



TOWN OF EXETER, NEW HAMPSHIRE

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LEGAL NOTICE EXETER ZONING BOARD OF ADJUSTMENT AGENDA

The Exeter Zoning Board of Adjustment will meet on Tuesday, November 21, 2023 at 7:00 P.M. in the **Nowak Room of the Exeter Town Office located at 10 Front Street, Exeter**, to consider the following:

NEW BUSINESS: PUBLIC HEARINGS

The application of 81 Front Street, LLC for a variance from Article 4, Section 4.2 Schedule I and Section 4.3, Schedule II to permit multi-family use in the R-2 zoning district where only single-family and duplex structures are permitted. The subject property is located at 81 Front Street, in the R-2, Single Family Residential zoning district. Tax Map Parcel #72-195. ZBA Case #23-14. *(This application was previously scheduled to be heard at the October 17th, 2023 meeting and was continued to November 21, 2023 meeting at the Applicant's request. Modifications have been made to the application to reduce the number of units requested).*

The application of Patrick Houghton for a variance from Article 4, Section 4.2 Schedule I: Permitted Uses to allow the proposed construction of multi-family units on the property located at 46 Main Street; a variance from Article 4, Section 4.3 Schedule II: Density & Dimensional Regulations-Residential seeking relief from the minimum front yard setback requirement; and a variance from Article 4, Section 4.3 Schedule II to exceed the density requirements to permit five (5) units on a 26,000+/- square foot lot. The subject property is located in the R-2, Single Family Residential zoning district. Tax Map Parcel #63-1. ZBA Case #23- 17.

OTHER BUSINESS:

- Approval of Minutes: October 17, 2023

EXETER ZONING BOARD OF ADJUSTMENT

Robert V. Prior, Chairman

Posted 11/09/23: Exeter Town Office, Town of Exeter website

Revised 11/17/23 – due to change in venue

Town of Exeter
Zoning Board of Adjustment
October 17, 2023, 7 PM
Town Offices Nowak Room
Draft Minutes

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7 **I. Preliminaries**

8 **Members Present:** Chair Robert Prior, Vice-Chair Esther Olson-Murphy, Joanne Petito -
9 Alternate, Martha Pennell - Alternate, and Laura Montagno - Alternate.
10 Town Code Enforcement Officer Doug Eastman was also present.

11
12 **Members Absent:** Clerk Theresa Page, Laura Davies

13
14 **Call to Order:** Chair Robert Prior called the meeting to order at 7 PM.

15
16 **I. New Business**

- 17 A. The application of 81 Front Street, LLC for a variance from Article 4, Section 4.2
18 Schedule I and Section 4.3, Schedule II to permit multi-family use in the R-2
19 zoning district where only single family and duplex structure are permitted; and a
20 lot area per dwelling unit of 9,801 square feet where 12,000 square feet is
21 required. The subject property is located at 81 Front Street, in the R2, Single
22 Family Residential zoning district. Tax Map Parcel #72-195. ZBA Case #23-14.

23
24 Mr. Prior said the Board received a letter from Attorney Sharon Somers
25 requesting a continuance of this case until the Board's November meeting, in
26 order to allow the Board time to have a site walk

27 Ms. Petito made a motion to continue the hearing of 81 Front Street based on the letter
28 from the applicant received in the office today. Ms. Olson-Murphy seconded. The motion
29 passed 5-0.

30
31 Mr. Prior asked the Board to schedule a walkthrough of the property. If
32 more than three members of the Board are together, that constitutes a legal
33 meeting, so none of us can talk amongst ourselves during the walkthrough. If any
34 members of the public attempt to engage us in conversation, we must say "I'm
35 sorry, the law prohibits us from talking to you."

36 Attorney Somers, who was present, suggested having the sitewalk on the
37 night of the scheduled hearing [November 21]. Mr. Prior suggested meeting at 5
38 PM. Ms. Montagno said she would prefer to see the property in the daylight. Mr.
39 Prior suggested November 21 at 3 PM. He said abutters and members of the
40 public are welcome to attend as well.
41
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43

44 B. The application of Douglas W. Johnson and Linda R. Comerci for a special
45 exception per Article 4, Section 4.2, Schedule I: Permitted Uses and Article 5,
46 Section 5.2 to permit the conversion of an existing detached garage into a
47 residential unit. The subject property is located at 10 Highland Street, in the R-2,
48 Single Family Residential zoning district. Tax Map Parcel #65-142. ZBA Case
49 #23-13.

50
51 Mr. Johnson, the owner of 10 Highland Street, was present to discuss the
52 application. The property dates back to 1899 and the barn structure likely dates
53 from the 1940s. The overall plan is to renovate and convert the barn with a living
54 unit so that he and his wife can move back to Exeter from Alaska. The barn
55 structure is in poor condition. It would have a 1,100-1,200 square foot living area
56 loft over a vehicle garage. They will stay within the footprint of the existing
57 foundation.

58 Mr. Prior said the residential use was granted to the previous owners, but
59 they allowed it to expire. Mr. Johnson said the owner was granted a permit to put
60 four units in. They were talking about demolishing the barn and structure. What
61 they did was convert the farmhouse structure into a two-unit duplex. Two houses
62 in the back were subdivided off, so we have roughly ½ acre left in the front. We
63 haven't decided whether to keep the house as a two-family or make it back into a
64 single family.

65 Mr. Prior said four units were approved in March 2017, with two in the
66 back and two in the front. Mr. Johnson said no, the two in the back were
67 subdivided off. Mr. Eastman said the two subdivided homes are not relevant to
68 this case and are separate from the four units that were approved.

69 Mr. Johnson said there will be two units in the house and one in the barn.
70 Ms. Petito said they are requesting relief here just for the barn, to create one unit.

71 Mr. Prior asked if he's not planning on changing the footprint of the
72 structure. Mr. Johnson said that's correct, the barn is 40' x 26' and we are staying
73 in that foundation. The roof will be higher, likely around 28 feet. We don't want
74 the barn structure to overwhelm what's already there. We would go with a
75 minimal roof, probably queen post construction, to keep the existing pitch. There
76 will be a vaulted living area on the first floor in the west end, which would connect
77 up to a loft above the east side. The east side of the first floor would be the
78 garage.

79 Mr. Prior said there is no change in lot coverage, this is just the
80 conversion of the existing structure into a residential unit.

81 Mr. Prior asked for public comment, but there was none. Mr. Prior brought
82 the discussion to the Board.

83 Mr. Prior said the case seems straightforward, especially given the
84 approval granted in 2017.

85
86 Ms. Montagno made a motion to approve the application submitted by the applicants
87 Douglas Johnson and Linda Comerci for a special exception per Article 4, Section 4.2,

88 Schedule I: Permitted Uses and Article 5, Section 5.2 to permit the conversion of an
89 existing detached garage into a residential unit. Ms. Olson-Murphy seconded. Ms. Petito,
90 Mr. Prior, Ms. Olson-Murphy, Ms. Pennell, and Ms. Montagno voted aye. The motion
91 passed 5-0.

- 92
93 C. The application of 107 Ponemah Road, LLC for a special exception per Article 4,
94 Section 4.2, Schedule I: Permitted Uses and Article 5, Section 5.2 to permit the
95 conversion of an existing single family residence and attached barn into three (3)
96 residential condominium units. The subject property is located at 50 Linden
97 Street, in the R-2, Single Family Residential zoning district. Tax Map Parcel # 82-
98 11. ZBA Case #23-15.

99
100 Attorney Sharon Somers of Donohue Tucker and Ciandella, Henry Boyd
101 of Millennium Engineering, and applicant Gal Peretz were present to discuss the
102 application.

103 Attorney Somers said they are looking to convert the existing single-
104 family and barn into a three-family unit. The structure will be in the same footprint
105 as it is currently located.

106 Mr. Boyd discussed the site plans. The existing structure is less than four
107 feet from the westerly property line, so we are looking to make that more
108 conforming by shortening the building. There are two existing curb cuts, which
109 will both be maintained. There are some topography challenges on the site, with
110 a stone retaining wall and a walkout in the back. The driveway will be paved with
111 pervious pavers. We recut the existing paved driveway to provide parking, with
112 two spaces in the front and four spaces in the back. This will be two stories; we
113 designed a deck so that it would comply with the building setback. We will leave
114 the natural grade in the back and have pervious pavers, so there will be a slight
115 reduction in impervious surface: we will go from an open space of 71.6% to
116 71.8%. The building will be made smaller by taking the 38.5' depth and cutting
117 five feet off of it.

118 Mr. Prior asked if the entrance for one of the units will be off of the right-
119 hand side and the other two from the left-hand side on Linden Street. Mr. Boyd
120 said for the house building, with one unit, there are multiple access points. The
121 other two units will be housed within the new barn structure. Mr. Prior asked if the
122 house would only have one unit, and Mr. Boyd said that's correct.

123 Ms. Pennell asked if this property is on town sewer. Mr. Boyd said no, but
124 there is an existing sewer manhole nearby and the abutter to the east is already
125 tied in. There are discussions about an easement where there would be a new
126 sewer pipe for all three units tied into that manhole. Mr. Prior asked about town
127 water. Mr. Boyd said yes, they're on town water. Ms. Montagno asked if tying into
128 the town sewer is a given or still in discussion. Attorney Somers said because
129 this will have three units, we will need to go to the Planning Board for site review.
130 It's premature to talk about this. If the Board wishes to make a condition of

131 approval that we have town sewer, that's fine. Ms. Montagno asked if the existing
132 house is on a septic, and Attorney Somers said yes.

133 Ms. Montagno asked how many bedrooms would be in each unit in the
134 new building. Attorney Somers said two bedrooms in each unit. Mr. Prior said
135 that's a hard upper bound, because that affects parking.

136 Ms. Olson-Murphy said there are three units and six parking spaces.
137 Where's the guest parking? Mr. Boyd said he didn't think guest parking was
138 required. Ms. Montagno said that multifamily requires guest parking based on the
139 total number of units, with one additional space for guest parking for each four
140 units; that includes one space for up to four. Mr. Boyd said we don't show one in
141 the plan, but we could accommodate it. Mr. Prior asked if the house unit would
142 only have two bedrooms. Ms. Olson-Murphy said the plan shows 3-4. Mr. Boyd
143 said he doesn't know much about the inside of that building. Ms. Montagno said
144 it's two spaces required for each unit with 2+ bedrooms, regardless of whether
145 it's three or four. Mr. Prior said 7 spaces are required. Mr. Boyd said they can do
146 that.

147 Attorney Somers said the property is located on 3.5 acres. The single
148 family contains 2,430 square feet with four bedrooms. It was built in 1840 and
149 has been used as a residence since that time.

150 Attorney Somers went through the special exception criteria. A) The use
151 is a permitted special exception as set forth in Article 4.2, Schedule I; yes, it is
152 permitted. B) That the use is so designed, located and proposed to be operated
153 that the public health, safety, welfare, and convenience would be protected; yes,
154 we intend to demolish the attached barn and construct within essentially the
155 same footprint. We're going to increase the conformity of the property by pulling
156 the side of the barn back to follow the setback. There is adequate space to
157 accommodate the two dwelling units that will be in the new barn. The property is
158 on municipal water and we plan to extend municipal sewer to the property, as
159 well as enable the property to the west of ours to tie into the municipal sewers,
160 which will have public health benefits. There is adequate space on-site for the
161 vehicles for the units and for one guest parking space. C) That the proposed use
162 will be compatible with the zone district and adjoining post-1972 development
163 where it is to be located; yes, the property is zoned for residential use. It has
164 single-family use by right and this use by special exception. The proposed use of
165 this property is going to remain residential in character and therefore is
166 compatible. D) That adequate landscaping and screening are provided; this
167 would go to site review, but we've had discussions with the property owner of the
168 property on the westerly side as to the kind of screening or landscaping that they
169 might like to see. That will be ultimately worked out by mutual agreement. On the
170 easterly side, there's a fence acting as a screen between properties. Mr. Prior
171 asked if that fence is owned by the applicant's property, and Attorney Somers
172 said no, it's owned by the abutter. E) That adequate off-street parking and
173 loading is provided and ingress and egress is so designed as to cause minimum
174 interference with traffic; yes, we've addressed that. F) The use conforms with all

175 applicable regulations covering the district; yes, and we're also taking the non-
176 conformity of the setback and making it a little more conforming. G) The applicant
177 may be required to obtain Planning Board or Town Planning approval; yes, this
178 will go to site review. H) That the use shall not adversely affect abutting or nearby
179 property values; yes, it is not going to adversely affect the nearby or abutting
180 properties. I) and J) do not apply.

181 Attorney Somers went through the additional criteria for conversions. The
182 minimum lot size for each unit is going to have to be 4,500 square feet; yes, the
183 lot size is 15,246 square feet, so we meet this standard. The structure has been
184 a residence for 10 years. Relative to open space, because this is contemplated
185 to have municipal sewer, we've calculated the open space at 40% or 6,099
186 square feet of open space, and we have 11,621 square feet of open space, so
187 we exceed the minimum. We intend to have this conversion form a condominium,
188 so these will not be rental units, they will be for sale. We are not seeking an
189 expansion of the existing structure. This is going to be on municipal sewer, so
190 there's no need to get into septic facilities.

191 Mr. Prior said the application says six parking spaces. Is it acceptable that
192 the approval states there must be seven? Attorney Somers said yes.

193 Ms. Olson-Murphy asked if the new footprint is smaller than the current
194 one, and Attorney Somers said that's correct.

