

Town of Exeter  
Zoning Board of Adjustment  
July 1, 2025, 7 PM  
Town Offices Nowak Room  
Draft Minutes

I. **Preliminaries**

**Members Present:** Vice-Chair Laura Davies, Clerk Esther Olson-Murphy, Martha Pennell - Alternate, Laura Montagno - Alternate and Mark Lemos - Alternate. Deputy Town Code Enforcement Officer Barb McEvoy was also present.

**Members Absent:** Chair Robert Prior, Kevin Baum, John Dal Santo - Alternate

**Call to Order:** Acting Chair Laura Davies called the meeting to order at 7 PM.

I. **New Business**

- A. The application of Alexander and Margaret Forestiere for a variance from Article 4, Section 4.3, Schedule II for relief from the front and rear yard setback and building coverage requirements; and Article 5, Section 5.3.2 to permit a visual obstruction of 30" (or greater) in height within a 30-foot distance from the intersection of Aspen Way and Woodlawn Circle for the proposed construction of an addition to the existing residence located at 4 Aspen Way. The subject property is located in the R-3, Single Family Residential zoning district and is identified as Tax Map Parcel #54-59. ZBA Case #25-42.

Ms. Davies said the reason this case was continued was an issue with abutter notification. Ms. McEvoy said the notices were mailed to the additional abutters on June 20, so it should be all set.

Attorney Darcy Peyser spoke representing the applicants, Alexander and Margaret Forestiere, who were also present. She presented a letter from Kim Meyers, the wife of Jay Meyers who was present at the previous meeting, in support of the application. Attorney Peyser also presented a density analysis and photos related to the application.

Attorney Peyser said 4 Aspen Way is an 8,639 square foot property in the R-3 district which contains a single-family home with 1,466 square feet of living space. The Forestieres reside in and work in the home. This is a corner lot with frontage on both Aspen Way and Woodlawn Circle. The front and rear-yard setbacks are existing non-conforming, and it does not comply with the ordinance on restrictions of 30 inches or less within 30 feet of an intersection. They plan to take down the existing garage on the right side of the property and construct a new 1.5 story addition in that space. They would bring the garage up to match the front face of the house and add a small basement entryway in the rear. The proposed addition will not extend further than the existing setbacks, other than that entry in the rear. It will exceed the allowable building coverage by 139 square feet, or 1%.

Attorney Peyser went through the variance criteria: 1) The variance will not be contrary to the public interest and 2) The spirit of the ordinance will be observed. Attorney Peyser said the primary objective of building setbacks is to preserve light, air and space between abutting buildings, and the purpose of the coverage requirements is to prevent overcrowding of buildings on land. Section 5.3.2 prevents visual obstructions on corner lots for safety considerations. Aside from the basement entryway, the proposed addition will not encroach further on the existing setbacks and will not affect the light, air, and space of abutting properties. Regarding 5.3.2, what is proposed would not create any new visual obstructions for drivers turning onto Aspen Way or Woodlawn Circle. There's a thick row of 20-foot arbor vitae lining the rear of the property which acts as a buffer, so there will be no visual impact to the neighbors. The new basement entryway will be situated in the only feasible area of the property. There's a grade towards Woodlawn Circle. The coverage will exceed the ordinance by a negligible amount. The neighborhood is characterized by properties that exceed 25% coverage, and many have one or more structures that encroach into the setback. Of 13 surrounding properties, the average coverage is 38%. Looking at the corner lots in the area, many don't comply with the 30-foot envelope required. What is proposed is reasonable and will not add any uncharacteristic bulking or massing. In *Belanger v Nashua*, the NH Supreme Court found that municipalities have an obligation to have their zoning standards reflect the current character of neighborhoods, failing which the Zoning Board should consider the character of a neighborhood as part of its variance analysis. The R-3 zoning requirements are not reflective of the character of the neighborhood, which has many non-conforming properties. This proposal does not represent any threat to public health, safety, or welfare. The Forestieres have made a conscious effort with their design to minimize impacts on their neighbors, and the main abutter affected is here tonight to voice his support. 3) Substantial justice is done [discussed below]; 4) The value of surrounding properties will not be diminished [discussed below]; 5) Literal enforcement of zoning ordinance will result in an unnecessary hardship; the existing house is already non-conforming with respect to front and rear-yard setbacks, in keeping with other homes in the area. Very little could be done to the house without requiring relief. The corner lot restriction, with the 30-foot setback, is more restrictive. Given the coverage requirements and setbacks, the property is constrained with what it could do. The existing home on the property is very small by current standards, and the addition will maximize its functionality. Surrounding properties do not meet the coverage and setback requirements. The proposed use is reasonable; it will continue to be used as a single-family residence, which is permitted by right in the R-3 District. Regarding whether substantial justice is done, there would be no public interest served by denied the variances, but it would constitute a serious loss to the Forestieres if they were unable to expand their home in a reasonable manner. The home is very small for a family of five. Regarding the lot coverage, at 26%, the property would still be under the prevailing average of the neighborhood. The

89 loss to the applicant if this application is denied would be significant and would  
90 not be outweighed by any gain to the public. The value of surrounding properties  
91 will not be diminished because the design is tastefully done and will not have a  
92 tangible impact on the light, air, and space of surrounding properties, beyond that  
93 which currently exists.

94 Ms. Montagno asked what the intended use of the basement area of the  
95 addition. Ms. Forestiere said we are sacrificing the garage for additional living  
96 space. We're looking for access to an area to put bikes and other storage. Ms.  
97 Montagno said the majority of the relief is for that bump-out, but there are other  
98 means of egress you could have pursued. Ms. Forestiere said there is another  
99 access point via a bulkhead. This would be to access the storage and for kids to  
100 come in and out.

101 Ms. Montagno said regarding the corner lot visual obstruction, you stated  
102 that there would be no change, but your obstruction is coming further out into the  
103 30x30' area. She drove down there and even now it's very difficult to see around  
104 the house to the left, mostly because there's gigantic shrubs. Could the  
105 obstruction of the house be offset by removing those shrubs? Ms. Forestiere said  
106 absolutely. They're probably overdue for a trim and we could consider taking out  
107 the front shrub if that would make the Board more comfortable. Ms. Davies said  
108 the ordinance requires 30 inches in height [or less], so it may just need to be  
109 trimmed back.

110 Mr. Lemos asked if they currently use the garage for storage of cars,  
111 meaning this proposal would result in more cars in the driveway. Ms. Forestiere  
112 said no.

113 Attorney Peyser said to be in compliance with the 30-foot setback would  
114 be a true hardship for this lot and most of the lots in the area.

115 Ms. Davies opened for public comment.

116 Jay Meyers of 10 Woodlawn Circle, the rear abutter, said he and his wife  
117 are in full support. He hopes the Board considers the positive impact it will have  
118 for them [the Forestieres] and for the neighborhood.

119 Ms. Davies closed the public session and brought the deliberations back  
120 to the Board.

121 Ms. Davies said this is a pretty quiet corner, so a little less sight distance  
122 may not be an issue. This is in keeping with the neighborhood. Ms. Montagno  
123 asked if by giving the setback variance in the back, in 10 years when the house  
124 gets sold, the new owner would have to come back for an additional variance to  
125 expand further. They would have to stay within the existing footprint. Ms. Davies  
126 said in the motion, we should say "as proposed" to cover that. In general they  
127 would have to seek new relief to expand.

128 Ms. Montagno asked if the Board should go through the criteria. Ms.  
129 Olson-Murphy said she doesn't think there are a lot of people worried about this.  
130 Ms. Davies said the application covers everything very thoroughly. We can say  
131 we don't have any issues with the criteria as outlined in the application.

Ms. Montagno made a motion to approve the application of Alexander and Margaret Forestiere for a variance from Article 4, Section 4.3, Schedule II for relief from the front and rear yard setback - with the rear yard setback being specific to the documentation and the layout provided with the application - and building coverage requirements; and Article 5, Section 5.3.2 to permit a visual obstruction of 30" in height within a 30-foot distance from the intersection of Aspen Way and Woodlawn Circle for the proposed construction of an addition to the existing residence located at 4 Aspen Way. Ms. Pennell seconded. Ms. Davies, Ms. Olson-Murphy, Mr. Lemos, Ms. Montagno, and Ms. Pennell voted aye, and the motion passed 5-0.

**II. Other Business**

A. Approval of Minutes: May 20, 2025

Ms. Olson-Murphy asked if Mr. Baum should be present to approve these minutes. Ms. Davies asked Ms. McEvoy if that's acceptable. Ms. McEvoy suggested voting on them at the start of the July 15 meeting.

Ms. Olson-Murphy made a motion to postpone the minutes of May 20, 2025 to the July 15 meeting. Mr. Lemos seconded. The motion passed 5-0.

**III. Adjournment**

Ms. Montagno moved to adjourn. Ms. Olson-Murphy seconded. The motion passed 5-0 and the meeting was adjourned at 7:45 PM.

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary