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**TOWN OF EXETER
ZONING BOARD OF ADJUSTMENT
February 19, 2019
7:00 PM
Draft Minutes**

I. Preliminaries

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

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

Others Present: Doug Eastman

Call to Order

Chair Davies called the meeting to order at 7:03 pm.

Introductions by Roll Call

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

II. New Business

Hearings

The application of Linda K. and Thorp W. Thomas for a special exception per Article 4, Section 4.2, Schedule I – Permitted Uses (Note #1) and Article 5.2 to permit the conversion of an existing “in-law” unit to a residential dwelling unit. The property is located at 61 Park Street, in the R-2, Single-Family Residential zoning district. Tax Map Parcel #63-151. Case #19-02.

Chair Davies read out loud the public notice.

Mrs. Thomas stated that she purchased the property 38 years ago and had used an apartment downstairs and existing barn apartment for her and her families use for 17 years for her daughters and her father was living in the downstairs apartment passed away last November. Now she would like to change the use to rent the apartment to a non-family member. There would be no changes to the property or apartment just from occupancy by a family member to a rental. There is ample parking to the rear for six spaces which are unmarked. There is an additional existing barn on the property for storage. The downstairs apartment is one bedroom connected to water and sewer. One unit would be owner occupied with no expansion or renovations. The upstairs apartment is two bedrooms. There would be no harm to health, safety, welfare. There is existing landscaping. There would be no affect to values because there is no physical change to the property.

Chair Davies opened the hearing to the public for questions and comments at 7:14 pm and being none closed the hearing to the public at 7:14 pm.

39 Mr. Thielbar asked what was being converted. Mrs. Thomas responded to rent to someone
40 outside of family.

41 Mr. Prior asked about parking. Mrs. Thomas responded there is sufficient off-street parking as
42 stated.

43 Chair Davies went through the criteria and the Board discussed the previously existing use as
44 existing apartments divided up from the single-family for use of family members. Mr. Prior
45 clarified this is a portion of the primary dwelling. Mr. Prior ran through the criteria including
46 parking and owner occupancy which were satisfied. There is no expansion or renovation. Mr.
47 Baum reviewed the criteria, "it is for residence in residential zone, off-street parking, similar but
48 with one more person so there should be no change to values."

49 ***Mr. Thielbar moved that the request of the applicant for a special exception per Article 4,***
50 ***Section 4.2, Schedule I – Permitted Uses (Note #1) and Article 5.2 to permit the***
51 ***conversion of an existing "in-law" unit to a residential dwelling unit, be approved. Mr.***
52 ***Prior seconded the motion, with all in favor, the motion passed unanimously.***

53 **The application of Seacoast Family Promise for a special exception per Article 4,**
54 **Schedule I – Permitted Uses (Note #1) and Article 5, Section 5.2 to permit the conversion**
55 **of an existing single-family residence into two residential condominiums. The subject**
56 **property is located at 25 Hampton Road, in the NP-Neighborhood Professional zoning**
57 **district. Tax Map Parcel #86-8. Case #19-03.**

58 Chair Davies read out loud the public notice.

59 Ken George who is the Treasurer of the Building Property Committee appeared on behalf of the
60 owners, Rynhart and Nina Schuman who gave their permission.

61 Mr. George presented this is for a conversion of an unoccupied four-bedroom, 1.5 bath single-
62 family to two residential condominium units in zoning which allows conversions.

63 Mr. George stated there will be no impact to water and sewer. There is over 29,000 s.f. of lot
64 size. Mr. George addressed that 4d screenings and setbacks are adequate as existing and 4e
65 parking is satisfied as there is parking on both sides to fit 6-8 cars. Chair Davies asked about
66 the site plan showing the entrance and parking. The entry is on the west side. There is an
67 additional drive on the east side off Hampton Road. One abutter is Seacoast Family Promise,
68 two are commercial businesses and a multi-family condominium behind. There is an access
69 road or right-of-way and the applicant is uncertain as to the status as owned or an easement
70 and is still considered Hampton Road. Mr. Thielbar asked why it would be an access going to
71 another condominium. Mr. Baum stated it didn't matter except that they were probably noticed
72 unnecessarily.

73 Chair Davies asked how the property would be rented, owned or sold as a condominium and
74 whether it would be part of the program. The applicant responded it could be sold in the future
75 but would be rented by the owner and not be utilized by those in the program although it could
76 be used by those who have gone through the program. Chair Davies asked for clarification on
77 how the rental period would distinguish this from transient housing such as a hotel or bed and
78 breakfast as it is not staffed. Mr. Prior expressed concerns that conversion to condominiums
79 was a way to skirt the requirement of owner occupancy in one of the units. This was a loophole
80 that needed to be addressed. Mr. Prior asked how this would be enforced. Chair Davies

81 explained that it would be up to code enforcement in the event a complaint was received that
82 people were moving in and out regularly. Mr. Prior asked the applicant if he would be
83 acceptable to the condition requiring a minimum length of stay. The applicant responded if it
84 were reasonable, yes and asked if the Board would restrict other people if they were not a non-
85 profit.

86 Chair Davies opened the hearing to the public at 7:44 pm for comments and questions.

87 An abutter, Mike ___ of 27 Hampton Road raised concerns about whether the spirit of the
88 intention of this new application were in accordance with the original assurances given by
89 Seacoast Family Promise.

90 Chair Davies closed the hearing to the public at 7:47 pm for deliberations.

91 Mr. Baum expressed concerns with the rent units. It is an intent of conversion ordinance that
92 the owners live there. If a condominium, don't need owner occupancy. Mr. Thielbar questioned
93 what the owner would need to do to become a condominium. Chair Davies responded the
94 owner would have to file condominium documents.

95 Mr. Thielbar stated the applicant has made it about ownership by using it to get around the
96 criteria that it be owner occupied.

97 Mr. Baum stated it is permitted by special exception if the criteria is met. Conversion is under
98 the special exception criteria.

99 Mr. Thielbar stated there is no point to the clause if the owner can turn it into a condominium.

100 Chair Davies stated they haven't closed the loophole.

101 Mr. Baum stated have to get a reason. There is nothing in the ordinance.

102 Mr. Thielbar added there is no definition of transient and recommended a six month length of
103 stay as a condition.

104 Mr. Baum stated make sure the length of occupancy is not out of the landlord's control.

105 Mr. Prior read out loud the criteria, adding (i) and (j) do not apply. Chair Davies stated the area
106 already has multi-unit properties.

107 **Mr. Baum moved to approve the application of Seacoast Family Promise for a special**
108 **exception per Article 4, Schedule I – Permitted Uses (Note #1) and Article 5, Section 5.2**
109 **to permit the conversion of an existing single-family residence into two residential**
110 **condominiums with the condition that the units not be leased for less than six months.**
111 **Mr. Thielbar seconded the motion. Voting were 2 in favor and 2 opposed, motion failed.**

112 Mr. Prior advised that oftentimes renters go to month to month after leasing for one year. One
113 month is not sufficient and six months is more.

114 **Mr. Prior moved to amend the motion to change the terms of the conditions. Mr. Thielbar**
115 **seconded the motion, with all in favor, so moved.**

116 **Mr. Prior moved to amend the approval of the application of Seacoast Family Promise for**
117 **a special exception per Article 4, Schedule I – Permitted Uses (Note #1) and Article 5,**
118 **Section 5.2 to permit the conversion of an existing single-family residence into two**

Note: Subject to changes proposed at a subsequent meeting.

119 ***residential condominiums with the condition that the units not be leased for less than***
120 ***three (3) months. Mr. Thielbar seconded the motion. Voting in favor were Chair Davies,***
121 ***Mr. Thielbar, Mr. Prior and Ms. Olson-Murphy with Mr. Baum opposed, so moved.***

122 **III. OTHER BUSINESS:**

123 • **Approval of Minutes: January 15, 2019 - Tabled**

124 **IV. Adjourn**

125 ***Mr. Prior motioned to adjourn the meeting at 8:31 pm. Mr. Baum seconded the motion,***
126 ***with all in favor, the vote was 5-0, motion carried.***

127 Respectfully submitted,

128

129

130 Daniel Hoijer
131 Recording Secretary