195 Mr. Prior asked for public comment.

196 Theresa Page of 46 Linden Street, an abutter and a member of the ZBA
197 who had recused herself from voting and discussion, gave public comment. She
198 and her husband purchased the property next to the applicant's home in 2022.
199 We expected the applicant's property to be a residential use. It's a larger home
200 that lends itself to being a multi-unit, so we're not opposed to the general idea. At
201 first it was vacant, then it had an Air BnB/short term rental for up to 12 people,
202 which was challenging. This is a small, three-house neighborhood. After that it
203 was a boarding house for a dozen workers, which had an increased number of
204 cars and traffic. The spillage over was difficult to manage. When we initially
205 moved in, we had no plans to add fencing, but it became a situation where we
206 did it at our own expense. We're located next to the Y, the Seacoast Schools,
207 and the parking lot, so it's busier than we expected. Kids walk across our
208 neighborhood, and buses come from the other side. With the increased use next
209 door, the traffic has been comical at times. Having a turnaround on the
210 applicant's property will help with some of that, but if we're adding more cars and
211 people, it's challenging. Sound and traffic are a concern. It's important that it
212 goes to Planning Board approval. This Board has the option of deferring approval
213 until the Planning Board approves it. Traffic around the entire area should be
214 considered. If it's going to be condos sold separately, she'd like it to be a
215 condition that it doesn't change what the permissible use is. She would also like
216 to see the sewer being made a requirement.

217 Mr. Prior asked if her home is currently on sewer. Ms. Page said yes. Mr.
218 Prior asked about the current use of the property. Ms. Page said it's rented to a
219 couple with a handful of dogs and it's lovely. It's single-family use now.

220 Lucas Elsasser of 46 Linden Street, Ms. Page's husband, said in the
221 application described moving from one to three units as a "slight intensification,"
222 and that's a mischaracterization. It sounds like it will be two bedrooms per
223 additional unit rather than four, which is comforting, but it's still 8-10 people on
224 the property and going from two cars to eight. The square footage in the
225 application said the lot size is 15,246 square feet but the site plan says 14,594
226 square feet, a discrepancy of 652. The impervious surface is 3,625 square feet,
227 but in the site plan is 4,139 square feet, a difference of 500+ square feet. Is there
228 a setback requirement for new construction, specifically between 50 and 52
229 Linden Street? Does the square footage include the decks or the new driveways?
230 Would it exceed that 60/40 ratio between open and impervious surface? Would
231 the pervious pavers be considered open space? There are two mature trees in
232 the area they'll have to take down. It may not affect our property values, but
233 adding decks on the back side dramatically changes the character of the property
234 and means less privacy for us. The new structure will be taller than the existing
235 barn and there will be much less green space.

236 Ms. Page said the pavers cover more area than is needed to turn around
237 and come right up to the fence on our side. We've had issues with headlights.
238 She's worried that it will encourage parking along the fence. If that could remain
239 green space, that would prevent the problem.

240 Mr. Prior asked Mr. Eastman if the previous uses of the property which
241 the abutters described were legal uses. Mr. Eastman said no, and he took action.
242 The owner acquiesced and moved the boarders out around July. He gave them a
243 deadline and they moved. Now the house is being rented as a single family
244 home, so there are no violations at this point.

245 Mr. Boyd said regarding the parking, these pervious pavers are
246 expensive, and they do work to help with groundwater recharge. The paved area
247 is large to accommodate the parking the town requires as well as prevent
248 residents from having to back all the way out into the street. He doesn't think
249 there's enough room between the edge of the paver and the abutter's fence for
250 people to park. We could eliminate some of the pavers with a product called
251 "GrassPave" to get back some green space. We can work out screening with the
252 abutter. He added that he doesn't know why the numbers in the application vary
253 from the survey.

254 Mr. Prior said the Board didn't get a site plan tax map. It's hard to see the
255 location of the abutting homes. Mr. Boyd said we show the abutters' homes on
256 the map, but it wasn't in the packet. It's not detailed but it shows the locations.
257 Attorney Somers presented the Board with the original application from 2022 that
258 includes the tax map. Mr. Prior reviewed it and said it looks like all of the houses
259 sit towards the front of their lots.

260 Attorney Somers said we did run into some zoning violations, but that is
261 now history. The property is being properly used. The Board can move forward
262 and decide if we meet the criteria. Traffic is not the purview of this Board, and it
263 will be studied extensively in the site review. We explained the amount of open
264 space and the presence of the pavers. Those kinds of things will be taken care of
265 with the Planning Board. Regarding the presence of the deck and removal of
266 trees, if this property were to remain as a single-family home and the owner
267 decided to renovate the barn into more bedrooms with a deck, they could do that
268 by right. That's not a basis for this Board to find that the criteria are not met. The
269 setback being improved upon is a plus. The exterior of the main building is not
270 being changed and will help to maintain the essential character of the building
271 and neighborhood. Ms. Petito asked about the discrepancies in the numbers
272 between the application and site plan. Attorney Somers said even with the
273 discrepancies, we exceed the minimums for open space etc.

274 Ms. Petito went through the special exception criteria. A) The use is a
275 permitted special exception as set forth in Article 4.2, Schedule I; yes. B) That
276 the use is so designed, located and proposed to be operated that the public
277 health, safety, welfare, and convenience would be protected; yes, it appears to
278 be. Ms. Montagno said there's a concern with traffic. Ms. Pennell said there's no
279 space for saving snow if they have to plow. Several parking spaces could be
280 consumed by snow piles. Mr. Prior said that's something for technical review, it's
281 not a stated concern in the ordinance. Ms. Montagno said regarding the footprint,
282 even though they're making one side less of an incursion, there's a deck that's
283 added on to the back. Does that not get counted as the footprint from a setback
284 perspective? Mr. Eastman said the deck would have to meet the setback. Ms.
285 Olson-Murphy said it does on the plan. Ms. Olson-Murphy asked if them
286 completely tearing down the building and rebuilding makes it a new structure that
287 has to conform to the setback. Mr. Prior said they are allowed to build a new
288 structure on the existing footprint, and they're using less than the footprint. C)
289 That the proposed use will be compatible with the zone district and adjoining
290 post-1972 development where it is to be located; Mr. Prior said yes, it is
291 residential. Ms. Petito said it seems to be compatible with the zoned district. D)
292 That adequate landscaping and screening are provided; we haven't heard about
293 screening or landscaping. Ms. Olson-Murphy said they've come up with some
294 ideas. Mr. Prior said the application states that it intends to provide screening on
295 the westerly side of the property as mutually agreed by the applicant and the
296 owner of 52 Linden Street. One can infer that if there is no mutual agreement,
297 this application would be invalid. We could make that a condition of approval. Ms.
298 Montagno asked why the property on the other side isn't addressed. Mr. Prior
299 said the property owner on the other side at 46 Linden already paid for a fence
300 which they are responsible for. Ms. Montagno said they expressed a concern
301 even with that fence about lights. Mr. Prior said the owner of the property has the
302 right to put lights on the property. Where we have some leverage is to make a
303 requirement that there be adequate landscaping between 50 and 52, where it's

304 closer to that structure. Ms. Petito continued with the criteria. E) That adequate
305 off-street parking and loading is provided and ingress and egress is so designed
306 as to cause minimum interference with traffic on abutting streets; yes, we heard
307 about the parking, there are four spots in the back, two in the front, and they're
308 adding one on the side. Mr. Prior said the application states six, so the approval
309 will have to state that there will be seven. We also heard from an abutter that
310 ingress, egress, and parking has been an issue in the past, but that's for
311 technical review. F) That the use conforms with all applicable regulations
312 governing the district where located; it's already non-conforming in the setbacks.
313 Mr. Prior said he thinks we're fine with that. G) The applicant may be required to
314 obtain Planning Board or Town Planning approval; yes, we did have an abutter
315 who requested that. Mr. Prior said yes, we will make any approval dependent on
316 site plan approval from the Planning Board. H) That the use shall not adversely
317 affect abutting or nearby property values; we haven't heard that it does. I) and J)
318 do not apply.

319 Ms. Petito went through the additional criteria for conversions: A) The
320 number of spaces for off-street parking shall comply with Article 5.6, offstreet
321 parking; yes, we went through that. B) The minimum lot size required for each
322 unit requires 30% of the minimum lot size per unit; yes, we went through that.
323 There was some discrepancy with the square footage but it appears it would still
324 meet that. Mr. Prior said 4,500 is required. Even at the lower numbers presented
325 it's still ok. C) The structure has been a residence for 10 years; yes, it has. D)
326 The lot must meet a minimum of 20% open space; she believes it does. E) Does
327 not apply as these will not be rental units. Each unit will be sold. F) May require
328 the site plan to have Planning Board approval; yes, all conversions of three or
329 more units must be reviewed. G) The Board may allow expansion to an existing
330 structure for the purpose of providing additional area for the units, providing all
331 other requirements are met; there is no expansion. H) Prior to any renovations or
332 building, the applicant shall provide evidence to the Building Inspector that septic
333 system is adequate for the units; this does not apply, as it will be on town sewer.
334 That can be a condition of approval.

335 Mr. Prior asked if there was any further discussion from the Board. Ms.
336 Montagno asked what the options are: either approve with conditions or defer
337 until after Planning? Mr. Prior said we can say an approval is dependent on not
338 just site plan review but on site plan approval. Ms. Olson-Murphy said we can
339 make it a condition of approval but we can't wait for them to approve it.

340
341 Ms. Petito made a motion to approve the application of 107 Ponemah Road for a
342 special exception per Article 4, Section 4.2, Schedule I: Permitted Uses and
343 Article 5, Section 5.2 to permit the conversion of an existing single family
344 residence and attached barn into three (3) residential condominium units, subject
345 to the following conditions: 1) the units must be connected to existing municipal
346 water and sewer supply systems; 2) adequate landscaping as mutually agreed
347 upon by the applicant and the residents at 52 Linden Street be put in place; 3)

348 the applicant will add one parking space in addition to what is stated in the
349 application, for a total of 7 parking spaces; and 4) that the approval of this
350 application is dependent on site plan approval by the Planning Board. Ms.
351 Pennell seconded. Ms. Petito, Mr. Prior, Ms. Olson-Murphy, and Ms. Pennell
352 voted aye. Ms. Montagno voted nay. The motion passed 4-1.

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356 D. The application of Mario A. Ponte for a variance from Article 5, Section 5.6.6. to
357 permit less parking spaces than required for the residential and retail uses
358 proposed for within the existing building at 85-87 Water Street. The subject
359 property is located in the WC-Waterfront Commercial zoning district. Tax Map
360 Parcel #72-29. ZBA Case #23-16.

361
362 Applicant Mario Ponte and builder John DeStefano were present to
363 discuss the application. Mr. Ponte said this is the building that Trends is currently
364 in.

365 Ms. Petito said she wanted to disclose that she rents office space from
366 the applicant, but she doesn't think she needs to recuse herself. She is not in the
367 building under discussion

368 Mr. Ponte said we'd like to renovate the apartments on the second floor.
369 There are three apartments on the second floor, but there will be four. There is
370 one existing retail space, but we will convert it to two. There will be two more
371 apartments below the retail. We need parking relief like most of the buildings
372 downtown. He was told by the Engineer that his building owns most of the
373 alleyway, but we need additional parking spaces.

374 Mr. Prior asked Mr. Ponte to describe the existing layout. Mr. Ponte said
375 upstairs there are three apartments. There have been apartments there for 60
376 years. They're occupied, but we're not renewing their leases because we're
377 renovating. One floor below the street level, we use the space as storage for
378 Trends and the bookstore. It was apartments maybe 10 years ago.

379 Mr. Prior said there will be a net gain in the number of apartments, so a
380 net gain in the requirement for parking. The applicant said he was told 20 years
381 ago that the building was already allocated 20 parking spaces out front. Mr. Prior
382 said they're fictitious. Ms. Petito said without considering these spaces as
383 parking there would be no new development downtown. Mr. Ponte said both the
384 church converted to apartments and the loka got parking relief.

385 Mr. Prior asked if any changes to the exterior of the building are being
386 made. Mr. Ponte said yes, we're bringing it back to its original historical
387 significance, with dormered windows. It's already been approved by the HDC
388 twice.

389 Ms. Petito said she thinks the relief being sought would be for seven
390 additional spaces. Mr. Prior said they don't exist, we get that. Downtown is a mix
391 of residential and retail, and nobody has enough parking. Ms. Montagno asked if

392 the supposed spaces take into account overnight winter parking. The municipal
393 lot only has 18 dedicated spaces for overnight parking. Ms. Petito said this is
394 similar to the renovation of the Ioka building, which was recently approved. Mr.
395 Prior said solving parking is not within the ZBA's purview. Ms. Montagno said it is
396 within our purview to approve or deny a variance from the parking regulations in
397 our zoning.

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

399 Barry Pastor of Front Street said parking downtown is a problem for
400 everybody. The parking ban in place during the winter may not make a difference
401 to the businesses, but people living there need a place to park overnight. Mr.
402 Prior said he shares his skepticism that anyone would want to buy a
403 condominium unit that doesn't come with parking, but it's not the business of this
404 Board to question the business plan of anyone who comes before us.

405 Mr. Prior closed the public session and went into Board deliberations. He
406 said these parking spaces are fictitious to some extent, but where can we draw
407 the line to say this building can have them and this one can't? He doesn't believe
408 that this Board can draw such a line. It's up to the town to address the shortage
409 of parking that exists.

410 Ms. Olson-Murphy made a motion to approve the application of Mario A. Ponte for a
411 variance from Article 5, Section 5.6.6. to permit less parking spaces than required for the
412 residential and retail uses proposed for within the existing building at 85-87 Water Street.
413 Ms. Pennell seconded. Ms. Petito, Mr. Prior, Ms. Olson-Murphy, and Ms. Pennell voted
414 aye. Ms. Montagno voted nay. The motion passed 4-1.

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417 **II. Other Business**

418 A. Request for Rehearing: Aaron Jefferson – 165 A Kingston Road, Tax Map Parcel
419 #115-12, ZBA Case #23-12

420 Mr. Prior said this is strictly a discussion within the Board, and doesn't get
421 public input. The criteria for rehearing is that A) there is new evidence that was
422 not available at the time of the application, which is not the case; or B) The Board
423 determines that an error has been made in its decision, which the applicant
424 believes. Our decision was unanimously to deny the application, and there were
425 four separate criteria that we determined that the application did not meet, criteria
426 1, 2, 3, and 5.

427 Ms. Petito said she wasn't present at the previous meeting, but she read
428 the minutes and didn't see any error. The concerns raised by abutters were very
429 carefully considered by the Board. The Board came to a reasoned decision. She
430 went out to look at the site, and it's right in the middle of residences, so she
431 understands the concerns.

432 Mr. Prior said given that their denial was unanimous, he doubts the
433 applicant would have much of a chance in Superior Court.

434 Mr. Prior said that Ms. Montagno, Ms. Pennell, and Mr. Prior were the
435 members present at the prior meeting who are here tonight. It was a long

436 discussion with a lot of public testimony and back-and-forth, but we did a good
437 job of rendering a decision taking into account the applicant, the abutters, and
438 the interests of the town.

439 Ms. Montagno made a motion to deny the request to rehear the variance application for
440 the property at 165-A Kingston Road. Ms. Petito seconded. Ms. Petito, Mr. Prior, Ms.
441 Olson-Murphy, Ms. Pennell, and Ms. Montagno voted aye. The motion passed 5-0.

442
443 B. Approval of Minutes: August 15, 2023
444

445 Ms. Montagno made a motion to approve the minutes of August 15, 2023 as submitted.
446 Ms. Pennell seconded. Ms. Montagno, Ms. Pennell, and Mr. Prior voted aye and the
447 motion passed 3-0.

448
449 **III. Adjournment**
450

451 Mr. Prior made a motion to adjourn. Ms. Olson-Murphy seconded. Ms. Petito, Mr. Prior,
452 Ms. Olson-Murphy, and Ms. Pennell, and Ms. Montagno voted aye. The motion passed
453 5-0. The meeting was adjourned at 9 PM.

454
455 Respectfully Submitted,
456 Joanna Bartell
457 Recording Secretary
458
459



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD
JOHN J. RATIGAN
DENISE A. POULOS
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
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HEIDI J. BARRETT-KITCHEN
JUSTIN L. PASAY
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
ELAINA L. HOEPPNER
WILLIAM K. WARREN
BRIANA L. MATUSZKO
ALI GENNARO

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
NICHOLAS R. AESCHLIMAN

November 3, 2023

VIA ELECTRONIC MAIL (bmcevoy@exeternh.gov)

Robert Prior, Chairperson
Exeter Zoning Board of Adjustment
10 Front Street
Exeter, NH 03833

Re: Application for Variance at 81 Front Street; Tax Map 72, Lot 195

Dear Chair Prior and Members of the Board :

As you may recall, my client 81 Front Street, LLC was scheduled to present an application before this Board at their October meeting for a variance to allow multi-family dwellings for eight units and a variance for density for the same purpose. The meeting was not opened and instead, arrangements were made to hold a site walk at the property on November 21, to be followed on that same date by the public hearing before this Board.

Since that time, we have determined that the proposal would be better suited to having six units rather than eight units. Therefore, we request a variance to allow multi-family dwellings for six units. Further, due to the reduction of the number of units, we now meet the density requirements, therefore a variance for density is no longer needed. We ask that the public hearing to be held on November 21, 2023 hear our request as modified. For the convenience of the Board and any members of the public, we attach a version of our application narrative which is redlined to demonstrate the reduction of the number of units, and a clean version thereof.

Based on discussions with Barb McEvoy, we understand that notices will be sent to abutters regarding the modification to the application.

Please contact me if you have any questions.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC

Sharon Cuddy Somers
ssomers@dtclawyers.com

**APPLICATION FOR VARIANCE
81 FRONT STREET
TAX MAP 72, LOT 195**

RELIEF SOUGHT

Variance I: Article 4.2, Schedule I to allow multi-family residential use consisting of six residential units where multi -family residential use is not allowed in the R-2 District.

INTRODUCTION

The subject property has a long and interesting history of use, culminating in the current configuration of the structure(s) on the property which lends itself to a more modern use of a multifamily residence.

The main house on the property is a structure with great architectural significance and dates back to 1823 and contained a residence and a medical office of the then owner(s), first Mrs. & Dr. David Gorham and later Mrs. & Dr. Edward Otis. More recently, and beginning in 1987 and continuing through 2018, the property was owned by Michael Dingman and/or Otis House Limited. During the ownership by Mr. Dingman, the property evolved to its current configuration which consists of one contiguous building measuring approximately 273 feet in length and approximately 100 feet in width and a stand-alone dwelling where the former medical office existed, and all of which contains 16,088 square feet of finished living area. The evolution of the property was accomplished to meet the needs of Mr. Dingman who required living quarters for a number of household staff and security guards, and a pool and pool house. To accomplish these goals an extensive renovation and upgrade occurred within the main house and the contiguous portions of the building were added. In addition to the existing bathrooms and kitchen, three more kitchens were added for a total of four on the property and additional bathrooms were added such that there are now a total of thirteen bathrooms on the property and all changes remained consistent with the architecture of the original building.

Subsequent to the ownership by Mr. Dingman, the property was acquired by Philips Exeter Academy in 2018. The Academy analyzed the possible use of the property as faculty housing but ultimately opted not to proceed. The property then went on the market where it lingered for the last three years due to the size of the combined structures which acted as a deterrent to prospective buyers.

81 Front Street, LLC purchased the property in August of this year and now proposes a use which embraces the size of the structures. The proposed use of six dwelling units with approximately 2,681 square feet each of space will address the need for housing, including for families, and will prevent the possibility that the property will not be able to be effectively utilized and will need to go back on the market and face an uncertain future with lack of care.

Variance I
For Use as Six Dwelling Units Where Multi-Family Residential Use Is Not Allowed

The variance will not be contrary to the public interest.

Granting the variance will not be contrary to the public interest. To be contrary to the public interest, the variance must unduly and to a marked degree violate the relevant ordinance's basic zoning objectives. Determining whether the basic objective of the ordinance is violated can be measured by whether the variance will alter the essential character of the locality, or by whether it would threaten the public health, safety or welfare.

The ordinance is silent as to what the basic objective is of precluding multi-family residential use in the R-2 zone which includes at least large portions of Front Street and which allows as a matter of right single-family dwellings, public schools, recreation facilities and open space development and allows, by special exception, the conversion of up to four residential units and two-family homes. That said, it is reasonable to assume that the basic objective of the ordinance is to prevent overcrowding and what could be perceived as a negative contrast to the allowed uses in the district.

The basic objective of the ordinance must also be viewed against the character of the locality to ascertain whether granting the variance will alter the essential character of the locality. Here the character of the locality is best described as mixed and there is no settled "essential" character of the locality. As shown on the attached Exhibit 1, the neighboring properties consist of a church, a lot with two dwelling units, a school, several single-family homes on smaller lots and with smaller structures than that of the subject property, the Exeter Inn, a three-family structure owned by Phillips Exeter Academy. Nearby property also includes a lot owned by Philips Exeter Academy with dormitory usage. The proposed use will be located on the largest property in the locality and with structures containing 16,088 of finished living space. The proposed use will entail transforming the interiors of the existing structures to accommodate five contiguous units and one stand-alone unit and to provide on-site parking for such units. (See Exhibit 2, site plan showing structures and parking availability). The exterior of the structures, particularly that which is on the Front Street side will not be altered, a fact which was acknowledged and greatly appreciated when the applicant recently met with the Historic District Commission.

Finally, the proposed use of multi-family dwellings does not pose a threat to public health, safety or welfare. The use will continue to be residential in nature. Further, public safety will actually be enhanced because part of the proposal is to increase access for emergency service vehicles on the side portion of the property. (See Exhibit 2) Also, the renovations will be done to conform to NFPA and building code standards and will introduce elements such as fire walls which are currently lacking. Such steps will enhance the safety of the occupants as well as the public generally.

The spirit of the ordinance is observed.

Under New Hampshire law, this variance criteria is essentially merged with the “public interest” criteria. As stated above, the spirit of the ordinance is to prevent overcrowding and a marked departure from the allowed use in the district. For the reasons stated above, the spirit of the ordinance will be observed if the variance is granted.

The values of the surrounding properties will not be diminished.

We are unaware of any evidence which suggests that the values of surrounding properties will be diminished. Correspondence from an area realtor will be supplied in support of our conclusion that there is no diminution in value. (See Exhibit 3).

Substantial justice is done.

The analysis for this criteria requires that the Board balance the loss which the applicant would experience if the variance was denied and determine if the denial would benefit the public to such an extent that the benefit outweighs the loss to the applicant. If such benefit does not outweigh the loss, then the variance should be granted.

Here, no gain to the public would occur if the variance were to be denied. The property meets all criteria including density to receive a special exception to allow a conversion of the existing structures to four units, therefore by the ordinance definition of “multifamily”, a multi-family structure could readily be created even without this variance. A similar argument exists to support a series of three two-unit structures on the site, however under this scenario extensive changes to or even demolition of the existing structures would be required to fashion three two-unit structures. Yet a third scenario to create the same result would be to subdivide the property into two lots and then obtain a special exception to convert each lot into a multi-family structure containing three units. As a result, even if the subject variance were to be denied, there are other avenues which could achieve a similar result of multiple dwelling units on the property.

By contrast, the loss to the applicant if the variance for six units were to be denied is that the applicant would be faced with trying to populate units of 4, 222 square feet each. The odds of success in renting or selling such units in Exeter, New Hampshire is negligible, and thus the property could quickly find itself back on the market again. The proposed use of approximately 2,681 +/- square feet per unit is a much more achievable objective in the Exeter market, and even that size is quite generous.

Unnecessary Hardship.

Owing to special conditions of the property that distinguish it from other properties in the area , denial of the variance would result in necessary hardship because:

The property has several conditions which make it unique relative to the properties in the area. First, the size of the lot is 1.8 acres, which is larger than the abutting lots which have residential properties and is even larger than the Exeter Inn. Second, and perhaps more importantly, the structures on the lot, with the exception of what is identified as Building 2 on the Town of Exeter tax records consists of one building with contiguous portions and which is used for residential purposes and which is approximately 275 feet in length and 100 feet in width. Building 2 is characterized as a residence, but it is a stand-alone structure. Taken together, the structures contain 16,088 square feet of finished living area with all but 333 square feet of living area belonging to the main structure with contiguous pieces. Taken together, there are four kitchens, thirteen bathrooms, six bedrooms and twenty-three rooms.

The vast size of the structures together with the number of existing kitchens, bathrooms and bedrooms stand in stark contrast to the area's properties. The New Hampshire Supreme Court has recognized that characteristics of a particular property that might not normally be considered would be appropriate to consider in the hardship analysis. Harborside Associates v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That case involved a request for signage variance in Portsmouth, New Hampshire and the Court ruled that the sheer size and mass of the hotel to be served by the sign had to be taken into account in the analysis of special conditions. Here, the sheer size of the lot coupled with the number of existing rooms, kitchens and bathrooms that make up over 16,000 of finished living space must be taken into account in finding that the property contains special conditions.

No fair and substantial relationship exists between the general public purposes of the ordinance provision and the application to the property because:

The general public purpose of the ordinance is to prevent possible overcrowding that otherwise might be associated with multi-family residential use. As stated above, the massive size of the structures and the lot together with the absence of any change to the streetscape will prevent any perception of overcrowding. Further, the size of the lot and structures and the availability of on-site parking will prevent the property from functioning in an overcrowded manner. Finally, given that relief is readily available in the form of a special exception to create what is defined by ordinance as a multi-family structure, it is clear that there is no correlation between the purpose of the ordinance and the application to the subject property.

The proposed use is a reasonable one.

The existence of a 1.8 acre lot with the connected portions of one building and one stand-alone building and space for parking for six units make it a ready-made site for conversion in this era to a multi-family residential use. The fact that the conversion will be done in a quality manner by Steve Wilson, a highly reputable developer, makes the conversion even more attractive. Mr. Wilson intends to keep the existing buildings intact, and with architecture consistent with the

original house; a fact which the Historic District Commission is pleased with, and he will only remove a small portion of the connecting corridor between buildings in order to enhance the ability of emergency access vehicles to gain entry to all portions of the site to provide emergency services, a condition which they do not currently enjoy.

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4853-6286-1965, v. 2



September 29, 2023

Exeter Zoning Board of Adjustment
10 Front Street
Exeter, NH 03833

Re: 81 Front Street LLC

To Whom It May Concern:

I have been a REALTOR in the Exeter area for over 42 years and I also reside in the neighborhood of the subject property. It is my opinion that converting the existing structure to 6 units would not affect the value of properties in the area. The architectural significance of the property will be left intact due to it being located in the historic district.

