

Town of Exeter  
Zoning Board of Adjustment  
Tuesday, May 18, 2021, 7 PM  
Remote via Zoom  
Final Minutes

I. **Preliminaries**

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

**Members Absent:** Laura Davies

**Call to Order:** Acting Chair Bob 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. Election of Officers

Mr. Prior nominated Mr. Baum to be the Chair for the coming year. Ms. Olson-Murphy seconded. Mr. Baum said he can't promise full attendance. In a roll call vote, the nomination was approved 7-0. Mr. Baum asked Mr. Prior to continue to run this meeting and he will step in at the next meeting.

Ms. Surman nominated Mr. Prior to be the Vice Chair. Mr. Thielbar seconded. In a roll call vote, the nomination was approved 7-0.

Mr. Prior nominated Ms. Olson-Murphy for Clerk. Mr. Baum seconded. In a roll call vote, the nomination was approved 7-0.

45 Mr. Prior mentioned that there are two openings for alternate members.  
46

- 47 B. Continued public hearing on the application of Ben and Sarah Anderson for a  
48 special exception per Article 4, Section 4.2 Schedule I: Permitted Uses and  
49 Article 5, Section 5.2 to permit the operation of a Bed & Breakfast use in the  
50 existing accessory structure located at 66 Newfields Road. The subject property  
51 is located in the RU-Rural zoning district, Tax Map Parcel #24-29. Case #21-5.  
52

53 Mr. Prior said they'd received a continuation request from Justin Pasay,  
54 representing Ben and Sarah Anderson, to hear the case at the June meeting. The  
55 applicants are working to address concerns raised by the Board members at the  
56 previous meeting.  
57

58 Mr. Baum moved to approve the continuance of Case 21-5 to the June meeting. Mr.  
59 Thielbar seconded. Ms. Pennell, Mr. Thielbar, Ms. Olson-Murphy, Ms. Surman, and Mr.  
60 Prior voted yes and the motion was approved 5-0.

- 61  
62 C. The application of Arthur and Carol Bleich for a variance from Article 5, Section  
63 5.1.2.A. for the expansion of a non-conforming use to permit the construction of a  
64 12' x 24' garage with less than the required minimum side yard setback. The  
65 subject property is located at 19 Green Street, in the R-2, Single Family  
66 Residential zoning district, Tax Map Parcel #64-4. Case #21-6.  
67

68 Mr. Prior said this application was approved in 2009 as a special  
69 exception, but the work was not completed within the three year period and the  
70 approval lapsed. Today, due to changes in the zoning ordinance, it's being  
71 covered under variance criteria.

72 Ms. Bleich discussed the personal circumstances that led to the delay.  
73 The proposed garage is the same location and size building as the one  
74 previously approved. Mr. Baum asked about the age of the current garage. Ms.  
75 Bleich said the house was constructed in 1930, and she thinks the garage was  
76 done at the same time.

77 Ms. Pennell said there seems to be a connection between the house and  
78 garage, and Ms. Bleich said it's an unfinished walkthrough that she believes was  
79 added on by the previous owners of the house. It would be rebuilt. Ms. Pennell  
80 said this connection isn't shown in the application. Mr. Prior asked if the footprint  
81 would be the same, and Ms. Bleich said yes. She thinks she doesn't need a  
82 variance to reconstruct it, as long as it's the same size.

83 Ms. Surman asked if the new garage goes into the setback of any of the  
84 neighbors, and Ms. Bleich said no. It's close to the fence of #17, but it doesn't  
85 reach their setback. Mr. Thielbar asked if the structure would be one story high,  
86 and Ms. Bleich said yes.

87 Ms. Bleich said the mud room is 5x8', they would like to make it 8x8' to  
88 accommodate a chest freezer. She previously spoke with the Building Inspector,

89 who said that was fine. Mr. Prior said it's not imposing in the side yard setback,  
90 which is the issue with the variance.

91 Mr. Prior opened the meeting to the public. He read a letter that they  
92 received previously from Darlene and Arthur Zahn, 17 Green Street, Exeter:

93 *The purpose of this letter is to inform you that we support Arthur and*  
94 *Carol Bleich's plan to lengthen the garage at 19 Green Street from 18 to 24 feet.*  
95 *The plan before you will enhance the neighborhood's appearance rather than*  
96 *detract from it.*

97 There was no further public comment. Mr. Prior closed the public session  
98 and moved to deliberations.

99 Ms. Pennell went through the variance criteria. 1) The variance is not  
100 contrary to the public interest and 2) the spirit of the ordinance is observed; yes,  
101 she doesn't have any problem with this. 3) Substantial justice is done; yes,  
102 there's no harm to the general public, and there will be a great benefit to the  
103 applicant. 4) Values of the surrounding properties are not diminished; no, she  
104 went by the property and thinks a new garage would enhance the values. There's  
105 been no testimony to the contrary. 5) Literal enforcement of the ordinance would  
106 result in unnecessary hardship; yes, she agrees. Mr. Prior said literal  
107 enforcement would say they can't replace a building that is deficient. He thinks  
108 they meet all five criteria. Mr. Baum said it's consistent with the neighborhood.  
109 Although the building is getting bigger, it's not getting closer to the lot line.  
110

111 Mr. Baum moved, for the reasons discussed, to approve the application for a variance  
112 from Article 5, Section 5.1.2.A. for the expansion of a non-conforming use to permit the  
113 construction of a 12' x 24' garage with less than the required minimum side yard  
114 setback. Mr. Thielbar seconded. Mr. Prior, Mr. Baum, Mr. Thielbar, Ms. Pennell and Ms.  
115 Olson-Murphy voted yes, and the motion was approved 5-0.

116  
117  
118 **III. Other Business**

119 **A. Approval of Minutes: April 20, 2021**

- 120 1. Mr. Prior said in line 108/109, regarding the Andersons' application,  
121 "Recently it came to their attention by a letter from the town that **the prior**  
122 **owners** did not have permission to rent that space..." should be changed  
123 to "Recently it came to their attention by a letter from the town that **they**  
124 did not have permission to rent that space..."
- 125 2. Mr. Thielbar said in line 57, it states that the applicant believed that it was  
126 last occupied in the 1940s, but Ms. Pennell said she visited occupants  
127 there in the 1950s. Mr. Prior said that was a different floor. Mr. Thielbar  
128 said to change "top" to "third" floor.

129 Ms. Pennell moved to approve the minutes of April 20, 2021 as amended. Ms. Olson-  
130 Murphy seconded. All were in favor and the minutes were approved 7-0.

132 **IV. Adjournment**

133 Ms. Pennell moved to adjourn. Mr. Baum seconded. All were in favor and the meeting  
134 was adjourned at 7:40 PM.

135

136 Respectfully Submitted,

137 Joanna Bartell

138 Recording Secretary