

Town of Exeter
Zoning Board of Adjustment
August 18, 2026, 7 PM
Town Offices Nowak Room
Draft Minutes

I. **Preliminaries**

Members Present: Chair Robert Prior, Clerk Esther Olson-Murphy, Laura Montagno, Adam Carter - Alternate, John DalSanto - Alternate, Martha Pennell - Alternate
Town Code Enforcement Officer Doug Eastman was also present.

Members Absent: Vice-Chair Laura Davies, Kevin Baum

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

I. **New Business**

- A. The Zoning Board of Adjustment will continue a public hearing on the application of Chinburg Developers, LLC. The applicant seeks a variance and relief from: (1) Article 4.2, Schedule I which allows one family detached dwellings and (2) from Article 5.5.3 which limits only one principle building on a lot. The subject property is located in the R-2, Single-Family district. Tax Map Parcel #63-256. ZBA Case # 26-4.

Mr. Prior asked which of the alternates would prefer to not vote on this case, and Ms. Pennell said she would not vote.

Christian Smith, an Engineer with Beals Associates, spoke representing Chinburg Developers LLC. Attorney John Kuzinevich, Shawna Sammis of Chinburg LLC, and Alexx Monastiero of the Gove Group were also present.

Mr. Smith said at the last hearing, there was concern about lot coverage and the number of buildings proposed, but this project actually reduces the non-conformity of this parcel. Two homes have significant sideline or frontline setback encroachments, but in the proposal, all setback requirements will be met. There is an increase in lot coverage, but we still meet the requirements of the R2 zone. The proposal has 22% total building coverage where the max is 25%, and total lot coverage is 17,378 [square feet], which is 47%, where a max of 60% is afforded. He has reached out to the Fire Department about a reduction of the entrance drive. They will likely only let us reduce that down to about 20 feet, which is the NFPA standard for fire truck access. There are five buildings proposed, which is two more than are on the lot currently, but it's a reduction in lot density. There are seven residential units within the current three buildings, while there would be five in the proposal. This area has an average square feet per unit of 6,224, but the proposed units would have 7,318. We are proposing an extensive stormwater mitigation plan, with bio-retention areas and pervious patios.

44 Mr. Prior asked if the applicant defines the front of the building as facing
45 the driveway and the rear as to the right. Mr. Smith said yes.

46 Ms. Montagno asked about a table of data presented in the packet: is 75
47 Main Street in C1, and the rest are all R2? Mr. Smith said there may be others in
48 C1. Mr. Prior said items #1, 2, 3, and 4 are all in C1. Ms. Montagno asked if it's
49 correct that #5, 61 Main Street, is 17,860 square feet? Mr. Smith said it's 17,860
50 square feet of land for one unit. Ms. Montagno asked how long the driveway is.
51 Mr. Smith said 20 feet. Mr. Prior asked the applicants to calculate the average lot
52 size per unit without examples #1, 2, 3, and 4, which are in the C1 District.

53 Attorney John Kuzinevich said there was concern about tenants in this
54 property being displaced, but there is only one at-will tenant remaining in the
55 seven dwelling units; six of the tenants vacated voluntarily. The loss of any units
56 has already been absorbed by the market. Mr. Chinberg determined that
57 because of the condition of the units, they would not be rented out. Mr. Prior said
58 that three of the units are for rent on Zillow. Attorney Kuzinevich said they should
59 not be.

60 Attorney Kuzinevich said in the material presented to the Board, he cited
61 one court case which seemed to be the only analogous case [Appeal of Town of
62 East Kingston, Docket No. 2022-0219 (NH May 22, 2024)]. In this case, two lots
63 were being combined and the applicant needed two variances to build on them.
64 The court held that the Board should grant variances where it would reduce non-
65 conformity. In this proposal, seven non-conforming dwellings would go down to
66 five units, so it is a significant improvement. With the 6,224 number, we were
67 trying to capture a picture of overall density in the area, rather than just
68 residential density. Prior to purchasing this property, Chinburg had a preliminary
69 review with the Planning Board and thought that variances weren't needed,
70 because it would be a reduction in non-conforming. Chinburg would never have
71 spent the money on this if we couldn't get the variances. Mr. Prior said "caveat
72 emptor."

73 Mr. Smith said without the commercial properties, the average square
74 foot per unit in this area is 6,798. In our proposed condition, we're at 7,318, so
75 we have slightly more land area per unit. Mr. Prior said you're about 10% over.