Best regards,

Florence Ruffner

Florence C. Ruffner, CRS
Owner/Associate Broker
Cell: 603-674-5440
florenceruffner@gmail.com



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD
JOHN J. RATIGAN
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RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
NICHOLAS R. AESCHLIMAN

September 29, 2023

Kevin Baum, Chairman
Zoning Board of Adjustment
Town of Exeter
10 Front Street
Exeter, NH 03833

Re: 81 Front Street, Map 72, Lot 195

Dear Chairman Baum and Board Members:

Enclosed please find Variance Application for the above referenced property together with supporting materials consisting of a narrative, Exhibit 1 showing surrounding properties and an existing conditions plan. Exhibit 2 and Exhibit 3 will be submitted under separate cover. Also enclosed is an abutter list, abutter labels and a check in the amount of \$200 for filing fees.

We respectfully request the matter be placed on the Board's October 17, 2023 agenda. If you have any questions, do not hesitate to contact me.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC

Sharon Cuddy Somers
SCS/sac/jh
Enclosures

cc: Steven Wilson, Manager
Shayne Forsley

C:\Users\jherron\ND Office Echo\VAULT-52X7DCYR\2023 09 29 ZBA Letter 4889-0661-5424 v.1.docx

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

Town of Exeter
APPLICATION FOR A

VARIANCE

Case Number: _____

Date Filed: _____

Application Fee: \$ _____

Abutter Fees: \$ _____

Legal Notice Fee: \$ _____

TOTAL FEES: \$ _____

Date Paid _____ Check # _____

Name of Applicant 81 Front Street, LLC
(If other than property owner, a letter of authorization will be required from property owner)

Address 41 Industrial Drive, Unit 20, Exeter, NH 03833

Telephone Number (603) 235-5475

Property Owner 81 Front Street, LLC

Location of Property 81 Front Street, Tax Map 72, Lot 195, R-2 Zone

81 Front Street, LLC by its attorneys, Donahue, Tucker & Ciandella

Applicant Signature 
Sharon Cuddy Somers, Esq.

Date Sept 29, 2023

*NOTE: This application is not acceptable unless all required statements have been made.
Additional information may be supplied on a separate sheet if space is inadequate.*

APPLICATION FOR A VARIANCE

A variance is requested from article IV section 4.2 Schedule I and 4.3, Schedule II of the Exeter zoning ordinance to permit: Multi-family (8 units) in the R-2 zone where only single family and duplexes are permitted and a lot area per dwelling unit of 9,801 square feet where 12,000 square feet is required.

FACTS SUPPORTING THIS REQUEST:

1. The variance will not be contrary to the public interest;

see attached

2. The spirit of the ordinance is observed;

see attached

3. Substantial justice is done;

see attached

4. The values of surrounding properties are not diminished;

see attached

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

see attached

ZONING BOARD OF ADJUSTMENT

**APPLICATIONS SKETCH PLAN
REQUIREMENTS/CHECKLIST**

- 1. Title Block – descriptive name of project, north arrow (approximate), street address, date and scale (not less than 1" = 40').
- 2. Location map showing relevant streets and zoning district boundaries.
- 3. Names and addresses of applicant, record owner and abutting property owners, including those across the street.
- 4. Existing and proposed streets, driveways, parking areas (with delineation of spaces) and sidewalks.
- 5. Location of existing and proposed buildings and property lines.
- 6. Distances on all sides between buildings and property lines.
- 7. Existing and proposed tree lines, landscape buffers, screening and fences.
- 8. Location of existing landmarks including streams, brooks, wetlands, rock outcroppings, wooded areas and other significant environmental features.
- 9. Generalized floor plans showing dimensions and the square footage of areas for proposed uses.

Plans should be no larger than 11" x 17" in size. They need not be prepared by an architect or land surveyor but they must be legibly drawn with printed labels. **PLANS MUST CONTAIN ALL OF THE ABOVE INFORMATION IN ORDER FOR THE APPLICATION TO BE PLACED ON THE AGENDA FOR A ZONING BOARD OF ADJUSTMENT HEARING.**

**APPLICATION FOR VARIANCE
81 FRONT STREET
TAX MAP 72, LOT 195**

RELIEF SOUGHT

Variance I: Article 4.2, Schedule I to allow multi-family residential use consisting of eight residential units where multi-family residential use is not allowed in the R-2 District.

Variance II: Article 4.3, Schedule II to allow 9,801 square feet of lot area per dwelling unit for eight residential units where 12,000 square feet is required.

INTRODUCTION

The subject property has a long and interesting history of use, culminating in the current configuration of the structure(s) on the property which lends itself to a more modern use of a multifamily residence.

The main house on the property is a structure with great architectural significance and dates back to 1823 and contained a residence and a medical office of the then owner(s), first Mrs. & Dr. David Gorham and later Mrs. & Dr. Edward Otis. More recently, and beginning in 1987 and continuing through 2018, the property was owned by Michael Dingman and/or Otis House Limited. During the ownership by Mr. Dingman, the property evolved to its current configuration which consists of one contiguous building measuring approximately 273 feet in length and approximately 100 feet in width and a stand-alone dwelling where the former medical office existed, and all of which contains 16,088 square feet of finished living area. The evolution of the property was accomplished to meet the needs of Mr. Dingman who required living quarters for a number of household staff and security guards, and a pool and pool house. To accomplish these goals an extensive renovation and upgrade occurred within the main house and the contiguous portions of the building were added. In addition to the existing bathrooms and kitchen, three more kitchens were added for a total of four on the property and additional bathrooms were added such that there are now a total of thirteen bathrooms on the property and all changes remained consistent with the architecture of the original building.

Subsequent to the ownership by Mr. Dingman, the property was acquired by Philips Exeter Academy in 2018. The Academy analyzed the possible use of the property as faculty housing but ultimately opted not to proceed. The property then went on the market where it lingered for the last three years due to the size of the combined structures which acted as a deterrent to prospective buyers.

81 Front Street, LLC purchased the property in August of this year and now proposes a use which embraces the size of the structures. The proposed use of eight dwelling units with approximately 2,000 square feet each of space will address the need for housing, including for

families, and will prevent the possibility that the property will not be able to be effectively utilized and will need to go back on the market and face an uncertain future with lack of care.

Variance I

For Use as Eight Dwelling Units Where Multi-Family Residential Use Is Not Allowed

The variance will not be contrary to the public interest.

Granting the variance will not be contrary to the public interest. To be contrary to the public interest, the variance must unduly and to a marked degree violate the relevant ordinance's basic zoning objectives. Determining whether the basic objective of the ordinance is violated can be measured by whether the variance will alter the essential character of the locality, or by whether it would threaten the public health, safety or welfare.

The ordinance is silent as to what the basic objective is of precluding multi-family residential use in the R-2 zone which includes at least large portions of Front Street and which allows as a matter of right single-family dwellings, public schools, recreation facilities and open space development and allows, by special exception, the conversion of up to four residential units and two-family homes. That said, it is reasonable to assume that the basic objective of the ordinance is to prevent overcrowding and what could be perceived as a negative contrast to the allowed uses in the district.

The basic objective of the ordinance must also be viewed against the character of the locality to ascertain whether granting the variance will alter the essential character of the locality. Here the character of the locality is best described as mixed and there is no settled "essential" character of the locality. As shown on the attached Exhibit 1, the neighboring properties consist of a church, a lot with two dwelling units, a school, several single-family homes on smaller lots and with smaller structures than that of the subject property, the Exeter Inn, a three-family structure owned by Phillips Exeter Academy. Nearby property also includes a lot owned by Philips Exeter Academy with dormitory usage. The proposed use will be located on the largest property in the locality and with structures containing 16,088 of finished living space. The proposed use will entail transforming the interiors of the existing structures to accommodate seven contiguous units and one stand-alone unit and to provide on-site parking for such units. (See Exhibit 2, site and floor plan showing structures, proposed dwelling units and parking availability). The exterior of the structures, particularly that which is on the Front Street side will not be altered, a fact which was acknowledged and greatly appreciated when the applicant recently met with the Historic District Commission.

Finally, the proposed use of multi-family dwellings does not pose a threat to public health, safety or welfare. The use will continue to be residential in nature. Further, public safety will actually be enhanced because part of the proposal is to increase access for emergency service vehicles on the side portion of the property. (See Exhibit 2) Also, the renovations will be done to conform to NFPA and building code standards and will introduce elements such as fire walls which are currently lacking. Such steps will enhance the safety of the occupants as well as the public generally.

The spirit of the ordinance is observed.

Under New Hampshire law, this variance criteria is essentially merged with the “public interest” criteria. As stated above, the spirit of the ordinance is to prevent overcrowding and a marked departure from the allowed use in the district. For the reasons stated above, the spirit of the ordinance will be observed if the variance is granted.

The values of the surrounding properties will not be diminished.

We are unaware of any evidence which suggests that the values of surrounding properties will be diminished. Correspondence from an area realtor will be supplied in support of our conclusion that there is no diminution in value. (See Exhibit 3).

Substantial justice is done.

The analysis for this criteria requires that the Board balance the loss which the applicant would experience if the variance was denied and determine if the denial would benefit the public to such an extent that the benefit outweighs the loss to the applicant. If such benefit does not outweigh the loss, then the variance should be granted.

Here, no gain to the public would occur if the variance were to be denied. The property meets all criteria including density to receive a special exception to allow a conversion of the existing structures to four units, therefore by the ordinance definition of “multifamily”, a multi-family structure could readily be created even without this variance. A similar argument exists to support a series of four two-unit structures on the site, however under this scenario a variance for density would be required for the fourth two unit as there would be insufficient square footage to meet the requirement and extensive changes to or even demolition of the existing structures would be required to fashion four two-unit structures. Yet a third scenario to create the same result would be to subdivide the property into two lots and then obtain a special exception to convert each lot into a multi-family structure containing four units. As a result, even if the subject variance were to be denied, there are other avenues which could achieve a similar result of multiple dwelling units on the property.

By contrast, the loss to the applicant if the variance for eight units were to be denied is that the applicant would be faced with trying to populate units of 4, 222 square feet each. The odds of success in renting or selling such units in Exeter, New Hampshire is negligible, and thus the property could quickly find itself back on the market again. The proposed use of approximately 2,000 + square feet per unit is a much more achievable objective in the Exeter market, and even that size is quite generous.

Unnecessary Hardship.

Owing to special conditions of the property that distinguish it from other properties in the area , denial of the variance would result in necessary hardship because:

The property has several conditions which make it unique relative to the properties in the area. First, the size of the lot is 1.8 acres, which is larger than the abutting lots which have residential properties and is even larger than the Exeter Inn. Second, and perhaps more importantly, the structures on the lot, with the exception of what is identified as Building 2 on the Town of Exeter tax records consists of one building with contiguous portions and which is used for residential purposes and which is approximately 275 feet in length and 100 feet in width. Building 2 is characterized as a residence, but it is a stand-alone structure. Taken together, the structures contain 16,088 square feet of finished living area with all but 333 square feet of living area belonging to the main structure with contiguous pieces. Taken together, there are four kitchens, thirteen bathrooms, six bedrooms and twenty-three rooms.

The vast size of the structures together with the number of existing kitchens, bathrooms and bedrooms stand in stark contrast to the area's properties. The New Hampshire Supreme Court has recognized that characteristics of a particular property that might not normally be considered would be appropriate to consider in the hardship analysis. Harborside Associates v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That case involved a request for signage variance in Portsmouth, New Hampshire and the Court ruled that the sheer size and mass of the hotel to be served by the sign had to be taken into account in the analysis of special conditions. Here, the sheer size of the lot coupled with the number of existing rooms, kitchens and bathrooms that make up over 16,000 of finished living space must be taken into account in finding that the property contains special conditions.

No fair and substantial relationship exists between the general public purposes of the ordinance provision and the application to the property because:

The general public purpose of the ordinance is to prevent possible overcrowding that otherwise might be associated with multi-family residential use. As stated above, the massive size of the structures and the lot together with the absence of any change to the streetscape will prevent any perception of overcrowding. Further, the size of the lot and structures and the availability of on-site parking will prevent the property from functioning in an overcrowded manner. Finally, given that relief is readily available in the form of a special exception to create what is defined by ordinance as a multi-family structure, it is clear that there is no correlation between the purpose of the ordinance and the application to the subject property.

The proposed use is a reasonable one.

The existence of a 1.8 acre lot with the connected portions of one building and one stand-alone building and space for parking for eight units make it a ready-made site for conversion in this era to a multi-family residential use. The fact that the conversion will be done in a quality manner by Steve Wilson, a highly reputable developer, makes the conversion even more attractive. Mr. Wilson intends to keep the existing buildings intact, and with architecture consistent with the original house; a fact which the Historic District Commission is pleased with, and he will only remove a small portion of the connecting corridor between buildings in order to enhance the ability of emergency access vehicles to gain entry to all portions of the site to provide emergency services, a condition which they do not currently enjoy.

Variance II

To allow 9,801 square feet of lot area per dwelling unit for eight residential units where 12,000 square feet is required (Note: While the ordinance calls for a certain amount of square footage for single and/or two-family dwellings, there is no express requirement for multi-family dwellings and the board should look to the requirements under the ordinance for conversions as an appropriate measure of density and which calls for 3,600 square feet of lot area).

The variance will not be contrary to the public interest.

As with the use variance, the density ordinance is silent as to the basis of requiring a certain amount of square footage per dwelling unit in the R-2 zone and in fact contains no express category of density for multi-family dwellings. However, similar to the restriction on use of multi family dwelling units in the R-2 zone, it is reasonable to assume that the requirement of lot size per dwelling is designed to regulate the total number of residents on a lot and to prevent overcrowding.

Of particular importance is that the use ordinance contemplates that if a conversion to multifamily is created in the context of a special exception, for which we readily meet all criteria, then only 3, 600 square feet of lot area would be required. Such a requirement would mean that a lot size of only 28,800 square feet would be required for eight units, and the subject lot vastly exceeds that amount. The “purpose” of the density ordinance in this instance must be read in conjunction with the purpose of the use variance which clearly allows for a much reduced density requirement in the context of conversions.

The analysis of this variance requires looking at the same facts and circumstances as that employed in the variance for the use of multifamily units; therefore, the applicant restates and incorporates by reference the arguments presented in Variance I for this criteria.

The spirit of the ordinance.

The applicant restates and incorporates by reference the arguments presented on this criteria in Variance I.

The values of the surrounding properties will not be diminished.

The applicant restates and incorporates by reference the arguments presented on this criteria in Variance I.

Substantial justice is done.

The applicant restates and incorporates by reference the arguments presented on this criteria in Variance I.

Unnecessary Hardship.

The applicant restates and incorporates by reference the arguments presented on this criteria in Variance I.

C:\Users\Jherron\ND Office Echo\VAULT-52X7DCYR\2023 09 25 Varriance Narrative 4883-8952-6656 v.2.docx



September 29, 2023

Exeter Zoning Board of Adjustment
10 Front Street
Exeter, NH 03833

Re: 81 Front Street LLC

To Whom It May Concern:

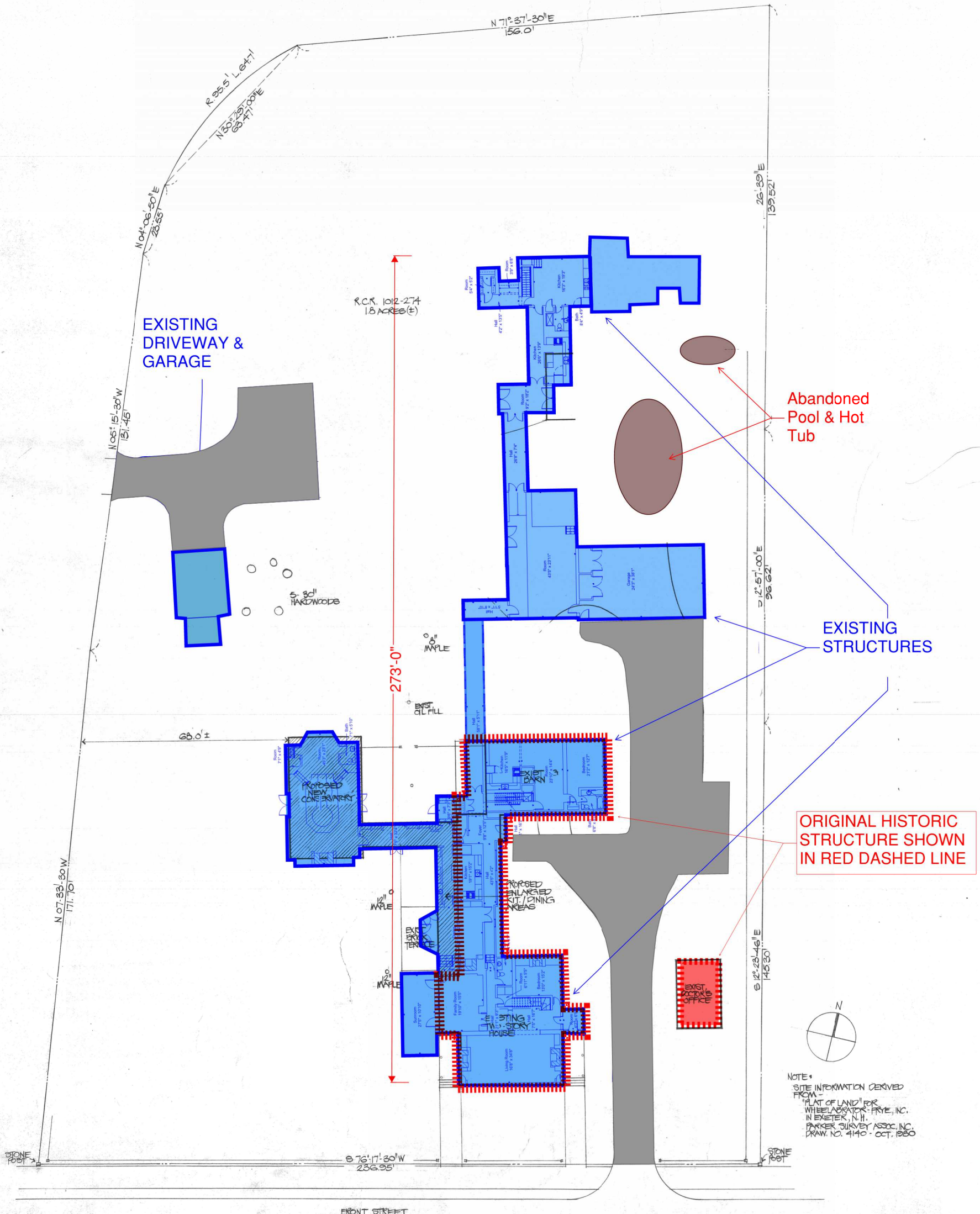
I have been a REALTOR in the Exeter area for over 42 years and I also reside in the neighborhood of the subject property. It is my opinion that converting the existing structure to an 8 units would not affect the value of properties in the area. The architectural significance of the property will be left in tact.

Best regards,

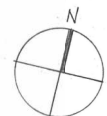
Florence Ruffner

Florence C. Ruffner, CRS
Owner/Associate Broker
Cell: 603-674-5440
floinceruffner@gmail.com

**Existing Conditions
(Overlaid - Survey 1987)**



NOTE:
 SITE INFORMATION DERIVED FROM -
 "PLAT OF LAND" FOR WHEELABRATOR-FRYE, INC. IN EXETER, N.H. PARKER SURVEY ASSOC. INC. DRAW. NO. 4140 - OCT. 1980



SITE PLAN
 1/6" = 1'-0"

ALTERATIONS & ADDITIONS TO THE OTIS HOUSE
 81 FRONT STREET
 EXETER, NEW HAMPSHIRE
 ROBERT FLEISCHAUER/ARCHITECT 11-10-87

LETTER OF AUTHORIZATION

I, Steven Wilson, Manager of 81 Front Street, LLC, owner of property depicted on Tax Map 72, Lot 195, do hereby authorize Donahue, Tucker and Ciandella, PLLC, to execute any land use applications to the Town of Exeter and to take any action necessary for the application and permitting process, including but not limited to, attendance and presentation at public hearings, of the said property.

Dated: 9-20-03

81 FRONT STREET, LLC



Steven Wilson, Manager

**81 FRONT STREET
TAX MAP 72, LOT 195
ABUTTER LIST**

OWNER: 81 Front Street, LLC
41 Industrial Drive, Unit 20
Exeter, NH 03833

ABUTTERS:

73/302 Chen Yanru & Rajesh Vaid
25 Greybirch Circle
Belmont, MA 02478

73/293 Exeter School District
30 Linden Street
Exeter, NH 03833

72/196 Mark & Sarah Russ
3765 Farber Street
Houston, TX 77005

72/191 Will & Camille Weete
78 Front Street
Exeter, NH 03833

72/192 Stephen Brum & Brenda Baker
80 Front Street
Exeter, NH 03833

72/193 Jennifer Young, Trustee
Jennifer V. Young Revocable Trust
84 Front Street
Exeter, NH 03833

72/194 Phillips Exeter Academy
20 Main Street
Exeter, NH 03833

73/1 Hay Creek Exeter Partners I, LLC
90 Front Street
Exeter, NH 03833

ATTORNEY: Sharon Cuddy Somers, Esq.
Donahue, Tucker & Ciandella, PLLC
16 Acadia Lane
Exeter, NH 03833

LETTERS RECEIVED FROM PUBLIC

ZBA CASE #23-14
81 FRONT STREET LLC



Barbara Mcevoy <bmcevoy@exeternh.gov>

Opposition to variance for 71 Front St., Exeter

1 message

brenda baker <baker778@gmail.com>

Fri, Oct 13, 2023 at 2:53 PM

Reply-To: baker778@gmail.com

To: bmcevoy@exeternh.gov

Cc: Sally Brown Russ <sbrownruss@hotmail.com>, Stephen Baum <sbaum80@gmail.com>

Dear Ms. McAvoy,

We would be grateful if you would forward this email to Mr. Robert Prior, Zoning Board Chair:

Dear Mr Prior,

Our residence is [80 Front Street, Exeter](#), directly across the road from number 71. We write to oppose a variance allowing conversion of the current single-family house into eight dwelling units. The proposed development seems too big for the space, would not allow for enough on-site parking and might result in driving hazards and accidents on Front Street created by as many as 16 cars coming in and out of the property.

It also seems likely to downgrade the historic character of this part of Front Street, one of the jewels of the town.

Thank you for considering the views and sensibilities of neighbors,
Brenda Baker and Steve Baum



Town of Exeter, NH
Zoning Board of Adjustment

15 October, 2023

Dear board members —

We are writing in opposition to the proposed zoning variance request for 81 Front St, Tax Map Parcel #72-195, ZBA Case #23-14. The result would be a substantial alteration to the existing zoning limitations and character of the property. We feel it would negatively affect this historic stretch of Front Street and prominent thoroughfare through Exeter.

The proposal to develop the property into 8 units seems an excessive change outside the current zoning ordinance of single dwelling or duplex. We believe that this significant a change will substantially alter the character of the property and impact the quality of life for abutters, going from a single neighbor to 8 different property owners or renters. This would be further amplified if the units are sublet. It also definitely seems an undue burden on the existing property owners who had an expectation when they purchased their property with the established zoning ordinance.

Robert & Jeanette Lackey
32 Pine St
Exeter, NH



Barbara Mcevoy <bmcevoy@exeternh.gov>

81 Front St. Variance application

1 message

Carter Siegel <aspenlab@me.com>

Mon, Oct 16, 2023 at 11:57 AM

To: bmcevoy@exeternh.gov

Dear Mr. Robert Prior, Zoning Board Chair:

This letter is in support of **opposing** the request by developer Steve Wilson (Hampshire Development Corporation) to get a variance from Exeter's Zoning Board to transform 81 Front St. from a single family home into 8 separate residences.

My husband Joshua A. Siegel and I have lived in Exeter since 1998 and have raised both of our daughters in this town. We reside on Pine St, just around the corner from Front St., and have watched the town evolve and change over the years. We have benefited from raising our kids in a neighborhood of long-term families who are committed to their community and its well-being. Pine St. experienced an ordinance adjustment for one particular home (#26) about 20 years ago and the home became multi-unit and subsidized. The property owner is absent and not responsive to issues at the dwelling. In addition, the house next to that (#24) had an absentee owner for a couple of years and the house became a local party palace for Phillips Exeter kids. That dwelling is now a multi unit dwelling. Our experience in Exeter, and specifically on Pine St. is that when homes have absentee owners or landlords that there are problems in those properties. Exeter is experiencing a lot of growth and demand for housing; yet developers are taking over large homes and developing them into high end units that are attracting absentee owners who come in for weeks or months at a time and when they leave, their relatives are using the spaces. The main concern here is the character and quality of neighborhood cohesiveness is eroding. With the proximity of 81 Front to PEA my concern is this will become a property that is housing such owners who have no real sense of ownership and long term investment in the quality of our small town. They come and go, they buy, they sell, and the neighborhood becomes somewhat transient.

In addition, The developer plans to put many parking spaces around the back of the building on Seminary Way and to use that lane to get his residents in and out. This may lead to safety issues involving the Lincoln Street elementary students who use Seminary Way as a shortcut to school. There will be increased traffic on that cut through as it leads to two playgrounds and buses pulling in and out. I also worry on the strain put on the schools as Exeter expands, builds, and converts more of the large homes into multi-dwelling units.

If allowed, this variance would set a precedent for all the beautiful single-family dwellings and duplexes in our entire neighborhood. Over time, it would negatively affect the charm and livability of Pine, Lincoln, Grove, and Court Streets, too. Our neighborhood is appealing precisely because it is zoned for single family residences and duplexes.

While AirBnB is not allowed in Exeter, I worry these small condo units being regularly offered up as short term rentals, opening up another nuisance of large weekend parties happening there regularly. There's also a strong possibility that PEA parents would buy these units as a place to stay when they visit, then giving their boarding student a key. I know what a temptation this would be for high schoolers looking to break school rules off campus. I've seen it happen during my six years as a PEA parent.

Thank you for considering my views on the matter

Respectfully
Carter Siegel

Carter Siegel, M.Ed, E-RYT500 YACEP
Mill Yoga: www.millyyoga.com
Private Instruction/Yoga Therapy
YogaLife of NH (teacher training)
www.yogalifeteach.com
www.educationforallchildren.org
www.globalgrassroots.org
aspenlab@me.com
603.661.6958

You are the sky. Everything else is
just the weather - Pema Chodron



Opposition to converting 81 Front Street to 8 residential units

1 message

dina chen <dchen1658@yahoo.com>
To: "bmcevoy@exeternh.gov" <bmcevoy@exeternh.gov>

Mon, Oct 16, 2023 at 12:06 PM

October 16th, 2023

Dear Barbara,

We received a notice about a petition to covert 82 Front street- a single-family residence to eight separate residential units.

