

Town of Exeter
Zoning Board of Adjustment
October 21, 2025, 7 PM
Town Offices Nowak Room
Final Minutes

I. **Preliminaries**

Members Present: Chair Robert Prior, Vice-Chair Laura Davies, Clerk Esther Olson-Murphy, Kevin Baum, John Dal Santo - Alternate

Members Absent: Martha Pennell - Alternate, Laura Montagno - Alternate

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

I. **New Business**

- A. The application of Amanda Kelly for a variance from Article 4, Section 4.2 and Article 5, Section 5.1.2 A for the expansion of a non-conforming use to permit the construction of an approximately 150 square foot addition to the front of the existing residence on the property at 24 Prospect Street. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel # 65-163. ZBA Case # 25-8.

Applicant Amanda Kelly of 24 Prospect Street and Builder Alexander Molica of Redwood Builders were present to discuss this application. Ms. Kelly said this is her home. Her daughter is disabled and they need to install an adult-sized changing table for her that is powered height-adjustable. Caregivers come into the home and they have a 50-pound lift limit. To use the main living space where we change her going forward, we need more space. We would like to expand the front of the house out into the footprint of the porch.

Mr. Prior said the porch isn't full width, it's just a platform with steps. Ms. Kelly said it's 5 feet deep coming out of the house and about 8 feet wide. We think of it as a porch.

Ms. Kelly said the house would stay one story, and we'd add a shed dormer to most of the width of the house. This will make it look more like the Craftsman houses on the rest of the street.

Mr. Prior asked how the design sketch meshes with the three steps and railing while still being off the sidewalk and property line. Ms. Kelly said it will be two steps and will come within inches of the sidewalk. Mr. Prior asked if the sidewalk is the property line, and Ms. Davies said it looks like it's a foot in from that. Mr. Molica said we don't have a survey of the property, but the tax map shows that the plot land is accurate. Ms. Davies said where the green ends and the sidewalk is public property and could be used by the town for public improvements. Mr. Prior said the applicant needs to clarify where the property line is. Mr. Baum said if it is 18 inches, is that enough for the stairs? The other issue is there could be an encroachment, which would be an issue when they sell

45 the house. Ms. Kelly said in lieu of an expensive survey, could we ask for fewer
46 feet out? Mr. Baum said you do need a way to get from the front door to the
47 sidewalk. Ms. Davies said it's not a good idea to assume you're not encroaching
48 on public property. Ms. Kelly said that wasn't her intention.

49 Mr. Prior asked Ms. Davies whether there are alternatives to a survey to
50 verify this. Ms. Davies said the town may have other records. Mr. Prior said if
51 sidewalk plows come down the street, you don't want the steps right there. Ms.
52 Kelly said we currently have landscaping there and it hasn't been an issue. Mr.
53 Prior said the house is not strictly parallel to the street. The door could be offset
54 to one end. Mr. Baum said a survey would be best but we don't necessarily
55 require it. The building department should be able to assist. Ms. Davies said it
56 doesn't have to be a survey of the whole property, it could just be a clarification
57 of the front lot line. Ms. Kelly asked if they could revise their ask by a foot. Mr.
58 Baum said you might have more or less room than you think. You should do due
59 diligence on it. Mr. Molica said tax maps may not be accurate down to three
60 inches, but there is a general degree of accuracy to this plot plan. If we drop the
61 platform down by 7 inches, the height of a riser, then we're looking at 12 inches
62 for the steps. He doesn't think that even approaches the property line here. Due
63 to the season, we would like to at least break ground here. Ms. Kelly said the
64 distance from the edge of the existing porch to the sidewalk is 36 inches with 2
65 steps; we could put one step on the inside. Mr. Prior said the existing application
66 would still be valid. We could approve a plan as long as you stay within what this
67 map shows as the property line

68 Mr. Baum said it looks like there was a prior addition, based on the tax
69 map. It looks like the house was an "L" shape. Ms. Kelly said we filled in the "L" in
70 2019. Now it's almost a square.

71 Mr. Dal Santo asked if Ms. Kelly had approached any surveyors. Ms.
72 Kelly said she talked to the surveyors when they were doing the plan down the
73 street. She took a picture of the survey marker in front of her house and it looked
74 like this is where it was.

