

Town of Exeter
Zoning Board of Adjustment
February 20, 2024
7 PM
Town Offices Nowak Room
Final Minutes

I. **Preliminaries**

Members Present: Chair Robert Prior, Vice-Chair Esther Olson-Murphy, Clerk Theresa Page, Kevin Baum, Laura Davies, Mark Lemos - Alternate and Laura Montagno - Alternate.

Town Code Enforcement Officer Doug Eastman was also present.

Members Absent: Martha Pennell - Alternate, Joanne Petito - Alternate

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

I. **New Business**

- A. The application of Patrick Houghton for a variance from Article 4, Section 4.3 Schedule II to exceed the density requirements to permit four (4) units on a 26,000+/- square foot lot where a minimum lot size of 15,000 sq. ft. is required for each single-family dwelling and 24,000 sq. ft. is required for each duplex. The subject property is located at 46 Main Street, in the R-2, Single Family Residential zoning district. Tax Map Parcel #63-1. ZBA Case #24-1.

John Arnold of Orr & Reno spoke representing the applicant, Pat Houghton. Attorney Arnold said the applicant was here in November to ask for three variances for 46 Main Street, currently the site of Cocheco Auto Repair. The Board granted two variances, one to allow multi-family use and one to allow a reduced setback, but denied a variance to allow five units. The Board encouraged us to come back with a redesign with a reduced size and scale. The Board must determine whether there has been a material change to reconsider the application.

Attorney Arnold said the first change is that we've eliminated one unit; it's now a four-unit development. We've reduced the depth of the buildings by 10 feet, from 50 feet to 40 feet. That reduces the scale of the buildings, and provides adequate space in the rear of the property for snow storage and screening. Most of the impervious surface is well outside of the 25-foot rear setback. With the elimination of one unit, we've also eliminated one parking space. We flipped the orientation of the driveway to the other side in response to concerns about the proximity of the driveway to the adjacent residence and the school. Finally, we had an overall reduction in building coverage from 23% to 18% of the lot, and increased open space from 52% to 55%. The minimum open space for this zone is 40%. These changes are dramatic. It may be appropriate for the Board to take

44 a vote that these are material and they can proceed to the merit of the
45 application.

46 Ms. Page moved to find that the present application of Patrick Houghton for a variance
47 from Article 4, Section 4.3 Schedule II to exceed the density requirements to permit four
48 units on a 26,000+/- square foot lot located at 46 Main Street, in the R-2, Single Family
49 Residential zoning district, ZBA Case #24-1, contains material changes in the proposed
50 use of the land from the prior application submitted by the same applicant for a density
51 variance to permit five units at the same location, such prior application being denied by
52 the Board on November 21, 2023, included in ZBA case #23-17, and that the present
53 application should be permitted to proceed. Ms. Olson-Murphy seconded. Mr. Prior, Ms.
54 Olson-Murphy, Ms. Theresa Page, Mr. Baum, and Ms. Davies voted aye, and the motion
55 passed 5-0.

56
57 Mr. Houghton said the applicant heard the Board's and the neighbors'
58 concerns and redesigned the site. One concern was that there was too much
59 development on the site, so we reduced the footprint by 825 square feet and
60 reduced the length of the property, pulling it further away from the neighbors. We
61 have not yet completely designed the buildings themselves. We designed it with
62 some "fudge room" on the width, and we think the actual product will be smaller
63 than shown on the plan. The neighbors' concern about snow storage will be
64 addressed by reducing the depth of the buildings. We would be willing to work
65 with the neighbors on any screening that may be needed.

66 Mr. Baum said the snow storage is labeled in the vegetated area. This will
67 go through the Planning Board, but he's trying to get a sense of how snow will be
68 plowed into that area if it's landscaped. Mr. Houghton said where the pavement
69 ends, there won't be any curb. The snow could be pushed onto the landscaping
70 area.

71 Mr. Houghton said the seller has cooperated with us and we negotiated a
72 price reduction on the property. The price is as low as the seller can absorb, so if
73 we're not successful going forward, he doesn't think the economics of developing
74 this site will work, either for his company or any other company. The seller would
75 continue to operate at that site, which is a little bit out of place. He added that this
76 development would be great for the town.

77 Attorney Arnold said at the last hearing, the Board found that the variance
78 failed based on public interest, the spirit of the ordinance, and unnecessary
79 hardship, so he will focus on those criteria. 1) The variance will not be contrary to
80 the public interest and 2) The spirit of the ordinance will be observed; the test is
81 whether the variance would affect the essential character of the locality or
82 whether it would threaten public health, safety, or welfare. The character of the
83 locality was discussed at the last hearing. This neighborhood has a number of
84 other multi-family uses. It's a mixed neighborhood. The proposal with four units
85 equates to 6,500 square feet of lot area per unit, which is a significantly lower
86 density than other multifamilies in the area, including the four nearest multi-family
87 properties. The greatest density is at 64 Main Street, which has only 1,300

88 square feet of lot per unit, down to the lowest density at 41 Main Street which has
89 3,900 square feet of lot area per unit. We're proposing 6,500 square feet per unit,
90 which is a significantly lower density than existing multi-families. There was some
91 talk at the last hearing about the nearby multifamilies being grandfathered, but
92 this criteria has to do with the character of the neighborhood. The character of
93 the neighborhood is one that includes high-density multi-family use. With respect
94 to the public safety, health and welfare, we already have a barometer for this.
95 The other multi-family properties in the neighborhood do not pose these risks.
96 This development would replace a commercial, non-conforming use. In terms of
97 traffic, the peak hour traffic counts for four units would be about half of the peak
98 hour traffic counts for the existing auto repair facility. Attorney Arnold skipped to
99 criteria 5. 5) Literal enforcement of zoning ordinance will result in an unnecessary
100 hardship; this is an unusually large property. The GIS shows that our property
101 stands out from the surrounding properties, which are significantly smaller, other
102 than the school. It's 6/10 of an acre, more than double the size of the properties
103 around it, and it's irregularly shaped, with a rear lot line that jogs around the
104 adjacent property and a curve along the road frontage. The auto repair facility is
105 a non-conforming use, which carries along with it some environmental
106 implications. This explains why this property hasn't yet been replaced by another
107 use, either a permitted single-family use or a multi-family use with a variance.
108 Because it's large and has a going concern on it, that drives up the value of the
109 property and makes it financially difficult to create a development with units that
110 are marketable. The second part of the hardship criteria is looking at whether
111 there's a substantial relationship between the general purpose of the ordinance
112 and its application to this property. The purpose of the density limitation is to try
113 and preserve the single-family character of the neighborhood, but the
114 neighborhood here is already peppered with multi-family properties with density
115 higher than what we're doing here. Denying the variance request doesn't do
116 anything to serve the purpose of the ordinance, because it's not preserving any
117 single-family nature in this neighborhood. He added that this development would
118 be a dramatic improvement for the neighborhood.

119 Ms. Davies asked if there will be a garage under each unit. Mr. Houghton
120 said yes. Ms. Davies asked about the height of the structure. Mr. Houghton said
121 we don't know yet. Attorney Arnold said the plan is to do it so it is compliant. Mr.
122 Prior said that is 35 feet. Mr. Houghton said we plan to have a low ceiling in the
123 garage, probably about seven feet. We may be able to create a downward grade
124 to get into the garage. It won't be a skyscraper-looking townhome. We think a
125 peaked roof in colonial style would fit in well with the buildings in the
126 neighborhood. Mr. Baum asked if it's two spaces per garage. Mr. Houghton said
127 it will be single-space garages with the second space for each unit on the site.

128 Mr. Baum said moving everything back is great. He's concerned about
129 the folks at 44 Main Street who are going to have headlights pointed at them, but
130 landscaping and buffering will be addressed in Planning. The issue will also be

131 addressed by the new driveway layout. The Board should think about conditions
132 for the approval.

133 Ms. Page said with the move of the driveway to the other side, are the
134 buildings toward the school side equally as close to the school as before? Mr.
135 Houghton said the buildings do get a little bit closer to the school. We changed
136 the driveway because there's some queuing for the school drop off and pickup,
137 and it either doesn't stretch to that point or does for a very short time.

138 Mr. Prior asked for public comment.

139 Bob Markey of 10 Ash Street said he would like the Board to review
140 whether this lot is a corner lot under zoning ordinance, which defines a corner lot
141 as "a lot abutting on two or more streets at their intersection or upon two parts of
142 the same street forming an interior angle of less than 135 degrees." He
143 calculates that this lot is 134 degrees. This is going to become a blind corner with
144 the building so close. Speaking of queuing, there's mornings and afternoons that
145 he can't get out of his street [Ash Street] because cars are lined up there.
146 Regarding property values, the property next to his is selling for \$1.8M.

147 Dave Essensa of 44 Main Street said we want what's best for our
148 neighborhood. We think that staying with the ordinance enacted by this Board
149 back in 1960 is the way to go. The Attorney used the term "going concern," what
150 did that mean? Mr. Prior said Attorney Arnold can address that afterwards. Mr.
151 Essensa went through the variance criteria. 1) The variance will not be contrary
152 to the public interest and 2) The spirit of the ordinance will be observed; Mr.
153 Essensa said the four units on that lot would look like a compound. The place
154 across from the Xtra Mart has nine units stuffed in there and that doesn't look like
155 our neighborhood. The application talks about the housing shortage, but there's
156 the Ray Farm development with 96 units and units going in at the end of
157 Portsmouth Ave. How do we know there's a housing shortage? 3) Substantial
158 justice is done; the Attorney said the project is not financially viable if the four
159 units are not approved, but we just talked about how much the house next door
160 went for. How much is the applicant paying for this property? How do we know if
161 they will make or lose money? The Attorney said the criteria were met the last
162 time, but we didn't take a vote. Mr. Prior said the Board did take a vote, and the
163 motion was denied under criteria 1, 2, and 5a, which means it did meet the other
164 criteria. Mr. Essensa continued. 4) The value of surrounding properties will not be
165 diminished; our neighborhood values Steve, the owner of 46 Main Street, as a
166 the neighbor, and doesn't want to lose him. It's a quiet neighborhood. After five
167 o'clock, there's no noise coming out of the property now. When you have four
168 units, there would be people coming and going and more noise. The best thing
169 would be if Steve fixed the property up. 5) Literal enforcement of zoning
170 ordinance will result in an undue hardship; there's nothing we can do about the
171 shape of the property, you still have to comply with the rules. They say the
172 property is unsuited for a single or a duplex, but aren't they asking to put in four
173 single-family homes? Mr. Prior said he's making a distinction between one or two
174 units, which are allowed, versus the four units that require the variance. Mr.

175 Essensa said there would be four rental properties. 64 and 68 aren't abutters and
176 may be in the commercial zone, so that doesn't relate to the property we're
177 talking about. The application says that the Board concluded at the November
178 hearing that the five-unit proposal was reasonable, is that correct? Mr. Prior said
179 yes.

180 Audrey Hoyt, the owner of 43 Main Street, said she thinks this proposal is
181 great. This dilapidated car garage was falling apart 10 years ago, and it's in
182 worse shape now. She's glad the driveway isn't still going into her house
183 because it's a narrow lot and there's no parking space in the back. She doesn't
184 have any complaints.

185 Ann Essensa of 44 Main Street said she's lived there for 36 years.
186 Everyone is calling her house an apartment complex, but the main house is a
187 single-family home with a wing on the back that has two tiny apartments. The
188 neighborhood has the characteristic and building styles of single-family homes,
189 even if some of them have apartments in them. That's why it's residentially
190 zoned. The units across from the Xtra Mart are commercially zoned. She's sure
191 Mr. Houghton's units will be beautiful, but there will be two buildings on one piece
192 of property with large units. Most of the other multi-family houses in the
193 neighborhoods have tiny apartments. The gas station is grandfathered in. We
194 were told that because the zoning is residential, nothing bigger can go in, but this
195 is a lot bigger. Anything that comes in will be better than what's there now, but it's
196 a residential neighborhood and four townhouse condo units will change the
197 whole look and feel.

198 Mr. Prior closed the public session and asked Attorney Arnold to address
199 issues that were raised.

200 Attorney Arnold said the driveway and traffic backup, the driveway can't
201 be any further than where we would be putting it from the school. We're
202 eliminating the wide-open curb cut with two entrances which would be an
203 improvement. The traffic will be half of what's going in and out of the existing
204 business. By "going concern," he meant there's an existing business here that
205 generates value for this property, which drives up the price of this property. If this
206 were a vacant property, the seller would have more incentive to lower the price.
207 Regarding the character of the neighborhood, the use that we're proposing is
208 dramatically more consistent than what's there today. The Board has already
209 granted a variance to allow multi-family there. The question is whether we can do
210 three units versus four units. There are older single-family homes in this
211 neighborhood that have been converted, but that's more of an aesthetic or
212 design issue and isn't relevant for the purposes of the density issue. The 44 Main
213 Street property is 2/10 of an acre with 3 units, or 3,000 square feet per unit, less
214 than half of what we're proposing.

215 Mr. Prior said the application cited four properties: 64, 68, 44, and 41
216 Main Street, are they all in the same zoning district? Attorney Arnold said he
217 cited one in the original application that was not in the same district, but we

218 pulled it out. Ms. Page said the example was 69 Main Street, which was zoned
219 commercial. Attorney Arnold said all of the other examples are R2.

220 Mr. Prior closed the public session and entered into Board deliberations.

221 Mr. Prior said we agreed that this application is significantly different
222 enough from the prior application to consider it. We moved to approve two of the
223 variance requests last time, and this is a modification strictly of the third. We said
224 that the previous application missed on three criteria: 1, 2, and 5a, which means
225 that it passed on 3, 4, and 5b.

226 Ms. Montagno said one of the members of the public brought up that the
227 lot is a corner lot and the setbacks may be different. Is that the case? Mr. Baum
228 said he's not sure it makes a difference for this application. We've already
229 granted setback relief. This is just about the density. Ms. Page said the corner lot
230 conversation was focused specifically on the setback.

231 Ms. Davies went through the variance criteria. 1) The variance will not be
232 contrary to the public interest and 2) The spirit of the ordinance will be observed;
233 this is in the R2 district, which allows single-family and two-family use by right. It
234 is a State route and part of the downtown area. It does have quite a few multi-
235 families in the existing neighborhood, as well as some commercial uses. She
236 feels that two buildings - which will not be one massive structure, and may even
237 appear as separate properties - will not change the essential character of the
238 neighborhood. Mr. Baum said the four units on this lot have a lower density than
239 the smaller sized lots surrounding it. Most of the other multi-families in the area
240 are converted and may have a different aesthetic, but that's not what's before us
241 tonight with the question of density. It won't have an impact on the
242 neighborhood's health, safety or welfare. The relocation of the driveway is an
243 improvement. Mr. Prior said so is the moving of the properties off of the rear
244 property line for snow removal and buffering vegetation or fencing. Ms. Davies
245 said we would be returning this to a residential use from a fairly high-impact
246 commercial use, which is a reduction in the non-conformity of the property. 3)
247 Substantial justice is done; this property has been in need of redevelopment for a
248 long time. Its redevelopment is a benefit to the applicant, the neighborhood, and
249 the overall area. 4) The value of surrounding properties will not be diminished;
250 there was no expert testimony. As a valuation expert, she would suggest that this
251 investment and return to a residential use will enhance property values in the
252 area. 5) Literal enforcement of zoning ordinance will result in an unnecessary
253 hardship; Attorney Arnold did a good job of discussing the special conditions of
254 the property. Its size, its large frontage, and its configuration make it a challenge
255 to develop. Its former use as a gas station makes it more difficult to develop for
256 residential use. A change in use would be a fairly high bar cost-wise. Those
257 factors and the high-traffic location make single-family less likely to be the most
258 attractive option to the market. The proposed use is a reasonable one; yes, given
259 the reduction in size and scale, the four units is a reasonable use. Mr. Baum said
260 these will be residential units.

