

Town of Exeter
Zoning Board of Adjustment
May 17, 2022, 7 PM
Town Offices Nowak Room
Final Minutes

I. **Preliminaries**

Members Present: Chair Kevin Baum, Vice-Chair Robert Prior, Clerk Esther Olson-Murphy, Rick Thielbar, Laura Davies, Martha Pennell - Alternate

Call to Order: Chair Kevin Baum called the meeting to order at 7 PM. He asked for a moment of silence for alternate Board member Anne Surman, who has passed away.

I. **New Business**

- A. The application of Patricia Duval for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses, Schedule I, Note #2 and Article 5, Section 5.2 for the proposed construction of an accessory dwelling unit on the property located at 105 Brentwood Road. The subject parcel is located in the R-1, Low Density Residential zoning district. Tax Map Parcel #60-24. ZBA Case #22-9.

Patricia Duval said she is looking to build an accessory dwelling unit on her property. She briefly went through the special exception criteria: A) Yes, the accessory dwelling unit is a permitted special exception. B) It is designed to operate in the best interest of the public health, safety, and welfare. C) The dwelling unit is located within the zone R1, which is compatible. D) Loam and seed will be replaced and repaired. E) There is adequate off-street parking, with a State-approved driveway that was just installed last year. There are 4+ off-street parking spaces. Driveway access remains unchanged. Mr. Baum asked if the 4 spaces include the garage. Ms. Duval said there are 2 spaces next to the garage, 2 in the garage, and 2 to the right of the garage for the tenant. She continued with the criteria: F) The use conforms with the R1 zoning district. [Criterion G regarding possible Planning Board review was not addressed.] H) The betterment does not affect nearby property values. This installation will enhance the value of the neighborhood. This will not be contrary to the public interest, and the spirit of the ordinance is observed. Substantial justice is done.

Ms. Davies asked about the septic system; Ms. Duval said it's rated for 4 bedrooms, and there are currently 3 bedrooms. The system is 6 years old. There's a 20x40' leach field. There will also be a 500-gallon tank added behind the garage to assist. Ms. Davies asked if the property is well-watered; Ms. Duval said yes, it was tested and the water is at 10 gallons per minute.

Ms. Olson-Murphy asked how big the existing shed is. Ms. Duval said it's close in size to a 2-car garage, but it can't be saved since there's no foundation. The unit is in the same space but 5 feet over. Ms. Davies asked if Ms. Duval

44 would stay in the house, and she said yes, her intention is that it will be owner-
45 occupied.

46 Ms. Davies asked about laundry facilities. Ms. Duval said there would be
47 a stack washer/drier.

48 Mr. Baum opened the session to the public, but there was no one present
49 to speak. Mr. Baum closed the public session and the Board entered
50 deliberation, but there was no further discussion.

51
52 Mr. Thielbar made a motion to approve the request for a special exception per Article 4,
53 Section 4.2 Schedule I to permit the proposed construction of an accessory dwelling unit
54 on the property located at 105 Brentwood Road. Mr. Prior seconded. Mr. Baum, Mr.
55 Prior, Ms. Olson-Murphy, Mr. Thielbar, and Ms. Davies voted aye, and the motion
56 passed 5-0.

57
58 Mr. Thielbar commented on the situation with bed & breakfasts discussed
59 at the last meeting, saying that as the rules are written now, anyone who has
60 sufficient space on their property can ask for a special exception to install a
61 purpose-built four-room bed & breakfast. He doesn't think the town expected to
62 have a bunch of small motels. It's irresponsible to separate the bed & breakfast
63 from the primary residence. The main reason for that requirement is that people
64 will be more careful about taking care of their house if the bed & breakfast is in
65 the same space, rather than a separate building where there is no interaction
66 with the guests.

67 Mr. Baum said the zoning amendment had the support of the Planning
68 Board, the Select Board, and the voters. It's not the Board's purview whether we
69 agree with it or not, it was a zoning change. The recourse would be to address it
70 as another zoning change. Mr. Prior said he thinks it was an oversight on the part
71 of the town to let this through. Mr. Baum said it was a citizen's petition, adding
72 that he's nervous talking about a specific application that's not before the Board.
73 Ms. Davies said we often talk about how the code could be modified or improved.
74 We should look at other ordinances in New Hampshire to see how this has been
75 dealt with. This was not originated by the Planning Board or the Planning Office.
76 It would be nice if Planning could take another look at it. Mr. Baum said he will
77 engage Dave Sharples on the issue and how the Board can give input on issues
78 with the ordinance, such as parking.

79
80 **Other Business**

81 B. Election of Officers

- 82 1. Mr. Baum said he can continue as Chair, as long as the Vice Chair is
83 willing to step in if he is unavailable.

84

85 Mr. Prior nominated Kevin Baum for Chair for the coming year. Mr. Thielbar seconded.
86 Mr. Baum, Mr. Prior, Ms. Olson-Murphy, Mr. Thielbar, and Ms. Davies voted aye, and
87 the motion passed 5-0.

- 88
89 2. Mr. Prior asked Ms. Olson-Murphy if she would assume the Vice Chair
90 role, but she said she'd prefer to have another year of observation as
91 Clerk.

92 Ms. Davies nominated Bob Prior as Vice Chair and Esther Olson-Murphy as Clerk for
93 the coming year. Mr. Thielbar seconded. Mr. Baum, Mr. Prior, Ms. Olson-Murphy, Mr.
94 Thielbar, and Ms. Davies voted aye, and the motion passed 5-0.

95
96 Ms. Pennell said she's now the only alternate, so the Board should let her
97 know if she is needed at the meetings. Mr. Baum said he will make sure she
98 knows early.

99
100 C. Approval of Minutes: March 15, 2022 and April 19, 2022

101 1. March 15, 2022

102 Corrections: Ms. Olson-Murphy said in line 31, was it Doug Eastman or Dave
103 Sharples who was concerned? Mr. Baum said he thinks that Mr. Eastman's
104 name is appropriate here and it could stand as written.

105
106 Mr. Thielbar made a motion to approve the March 15, 2022 minutes as presented. Mr.
107 Prior seconded. Mr. Baum abstained, as he was not present at the meeting. Mr. Prior,
108 Ms. Olson-Murphy, Mr. Thielbar, Ms. Pennell, and Ms. Davies voted aye, and the motion
109 passed 5-0-1.

110
111 2. April 19, 2022

112 Corrections: Mr. Thielbar said there's a missing "e" in line 33 ["cost, *slope*, and
113 turning radius."] Ms. Pennell said her name was spelled incorrectly in line 74. Mr.
114 Prior said he in line 250, he would like the first "we" in the paragraph to specify
115 "the applicants" for clarity. Ms. Pennell asked if line 302 should say the property
116 is very "insulated" or "isolated"? Ms. Davies said they said it was "insulated" from
117 the abutters because of trees.

118
119 Mr. Prior made a motion to approve the April 19, 2022 minutes as amended. Mr.
120 Thielbar seconded. Mr. Baum abstained, as he was not present for the final case at the
121 April 19 meeting. Mr. Prior, Ms. Olson-Murphy, Mr. Thielbar, Ms. Pennell, and Ms.
122 Davies voted aye, and the motion passed 5-0-1.

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124
125 **II. Adjournment**

126 made a motion to adjourn.

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128

Mr. Prior moved to adjourn. Ms. Davies seconded. All were in favor and the meeting was adjourned at 7:30 PM.

129

130 Respectfully Submitted,

131 Joanna Bartell

132 Recording Secretary