

Town of Exeter
Zoning Board of Adjustment
November 18, 2025, 7 PM
Town Offices Nowak Room
Final Minutes

I. **Preliminaries**

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

Members Absent: Martha Pennell - Alternate

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

I. **New Business**

- A. The application of Amanda Cain and John Forbes for a variance from Article 4, Section 4.3 and Article 5, Section 5.1.2 A for the expansion of a non-conforming use to permit the proposed construction of a 20' x 50' detached garage within the side and rear yard setbacks on the property at 17 Harvard Street; and a variance from Article 4, Section 4.3 Schedule II: Density and Dimensional Regulations for relief from the maximum building coverage requirement. The subject property is in the R-2, Single Family Residential zoning district. Tax Map Parcel #73-178. ZBA Case # 25-9.

Applicants Amanda Cain and John Forbes were present to discuss their application. Ms. Cain said she purchased the property in 2020 and part of the existing garage is falling into disrepair due to termites and other damage. She's looking to knock down the existing garage structure and expand it to 20x50 feet. This would allow them space to store sports equipment, vehicles, and a boat.

Mr. Prior said this is a large building being proposed. It's 20'x50' and a full two stories. The height is not the issue; the issue is the setback and size. Why is it so large? Ms. Cain said the bottom floor will be storage and the top floor will be finished space for their children or guests. Mr. Prior asked if there would be plumbing, heating, and electrical. Ms. Cain said yes, and probably a kitchenette. It would have a bathroom and a shower. Mr. Prior said this is an accessory dwelling unit, but that's not what you've applied for. Ms. Cain said it's a finished room above a garage. Mr. Prior said what sets it apart is a kitchen. Ms. Cain said if it's outside of the regulations it's not necessary.

Mr. Prior said the rules around the size are changing. Ms. Olson-Murphy said she thinks if it's under 900 square feet they don't need relief. Ms. Montagno said there's rules around how many people can live there. There are rules around the parking: you need one additional space for an accessory dwelling unit.

Mr. Prior said the driveway is split with the neighbor to the west. Do you split the cost of plowing? Mr. Forbes said no, we shovel it.

44 Mr. Prior said a special exception used to be required for an accessory
45 dwelling unit, but HB 577 says that accessory dwelling units are allowed by right
46 in all residential areas. There is a restriction on the size. If you want to have it as
47 a separate living unit, you can do that, but you have to adhere to the bounds. The
48 maximum is 950 square feet, and this is 1,000.

49 Ms. Montagno asked if anything in the packet shows the scale of the
50 proposed building. Mr. Baum said it's on the aerial view. Mr. Forbes said there
51 are two documents that show what is there now and what it will look like. The
52 existing building is 22'x14'. Ms. Montagno asked if they are concerned about the
53 smaller space between the garage and the house. Is there another access point?
54 Ms. Cain said there is a gate in the fence behind the garage. Mr. Baum said
55 they'd have to go through someone else's property.

56 Ms. Davies asked how committed they are to a metal building. Mr. Forbes
57 said it's the best option as to price. A stick building would be three times the cost.
58 It will last forever and won't fall apart. Ms. Davies said it's different from the
59 character of the neighborhood. Ms. Cain said there are commercial
60 developments, an auto repair business, and Shooters Pub right there.

61 Ms. Davies said the proposed building is 18 feet to the eaves, but what
62 would the total height be? Mr. Forbes said he doesn't know. It's not a very steep
63 roof.

64 Mr. Baum asked about a polygon structure on the tax map. Mr. Forbes
65 said there's an above-ground pool with a deck.

66 Mr. Baum asked if the existing shed would be retained. Mr. Forbes said
67 probably not. Mr. Baum asked if they know the existing lot coverage. Ms. Olson-
68 Murphy said the application says 22% coverage. Mr. Forbes said that was with
69 the shed. Mr. Baum said 25% is allowed. Mr. Forbes said removing the shed will
70 get it closer to what it should be.

71 Mr. Prior asked if there are only two bedrooms in the house. Ms. Cain
72 said yes, there was a third that was converted into an unnecessarily large
73 bathroom.

74 Mr. Baum asked if the house with the shared driveway is a single-family.
75 Ms. Cain said no, it's multi-family. Mr. Prior said the house immediately behind
76 you on Winter Street is also a multi-family.

77 Mr. Prior opened for public comment, but there was none. He brought the
78 discussion back to the Board.

79 Mr. Prior said this structure would be six feet closer to the street than the
80 existing garage. Mr. Forbes said yes, it would start 55' back instead of 61.

81 Mr. Prior said the first variance is for the side and rear yard setbacks. Mr.
82 Baum said it's complicated because of the increase in size. The existing garage
83 is right on the line. All the surrounding lots are non-conforming. His biggest
84 concern is the size and bulk of the building. It would be an easier call if it were
85 going to be a single story. Concerns about shading and privacy are lessened
86 here because the abutting building is the front left of the lot rather than centered
87 on it. Mr. Prior said he shares the concern about the mass of the building, but it's

88 removed from the street and there's foliage for screening. They're not requesting
89 a height variance; it is allowed in that area. They could rebuild in the existing
90 footprint. 14'x22' is around 300 square feet, so this is tripling the size and
91 increasing the encroachment into the setback. Ms. Montagno said she's
92 concerned about future purchasers getting this and wanting to convert this into
93 an ADU. It's larger than what's allowed but it's already there. Can parking be
94 considered as well? Mr. Prior said we're allowed to require one parking spot per
95 bedroom. We can't add one spot for visitors anymore. He's assuming that this
96 will be one bedroom, but someone else could make it a two-bedroom. It's a
97 concern. Mr. Baum said they're not asking for permission to have an accessory
98 dwelling unit. If they meet the criteria for an ADU they could do it. They could
99 frame out some area of storage and then it's not living space. Ms. Davies said
100 this is a big building that could house a lot of cars. In the future it could be used
101 for something other than extra space for family. It's a lot for the neighborhood
102 and the parcel. Ms. Olson-Murphy said there is industrial nearby, but on Harvard
103 Street itself, it's all residential.

104 Ms. Olson-Murphy asked if you can grandfather in a larger building than
105 what was there before. Ms. Davies said no, we're granting relief for that. Mr.
106 Baum said he doesn't see this as being grandfathered in. It would have to be in
107 the same footprint.

108 Mr. Prior went through the variance criteria. 1) The variance will not be
109 contrary to the public interest and 2) The spirit of the ordinance will be observed;
110 yes, the only part of this he would get hung up on is altering the essential
111 character of the neighborhood. There are other detached sheds or garages in the
112 area, but he's not aware of any separate residences in the neighborhood. It could
113 be changing the essential character of the neighborhood to have people living in
114 that building some of the time, whether it's an accessory dwelling unit or not. Mr.
115 Baum said it's a residential use and won't really change the characteristics. We
116 have a lot of residential use right against the property boundaries. If they did an
117 ADU in the existing garage, they wouldn't have to come in at all. The large, bulky
118 metal building is more of a concern to the character of the neighborhood, but that
119 isn't really our purview. We don't have architectural criteria as part of our
120 consideration. Mr. Prior said he believes it passes on criteria 1 and 2. He
121 continued with the variance criteria: 3) Substantial justice is done; yes, he doesn't
122 see that there's any harm being done by putting this building on the property. The
123 Board agreed. 4) The value of surrounding properties will not be diminished; yes,
124 we've had no testimony on this point. Keeping a single-family home in this area is
125 a net positive. 5) Literal enforcement of zoning ordinance will result in an
126 unnecessary hardship; there's obviously a benefit to the applicant to having this
127 building expanded. Mr. Baum said there are special conditions given the size of
128 the lot. You can't put a detached garage building in without hitting the setbacks.
129 Given the area and the lot, he does think there are special conditions. The
130 general purposes of the ordinance are to not infringe on the neighbors or reduce
131 their privacy. To the rear is wooded and abuts commercial area. It already exists

132 right on the property line, but not to that height. 19 Harvard Street, the affected
133 abutter, is skewed away from that development. It doesn't have those
134 impingements on the neighboring lot.
135

136 Mr. Baum made a motion to approve the request for a variance from Article 4, Section 4.3 and
137 Article 5, Section 5.1.2 A for the expansion of a non-conforming use to permit the proposed
138 construction of a 20' x 50' detached garage within the side and rear yard setbacks on the
139 property at 17 Harvard Street. Ms. Montagno seconded. [Vote after discussion]

140 Ms. Davies said she's still having trouble with the size of this building and
141 that it's on the property line. The style of the building is also not in character with
142 the neighborhood. Mr. Prior said this motion is related to the setbacks. Ms.
143 Davies said there's an existing building on the lot line, but this is bigger and taller.
144 That's a bigger ask for setback relief. Mr. Prior asked if Ms. Davies wanted to
145 amend Mr. Baum's motion, and she said no.

146 Mr. Prior said the purview of this Board is strictly the dimensions as
147 presented in the application. It was a courtesy for them to show us that it's a
148 metal building, they were not required to and it should not factor into our
149 discussion. The use seems quite reasonable until you look at the picture and it's
150 a big, industrial-looking building. Ms. Davies said once this building is here, it
151 would be adaptable to uses not compatible with a residential neighborhood, such
152 as car repair. Ms. Montagno said she has similar concerns about the future
153 impact.

154 Mr. Baum asked about the square footage of the house. Mr. Prior said
155 there's 1,936 square feet of lot coverage including the existing building. Ms.
156 Olson-Murphy said it's around 1,300 square feet, roughly 34'x36'. She added that
157 it's 1,464 square feet based on the Assessor's data.

158 Mr. Prior said in the application letter, they say "the houses in our quaint
159 neighborhood," and this is not a quaint building.

160 Mr. Baum voted aye. Mr. Prior, Ms. Davies, Ms. Montagno, and Ms. Olson-Murphy voted nay.
161 The motion failed 4-1.

162
163 Mr. Prior said there are ways the applicants can address the Board's
164 reservations. He asked if they would like the Board to move forward with the
165 second variance. Mr. Forbes said yes. Ms. Montagno said that variance was for
166 the size of the building. Mr. Prior said we can't really move forward with it. Mr.
167 Baum said the Board was generally positive about the application but the
168 concern is the size. There are limits to how many times they can come back, but
169 he would invite them to submit a new application that takes the Board's
170 comments into consideration.
171

172 II. Other Business

173 A. Approval of Minutes: October 21, 2025

174 The Board did not have the minutes and tabled the approval until the next
175 meeting.
176

177

178

III. Adjournment

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180 Mr. Baum moved to adjourn. Ms. Olson-Murphy seconded. All were in favor and the meeting
181 was adjourned at 7:50 PM.

182

183 Respectfully Submitted,

184 Joanna Bartell

185 Recording Secretary

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