75 Mr. Prior asked for public comment, but there was none.

76 Mr. Prior said this is fairly straightforward, other than the issue of possibly
77 encroaching into the public space. Ms. Davies said we're able to approve the
78 expansion to a certain point and they can work out the details. Mr. Prior said the
79 relief being sought is for a maximum square footage of expansion, not a specific
80 plan. There's a good bit of latitude on the part of the homeowner. Mr. Baum said
81 it's also an expansion into the front and side setbacks. We want to make sure it
82 doesn't go beyond what's requested and that the stairs don't go beyond the
83 property line. Mr. Prior asked Mr. Baum to clarify his comment about the side
84 setback. Mr. Baum said even though it's not going beyond the existing setback,
85 the expansion is using more of the side setback by coming further forward; that
86 said, there isn't a single conforming lot on that street. Ms. Olson-Murphy said a
87 lot of the properties there have stairs that come out to the sidewalk.

88 Ms. Davies went through the variance criteria: 1) The variance will not be
89 contrary to the public interest and 2) The spirit of the ordinance will be observed;
90 yes, it's similar to other properties in the neighborhood and won't alter the
91 character of the neighborhood. Other homes are also close to the sidewalk. We
92 don't see any threat to public health, safety, or welfare, but we want to make sure
93 not to injure the public rights by encroaching into public property. 3) Substantial
94 justice is done; yes, this is a strong benefit to the applicant and there's no harm
95 to the public. 4) The value of surrounding properties will not be diminished; there
96 has been no testimony about this. It's a small change and will not harm anyone's
97 property values. Enhancing the front of this property might even be a benefit to
98 the neighborhood and property values. 5) Literal enforcement of zoning
99 ordinance will result in an unnecessary hardship; yes, the Board doesn't want to
100 inflict hardship on the applicant's family by being literal about the criteria in the
101 ordinance.

102 Mr. Baum made a motion to approve the application of Amanda Kelly for a variance from
103 Article 4, Section 4.2 and Article 5, Section 5.1.2 A for the expansion of a non-
104 conforming use within the front and side setbacks to permit the construction of an
105 approximately 150 square foot addition to the front of the existing residence on the
106 property at 24 Prospect Street, with the proposed addition not to extend more than 4'7"
107 beyond the front facade of the existing structure and the front stairs not to extend
108 beyond the property boundary as confirmed by the Building Inspector. Mr. Dal Santo
109 seconded. Mr. Prior, Ms. Davies, Ms. Olson-Murphy, Mr. Baum, and Mr. Dal Santo voted
110 aye, and the motion passed 5-0.

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113 **II. Other Business**

114 **A. Approval of Minutes: July 15, 2025**

115 Corrections: Mr. Prior said in line 35, where it says "Mr. Prior asked if an
116 alternate location, such as behind the building, would be unsuitable," it should
117 read "suitable."

118 Mr. Baum suggested Mr. Prior should abstain on the minutes, since the
119 Board also discussed the request [from the Pickpocket abutter group]. Mr. Prior
120 said he can vote on the minutes because they're an accurate reflection of what
121 was said, including that Mr. Prior recused himself. Ms. Olson-Murphy said we're
122 not changing anything beyond line 35.

123 Ms. Olson-Murphy made a motion to approve the minutes of July 15, 2025 as amended.
124 Mr. Dal Santo seconded. Mr. Prior, Ms. Olson-Murphy, Ms. Davies, Mr. Baum, and Mr.
125 Dal Santo voted aye, and the motion passed 5-0.

126 **B. Approval of Minutes: August 19, 2025**

127 Corrections: Mr. Prior said in line 267, it reads "It qualifies as the MUND
128 as it was approved," but it should read "It qualifies *for* the MUND as it was
129 approved."

Mr. Dal Santo made a motion to approve the minutes of August 19, 2025 as amended. Ms. Olson-Murphy seconded. Mr. Prior, Ms. Olson-Murphy, Mr. Baum, and Mr. Dal Santo voted aye, and the motion passed 4-0.

III. Other business

Mr. Prior mentioned that the Board is three members short of a full group of ten, and he would like more people to volunteer. Mr. Dal Santo asked if members must be residents of Exeter, and Mr. Prior said yes.

IV. Adjournment

Mr. Dal Santo made a motion to adjourn. Ms. Davies seconded. All were in favor and the meeting was adjourned at 7:45 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary