,  
107 taking a large house and making it manageable. Ms. Petito indicated the property  
108 has been on and off the market. Chair Davies agreed this was the intention of the  
109 Special Exception. Mr. Prior asked about conditioning exterior changes. Any  
110 change to the footprint greater than 400 square feet would require Planning Board  
111 review. Ms. Olson-Murphy asked about fire exits and whether two egresses are  
112 required. Ms. McEvoy stated she was not sure but did not believe so.

113  
114 ***Mr. Thielbar moved to approve the request for a Special Exception to allow***  
115 ***three units with Planning Board approval required. Mr. Merrill seconded the***  
116 ***motion. Voting 5-0 in favor were: Chair Davies, Mr. Merrill, Mr. Thielbar, Mr.***  
117 ***Prior and Ms. Petito, so moved.***

- 118  
119 **4. Christ Church of Exeter**  
120 **Special Exception, Article 4, Section 4.2, Schedule I:**  
121 **Permitted Uses and Article 5, Section 5.2 to permit the operation of a private**  
122 **school within the existing building**  
123 **43 Pine Street**  
124 **R-2, Single Family Residential zoning district**  
125 **Tax Map Parcel #83-60, Case #18-27**

126  
127 Chair Davies read out loud the hearing notice for Case #18-27.

128  
129 Kevin Sorber, Senior Warden and Sally Farrell, Associate for Christian Formation  
130 and Parish Life presented the application on behalf of Christ Church of Exeter. Mr.  
131 Sorber stated the parish hall was recently renovated and had been used for Boy  
132 Scouts and Youth Theatre. The Church would like to expand the use to include a  
133 not-for-profit private school for 48 kids, ages 3-5 years old, and 5-6 staff members.

135 Mr. Thielbar asked how big the parking area is. Mr. Sorber responded that with over  
136 200 regular attendees they had 45 parking spaces with 48-60 spots out back, 10  
137 handicapped spaces and on-street parking on Pine Street. The school would be  
138 during the week, from Monday through Friday, not during Sunday service.

139  
140 Chair Davies asked about the hours. Ms. Farrell indicated from 7 am until 3:30 pm.

141  
142 Chair Davies asked if there were any questions or comments from the public and  
143 being none closed the hearing to the public for deliberations.

144  
145 Chair Davies indicated she had been to the site and the traffic has a nice flow. Mr.  
146 Baum stated he was not concerned with parking.

147  
148 ***Mr. Thielbar moved to approve the request of Christ Church of Exeter for a***  
149 ***Special Exception to operate a private school Monday through Friday from 7***  
150 ***am until 3:30 pm. Mr. Baum seconded the motion. Voting 5-0 in favor were:***  
151 ***Chair Davies, Mr. Baum, Mr. Thielbar, Ms. Petito and Mr. Prior, so moved.***

152  
153 **5. Seacoast Mental Health**  
154 **Variance from Article 5, Section 5.1.2.A & B**  
155 **Expansion of a non-conforming use to permit the construction of a 7,100**  
156 **square foot addition to the existing structure and 1,900 square foot basement**  
157 **30 Prospect Avenue**  
158 **R-2, Single-Family Residential zoning district**  
159 **Tax Map Parcel #65-146, Case #18-28**

160  
161 Mr. Baum recused himself and departed the meeting.

162  
163 Chair Davies read out loud the hearing notice for Case #18-28.

164  
165 Monica Kieser of Hoefle, Phoenix, Gormley & Roberts appeared on behalf of  
166 Seacoast Mental Health. Ms. Kieser is the President of the Board of Directors of  
167 Seacoast Mental Health. Also present were John Lorden, P.E. from MSC (TF  
168 Moran), Adam Wagner, AIA from Market Square Architects and Jay Couture,  
169 Executive Director of Seacoast Mental Health.

170  
171 Attorney Kieser indicated Seacoast Mental Health has an existing non-conforming  
172 8,400 square foot building and staff of 48 people with 8 administrators. Seacoast  
173 Mental Health would like to add a one-story addition of 7100 square feet and 1900  
174 square feet of basement.

175  
176 Attorney Kieser showed the plan map and discussed parking concerns. The new  
177 design would have 57 parking spaces on site. Attorney Kieser indicated some  
178 patients do not drive and are dropped off by COAST bus or get rides or walk. There  
179 are 4-5 doctors. The expansion would increase patients by 25%. The hours would  
180 be Monday through Thursday from 8 am to 8 pm and 8 am to 5 pm on Friday. Every  
181 other Saturday the facility hosts the child impact divorce seminar groups of

182 approximately 10-14 adults. The 24-hour emergency services are not conducted at  
183 the facility. The hospital is nearby, and patients are seen there for emergencies.

184  
185 Chair Davies asked all on one story? Attorney Kieser indicated they could not go  
186 upward due to the mechanicals and not being able to shut down the facility to move  
187 those.

188  
189 Mr. Thielbar noted the size of the facility is being doubled but only 9 spaces are  
190 being added.

191  
192 Mr. Prior struggled with the term professional office rather than medical building and  
193 access being lost to EMS toward the back of the building. Attorney Kieser indicated  
194 the terminology can change the number of parking spaces required as well. Chair  
195 Davies asked about regular EMS calls – have had some, not many.

196  
197 Attorney Kieser went over the requirements for the Special Exception adding that the  
198 building had special conditions as a prior non-conforming use with no frontage which  
199 presents challenges for expansion and has a reasonable right to the use of the  
200 property.

201  
202 Chair Davies asked if there were questions or comments from the public.

203  
204 Kim Montgomery identified herself as an abutter at 14 Highland Street who  
205 purchased her property last year. Ms. Montgomery indicated the HVAC system  
206 shakes her bedroom wall and is concerned with the close proximity to her property.  
207 Chair Davies asked Ms. Montgomery to indicate where she lived on the map which  
208 she did. Ms. Montgomery stated she was bothered by the noise of the dumpster  
209 being emptied every day. Attorney Kieser stated the dumpster was being moved.

210  
211 Phil Chaput, Senior Director of Exeter Hospital addressed the Board and indicated  
212 had no issue with the project, and fully supports it.

213  
214 Chair Davies asked if the Planning Board could focus on the issue of the  
215 mechanicals being located away from residential abutters – think that's fair and  
216 reasonable.

217  
218 Mr. Thielbar stated the buffer is another concern. This is not residential use and the  
219 15' R-2 buffer is not appropriate for a professional building. The addition should line  
220 up with the back of the existing building.

221  
222 Attorney Kieser asked if she could poll the members. Chair Davies responded the  
223 Board of Adjustment does not pre-vote.

224  
225 Chair Davies asked about the access path. Attorney Kieser indicated it had not  
226 been used for some time. Mr. Chaput explained the gate and that the hospital was  
227 opposed to the footpath with the loading area it would be congested and dangerous.

228

229 Attorney Kieser asked to table the application. Chair Davies indicated the deadline  
230 for next month was approaching in a couple of weeks and that may be too soon.

231  
232 ***Mr. Prior motioned to table Case #18-28 until a future meeting date. Mr.***  
233 ***Thielbar seconded the motion, with all in favor, so moved.***  
234

235 **III. Approval of October 16, 2018 Minutes**

236 Amendments were recommended and agreed upon.

237 ***Mr. Thielbar motioned to approve the minutes, as amended. Mr. Merrill seconded the***  
238 ***motion. With 5 in favor, so moved.***

239 **IV. Adjourn**

240 ***Mr. Prior motioned to adjourn the meeting at 9:47 pm. Mr. Thielbar seconded the motion,***  
241 ***with all in favor, the vote was 5-0, motion carried.***

242 Respectfully submitted,

243

244

245

246 Daniel Hoijer  
247 Recording Secretary