We would like to express our concerns and opposition to this variance. Although duplex is part of this residential zone, converting eight units on one single home lot would alter this historical town and this quiet neighborhood drastically. It would devalue the existing single home value around. It will also add burden to public services, such as safety, traffic, parking space needed for this beautiful and quiet historic town.

Trust the town zoning committee would take into consideration of preserving the history & land as well as neighbors' concerns in the process of evaluating this conversion.

Thank you so much for your public work and services.

With kind regards,

Dr. R. Vaid; M.D. Ph.D.
Dr. D. Y. Chen, Ph.D.

87 Front Street
Exeter, NH 03833



Zoning for 81 Front Street

1 message

Philip Dean <philipdean.exeter@gmail.com>
To: Barbara McEvoy <bmcevoy@exeternh.gov>

Mon, Oct 16, 2023 at 2:01 PM

Hi Barbara and the Zoning Board,
Please vote No on the variance request for [81 Front Street](#). To change one of Exeter's historic old houses into an apartment building would be substantially detrimental not only to the home in question but to all the homes up and down Front Street and neighboring streets (Pine, Elliot, Court, etc.). There are several apartment buildings in town and other areas that are zoned for them. Front Street is not an appropriate area for such a building.

The Petitioner bought the property under the current zoning rules, so this is not unfair to him. Making this exception will fundamentally change the character of the street and surrounding area. My wife Audrey and I strongly oppose the action.

Thank you for your thoughtful consideration.
Sincerely,
Philip and Audrey Dean
[19 Elliot Street](#)
Exeter, NH.



Barbara Mcevoy <bmcevoy@exeternh.gov>

81 Front Street

1 message

Tad Jusczyk <tjusczyk@gmail.com>

Mon, Oct 16, 2023 at 2:13 PM

To: "bmcevoy@exeternh.gov" <bmcevoy@exeternh.gov>

Hi, Barbara. Below is a letter in opposition to the proposed zoning variance for [81 Front Street](#). If you could please forward it to the zoning board members, I would appreciate it. Thank you!

Mr. Robert Prior, Zoning Board Chair

Dear Mr. Prior,

I am a resident at 3 Grove Street, and I would like to voice my opposition to the proposed zoning variance for [81 Front Street](#). I believe that the variance would negatively impact the character of our neighborhood.

Thank you.

Thaddeus Jusczyk
[3 Grove St, Exeter, NH 03833](#)

16 October 2023

11 Lincoln Street
Exeter, New Hampshire 03833

Mr. Robert Prior
Chairperson, Zoning Board
Town of Exeter
10 Front Street
Exeter, New Hampshire 03833

Dear Mr. Prior:

As an Exeter homeowner and a neighbor of 81 Front Street, I am writing to formally express my opposition to the petition before the Exeter Zoning Board to request a variance to change the single-family residence at 81 Front Street to a condominium with eight individual residences.

I am sorry that due to an unavoidable conflict with the Zoning Board's hearing on Tuesday, October 17th I will be unable to present my thoughts in person, but I hope my letter will be taken under advisement in your deliberations.

Already the Exeter Historic District between downtown and the western edge of the district has seen the Zoning Board grant variances to zoning that are detrimental to maintaining the historic character of Front Street. Two years ago, in addition to the dangerous precedent created in granting twenty-four permanent parking spaces in a public lot to the proposed condominium at the former First Baptist Church at 43 Front Street, the Board permitted significant alterations to this historic building – well within the 50-yard boundaries of the Historic District.

That decision by the Zoning Board was a landfall win for the developers involved in the project – and a huge loss for local residents and for any long-term sense of vision of what keeps Exeter's Historic District unique. And, of course, for the restaurants and shops who depend on the downtown public parking lot, the Board's shortsighted decision meant even more congestion and lack of availability – and the real potential that future developers would demand equally generous treatment, under threat of potential lawsuit.

The scope of the proposed project at 81 Front Street has similar potential to change the character of the Historic District for the worse. In a neighborhood of overwhelmingly single-family homes, the increased density negatively impacts quality of life. The parking needs for eight condominium units would not only strain on-street parking on Front Street and Seminary Way, but also could detract from the historic character of this Greek Revival property. If the developers doesn't provide sufficient spaces for 16+ vehicles, where will these residents park?

The scope of the proposed development also presents safety issues. Many Lincoln Street school children and their parents use the back cutaway on Seminary Way as a shortcut to school. If the property's current dual access to both Seminary Way and Front Street remains, a road in which students ride their bikes or walk to school could get very busy.

I am not against development. Nor am I against development in my own backyard. The home I've owned for the past fifteen years at the above address is a multi-family residence, with two

apartments with off-street parking, both with long-term tenants. Lincoln Street has a number of older historic homes that are multi-family and duplexes, many of which are owner-occupied.

For me, the scope of the proposed plan at 81 Front Street is what alarms me. Adapting a single-family home – even one as admittedly large at the former Denman property – for an eight-unit complex creates a different feel in a neighborhood that is overwhelmingly single-family homes. A smaller development of three or four units would be in keeping with other multifamily homes on Lincoln Street and Pine Street.

Of course, developers, whether from out of state or local, care primarily about maximizing their profit and care little about the neighborhood they leave behind. And of course, despite the clear fact that the town of Exeter has a significant shortage of workforce housing, one imagines that the development at 81 Front Street will do little to alleviate that critical need.

The Zoning Board of Exeter has recently made several decisions that, in my opinion, have primarily benefited developers. The July 2020 variance granted to the development of the historic Ioka Theater as well as the May 2022 variance granted to the former First Baptist Church development – not to mention this summer's acquiescence by the Board to the Gateway Exeter developer's announcement that their residential rents will be higher and fewer workforce housing units built – all come to mind.

I am hopeful that the Zoning Board recognizes that the town of Exeter is at a critical juncture point in which the historic, unique character of our residential community is in danger of being lost. Talk with any longtime resident of central Portsmouth and ask about the "benefit" the past decade's development have had on that community, with increased congestion, traffic density and astronomical state prices far beyond most middle-class incomes.

I sincerely hope that the Zoning Board will vote against yet another large-scale project as 81 Front Street, and help retain the unique character of what makes Exeter a place I've been proud to call home for almost three decades.

Respectfully submitted,



R. Cary Einhaus

rcaryeinhaus@gmail.com

October 16, 2023

Dear Mr. Prior and the Zoning Board,

I live next door to 81 Front Street and I stand in strong opposition to the request by Mr Steve Wilson for a variance from single-family/duplex to a multi-family lot.

The variance does not satisfy all of the conditions it must meet in order to be granted. Namely:

1) The variance will not be contrary to the public interest.

The variance would be contrary to the public interest because it goes against the basic zoning objectives set forth originally for the neighborhood as single-family dwellings. The character of the neighborhood would be drastically changed by having 8 residences where before there was just one. Exeter's main residential showpiece is this exact stretch of Front Street. The stately homes and open spaces around and behind them are part of what creates that feeling, and are precisely why this area has been designated as an Historic District. Single-family homes are what establish the essential character of the neighborhood.

I also believe this is not in the public interest because it will set a precedent for other properties in the neighborhood, many of which are historic homes that are owned by Phillips Exeter Academy and are already duplexes. Is the Town ready to have them further subdivided? There is currently a shortage of faculty housing on campus, which is why the school as built the faculty village at the foot of Portsmouth Avenue.

2) The spirit of the ordinance is observed.

The single-family zoning was established to prevent overcrowding and to be a genteel stretch of land where the homes would reflect a sense of place and history. Changing this lot to a multi-family zone would be contrary to that spirit. It would increase the density of the neighborhood by a factor of 8.

3) Substantial justice is done.

The loss of my privacy (my home overlooks the main driveway where Mr Wilson has already removed a large tree that acted as a screen) is but one injustice to my property. In addition, the resulting increase in noise, traffic, parking stress on the street and general nuisance of all the comings and goings of eight families will definitely change the feel of living on Front Street.

4) The values of the surrounding properties are not diminished.

I have not had adequate time to find the data to support my claim that this will absolutely diminish the value of my home, but I think it seems obvious that having 8 rental units next door is much less desirable than having a single family or a duplex. I plan to do more research into this matter and will have more data to support this claim if I need to produce it in the future.

I anticipate a robustly revolving list of renters for these units because it is exceedingly likely they will be rented to Academy families, who would only be interested in living in Exeter while their child is enrolled at the Academy.

Even more worrisome is the possibility that some of these families would not live here full time, but give their child a key. From my six years as the parent of Academy students, I know how tempting it is to have a private place off campus where a teenager can break rules without the risk of being caught. The Flynn house on Pine Street was used in this manner several years ago, and it became a fairly well-known off campus party house where Academy kids would gather to get high, drink, have parties, etc. The school was not able to shut that behavior down because it happened off campus.

- 5) The literal enforcement of the provision of the ordinance would result in unnecessary hardship.

There have been many recent home sales in this neighborhood along Pine, Grove, Linden, and Court Streets where high-priced homes have traded hands and been purchased by single families who are not looking to chop them up into smaller units. This house was zoned for single-family/duplex when Mr Wilson purchased it in August. There is no hardship to him in improving the property for its intended use, and finding the right buyer.

Finally, I think there is a concern that the increased in and out traffic on the driveways of the property might endanger neighborhood children going to Lincoln Street School. Many of them cut through Seminary Way as a back door entrance to their school. They certainly walk and bike down the Front Street sidewalks on their way to and from school.

For these reasons, I oppose Mr. Wilson's variance request.

Thank you for your consideration,
Sally Brown Russ
79 Front St.
Exeter, NH 03833

To: Mr. Robert Prior, Chairman
Zoning Board,
Town of Exeter, NH
Re: 81 Front Street, Exeter Variance Request

October 16, 2023

To Chairman Prior and the Zoning Board:

I am writing in objection to the variance request from developer Steve Wilson for his condo project planned for 81 Front Street – The Otis House.

Mr. Wilson seeks an exemption from single family zoning in order to permit packing 8 units onto that parcel. This property is in a key gateway neighborhood to the Exeter downtown -- an elegant entrance to the center of town, with some of the largest and most beautiful, historic, single-owner properties we have. Mr. Wilson's track record for attractive building renewals makes him a strong candidate to address the Otis property, but it does not give him carte blanche to compromise a stately neighborhood.

I understand Mr. Wilson has already gone before the Historic District Commission to discuss his plans in an informational session, and that he will appear before your Committee this evening. I am unable to attend tonight's meeting, but I urge the Zoning Board to consider the following concerns:

1. Beautiful town gateway: Exeter has a series of neighborhoods ringing the town with beautiful single- family homes on mature-tree parcels at the upper end of the market; each one contributes to the historic beauty of the town – a character our zoning codes have admirably protected and preserved over decades. While Mr. Wilson's counsel characterizes the neighborhood as 'unsettled,' that particular block is a marquis example of well-maintained historic properties with demonstrated market value.
2. Growth Pressures on Downtown a Balancing Act: It is a given that population growth will pressure Exeter and other regional towns to permit higher-density projects now and in years to come. I urge the Zoning Board to recognize the need to protect the core beauty and character of our town, permitting restrained projects on historic lots while at the same time reserving higher density developments for other more appropriate locations.
3. Established Conversion Guidelines Work: There is established practice in town (and provision in the Zoning Code) for successful and attractive "tuck-in" condo projects of up to 4 units, several of them in historic buildings: 81 Court Street, 20 Pine Street, 18 Linden St., 102 Front Street, and 129 Front Street. The Otis lot is a strong candidate for a similar size and scale, but only if the historic building and trees are preserved and the plans include adequate on-site parking and safe traffic flow (especially given the elementary school).
4. Town Committee Goals in Tension: The Hampshire Development Corp. variance request feels at odds with the Heritage Commission's recent grant application to work with a Preservation Planner in the exact Front/Pine/Grove neighborhood in which the Otis House is located, indicating desire to preserve the current nature of the properties therein (see April 19, 2023 Heritage Commission meeting minutes). In general, Exeter is in flux as a new master plan is

prepared and we cannot make irretrievable decisions in the meantime that will fundamentally change some of the nicest parts of town.

5. Untenable alternative plans: Mr. Wilson's alternative suggestions to consider four 2-unit structures or to subdivide the lot and request several 4-unit buildings – especially if they are planned as rentals -- would materially change the character of the property and affect property values of adjacent properties, Ms. Ruffner's testimony notwithstanding.
6. Aesthetic Concerns: I have not yet seen drawings for Wilson's Otis house proposal, but I would like to note, proactively, that his recent development at 69 Main Street does not serve as an acceptable model for Front Street. At 69 Main, Wilson converted a formerly empty garage and auto repair business on that lot. However, the design he chose for that space, especially with the drive- under garages, is not consistent with the scale and aesthetics of Front Street. It cannot be a reasonable design model for the Otis house project. And we certainly don't want to repeat the very unfortunate results of the condo building constructed in back of the historic Gardner House at 12 Front Street – a design failure in my opinion.
7. Room for Developer Margin: Exeter, with its central downtown featuring attractive shops, burgeoning restaurant scene, excellent schools, and invaluable train connection to Boston, is drawing new residents who want to be in the Seacoast area. That means we will need housing at all levels of price ranges, including the top of the market. Even without the variance requested, I'm confident the market will support a smaller number of high quality condos on this lot.
8. Precedent-Setting Decision: As market pressures for homes within walking distance of town will experience increasing cost and density pressures, the decision on this variance request will have impact far into the future as a precedent for future requests.

I urge the Zoning Board to deny this density variance request, restricting Mr. Wilson and Hampshire Development Corp. to 4 or fewer units on the Otis property, per current provision. Mr. Wilson's request is neither hardship- nor site-constrained; as an experienced developer he was well aware of the risks of his plan when he purchased the property.

I thank and support the Zoning Board as it continues in its balancing-act roles as enforcers of current guidelines and stewards of the future -- ensuring the Town of Exeter will remain an attractive, safe, and remarkable community.

Sincerely,

Lisa Butler
37 Linden St.

Dear Robert Prior et al—

October 24, 2023

I am not a lawyer, but I am a 35 year resident of 12 Grove Street and a 50+ year resident of the Town of Exeter, and have lived in the area of Grove Street for all those 50+ years--but even a casual read as a layman of the zoning regulations for the Town of Exeter suggest this attempted conversion of a single-family residence into eight dwelling units at 81 Front Street violates both the spirit and the letter of the various zoning ordinances. Thus, I write in opposition to this request for a variance, and will attend the November 21st ZBA meeting to explain my opposition in person.

(The ZBA also has my sympathies: I know the pressures volunteer Exeter residents are under, for as chair of the Exeter School Board for a number of years where I served several terms, I was sued for one million dollars for a decision the full board took, which doesn't encourage people to volunteer for local positions, but all that's another story for another day.)

Let me count the ways to oppose the variance, but I'm sure I'm missing some regulations which might be equally applicable. The most obvious regulations which are violated at almost each step concern why any variance should be granted, and none of those exceptions applies in this particular situation; in fact, they are violated, explicitly, by what is listed in subsection 2.2.82

Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if: 1. The variance will not be contrary to the public interest; 2. The spirit of the ordinance is observed; 3. Substantial justice is done; 4. The values of surrounding properties are not diminished

Exception #1: How an eight-unit apartment complex is in the "public interest" is not at all clear; what does the public gain by this conversation? The developer clearly gains, but not the public. Exeter may need more low-income housing but that is not this conversion. And is the so-called "Airbnb-ification" of America's towns and cities a desirable goal? I would contend not. I think Exeter has a no-Airbnb regulation, but I have heard, correctly or not, that it is not really enforced, and these eight units are prime Airbnb territory, given their proximity to the Academy. Is that what we really want with the constant turnover and traffic down a busy Seminary Lane as children walk and bike to and from the Lincoln Street School? Exception #2: What "spirit of the Zoning ordinance" is being observed here? In fact, the request directly violates why this area is zoned R-2 and is in the Historical District. Any variance at all in a sense violates the spirit of a zoning regulation but this is a more egregious violation in that it violates/contradicts/is counter to multiple regulations as outlined all over this letter. Exception #3: This request is an injustice to the neighborhood as well as why Exeter has zoning regulations at all, and sets a bad precedent. Change the zoning laws first, if need be, but don't change them by bad precedents. Exception #4: Such conversations in a single-family neighborhood would diminish area property values not enhance them. The whole Front Street/Pine Street/Grove Street/Elliot Street area is single family homes for the most part--with a few exceptions, some grandfathered, on Pine Street--but eight rental units would be a clear outlier, and not at all in character with the rest of the neighborhood.

To me, those four reasons for a variance are specifically violated by this request.

Next, look at the Zoning Regulations for when and why variances are granted:

*Schedule I Notes: 1. In addition to the criteria set forth in Article 5, Section 5.2 Special Exception, the following criteria must also be met: Conversions – The conversion of existing residential buildings (principal residential structure as well as accessory structures) into **not more than four (4) dwelling units** provided that; (a) The number of spaces for off-street parking shall comply with Article 5.6 Off-Street Parking; (b) **The minimum lot size required shall be such that each dwelling unit is provided with thirty percent (30%) of the minimum lot size (per unit) required for the district;** (c) The structure has been a residence for a minimum of ten (10) years; (d) **The lot must meet a minimum of twenty percent (20%) open space unless otherwise stated in Articles 4.3 and 4.4 Schedules II and III.** (e) **For conversions intended to become rental units, one of the dwelling units shall remain owner-occupied.** (f) The Board of Adjustment may require the Planning Board to review the proposed site plan. All conversions consisting of three or more units must be reviewed by the Planning Board. (g) The Board of Adjustment may allow expansion to an existing structure for the purpose of providing additional area for the units, provided all other requirements are met.*

To my eye, it looks like the intro above plus sections b, d, and e are all contrary to this request. Eight not four units, not the correct unit size on the lot, ditto with d, and does the developer, Mr. Wilson, plan to live in one of the units? He told the Historic District Commission in his July appearance that his daughter would move into one of the eight units, but is she an *owner* of the Hampshire Development Corporation? Eight units and not one would be owner-occupied.

Additionally, this house at 81 Front Street is in the Historic District, and it does not take any stretch of the imagination to say that converting a single-family residence in the Exeter Historic District would violate the spirit of what constitutes a historic district of otherwise classical American colonial and 19th cen. single-family houses. This is in effect putting a possible small motel/hotel/Airbnb complex in the place of single-family residences in an R-2 zone.

*8.3.1 Activities Requiring Review: It shall be unlawful for any person to construct, alter, modify, repair, move or demolish any building, structure or improvement which lies within a Historic District **without first obtaining a Certificate of Approval from the Historic District Commission**, or in the case of a project of minimal impact, the Code Enforcement Officer and the Deputy Code Enforcement Officer, in the manner prescribed in this section.*

As in 8.3.1 I noticed that one of the additional criteria is that there are numerous other hoops a conversion has to jump through, and I would hope that those other agencies in town would also go on record as opposing this conversion. Mr. Wilson did appear before the Historic District Commission on July 20th for a preliminary discussion, and there was a noticeable gasp in the room when the number “eight” mentioned as the number of units, but the Commission has not formally weighed in one way or another. To my mind, however, how eight rental units fit within a historic district is not easy to understand.

By way of reference, the owners of the house across the street from us on Grove Street, 15 Grove, tried several years ago to convert their single-family home into a two-family dwelling unit, and the neighborhood rose up in opposition, and the ZBA denied their request. So there is precedent in our area for people attempting even modest conversions and the ZBA denying such requests.

I will be more than happy to attend the meeting on November 21st, and explain some of the same reasoning in person to the ZBA. I am open to any counter arguments, but I am hard-pressed to understand how this conversion fits within any of the ZBA own regulations.

Thanking you in advance for reading this letter of opposition and understanding my reasoning.

Peter

Peter Vorkink
12 Grove Street
Exeter NH 03833

25 October 2023

Dear Mr. Prior and Members of the Zoning Board,

I have lived at 72 Front Street for nearly 50 years. My wife and I raised our three children and grandchildren here, and have enjoyed our neighbors and our single-family neighborhood during all that time.

I am writing to oppose the variance request of Hampshire Development Corp. to convert the Otis House at 81 Front Street from single-family/duplex to a multi-family lot. This variance is contrary to the spirit and intent of the longstanding zoning ordinance for this area and would represent a dramatic change to the character of the neighborhood with a negative impact on long-term residents.

Over the years the homes on Front Street have changed hands, and in each case the new owners have maintained their lots as a single-family home. No one that I am aware of has ever tried to build a multi-family unit, let alone convert a single-family home to eight apartment units. Our family, and many others in the neighborhood, moved here because it was a good environment to safely raise a family. I fear that these changes would put that environment at risk by causing more traffic, noise, nuisance and most importantly transience, something a single-family residence would not.

I am especially concerned that the intention of this request appears to be the creation of rental units, rather than condos. I have seen illegal Airbnbs pop up around town, which I find extremely unfortunate and am concerned about the same outcome here.

I am certainly not opposed to all construction and hope that we would welcome new neighbors to 81 Front Street soon. However, I have seen no evidence that the current proposal would not open the door to illegal Airbnbs and create significantly more traffic, noise, and risk in this family-friendly neighborhood.

For these reasons, I hope you will oppose the variance request.

Thank you for your consideration.

Sincerely,

Dave Bohn
72 Front Street
Exeter, NH 03833

Mr Robert Prior, Chair, Town of Exeter, NH Zoning Board

Dear Mr Prior,

I am writing this letter to voice my concerns about the proposed conversion of 81 Front St from a single family home into 6 apartments. I have lived with my family in our single family home at 70 Court St, 2 blocks from the property in question, for the past 26 years.

I agree with Mr Wilson that it is detrimental to a neighborhood to have a large property standing empty, and I appreciate his interest in renovating the 81 Front St property into housing where people will be eager to live. However I think that replacing a single family home with a 6 unit development does not meet the criteria required for you to grant Mr Wilson the variance he is requesting.

In his statement about the variance's affect on the public interest, Mr Wilson tries to make the point that his development will not alter the essential character of the locality. He states "the character of the locality is best described as mixed and there is no settled essential character of the locality". I disagree with this. The neighborhood that includes this area of Front St along with Grove St, Pine St and Elliot St is very much a neighborhood of families living in single family homes. The properties on either side and across the street from 81 Front St are all single family homes. The other nearby properties on the block that are multi-family are owned by Phillips Exeter Academy. While 89 Front St contains two dwelling units, the people I have known who have lived there have only used the second dwelling as a guest house and there have not been two unrelated families living there.

Mr Wilson does not live in this neighborhood. He has not been to our neighborhood block party. He does not attend our neighborhood book group that, in addition to reading books, meets every year to have a Yankee swap and decorate a tree for the Festival of Trees. He has not participated in the neighborhood Halloween lawn decorating contest or the snowman contest the neighborhood spontaneously organized on a school snow day. We are very much a neighborhood of families living in single family homes and adding high density housing in the middle of this neighborhood would deeply alter its character and is not in the public's interest.

Finally Mr Wilson writes that he would suffer a loss if the variance is denied because rather than smaller units he "would be faced with trying to populate units of 4,222 square feet each" and that "the odds of success in renting or selling such units in Exeter, New Hampshire is negligible". In fact large single family homes in this neighborhood are in high demand and several that are within a few blocks of 81 High St have sold in the past few years. I do not think that asking Mr Wilson or another developer to create fewer, larger units appropriate to the scale of the property would cause substantial hardship.

I thank you for listening to my concerns.

Sarah James
70 Court St
Exeter

Orr&Reno

John L. Arnold
jarnold@orr-reno.com
Direct Dial 603.223.9172
Direct Fax 603.223.9072

November 2, 2023

Exeter Zoning Board of Adjustment
Town of Exeter
10 Front Street
Exeter, NH 03833
Attn: Ms. Barbara McEvoy, Deputy Code Enforcement Officer

Re: 46 Main Street, Exeter – Variance Application

Dear Ms. McEvoy:

Enclosed please find the following documents in connection with the variance application for 46 Main Street, Exeter, NH:

1. Application for Variance (original and 10 copies);
2. Narrative in support of variance application (11 copies);
3. Vicinity Map (11 copies);
4. ZBA Plan (11 copies);
5. List of Abutters;
6. 3 sets of mailing labels for abutter notifications;
7. Letter of Authorization from Property Owner; and
8. A check in the amount of \$290 for the Application Fee (\$100), Abutter notification fee (\$140)(\$10 x 14) and Legal Notice Fee (\$50).

Please place this matter on the next ZBA agenda. Thank you for your assistance and if you require anything further please feel free to contact me.

Sincerely,



John L. Arnold, Esq.

Enclosures

cc: Patrick Houghton
Erin Lambert

Town of Exeter
APPLICATION FOR A

VARIANCE

Case Number:	_____
Date Filed:	_____
Application Fee: \$	_____
Abutter Fees: \$	_____
Legal Notice Fee: \$	_____
TOTAL FEES: \$	_____
Date Paid	_____ Check # _____

Name of Applicant Patrick Houghton
(If other than property owner, a letter of authorization will be required from property owner)

Address 210 Ledgewood Road, Manchester, NH 03104

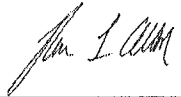
Telephone Number (603) 224-2381

Property Owner David and Esther Jin

Location of Property 46 Main Street

R-2; 63/1

(Number, street, zone, map and lot number)

Applicant Signature 

Date November 2, 2023

*NOTE: This application is not acceptable unless all required statements have been made.
Additional information may be supplied on a separate sheet if space is inadequate.*

APPLICATION FOR A VARIANCE

A variance is requested from article _____ section _____ of the Exeter zoning ordinance to permit:

See Attached

FACTS SUPPORTING THIS REQUEST:

1. The variance will not be contrary to the public interest;

See Attached

2. The spirit of the ordinance is observed;

See Attached

3. Substantial justice is done;

See Attached

4. The values of surrounding properties are not diminished;

See Attached

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

See Attached

ABUTTER LABELS AND LISTS:

Abutter labels and lists must be attached to this application. Please contact the Planning Office if you have any questions.

ADDITIONAL MATERIALS:

If provided with the application, additional submission materials will be sent to the ZBA members in their monthly packet of information. Please contact the Planning Office if you have any questions regarding additional submission materials.

NARRATIVE IN SUPPORT OF VARIANCE APPLICATION

This variance application is related to the property located at 46 Main Street in Exeter (the "Property"). The Property is zoned Single Family Residential (R-2). It is approximately .6 acres, and is located at the corner of Main and Cass Streets.

The present use of the Property is an automobile repair shop, built in the mid-1960s. The existing use is nonconforming. For several years, efforts have been made to sell and redevelop the Property, but those efforts have been unsuccessful. Mr. Houghton seeks to acquire the Property, demolish the existing repair facility, and build five townhouse-style condominiums. The redevelopment will dramatically improve the area and provide much-needed housing for the Town.

Copies of the conceptual plan are included herewith. Each unit would be approximately 2,000 square feet and contain 3 bedrooms, 2.5 baths, and a garage in the lower level. There would be a single driveway on the southerly end of the frontage, eliminating the two wide curb cuts that currently exist. The development complies with the side and rear setbacks, building coverage, open space and parking requirements. However, it would require the following variances:

- 1) Variance from Section 4.2, Schedule I, to permit multifamily use in the R-2 District;
- 2) Variance from Section 4.3, Schedule II, to permit a front setback of approximately 14', where 25' is required; and
- 3) Variance from Section 4.3, Schedule II, to permit a density of 5 units on a 26,000+/- sq. ft. 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.

DISCUSSION

1. The variances will not be contrary to the public interest.

A variance is contrary to the public interest if "it unduly and in a marked degree conflicts with an ordinance such that it violates the ordinance's basic zoning objectives." Farrar v. City of Keene, 158 N.H. 684, 691 (2009) (internal quotations omitted). In determining whether a variance would violate basic zoning objectives, the board should examine whether the variance would alter the essential character of the locality, or whether the granting of the variance would threaten public health, safety or welfare. Id. Here, the variances will not violate the basic zoning objectives.

The multifamily use will not alter the essential character of the locality or threaten public safety, health or welfare. The surrounding properties are a mix of single family, duplex and multifamily uses. The proposed multifamily use will be much more consistent with the character of the locality than the existing service station. And the removal of the service station and the cleanup of the site will benefit the public health, safety and welfare.

The front setback variance will likewise be consistent with the character of the locality. Most of the adjacent properties along Main Street have reduced front setbacks, and structures closer to the street than proposed here.

Nor will the density variance violate the basic zoning objectives. The R-2 Zoning District does not specify a maximum density for multifamily use, as multifamily use is not allowed in the district. The R-2 District requires 15,000 sq. ft. for a single-family dwelling and 24,000 sq. ft. for a duplex. Thus, two duplexes and a single family (for a total of 5 units) would require 63,000 sq. ft. However, if the Property already contained a residential structure, it could be converted to multifamily use pursuant to Section 4.2, Schedule I. In that case, the minimum lot size would be 4,500 sq. ft. per dwelling unit, and 5 units would be allowed on the 26,000 sq. ft. Property. See Section 4.2, Schedule I Note 1(b). Although we are not proposing a conversion here (since there is no existing residential structure to convert), the proposed density is in line with what would otherwise be allowed by right. As such, the variance will not violate any basic zoning objectives.

2. The spirit of the ordinance is observed.

The New Hampshire Supreme Court has determined that this criteria overlaps with the public interest requirement. See Chester Rod & Gun Club v. Town of Chester, 152 NH 577, 580 (2005). Thus, the analysis under the public interest criteria above is equally applicable. Further, the proposed redevelopment of this site will observe the spirit of the ordinance by eliminating a non-conforming commercial use in a residential neighborhood, and providing meaningful housing opportunities during a housing shortage.

3. Substantial justice is done.

Substantial justice is done where granting a variance will not cause harm to the general public that outweighs the benefit to the applicant. See Malachy Glen Associates v. Town of Chichester, 155 N.H. 102, 109 (2007). That is the case here. The proposed multifamily use will not harm the public in any way. There is strong public demand for housing in the area, and there are several other multifamily properties nearby. The reduced front setback will allow the development to blend in better with surrounding uses, which have similarly reduced front setbacks. It also allows the development to be situated towards the street, which allows more area for landscaping and screening to benefit the neighbors to the rear. The lot size/density variance is very minor, and will have no meaningful impact on the public. Indeed, granting these variances will bring significant public benefits, including beautification of the Property, reducing the housing shortage, and increasing the tax base. Likewise, the benefit to Mr. Houghton is substantial because the development cannot proceed without these variances.

4. The value of surrounding properties is not diminished.

This project will not negatively affect surrounding property values. The existing service station on the Property is dated and in deteriorating condition. Removing it and building 5 modern townhouse units will dramatically improve the appearance of the area, and the use will

be much more fitting with the surrounding uses. Ample room for landscaping has been provided to the rear of the Property to buffer the small parking area from the neighbors to the rear.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because, owing to special conditions of the property that distinguish it from other properties in the area:
 - a. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.*

The Property is unique in that it is a relatively lot in the R-2 Zoning District, at approximately .6 acres. All of the adjacent properties are smaller, and most are less than half the size. It is also unusually shaped, being on the corner of the road and having an irregular rear lot line. Further, the Property is unique in that it has a non-conforming commercial use on it. Several efforts have been made in recent years to redevelop the Property. A little over a year ago, a different developer sought several variances from this Board to allow a retail bank, but those variances were denied. The size and location of the lot make it poorly suited for either a single-family residence, or a duplex. The uniqueness of the Property and the challenges they present in redevelopment help to explain why prior redevelopment efforts have failed.

The general public purpose of prohibiting multifamily use in the R-2 Zoning District is to segregate housing types and limit the intensity of use in the area. But here, there are already several multifamily uses on surrounding properties. As such, strict application of the restriction here does not further the general public purpose.

The general public purpose of the front setback requirement is to prevent overcrowding of the streetscape. But here, nearly all of the nearby properties have even lesser front setbacks than we are proposing. As noted above, allowing a reduced front setback allows more space in the rear of the Property for landscaping and screening between the small parking area and the neighbors to the rear. Shifting the buildings back further away from the street reduces the space in the rear to buffer from those neighbors.

The general public purpose of the lot size/density requirements is to limit the intensity of use and concentration of population. However, the proposed density of 5 units on the 26,000 sq. ft. lot equates to approximately 5,200 sq. ft. of lot area per unit. As noted above, if this were a conversion of an existing building into multiple dwelling units, only 4,500 sq. ft. of lot area per unit would be required. Further, many of the other multifamily properties in the area have even more density:

- 64 Main Street has 5 units and .15 acres: 1,307 sq. ft. lot area per unit
- 68 Main Street has 3 units and .18 acres: 2,614 sq. ft. lot area per unit
- 44 Main Street has 3 units and .21 acres: 3,049 sq. ft. lot area per unit
- 41 Main Street has 3 units and .27 acres: 3,920 sq. ft. lot area per unit

Thus, even with 5 units on the Property, the density will be less than what already exists in the area, and strictly enforcing the restriction will not serve the general public purpose.

b. The proposed use is reasonable.

The demolition of the service station and construction of 5 townhouse-style residential units is reasonable. The redevelopment will dramatically improve the appearance of the area and help to alleviate the housing shortage. The use will be consistent with the surrounding uses, and will offer several substantial benefits to the Town.

MAP 063 LOT 257
DONALD P. FISCHER
61 MAIN STREET
EXETER, NH 03833
BOOK 6472 PAGE 2289

MAP 063 LOT 258
KEVIN BLAIR
59 MAIN STREET
EXETER, NH 03833
BOOK 3280 PAGE 1577

MAP 063 LOT 259
KEVIN BLAIR
59 MAIN STREET
EXETER, NH 03833
BOOK 3280 PAGE 1577

MAP 063 LOT 260
JASON RICHARD
GOULET
49 MAIN STREET
EXETER, NH 03833
BOOK 5938 PAGE 0277

MAP 063 LOT 274
1 CASS STREET LLC
PO BOX 72
EXETER, NH 03833
BOOK 5476 PAGE 0249

MAP 072 LOT 211
PHILLIPS EXETER
ACADEMY
13 MAIN STREET
EXETER, NH 03833

MAP 063 LOT 275
TIMOTHY D. UPTON
45 MAIN STREET
EXETER, NH 03833
BOOK 6455 PAGE 2058

MAP 063 LOT 276
WILLIAM F. HOYT
82 WATSON ROAD
EXETER, NH 03833
BOOK 6380 PAGE 1687

MAP 072 LOT 210
41 MAIN EXETER LLC
85 BROWN AVE UNIT 11
HAMPTON, NH 03842
BOOK 5500 PAGE 2046

MAP 063 LOT 002
LISA C. JENNINGS
60 MAIN STREET
EXETER, NH 03833
BOOK 5511 PAGE 0085

MAP 073 LOT 305
PAUL MARKEY
10 ASH STREET
EXETER, NH 03833
BOOK 5473 PAGE 1337

MAP 073 LOT 304
DAVID S. ESSENSA
44 MAIN STREET
EXETER, NH 03833
BOOK 2755 PAGE 2156

MAP 073 LOT 303
EXETER SCHOOL
DISTRICT
30 LINDEN STREET
EXETER, NH 03833
BOOK 2165 PAGE 0470

MAP 073 LOT 306
ZAIMES FAMILY
REVOCABLE
12 ASH STREET
EXETER, NH 03833
BOOK 6501 PAGE 1349

MAP 073 LOT 307
RALPH E. TWOMBLY
14 ASH STREET
EXETER, NH 03833
BOOK 2881 PAGE 1132

ZONING CALCULATIONS

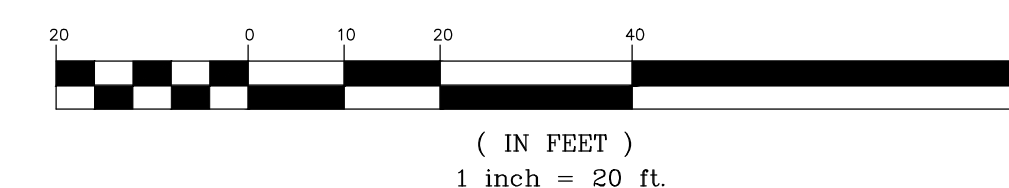
PAVEMENT = 6,200 SF
BUILDINGS = 5,325 SF
PORCHES = 960 SF
5' WALKWAY = 500 SF
TOTAL IMPERVIOUS = 12,585 SF
LOT AREA = 0.6 ACRE (~26,000 SF)

PROPOSED BUILDING COVERAGE = 23% (25% MAX)
OPEN SPACE = 52% (40% MIN REQUIRED)
REQUIRED PARKING: 2 PER UNIT PLUS 2 VISITOR
REQUIRED PARKING: 12 SPACES

PLAN NOTES:

- PROPERTY LINES ARE BASED ON DATA OBTAINED FROM NH GRANIT, NH'S STATEWIDE GIS CLEARINGHOUSE

GRAPHIC SCALE



2 HOME AVENUE
CONCORD, NH 03301
603-369-4190
www.wilcoxandbarton.com

REVISION HISTORY

1.

ISSUED FOR

PRELIMINARY

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OWNER

MR. PATRICK HOUGHTON
210 LEDGEWOOD RD
MANCHESTER, NH

SITE

46 MAIN STREET
EXETER, NH 03833

DRAWING TITLE

CONCEPT PLAN

SCALE

1" = 20'

DATE

11/02/2023

DRAFTED BY

DRW

CHECKED BY

ERL

PROJECT MGR

ERL

PROJECT NO.

HOUG0001

SHEET NO.

C1.0

01 OF 01

Tax Map 63/LOT 1
David and Esther Jin
46 Main Street
Exeter, NH 03833

Tax Map 63/Lot 2
Lisa C. Jennings
60 Main Street
Exeter, NH 03833

Tax Map 72-211
Phillips Exeter Academy
20 Main Street
Exeter, NH 03833

Tax Map 63/Lot 257
Donald and Karen Fischer
61 Main Street
Exeter, NH 03833

Tax Map 63/Lot 258
Kevin Blair
59 Main Street
Exeter, NH 03833

Tax Map 63/Lot 259
Kevin Blair
59 Main Street
Exeter, NH 03833

Tax Map 63/Lot 260
Jason Richard & Sarah Elizabeth
Goulet 49 Main Street
Exeter, NH 03833

Tax Map 63/Lot 274
1 Cass Street LLC
P.O. Box 72
Exeter, NH 03833

Tax Map 63/Lot 275
Upton Timothy D. Rev. Trust
45 Main Street
Exeter, NH 03833

Tax Map 63/Lot 276
William F. Hoyt
82 Watson Road
Exeter, NH 03833

Tax Map 73/Lot 305
Paul Markey
10 Ash Street
Exeter, NH 03833

Tax Map 73/Lot 304
David S. & Ann M. Essensa
44 Main Street
Exeter, NH 03833

John L. Arnold, Esq.
Orr & Reno, P.A.
45 South Main Street
Concord, NH 03301

Erin Lambert
Wilcox & Barton
2 Home Avenue
Concord, NH 03301

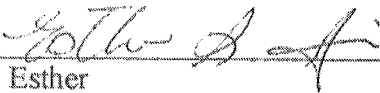
November 1, 2023

City of Exeter
Zoning Board of Adjustment
10 Front Street
Exeter, NH 03833

Re: Letter of Authorization – 46 Main Street, Exeter, NH

To Whom It May Concern:

I am the owner of the property located at 46 Main Street, Exeter, NH (the "Property"). I hereby give Patrick Houghton, Orr & Reno, P.A. and Wilcox & Barton permission to execute, submit and prosecute applications and any applicable materials to the Exeter Zoning Board of Adjustment and Planning Board for the purpose of obtaining permits and approvals required for the development of the Property.



Jin Esther