261 Ms. Davies made a motion to approve the application for a variance from Article 4,
262 Section 4.3 Schedule II to exceed the density requirements to permit four units on a
263 26,000+/- square foot lot where a minimum lot size of 15,000 sq. ft. is required for each
264 single-family dwelling and 24,000 sq. ft. is required for each duplex. The subject property
265 is located at 46 Main Street, in the R-2, Single Family Residential zoning district. Tax
266 Map Parcel #63-1. ZBA Case #24-1. We approve the application for four units with the
267 condition that upon Planning Board review, special attention is paid to screening the six
268 parking spaces at the rear of the parcel from abutters, particularly in the sightline of the
269 property at 44 Main Street. Mr. Baum seconded. Mr. Prior, Ms. Olson-Murphy, Ms.
270 Theresa Page, Mr. Baum, and Ms. Davies voted aye, and the motion passed 5-0.

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274 B. The application of David and Emily Gulick for a variance from Article 5, Section
275 5.1.2 A. for the expansion of a non-conforming use to permit the proposed
276 construction of an addition (garage with living space above) to replace an
277 existing garage which currently encroaches within the required side yard setback;
278 and a variance to exceed the maximum building coverage requirement in the R2
279 zoning district. The subject property is located at 21 Charter Street, in the R-2,
280 Single Family Residential zoning district. Tax Map Parcel # 73-101. ZBA Case
281 #24-2.

282
283 Owner David Gulick spoke regarding the application. Mr. Gulick said
284 we're requesting a variance to replace a non-conforming garage with a new two-
285 story addition which will encroach on the side yard setback, as well as a variance
286 to exceed the building coverage limit. His family bought the property in 2017. We
287 live at the Phillips Academy housing, and we have to be off-campus by June of
288 next year. We have two daughters in their teens, and we're also legal guardians
289 of our sister's daughter. Our intention is to move to this property. We have two
290 bedrooms right now, but this would enable us to have a third bedroom. Mr. Prior
291 asked if the property is currently rented. Mr. Gulick said it's been vacant since
292 December 2023. Mr. Baum asked if this will be a garage with a bedroom on top.
293 Mr. Gulick said yes, it will connect to the existing house on the second floor. The
294 current garage footprint will be pushed forward so that it can connect. Mr. Baum
295 said we don't have a view of where everything is compared to the side setbacks.
296 Mr. Prior said you can see the property lines in another drawing. Mr. Gulick said
297 the existing garage is set back 2'5". The addition will be parallel to the house,
298 which results in a 2'3" distance from the side. Mr. Baum asked the height of the
299 garage. Mr. Gulick said the proposed peak is 20 feet, and it slants down to 18
300 feet. We're trying to keep this so that it doesn't feel so large. Mr. Prior asked if
301 the connector is on the second floor only. Mr. Gulick said yes. Creating a
302 connection on the first floor would remove a useable space with a set of stairs. It
303 would be connected along the upstairs hallway. Ms. Page asked if there's a six-
304 foot privacy fence along the property line, and Mr. Gulick said yes. It extends to

305 where the proposed garage would go. Mr. Prior said they will be straightening the
306 line by pivoting the garage toward the fence rather than away from the fence. Will
307 runoff from the roofline impose on the neighbor? Mr. Gulick said he would take
308 that back to Curtis Boivin, who is helping us with this. Mr. Lemos asked about the
309 garage overhang. Mr. Gulick said it would be the same as the current overhang.

310 Mr. Gulick said there would be an increase in lot coverage from 30.4% to
311 33.4%, an addition of 130 square feet.

312 Ms. Davies said regarding runoff along the property line, could we make
313 gutters a condition? Mr. Prior said he thinks that's a good idea. Does the existing
314 house have gutters? Mr. Gulick said the existing house and garage do not have
315 gutters. Our Architect has discussed adding gutters.

316 Mr. Prior asked for public comment, but there was none. He closed public
317 session and the Board went into deliberations.

318 Ms. Davies said this sounds like a nice plan. Mr. Lemos observed that
319 none of the neighbors are here for public comment.

320 Mr. Prior said the first variance is for the expansion of a non-conforming
321 use to permit the proposed construction of an addition to replace an existing
322 garage which encroaches within the required side yard setback. He doesn't think
323 we need to go through the variance criteria, given the tenor of the discussions.

324 Ms. Montagno said in straightening the building, they are getting closer to
325 the lot line rather than further away from it. Mr. Prior said it's only by a trivial
326 amount like 2 inches. Ms. Montagno asked if we should put pivoting it in the other
327 direction as a condition. Ms. Olson-Murphy said we don't know why they
328 designed it that way. Pivoting the other way may not work. Mr. Prior said the
329 designer may have just wanted more room. Mr. Baum said it makes everything
330 line up with the existing house. Mr. Prior said he would support a condition that
331 the designer try to remain within the existing setback of 2'5" rather than getting
332 closer to the property line. Mr. Baum said that could confuse things, since that's
333 the relief that's being granted. Mr. Lemos said the front corner is where the issue
334 would be, and that's not moving. Ms. Olson-Murphy said the applicant has heard
335 us and will speak to the designer about pivoting the other way. She doesn't
336 support a condition.

337

338 Ms. Montagno made a motion to approve the application of David and Emily Gulick for a
339 variance from Article 5, Section 5.1.2 A. for the expansion of a non-conforming use to permit the
340 proposed construction of an addition (garage with living space above) to replace an existing
341 garage which currently encroaches within the required side yard setback. Ms. Olson-Murphy
342 seconded. Mr. Prior, Mr. Baum, Ms. Olson-Murphy, Ms. Montagno, and Mr. Lemos voted aye
343 (Ms. Page and Ms. Davies did not vote). The motion passed 5-0.

344

345 Mr. Prior said the second variance is to exceed the maximum building
346 coverage requirement in the R2 zoning district. The application says it will
347 increase by 3.1% or 133 square feet.

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349 Mr. Lemos made a motion to approve the application of David and Emily Gulick for a
350 variance from Article 5, Section 5.1.2 A. to exceed the maximum building coverage
351 requirement in the R2 zoning district. Ms. Olson-Murphy seconded. Mr. Prior, Mr. Baum,
352 Ms. Olson-Murphy, Ms. Montagno, and Mr. Lemos voted aye (Ms. Page and Ms. Davies
353 did not vote). The motion passed 5-0.

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355 C. The application of Rachel Trabelsi for a special exception per Article 4, Section
356 4.2 Schedule I and Article 5, Section 5.2 to permit an accessory dwelling unit
357 (ADU) to be created within the existing single-family residence located at 12
358 Highland Street. The subject property is located in the R-2, Single Family
359 Residential zoning district, Tax Map Parcel #65-138. ZBA Case #24-3.

360 Owner Rachel Trabelsi was present to discuss the application. She said
361 she is requesting to split her house to make one part a rental.

362 Ms. Davies asked if the area identified in the floor plan as the kitchen and
363 front room will remain with the main single-family home unit, and the bathroom,
364 bedroom, and garage will be the ADU? Ms. Trabelsi said that's correct. Mr. Prior
365 asked if the garage will still be a garage. Ms. Trabelsi said no, it will be part of the
366 ADU. There will be no interior parking. Mr. Prior said that wasn't clear. Ms.
367 Davies asked if she will change the garage door. Ms. Trabelsi said it will be a
368 garage door that has a door you can open in it. Mr. Prior said if she wishes to do
369 it this way, that's her business. If it were to remain a garage that could contain a
370 car, it couldn't count toward ADU living space. Mr. Eastman said there would
371 have to be a rated, insulated wall inside the garage door to be living space. He
372 suggested selling the garage door and putting in a wall instead.

373 Ms. Trabelsi said a kitchenette is planned for near the door going into the
374 hallway. She would be living in the ADU because she's just one person. The
375 kitchen, living room, and second floor would be the rental. Ms. Davies said the
376 owner would have to be in one or the other unit, so that's fine.

377 Ms. Olson-Murphy asked if taking out the garage door would be
378 considered a change to the exterior. Mr. Prior said there are no changes to the
379 footprint of the exterior. Ms. Davies said the appearance will change, and there
380 will be construction. Mr. Baum said the plan was to not make any exterior
381 changes, which the applicant found out five minutes ago was not feasible. Mr.
382 Baum said it just has to look like this is still a single-family home, which it will.

383 Ms. Page said the application stated that the living area is 1,890 square
384 feet, is that presently or with these changes? Ms. Trabelsi said that's the two
385 bedroom upstairs, kitchen, and living room. The ADU is 900 square feet.

386 Mr. Prior said the application is not seeking relief for parking, and it's
387 eliminating indoor parking, so that would mean there are four parking spaces on
388 the property. Ms. Trabelsi said four cars can fit on the driveway. Mr. Baum asked
389 if that's a shared driveway with the neighbor. Ms. Trabelsi said yes, but she [Ms.
390 Trabelsi] does the snow removal. Ms. Davies asked about the shared driveway.
391 Ms. Trabelsi said the driveway is 65 feet that go from the street to where we split,
392 which is shared. Each driveway could fit six cars. Mr. Baum asked if there's a

393 driveway agreement with her neighbor. Ms. Trabelsi said no. Mr. Eastman said
394 there's probably something with the deed. Mr. Baum said he's nervous about the
395 additional use, but ADUs are permitted by special exception. Ms. Trabelsi said
396 she's not increasing the number of people that will be there in the house.

397 Mr. Prior observed that there were no members of the public present, so
398 he closed the public session and went into Board deliberations. He asked if any
399 Board members have concerns about any of the special exception criteria.

400 Ms. Olson-Murphy said the application was confusing. It was unclear
401 what exactly will happen. Mr. Baum said we're granting this based on the
402 application and the presentation. If there were further changes, he doesn't think
403 the applicant can go forward. Mr. Prior said there will be exterior changes, but
404 there won't be dimensional changes. That will be part of the minutes. Where the
405 minutes and the application differ, the minutes should take precedence.

406 Ms. Davies said the original square footage of the home was 1,890, and
407 the finished garage will add 440 square feet, since it's 20x22 feet. That puts us at
408 2,330 square feet. There's still plenty of room for both units. Ms. Olson-Murphy
409 said the application says that the 1,890 includes the finished basement. Ms.
410 Davies said that wasn't what the applicant meant. Mr. Lemos said the application
411 sounded like there was a miscommunication between the applicant and the
412 lawyers. Ms. Page said the requirement is that the lesser unit is limited to 900
413 square feet or $\frac{1}{3}$ of the finished floor space of the principal structure, whichever is
414 less. $\frac{1}{3}$ of 2,330 would be 776 square feet, so that would be the maximum. Mr.
415 Baum said he doesn't trust that number. Ms. Olson-Murphy said she can't get the
416 house being 1,890 square feet from the plans. Mr. Baum said we can't grant
417 anything that isn't consistent with the ADU requirement. Mr. Prior said he's more
418 comfortable with approving it with that in mind rather than asking the applicant to
419 come back. Ms. Page said there would have to be an occupancy permit granted,
420 so the town has some oversight there.

421
422 Mr. Baum made a motion to approve the application for a special exception per Article 4,
423 Section 4.2 Schedule I and Article 5, Section 5.2 to permit an accessory dwelling unit
424 (ADU) to be created within the existing single-family residence located at 12 Highland
425 Street, approval granted conditioned upon the ADU meeting the square footage
426 requirements and all other requirements of Section 4.2. Ms. Davies seconded. Mr. Prior,
427 Ms. Theresa Page, Mr. Baum, and Ms. Davies voted aye. Ms. Olson-Murphy voted nay.
428 The motion passed 4-1.

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431 **II. Other Business**
432 A. Minutes of December 19, 2023
433 Corrections: Ms. Page said in Line 371, it says "Ms. Page said it's been 30 days,"
434 but it was Laura Montagno that said that. Mr. Prior said in line 219, it should read
435 "Hospital."
436

437 Ms. Page moved to approve the meeting minutes of December 19, 2023 as amended. Ms.
438 Olson-Murphy seconded. Mr. Baum and Ms. Davies abstained, as they were not present at the
439 December meeting. Mr. Prior, Ms. Olson-Murphy, Ms. Montagno, and Ms. Page voted aye. The
440 motion passed 4-0.

441
442 **III. Adjournment**

444 Mr. Prior moved to adjourn. Mr. Baum seconded. All were in favor and the meeting was
445 adjourned at 8:54 PM.

446
447 Respectfully Submitted,
448 Joanna Bartell
449 Recording Secretary
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