

Town of Exeter
Zoning Board of Adjustment
February 16, 2021, 7 PM
Remote via Zoom
Final Minutes

I. **Preliminaries**

Members Present: Acting Chair Robert Prior, Clerk Rick Thielbar, Kevin Baum, Martha Pennell - Alternate, Christopher Merrill - Alternate, Esther Olson-Murphy - Alternate, Anne Surman - Alternate

Members Absent: Joanne Petito, Laura Davies, Hank Ouimet

Call to Order: Mr. Prior called the meeting to order at 7 PM.

Mr. Prior read a statement:

As Acting Chair of the Zoning Board of Adjustment, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 this public body is authorized to meet electronically.

Public notice of this meeting was posted on the town website and on the bulletin board of the town offices at 10 Front Street. As provided in that public notice, the public may access the meeting online and via phone.

Please note that all votes taken during this meeting shall be done by roll call vote. Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting and who that person is (son, daughter, spouse, etc...), which is required under the Right-to-Know law.

II. **New Business**

- A. The application of David R. Mulrey for a variance from Article 5, Section 5.1.2.A for the expansion of a non-conforming use to permit the proposed construction of a second story addition to the existing residence located at 14 Sanborn Street. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #73-96. Case #21-2.

In addition to the three regular members, the voting alternates will be Ms. Pennell and Mr. Merrill.

The applicants, David and Keena Mulrey, were present to discuss their application. Mr. Mulrey said they're looking for permission to make their house more comfortable. Ms. Mulrey specified that they plan to add a fourth bedroom. Mr. Prior asked for further information about their plan, as specifics were not included in their application. Mr. Mulrey said they're looking to build out over the kitchen to make it a dual

46 story house in both the front and the back. They're not adding to the foundations. There
47 will be a dormer on the yard side, and they will take out the south window on the back of
48 the house. There's a shed off to the side, which will be taken out. Mr. Baum asked if it
49 would be the entire back of the house, and Mr. Mulrey said no, it's just over the kitchen
50 and bathroom. Mr. Baum asked about the setback, and Mr. Mulrey said they're about 20
51 feet from the neighbor. Mr. Baum asked about the height, and Mr. Mulrey said the
52 roofline will match the front of the house. A dormer will be added to the existing roof for
53 access to the space from the existing second floor.

54 Ms. Surman said it would have helped to see a drawing. The neighborhood is
55 tight already, so she's concerned about their plan. Mr. Prior said the town staff should
56 have required a drawing with the application.

57 Ms. Pennell asked if the overhang will be taken out, and Mr. Mulrey said yes. The
58 rooflines will match in height. Mr. Baum asked about the windows along the lot line in
59 terms of privacy. Mr. Mulrey said they will put in east and west windows, but not much
60 on the back of the house, as this area will be the bathroom.

61 Mr. Prior asked for public comment. Neil Pietrantonio of 11 Sanborn Street, an
62 abutter, said he is in support of this renovation, and he knows they're going to do a
63 good, professional job.

64 Mr. Prior closed the public session. He asked if the Mulreys wished to comment
65 further, but they did not.

66 The Board entered deliberation. Mr. Prior said there's no change to the footprint,
67 and this is a neighborhood where there is size uniformity to the homes, although several
68 others have been expanded. This seems like a reasonable addition.

69 Mr. Thielbar went through the variance criteria. 1) Contrary to the public interest;
70 no, and 10 years ago no variance would have been required if they didn't go outside of
71 the original foundation. 2) Spirit of the ordinance is observed; yes. 3) Substantial justice;
72 yes, there doesn't appear to be any downside to this, and the main reason they're
73 having the discussion is to ensure something outrageous won't be built, which this is
74 clearly not. 4) Value of the surrounding property is not diminished; no, they heard no
75 comment on the financial impact to the neighborhood, but certainly the homeowner's
76 property value will increase, which should raise the neighborhood property values. 5)
77 Hardship; they're looking at a small lot and finding a creative way to increase the size of
78 the household space without infringing on anyone else's interest. The lot size and
79 limitations thereof are the hardship.
80

81 Mr. Thielbar moved to grant the application of David R. Mulrey for a variance from Article 5,
82 Section 5.1.2.A for the expansion of a non-conforming use to permit the proposed construction of
83 a second story addition to the existing residence located at 14 Sanborn Street. The proposed
84 construction will not be outside the existing foundation. Ms. Pennell seconded. Mr. Baum asked
85 whether they should include "the height not to exceed the existing peak of the roofline." Mr. Prior
86 said that was a good point, as that information is not included in the application.

87 Mr. Baum moved to amend the motion to include a further condition that the height of the
88 addition not exceed the height of the peak of the existing roofline. Mr. Thielbar seconded.
89 Ms. Pennell said that the motion should specify that they mean the roof height on the front
90 part of the house, but Mr. Prior said he thought that was clear. By a roll call vote, Mr.
91 Merrill, Ms. Pennell, Mr. Baum, Mr. Thielbar, and Mr. Prior voted aye, and the amendment
92 was passed 5-0.

93 Regarding the amended motion, by a roll call vote, Mr. Merrill, Ms. Pennell, Mr. Baum, Mr.
94 Thielbar, and Mr. Prior voted aye, and the request was approved 5-0.

95
96 **III. Other Business**

97 A. Approval of Minutes - December 15, 2020
98 Corrections: Ms. Surman was present at the meeting, but that was not noted. Ms.
99 Surman also pointed out that in line 44, the sentence wasn't finished: "Mr. Baum
100 said they should include the." Mr. Baum said the necessary information was
101 included in the motion, so they should just strike that hanging sentence.

102 Mr. Thielbar moved to approve the minutes of December 15th as amended. Mr. Baum
103 seconded. By a roll call vote, Mr. Thielbar, Mr. Baum, Ms. Pennell, and Ms. Olson-Murphy voted
104 aye, and the amended minutes were approved 4-0.

105
106 B. Approval of Minutes - January 19, 2021

107 Mr. Thielbar moved to accept the minutes of January 19, 2021 as presented. Ms. Pennell
108 seconded. In a roll call vote, Mr. Merrill, Ms. Pennell, Mr. Baum, Ms. Olson-Murphy, Mr.
109 Thielbar, Ms. Surman, and Mr. Prior voted aye, and the minutes were approved 7-0.

110 **IV. Adjournment**

111

112 Mr. Thielbar moved to adjourn. Mr. Baum seconded. By a roll call vote, all were in favor and the
113 meeting was adjourned at 7:45 PM.

114

115 Respectfully Submitted,
116 Joanna Bartell
117 Recording Secretary