76 Mr. Prior opened for public comment.

77 Karen Fisher of 61 Main Street read a letter that she had presented to the
78 Board, which was included in the packet. Mr. Prior asked her to explain the issue
79 with the abutters' notice which she mentioned in her letter. Ms. Fisher said the
80 address label was unreadable so she never received it, and had to go recover it
81 after the meeting. The only reason she knew about the meeting was because a
82 neighbor happened to mention it. She further read her criticisms of their variance
83 application, which was also included in the packet. Ms. Fisher said regarding the
84 letter the applicant presented after the meeting, it says at present six of the
85 seven units are unoccupied and that the tenants left voluntarily. That is incorrect.
86 Their leases were expired and they were not allowed to renew them, so they had

87 to find housing elsewhere. This displaced a veteran, a teacher, young couples, a
88 single father and his son, and someone who works for a community food bank.

89 Elizabeth Baxter of 69 Main Street said she also did not get the letter
90 about the first meeting until the meeting was over, and she doesn't think she was
91 the only one at 69 that didn't receive them. She added that this proposal would
92 be a lot of houses to be adjacent to.

93 Jessica O'Leary of 15 South Street said she agrees with Ms. Fisher. It's
94 disappointing that this is a public hearing but there's nothing on the screen for the
95 public to see. She doesn't see the hardship here. This is a residential spot. We
96 have these codes and ordinances for a reason. There are three buildings on that
97 property, but there wasn't a code back then.

98 Donald Fisher of 61 Main Street said R2 should be maintained with some
99 level of integrity. The three existing buildings have a combined footprint of 3,500
100 square feet, but the proposal would triple that to about 9,000 square feet. The
101 three units had 4,200 square feet of living space, while the new structures are
102 15,000 square feet. The first four units in the data were C1, but the Board saw
103 that too. He also doesn't think the data is appropriate, since it's treating unequal
104 units as equal and creating dummy figures that are misleading.

105 Mr. Prior asked the applicants if they would like to comment.

106 In response to the abutters' testimony, Attorney Kuzinevich said there
107 was a suggestion that we weren't putting in residential units. Mr. Prior said he
108 didn't think that was the case. Attorney Kuzinevich said there was a call to keep
109 the integrity of the single family in the residential zone, but this lot already has
110 multiple buildings. This would not be just a single-family dwelling, but we are
111 trying to address non-conformity. The lot has hardship because two of the
112 buildings are non-conforming in their setback, so we can't renovate them or do
113 anything that changes their footprint without relief. If there were only a
114 conforming single-family dwelling on this property, the Board should reject the
115 proposal out of hand, but that's not the case.

116 Ms. Sammis said Eric Chinburg is well known by the Board, and he has
117 built his name on rehabbing historic buildings. The carriage houses, which are
118 charming on the exterior, are in disrepair on the inside. The foundations are
119 failing and the windows are broken. No one here would want to live there. We did
120 not evict anyone from those buildings, they all vacated on their own.

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

122 Mr. Prior said the applicant states that they are reducing non-conformity,
123 but he has some questions about that. That's the case if the only metric to be
124 considered is going from seven residences to five, but there are other aspects
125 that need to be considered. He thinks this is both an expansion and a contraction
126 of a non-conforming use. There was some cherry-picking of the data. When he
127 looks at the map, there are three buildings on this site, a decent-sized colonial
128 home and two former out-buildings, likely carriage houses for the existing
129 structure. We are moving from 3,500 square feet - according to an abutter and
130 not the applicant, but he thinks it's accurate based on the aerial view - to about

131 9,000. There's a lot of data here. The average square foot per unit is going from
132 6,798 to 7,318, about a 10% increase, but a tripling of the density of structures.
133 We're moving from a decent-sized house and two outbuildings to five large
134 structures that dominate the lot.

135 Ms. Montagno went through the variance criteria: (1) The variance will not
136 be contrary to the public interest and (2) The spirit of the ordinance is observed;
137 she thinks that how we measure non-conformity plays into the spirit of the
138 ordinance. While these are residential units, so it meets that criteria, the
139 provisions of the R2 ordinance allows single-family; open-space development
140 with a minimum of five acres; a duplex with special exception; and a condo
141 conversion of an existing structure with four units. She agrees with Mr. Prior in
142 that she sees this as an increase in non-conformity. It's going from three
143 buildings to five and increasing the impacted use of the land. Mr. Prior said from
144 a State law perspective, you can change or expand a non-conforming use as
145 long as it does not create new impacts on the neighborhood. One of the
146 considerations is the degree to which the use's footprint is expanded on the
147 property and the degree to which a non-conforming structure is physically altered
148 or relocated on the property. The existing non-conforming structures will be
149 removed, and new structures will be put in. He doesn't think the removal of
150 encroachment into setbacks of the existing units would be a reduction in non-
151 conformity. The buildings may require significant rehabilitation, but that's not
152 what's before this Board. He has a problem on criteria 1 and 2. Mr. DalSanto said
153 the large footprint and elevation of the buildings, although within code, would
154 have a negative impact on the other houses. The neighborhood has an issue
155 with it that is legitimate. Mr. Carter said it does feel like a creep into the R2 zone.
156 It's an intense use for the space, given the total square footage. Ms. Montagno
157 continued with the variance criteria: (3) Substantial justice is done; we've heard
158 from the public and the applicant, and she thinks it meets the criteria. Mr. Prior
159 said he thinks the benefit to the applicant is outweighed by harm to the general
160 public. There's tremendous benefit to the applicant in getting this variance and to
161 have five new, very large units which will be million-dollar properties, but there's
162 also harm to the abutters. Ms. Montagno continued with the criteria: (4) The
163 values of surrounding properties are not diminished; we didn't receive any market
164 assessments. We have no information either way. (5) Literal enforcement of the
165 provisions of the ordinance would result in an unnecessary hardship; she doesn't
166 believe the applicant meets this criteria. She doesn't see the hardship in the
167 property and being able to build within what is allowed in the ordinance. There is
168 potential on this property. Ms. Olson-Murphy said rehabbing what's there is
169 difficult, but there are no issues with the property, such as wetlands or an odd
170 shape, that would prevent them from building within the rules. It's a large lot, but
171 not the largest in the neighborhood. Mr. Prior said he agrees, he doesn't believe
172 there's hardship.

173 Ms. Olson-Murphy made a motion to deny the application of Chinburg
174 Developers, LLC seeking a variance and relief from Article 4.2, Schedule I and

Article 5.5.3 due to not meeting variance criteria 1 and 2, being contrary to the public interest and spirit of the ordinance, and 5 regarding unnecessary hardship. Ms. Montagno seconded.

Mr. Prior moved to amend the motion to say it also does not meet criteria 3, substantial justice is done. Mr. DalSanto seconded the amendment. Mr. Prior, Ms. Olson-Murphy, Ms. Montagno, Mr. Carter, and Mr. DalSanto voted aye, and the amendment passed 5-0.

On the amended motion, Mr. Prior, Ms. Olson-Murphy, Ms. Montagno, Mr. Carter, and Mr. DalSanto voted aye, and the motion passed 5-0. The application was denied.

II. Other Business

A. July 21, 2026

Corrections: Ms. Montagno said line 44, it reads "Mr. Belden said a special exception was granted for two duplexes in the R2 district," but it was three duplexes. The Board asked the recording secretary to review the statement. It should have been three, but it's possible Mr. Belden misspoke. [Note: he said "the two-family duplexes," and the minutes have been updated accordingly.] Ms. Montagno said in lines 340 and 341, Ms. Davies asked if Mr. Eastman's administrative decision relates to these points. Was she asking Doug or the Attorney? Mr. Prior said the Attorney. Ms. Olson-Murphy said in lines 17-18, it feels vague. "Ms. Davies said she didn't participate in the June 16th 2026 meeting, and her vote will reflect that." Mr. Prior said it's odd phrasing, but it's correct. Ms. Olson-Murphy said in line 296, "Mr. Prior said it was not a condition of approval for the lots to be merged." Mr. Prior said it was a condition proposed by the applicant prior to approval. It was essentially a pre-existing condition for the application.

Mr. Prior deferred the approval of minutes until the next meeting.

B. Meeting schedule

Mr. Prior said he can't be present for the next meeting on September 15. Ms. Montagno will also not be present. Ms. Olson-Murphy said it's 50/50 whether she can attend. Mr. Prior said in her absence, either Laura Davies or Kevin Baum would have to be present to hold the meeting.

III. Adjournment

Mr. DalSanto moved to adjourn. Ms. Olson-Murphy seconded. All were in favor and the meeting was adjourned at 8:20 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary