



TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

www.exeternh.gov

LEGAL NOTICE EXETER ZONING BOARD OF ADJUSTMENT AGENDA

The Exeter Zoning Board of Adjustment will meet on Tuesday, February 20, 2024 at 7:00 P.M. in the Nowak Room located in the Exeter Town Offices, 10 Front Street, Exeter, to consider the following:

NEW BUSINESS: PUBLIC HEARINGS

The application of Patrick Houghton for a variance from Article 4, Section 4.3 Schedule II to exceed the density requirements to permit four (4) units on a 26,000+/- square foot 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. The subject property is located at 46 Main Street, in the R-2, Single Family Residential zoning district. Tax Map Parcel #63-1. ZBA Case #24-1.

The application of David and Emily Gulick for a variance from Article 5, Section 5.1.2 A. for the expansion of a non-conforming use to permit the proposed construction of an addition (garage with living space above) to replace an existing garage which currently encroaches within the required side yard setback; and a variance to exceed the maximum building coverage requirement in the R-2 zoning district. The subject property is located at 21 Charter Street, in the R-2, Single Family Residential zoning district. Tax Map Parcel # 73-101. ZBA Case #24-2.

The application of Rachel Trabelsi for a special exception per Article 4, Section 4.2 Schedule I and Article 5, Section 5.2 to permit an accessory dwelling unit (ADU) to be created within the existing single-family residence located at 12 Highland Street. The subject property is located in the R-2, Single Family Residential zoning district, Tax Map Parcel #65-138. ZBA Case #24-3.

OTHER BUSINESS:

- Approval of Minutes: December 19, 2023

EXETER ZONING BOARD OF ADJUSTMENT

Robert V. Prior, Chairman

Town of Exeter
Zoning Board of Adjustment
December 19, 2023, 7 PM
Town Offices Nowak Room
Draft Minutes

I. **Preliminaries**

Members Present: Chair Robert Prior, Vice-Chair Esther Olson-Murphy, Clerk Theresa Page, Martha Pennell - Alternate, and Laura Montagno - Alternate.

Members Absent: Kevin Baum, Laura Davies, Joanne Petito - Alternate

Call to Order: Chair Robert Prior called the meeting to order at 7 PM. He said there are five voting members present but each case will have one member recused; given that there will be only four members voting on each application, the applicants have the right to delay for another month without prejudice. The applicants chose to proceed.

I. **New Business**

- A. The application of Matthew Soper for a special exception per Article 4, Section 4.2, Schedule I: Permitted Uses and Article 5, Section 5.2 to permit the conversion of the existing single-family structure located at 3 Portsmouth Avenue into a rooming and boarding house. The subject property is located in the C-1, Central Area Commercial zoning district, Tax Map Parcel #71-32. ZBA Case #23-18.

Laura Montagno recused herself from this application.

Meredith Farrell Goldstein of the Orr and Reno law firm spoke on behalf of the applicant. Owners Matt and Novena Soper were also present.

Attorney Goldstein said the property was purchased last fall. It's a single-family home with four bedrooms in the C1 District. There's a variety of uses allowed in that district, such as retail, office space, bed & breakfast, hotels, motels, multifamilies, and single-families. We're requesting that a special exception be granted to the Sopers to use this home as a rooming and boarding house. This would be a four-bedroom home with each bedroom rented out individually to unrelated individuals, targeting professionals in the area. Although it's a change in use, the day-to-day function of the home would not be changing. The Sopers are hopeful that this will provide an affordable housing option in the downtown area. This could serve visiting nurses and medical professionals. The rent will be competitive with market rates but will provide another option in the downtown area for professional housing. The Sopers have a property in Stratham NH that has been operating as this style of home for seven years, and it's provided a unique housing option for that community. The applicant is confident that this fits well into this neighborhood, with businesses, duplexes, multifamily, and single-family homes.

44 Mr. Prior asked how the number of bedrooms matches the number of
45 residents. Attorney Goldstein said each room would be rented out to an individual
46 or couple. That would be the maximum based on the size. Mr. Prior asked if the
47 number of residents could be restricted. Attorney Goldstein said that's something
48 we could explore. The zoning ordinance permits one parking spot per unit, with
49 each bedroom being considered a unit. Thinking about space, a single person
50 makes the most sense. Mr. Prior said we've had incidents in Exeter of properties
51 being utilized at a much higher density than appropriate. There's nothing in the
52 zoning ordinances to restrict that, but it's something he'd like to explore.

53 Attorney Goldstein went through the Special Exception criteria. A) The
54 use is a permitted special exception as set forth in Article 4.2, Schedule I; yes,
55 rooming and boarding houses are permitted in this district. B) That the use is so
56 designed, located and proposed to be operated that the public health, safety,
57 welfare, and convenience would be protected; yes, we looked first at what's there
58 right now, which is a single-family four-bedroom home. A family of four or five
59 could reside there and the function would be the same day-to-day. Looking at
60 traffic and parking, the property has a large parking lot at the back of the
61 driveway that would fit the required five spaces and has another space for a sixth
62 vehicle. They would have room to turn around before exiting the property, so they
63 wouldn't have to back out into the street causing a hazard. C) That the proposed
64 use will be compatible with the zone district and adjoining post-1972
65 development where it is to be located; yes, this zone allows a variety of uses.
66 They work well together and create a livable community. This is a great
67 opportunity for professionals to walk to work or to Exeter Hospital. This area has
68 businesses and multi-family. We're confident that this fits well. D) That adequate
69 landscaping and screening are provided; we're not proposing any changes to the
70 exterior of the home, and there's ample landscaping and screening that's already
71 been done. We're open to further changes if the Board believes it's necessary. E)
72 That adequate off-street parking and loading is provided and ingress and egress
73 is so designed as to cause minimum interference with traffic on abutting streets;
74 yes, this property is well-suited for this because there is significant parking and
75 the option for vehicles to turn around before existing the property. It shouldn't
76 have a negative impact. F) That the use conforms with all applicable regulations
77 governing the district where located; yes, we don't have any concerns there. G)
78 The applicant may be required to obtain Planning Board or Town Planning
79 approval; yes, we're open to that. We've talked to Doug Eastman about this
80 project and he agreed that because there's no exterior changes that likely would
81 not be necessary here. H) That the use shall not adversely affect abutting or
82 nearby property values; yes, there are commercial businesses, multifamilies,
83 duplexes, and single families, and this would fit well there. There would be no
84 exterior changes made, so there would be no changes of appearance that might
85 affect property values. I) and J) do not apply. In summary, this is something the
86 Sopers have done before. They're passionate about creating unique housing
87 options.

88 Mr. Prior said the applicant used the phrase “upscale housing option.”
89 There are four bedrooms and 2.5 baths. Mr. Soper said there are 3.5 baths, three
90 three-quarter baths on the second floor and a half bath on the first floor. Mr. Prior
91 said it won’t be individual bathrooms for each unit. Mr. Soper said he’d like to do
92 renovation so everyone can have their own private space.

93 Ms. Page said she’s curious how the word gets out to Exeter that these
94 spaces are available. Attorney Goldstein said Mr. Soper is exploring programs
95 through Exeter Hospital such as visiting nurses. Mr. Soper said he’s also
96 exploring Craigs List, Rent.com, and the VNA.

97 Mr. Prior asked what the turnover at his Stratham property is. Mr. Soper
98 said 6-8 months on average. Mr. Prior asked if there is a minimum lease, and Mr.
99 Soper said it can be customized to the individual. The minimum is one month, but
100 that’s never happened. He’s had the property in Stratham for ten years and has
101 rented it for seven, and it has been through 50 or 60 tenants.

102 Ms. Pennell asked who keeps the common areas clean. Mr. Soper said
103 he hires a housekeeper to clean the common area, and the tenants are
104 responsible for their living spaces.

105 Ms. Pennell asked if he is intending to live there. Mr. Soper said maybe in
106 the future, but not right now.

107 Ms. Pennell asked if he would rent to an adult with a child, and he said
108 yes.

109 Mr. Prior asked for public comment.

110 Kit O’Meara said she and her husband Colin Hatchard own 46-48 High
111 Street; they live at 48 and rent out 46. She said the town of Exeter doesn’t allow
112 Air BnBs because the neighborhood doesn’t want people coming in every six
113 months or every week. They want people who are bonded to the community and
114 care about the town of Exeter. Her neighbors have kids in the schools. Will it be a
115 requirement of the lease that they have to rent to professionals and those who
116 work at Exeter Hospital? If this is granted, how would they make this safe for
117 those that live there? Would there be sprinklers and a fire escape, and fire doors
118 for each bedroom? The entry and exit should be two cars wide, because it’s a
119 busy area. She believes that this is not good for our neighborhood.

120 Mr. Prior said those safety issues are not the purview of the ZBA. It’s
121 strictly the use of the property as a boarding house under the special exception
122 criteria. Such issues would be the purview of the Planning Board if we
123 recommend it to them for technical review.

124 Nils Hanson of 56 High Street said he has similar concerns. It seems like
125 an Air BnB, which are not allowed. If the owner is not living there, how often is
126 someone checking in? How attached are the owners to the building and the
127 tenants? What is the background check for tenants living there? Mr. Prior said
128 there’s nothing in the zoning about checks. There’s no mandate from the town
129 that they do that. Mr. Hanson said if he were renting to someone he would do
130 background checks and credit checks to make sure they were a good tenant. He
131 would love more housing but this doesn’t sound like a tenant that we would get

132 from the Hospital. There are rental properties on the street, but this is a little
133 different. They're lumping commercial and retail into this, but this is different.
134 Those close at a certain time. Mr. Prior said we're sensitive to the fact that this is
135 within the C1 District, but it abuts R2 on two sides.

136 John Gromek of 25 Forest Street said he is the former owner of Exeter
137 Cycles bike shop and currently owns the building. He's across the street from this
138 building [the applicant's property] and he doesn't see any problems with it. What
139 he's heard from the owner sounds fine.

140 Melissa Errend of 15 Prospect Street said she is in support of the project.
141 This meeting was posted on a Facebook page and she would like to speak for
142 the people who commented in support of the project on that post. Many feel that
143 affordable housing is in short supply in Exeter. It's easy for the abutters to come
144 and speak out against it, but there are so many potential benefits.

145 Anthony Zwaan of 7 Marlboro Street said he's not speaking for or against.
146 The applicant has all the intentions that they're representing, but at the end of the
147 day it's an application for a use. Ownership can change. Rental occupants can
148 change. He urged the Board to be specific in what it allows. This applicant says
149 there are five parking spaces on the property. When it was a single-family
150 residence there were people parking on the town right-of-way, so he would
151 encourage the Board to specify that the number of occupants in the building
152 should be dictated by the number of spaces on the property, not the town right-
153 of-way. There should be a limit of five residents for the building. There could be
154 as many as eight people in the building, meaning eight cars. Regarding the
155 length of stay, unless that's specified, you get into questions of what is an Air
156 BnB and what is a boarding house. Is the rental term monthly, weekly, hourly?
157 It's interesting to see high visibility properties being purchased and then the use
158 is changed immediately after purchase. Mr. Prior said another trend is moving
159 toward multi-family properties. Dr. Zwaan said on the Planning Board it bothered
160 him when an application came in that was inaccurate or incomplete. Because of
161 the question about the number of bathrooms, the Board could formally state that
162 the application was inaccurate or even table it.

163 Mark Harrison of 60 High Street said this sounds like putting ten pounds
164 of stuff in a five-pound bag. This property wasn't designed for this. The parking
165 lot doesn't have the spaces lined. How will it be plowed? Will it be pushed up
166 against the fence? The fence or the parking spaces will be goners. Is there
167 actually enough room to turn and maneuver a vehicle? If they change the
168 gradient of the property, where does the runoff go? They've paved a large portion
169 of that area. The noise level will be a problem. The Hospital houses visiting staff
170 in nice accommodations. Having to share a bathroom won't work for them. This
171 is not a good neighborhood for this intensive use.

172 Michael Voulgarelis of 55 High Street said we all want affordable housing,
173 but this is a single-family home. It could be rented out now as-is. He's skeptical
174 that professionals will want to move into this building. They're not going to want
175 to live with strangers. The Attorney used neighboring properties as an example of

176 what should be allowed; if we let this go through, is there anything that would
177 stop all the houses on High Street becoming boarding houses? Mr. Prior said
178 those are in the R2 and would require a variance, which has a much higher bar
179 and involves hardship. This property is surrounded on two sides by a highway
180 and one side by a restaurant. Everything else is R2, where a rooming house or
181 boarding house is not allowed except by a variance. This is in the commercial
182 district, where it is allowed by special exception. Mr. Voulgarelis said there could
183 be 60 people living in that home over a 7-year period. It would change the
184 dynamic of the neighborhood.

185 Sam Mukarkar of 34 Auburn Street said he's concerned about the
186 parking. The Attorney mentioned "affordable housing," but this would be market
187 rate and that's not affordable. The side of the house floods because there's no
188 drainage. It will change the character of the neighborhood. Someone came in
189 from out of town to run a similar boarding house and the Code Enforcement
190 Officer had to shut it down. There was one other boarding house where the
191 neighbors tried to buy it and turn it into townhomes, but the owner refused. The
192 applicant talked about renting to professionals from the Hospital and the
193 Academy, but there are no agreements in place. He's concerned about
194 transients. The owner should convert it to apartments and rent it out. He hopes
195 the Board will make this contingent on going to technical review and looking at
196 parking, drainage, and safety.

197 Nils Hansen of 56 High Street said there's probably no lease. Can the
198 tenant pay by the night and decide to leave whenever they want?

199 Brandon Lynch of 15 Prospect Street said this property is in the
200 commercial district and is surrounded by multi-family houses. He's in favor of this
201 project. There are some issues that could be addressed with safety and drainage
202 in technical review, but he's in support of this application.

203 Kit O'Meara said they're saying it's surrounded by multi-family houses
204 with the same purpose, but that's not true. Someone who is here for six months
205 or three months is not the same as families who have children in the school
206 system.

207 Attorney Goldstein said the minimum lease would be a month. Air BnBs
208 are not allowed here. This would be a true rental with the NH minimum lease of a
209 month. Although multifamilies are typically rented out for longer, there's no
210 requirement that there be a year-long lease. The parking requirements that guide
211 us are in the zoning requirements, which is five spots; she mentioned the sixth
212 just to let the Board know that's an option. The parking area expansion was done
213 with the town's approval. This would be a unique housing arrangement for the
214 area, but this idea of minimalist housing is very popular for young professionals.
215 There's one operating in Stratham that's doing very well. Regarding the idea that
216 this could be rented out now, the rental rate to make this make sense
217 economically would not be affordable to most families in the area. Regarding the
218 noise level, it would be similar to what a family with three kids would be like. This
219 would still be a residential use. As to whether it would be attractive to Jospital

220 use, that is not part of the special exception criteria, but during Covid it was
221 common for visiting medical personnel to rent out rooms in someone's home.

222 Mr. Prior asked her to address the number of residents versus the
223 number of rooms. Attorney Goldstein said that's something we may be open to
224 the Board restricting. We wouldn't want to limit it to one person per bedroom
225 because we would want it to be an option for single parents, but maybe there
226 could be a restriction on how many bedrooms could have more than one person.

227 Mr. Soper said he would be open to allowing any number of occupants
228 that's legal. He can't say "single occupancy only" because that's discriminatory.
229 He would be open to dual occupancy but limiting the cars. Mr. Prior asked if
230 legally you're not supposed to restrict the number of occupants of a rental. Mr.
231 Soper said you can, but you're not supposed to say single occupancy. Mr. Prior
232 asked if he'd discussed with the Code Enforcement Officer on a legal limit of
233 occupants. Mr. Soper said no, but he wouldn't rent to more people than the
234 house could handle. It would be two people per room maximum. Attorney
235 Goldstein said fire code maximum occupancy could be addressed in technical
236 review. Mr. Prior said once the use has been approved, the cat is out of the bag.

237 Attorney Goldstein added that the owner would do a background check
238 and a full credit check of potential occupants.

239 Mr. Prior closed the public session and brought the discussion back to the
240 Board.

241 Mr. Prior said he considers this an incomplete application, in that it does
242 not specify the number of parking spots. It's required to have five: one for each
243 bedroom and one visitor spot per four bedrooms. Any approval would be based
244 on the plan as submitted, which shows four bedrooms. Ms. Pennell said she
245 would like to know where the bedrooms are in the house and the layout. Mr. Prior
246 said there are four bedrooms on the plan and 2.5 baths, but the applicant has
247 told us there are 3.5 baths, so that's another way that the application is
248 incomplete. Ms. Pennell said she would like to defer the decision and ask the
249 applicant to come back with a more complete application. Mr. Prior suggested
250 going further with this discussion in case there are other issues the Board would
251 want addressed prior to resubmission.

252 Ms. Olson-Murphy said she's concerned about the lease period. The
253 State requires at least a month, but that's the minimum to make it not an Air BnB.
254 She'd feel better if it were something like a six-month lease. One month will have
255 a lot more transient population going on there than the neighborhood would enjoy
256 having. Mr. Prior said it would also be administered by a non-resident. He
257 remembers a case where the parent of a PEA student rented a property for a
258 year but ran it as an Air BnB when the student was not there. Once these things
259 get going, they're difficult to stop. Ms. Page said there's a strong demand for very
260 short-term rentals. If the ownership were to change, whatever we put into place
261 should focus on those concerns.

262 Mr. Prior said he would like a motion to defer the application to a further
263 meeting and that we would require a more complete site plan, including parking,

264 and an exact plan of the building itself. Some of the other questions raised here
265 should also be addressed.

266 Ms. Page moved to defer the application of Matthew Soper for a special exception per
267 Article 4, Section 4.2, Schedule I: Permitted Uses and Article 5, Section 5.2 to permit the
268 conversion of the existing single-family structure located at 3 Portsmouth Avenue into a
269 rooming and boarding house until a further meeting, at which point we expect to review a
270 more detailed site and parking plan for the property. Ms. Olson-Murphy seconded. Mr.
271 Prior, Ms. Olson-Murphy, Ms. Page, and Ms. Pennell voted aye, and the motion passed
272 4-0.

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275 B. The application of Malcolm C. and Lindsay S. Sonnett for a special exception per
276 Article 4, Section 4.2, Schedule I: Permitted Uses and Article 5, Section 5.2 to
277 permit the conversion of an existing detached garage on the property at 1 Salem
278 Street into a residential dwelling unit. The subject property is located in the R-2,
279 Single Family Residential zoning district, Tax Map Parcel #63-211. ZBA Case
280 #23-19.

281 Ms. Olson-Murphy recused herself from this case.

282 Malcolm Sonnett said he and his wife Lindsay are requesting a special
283 exception to convert the space above the garage into a 750 square foot
284 residence. It will be within the existing footprint of the garage. Residential
285 conversions are permitted in the R2 zone by special exception. The home is
286 located in a neighborhood that has many multifamily homes. One of the abutting
287 properties is a multifamily home, and more than 45% of the homes on Salem
288 Street are multifamily. There will be no negative visual impact because it is within
289 the garage footprint. There will be no adverse impact on street traffic as ingress
290 and egress will be managed through the existing driveway access point. There's
291 plenty of off-street parking at the site.

292 Mr. Prior asked if there's no physical change to the footprint of the
293 existing structure. Mr. Sonnett said that's right. Mr. Prior asked how a space of
294 34x26 feet can get them 750 square feet. Mr. Sonnett said there's a half-story
295 above with a cathedral ceiling up to a 12-foot peak. There's existing access along
296 the train tracks, with a separate entrance and vestibule. Inside, a stair goes up to
297 the second floor with one bedroom and one bathroom.

298 Mr. Prior said this meets the criteria for accessory dwelling unit. Mr.
299 Sonnett said technically we have a non-conforming lot, due to the road frontage.
300 We would need 100 feet and we have 75. We do meet it in terms of percentage
301 of square footage to open space.

302 Ms. Page asked about the setback from the street and from the back and
303 side of the garage to the property line. Mr. Sonnett said from the railroad abutter
304 to the side, it's 16 or 17 feet, and from the rear property line it's 26 or 27 feet.
305 There are a couple of feet extra from the minimum setback. The setback of the
306 existing house from the street is probably about 25 feet. Ms. Montagno said it's a
307 non-conforming lot, but the building is already there. If it's an existing non-

308 conforming, do the setbacks matter? Mr. Prior said no, they do not matter. Ms.
309 Page said on the schedule for accessory dwelling units, the proposed use must
310 conform to the dimensional requirements of a one-family lot. Mr. Prior said this is
311 not an accessory dwelling unit, this is a residential conversion of an existing
312 detached garage. It doesn't come under the schedule 1 notes in 4.7.

313 Ms. Pennell asked why this is a conversion and not an accessory dwelling
314 unit. Mr. Prior said Article 4, Section 4.2, Schedule I: Permitted Uses says
315 conversions are for turning existing residential buildings as well as accessory
316 structures into not more than four dwelling units. Mr. Sonnett said accessory
317 dwelling units have a requirement that the lot size meet that shown in the table.
318 Mr. Prior said we're considering it as a conversion because that's what the
319 applicant has requested in the application.

320 Mr. Prior went through the conversion criteria from Schedule 1. The
321 number of parking spaces shall comply; it appears it does. Each dwelling unit
322 requires 30% of the minimum lot size. Mr. Sonnett said we meet that criteria by a
323 long shot. The lot size is 14,800 square feet. Mr. Prior said the requirement in R2
324 is 15,000 square feet if you're on municipal water and sewer, so 30% of that
325 would be 3,000 per unit. It's fine. The structure has been a residence for a
326 minimum of 10 years; Ms. Pennell said yes, it's been there since she was a kid.
327 Mr. Prior said there must be a minimum of 20% open space; he said yes. One of
328 the dwelling units shall remain owner-occupied; Mr. Sonnett said yes, we have
329 no plans to move. Mr. Prior said that becomes part of the property, that it always
330 has to be owner-occupied. The Board may require Planning Board review, and
331 three or more units must be reviewed. Ms. Pennell said that doesn't affect this.
332 Mr. Prior said there's no expansion of the existing structure. There's no septic.
333 Mr. Sonnett said that's right, it's tied into town water and sewer.

334 Esther Olson-Murphy of 18 Oak Street [speaking as a resident while
335 recused] said she has no problem with their plan. They've done a nice job adding
336 the second floor on the garage. It fits the neighborhood perfectly.

337 Mr. Prior said they've already done the work and now they're looking for
338 permission. Mr. Sonnett said it's an in-law apartment and we want to have the
339 option to rent it.

340 Mr. Prior closed the public session and brought the discussion back to the
341 Board. He said we've gone through the criteria and he sees no reason not to
342 accept a motion.

343 Ms. Montagno made a motion to approve the application of Malcolm C. and Lindsay S.
344 Sonnett for a special exception per Article 4, Section 4.2, Schedule I: Permitted Uses
345 and Article 5, Section 5.2 to permit the conversion of an existing detached garage on the
346 property at 1 Salem Street into a residential dwelling unit. Ms. Page seconded. Mr. Prior,
347 Ms. Montagno, Ms. Page, and Ms. Pennell voted aye, and the motion passed 4-0.

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350 **II. Other Business**

351 A. Approval of Minutes: October 17 2023

352 Ms. Olson-Murphy made a motion to approve the minutes of October 17, 2023 as
353 submitted. Ms. Pennell seconded. Mr. Prior, Ms. Olson-Murphy, and Ms. Pennell voted
354 aye, and the motion passed 3-0.

355
356 Ms. Pennell asked if Aaron Jefferson had done anything regarding his
357 application. Mr. Prior said no; he believes there have been discussions with the
358 Planning Office about using that property in another way.

359
360 B. Approval of Minutes: November 21, 2023

361
362 Mr. Prior said there was an issue with the minutes that he's not sure how
363 to handle. Whoever was working the back room that night heard us say we were
364 going to go out of public session and thought that meant a private session, and
365 shut the recording off. At line 385, 20 minutes were not captured: all of our
366 discussion plus the first three variance criteria. We have a record of all the public
367 testimony and our vote, but not a complete record of the discussion. There have
368 been no requests for the minutes or indication that there would be a challenge or
369 appeal of the decision. He doesn't know how the Board could recreate this 20
370 minutes, or the three minutes missing from the next application.

371 Ms. Page said it's been 30 days, don't they only have 30 days to appeal?
372 Mr. Prior said it hasn't yet been 30 days. He doesn't want to try to recreate the
373 discussion because of fallible human memory. It happens at line 385 and line
374 653. The Board should accept the minutes for what they are. Ms. Montagno
375 asked for the worst-case scenario, and Mr. Prior said we don't have a full record
376 of our discussion, so we would have to consider granting a request for a
377 rehearing.

378 Ms. Page said she thinks that because it was a variance request, we
379 determined that the first three criteria were met. Each of the criteria needs to be
380 met. Mr. Prior agreed that the first three criteria would have been met.

381 Ms. Page made a motion to accept the minutes of November 21, 2023 as presented.
382 Ms. Olson-Murphy seconded. Mr. Prior, Ms. Olson-Murphy, Ms. Page, and Ms. Pennell
383 voted aye. The motion passed 4-0.

384
385 **III. Adjournment**

386 Ms. Page moved to adjourn. Ms. Montagno seconded. All were in favor and the meeting
387 was adjourned at 8:40 PM.

388
389 Respectfully Submitted,
390 Joanna Bartell
391 Recording Secretary
392

Orr&Reno

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Direct Dial 603.223.9172
Direct Fax 603.223.9072

January 22, 2024

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. List of Abutters;
4. 3 sets of mailing labels for abutter notifications;
5. ZBA Plan (11 copies)
6. Vicinity Map (11 copies);
7. 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 January 19, 2024

*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.

Mr. Houghton seeks to demolish the existing auto repair facility, and redevelop the site for multifamily use. On November 21, 2023, this Board granted the following two variances for the project:

- 1) Variance from Section 4.2, Schedule I, to permit multifamily use in the R-2 District; and
- 2) Variance from Section 4.3, Schedule II, to permit a front setback of approximately 14', where 25' is required.

The Board denied Mr. Houghton's third requested variance, to allow a density of 5 units on the Property. The Board concluded that 5 units would be contrary to the public interest and spirit of the ordinance, and that literal enforcement of the zoning would not result in unnecessary hardship. In its deliberations, the Board expressed general optimism for the project and the replacement of the existing auto repair facility with a multifamily residential use. However, it felt that the number of units and overall size of the development was too large for the Property. The Board urged Mr. Houghton to return with a revised concept containing smaller and/or fewer units.

Mr. Houghton has since revised his concept to eliminate one of the units, and to reduce the building and lot coverage. The revised design would have 4 units, as shown on the enclosed plan. Based on this design, Mr. Houghton now requests the following variance:

- 1) Variance from Section 4.3, Schedule II, to permit a density of 4 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.

As a threshold matter, the Board must determine whether there has been a "material change" in circumstances since Mr. Houghton's prior application. Under New Hampshire case law, successive variance proposals must demonstrate either (1) material changes in the proposed use of the land, or (2) material changes in the circumstances affecting the merits of the application. Brandt Dev. Co. of New Hampshire, LLC v. City of Somersworth, 162 N.H. 553, 556 (2011).

In this case, there has been a material change in the proposed use of the land and in the circumstances affecting the merits of the application. Specifically:

- One of the 5 units has been eliminated;
- The depth of the buildings has been reduced, allowing more space for snow storage and landscaping to the rear;

- One outside parking space has been eliminated;
- The site driveway has been relocated to the westerly side of the Property;
- Overall building coverage has been reduced from 23% to 18%; and
- Overall open space has been increased from 52% to 55%.

In light of these changes, the Board is entitled to consider this new application.

DISCUSSION

1. The variance 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 variance will not violate the basic zoning objectives.

This Board previously approved a variance to allow multifamily use on this Property. Multifamily use is defined as any building containing three (3) or more dwelling units. See Zoning Ordinance §2.2.58. As such, the present request seeks to add only one (1) additional unit. Doing so will not alter the essential character of the locality or threaten public safety, health or welfare. Indeed, changing the use from an auto repair facility to any residential use would be more consistent with the character of the area. And specifically allowing 4 units on a 26,000 sf. lot is in line with other surrounding uses and densities. Four units on the Property equates to 6,500sf of lot area for each unit. This is significantly more than required for a residential conversion (4,500sf), and than what is provided for any of the existing multifamily properties within the vicinity (see properties identified under criteria #5 below). The proposal is well below the maximum lot coverage requirements (55% open space where 40% is required).

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. Allowing 4 units 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. Indeed, granting this variance 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. Mr. Houghton was able to revise his concept to eliminate a unit based largely on a price concession from the seller of the Property. The project is not financially viable if 4 units are not approved. In its deliberations on Mr. Houghton's prior application, the ZBA noted that it believed this criteria was met (although no formal vote was taken on this criteria), even for the 5 unit proposal.

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 4 modern townhouse units will dramatically improve the appearance of the area, and the use will be much more fitting with the surrounding uses. In its deliberations on Mr. Houghton's prior application, several Board members opined that any redevelopment of this Property would enhance surrounding property values, given the present use of the Property as an auto repair facility. With the elimination of a unit from the prior proposal, more green space is provided on the Property, far in excess of the zoning requirement (55% provided where 40% is required).

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 large 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 the lot size/density requirements is to limit the intensity of use and concentration of population. However, the proposed density of 4 units on the 26,000 sq. ft. lot equates to 6,500 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 4 units on the Property, the density will be far less than what already exists in the area, and strictly enforcing the restriction will therefore not serve the general public purpose.

b. The proposed use is reasonable.

The demolition of the service station and construction of 4 townhouse-style residential units is reasonable. The Board concluded at the November hearing that the 5-unit proposal was 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.

David and Esther Jin
46 Main Street
Exeter, NH 03833

Lisa C. Jennings
60 Main Street
Exeter, NH 03833

Phillips Exeter Academy
20 Main Street
Exeter, NH 03833

Donald and Karen Fischer
61 Main Street
Exeter, NH 03833

Kevin Blair
59 Main Street
Exeter, NH 03833

Kevin Blair
59 Main Street
Exeter, NH 03833

Jason Richard & Sarah Elizabeth
Goulet 49 Main Street
Exeter, NH 03833

1 Cass Street LLC
P.O. Box 72
Exeter, NH 03833

Upton Timothy D. Rev. Trust
45 Main Street
Exeter, NH 03833

William F. Hoyt
82 Watson Road
Exeter, NH 03833

Paul Markey
10 Ash Street
Exeter, NH 03833

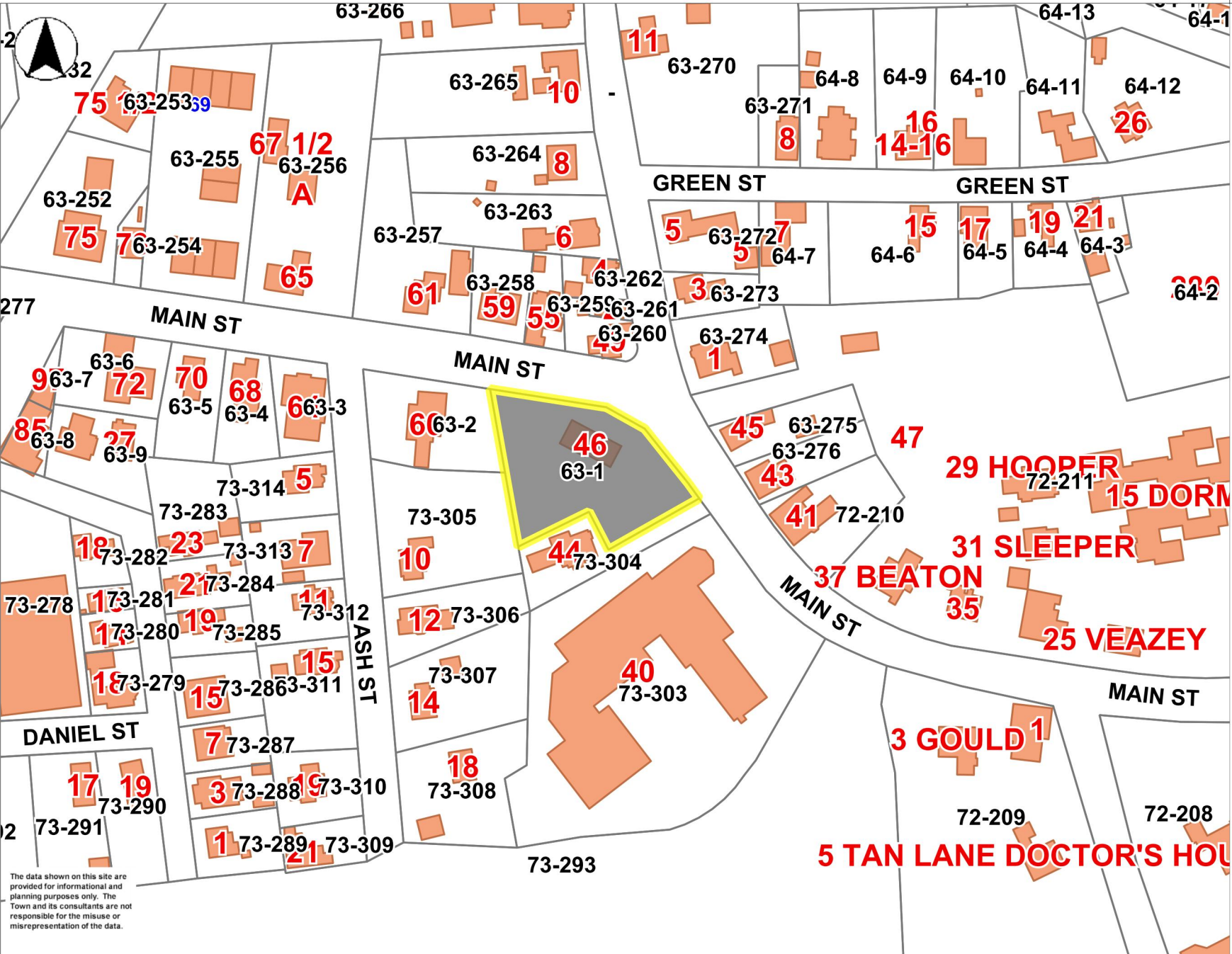
David S. & Ann M. Essensa
44 Main Street
Exeter, NH 03833

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

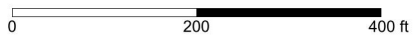
Erin Lambert
Wilcox & Barton
2 Home Avenue
Concord, NH 03301



- Parcels
- NH Highways
- Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Streets
- Misc Streams
- Parcel Streams
- Open Water
- Buildings



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Printed on 11/01/2023 at 08:27 AM

REVISION HISTORY

NO.	DATE	DESCRIPTION
1		

ISSUED FOR

PRELIMINARY

ALL DOCUMENTS PREPARED BY WILCOX & BARTON, INC. ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY WILCOX & BARTON, INC. FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO WILCOX & BARTON, INC. OWNER SHALL INDEMNIFY AND HOLD HARMLESS WILCOX & BARTON, INC. FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

OWNER

MR. PATRICK HOUGHTON
210 LEDGEWOOD RD
MANCHESTER, NH

SITE

46 MAIN STREET
EXETER, NH 03833

DRAWING TITLE

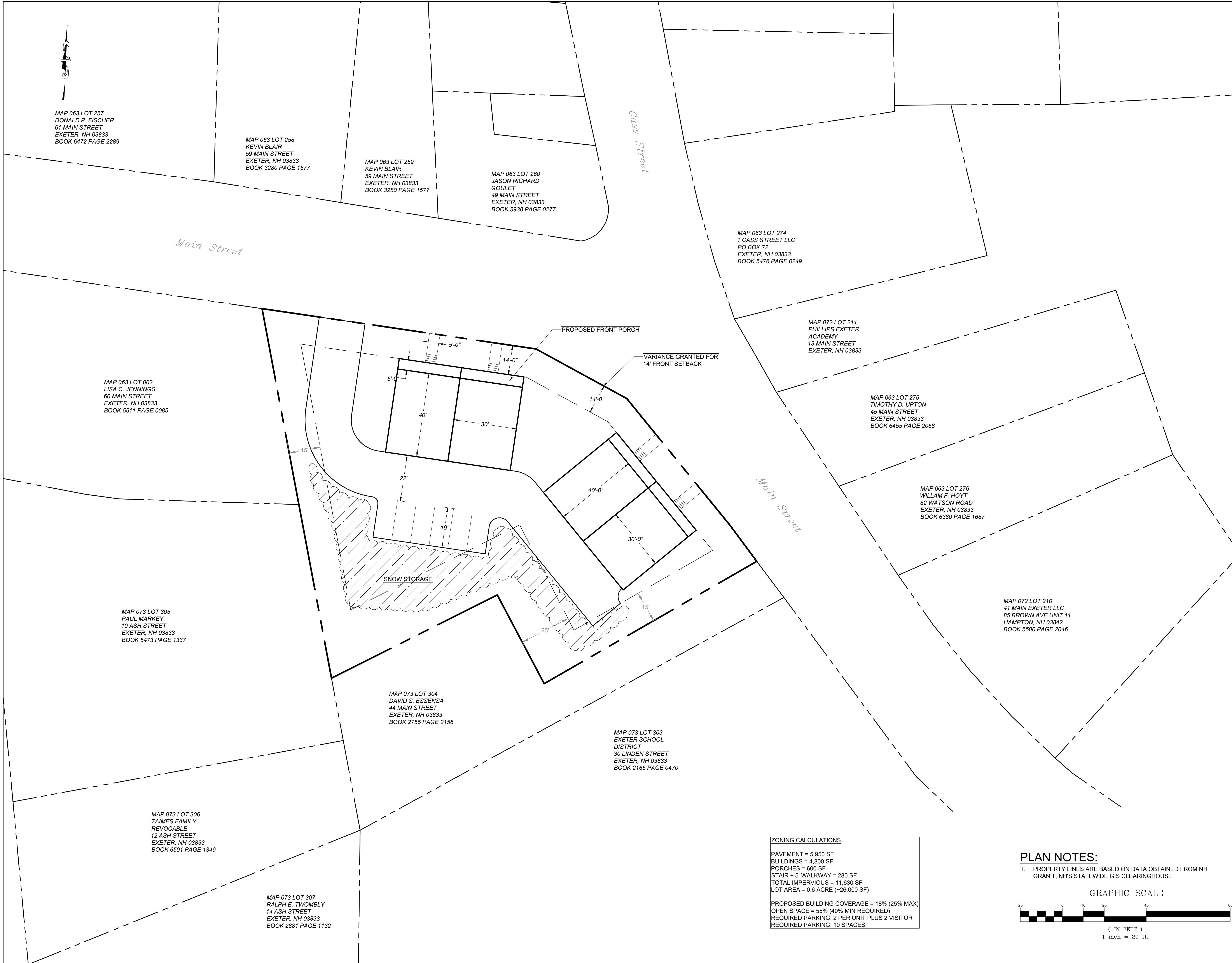
CONCEPT PLAN

SCALE	DATE
1" = 20'	01/17/2024

DRAFTED BY	CHECKED BY	PROJECT MGR	PROJECT NO.
DRW	ERL	ERL	HOUG0001

SHEET NO.

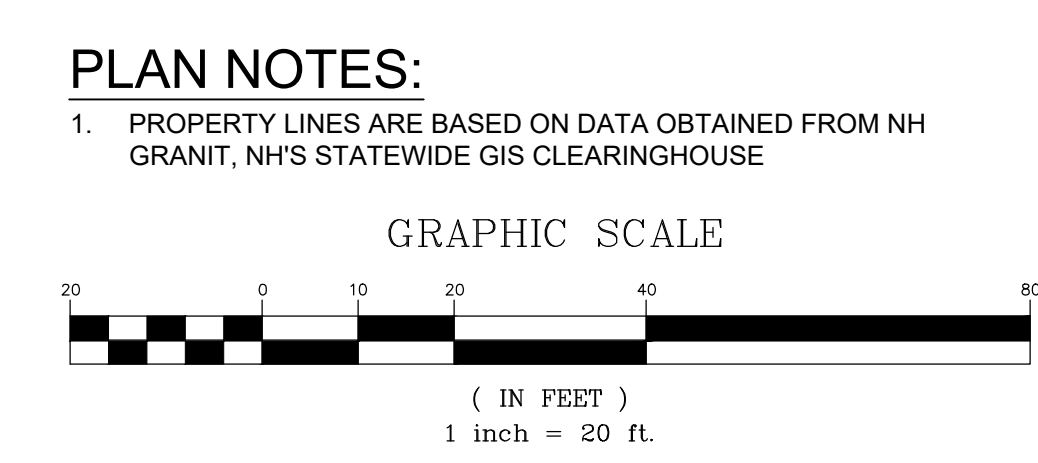
C1.0



ZONING CALCULATIONS

PAVEMENT = 5,950 SF
BUILDINGS = 4,800 SF
PORCHES = 600 SF
STAIR + 5' WALKWAY = 280 SF
TOTAL IMPERVIOUS = 11,630 SF
LOT AREA = 0.6 ACRE (~26,000 SF)

PROPOSED BUILDING COVERAGE = 18% (25% MAX)
OPEN SPACE = 55% (40% MIN REQUIRED)
REQUIRED PARKING: 2 PER UNIT PLUS 2 VISITOR
REQUIRED PARKING: 10 SPACES



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
WILLAM 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

Town of Exeter
APPLICATION FOR A

VARIANCE

Case Number:	<u>2BA # 24-2</u>
Date Filed:	<u>1/29/24</u>
Application Fee: \$	<u>100.00</u>
Abutter Fees: \$	<u>70.00</u>
Legal Notice Fee: \$	<u>50.00</u>
TOTAL FEES: \$	<u>220.00</u>
Date Paid	<u>1/29/24</u> Check # <u>916</u>

Name of Applicant David and Emily Gulick
(If other than property owner, a letter of authorization will be required from property owner)

Address 20 Main St, #2285, Exeter, NH 03833

Telephone Number (603) 686-0865

Property Owner David and Emily Gulick

Location of Property 21 Charter St. Zone: R2
Map-Lot: 73-101

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

Applicant Signature David Gulick Emily W. Gulick

Date January 27, 2024

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 5 section 5.1.2A of the Exeter zoning ordinance to permit:

Please see attached

FACTS SUPPORTING THIS REQUEST:

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

Please see attached

- 2. The spirit of the ordinance is observed;**

Please see attached

- 3. Substantial justice is done;**

Please see attached

- 4. The values of surrounding properties are not diminished;**

Please see attached

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

Please 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.

David and Emily Gulick
20 Main St.
Exeter, NH 03833

January 27, 2024

Zoning Board of Adjustment
Town of Exeter
10 Front St.
Exeter, NH 03833

Dear Board of Adjustment:

We are applying to receive a variance to the R-2 zoning ordinance in order to make an addition to our house at 21 Charter St. From 2017, when we purchased the house, through December 2023 we rented the house to several tenants. During this time period we have lived in a residence on the Phillips Exeter Academy campus, but our family will have to move off campus before June 2025 and we plan to live at 21 Charter St. as our primary residence.

The proposed addition will replace the current single-car garage with a new garage that has a bedroom above it. The bedroom will connect to the rest of the house via a short 2nd story walkway that aligns with the hallway at the top of the house's one staircase. In designing the addition, we attempted to maintain the footprint of the current garage where possible, but extended the structure forward (toward the street) to enable the 2nd story walkway to match up with the main house's hallway.

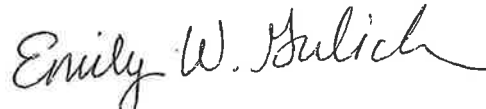
While we were a family of four when we purchased the 2-bedroom house in 2017, we became a family of 5 when David's 14 year-old niece joined our family when his sister passed away in 2022. The proposed addition is our best solution for an update to the house that would both provide a third bedroom and some additional storage space (the house does not have a finished basement and has only three and a half closets).

Thank you very much for your consideration.

Sincerely,



David Gulick



Emily Gulick

APPLICATION FOR A VARIANCE

A variance is requested from Article 5, Section 5.1.2 A. of the Exeter zoning ordinance to permit:

for the expansion of a non-conforming use to permit the proposed construction of an addition (garage with living space above) (1) to replace an existing garage which currently encroaches within the required side yard setback and (2) to exceed the maximum building coverage requirement in the R-2 zoning district.

FACTS SUPPORTING THIS REQUEST:

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

The addition to the home will be an improvement to the property and in keeping with homes in the neighborhood.

2. The spirit of the ordinance is observed:

The addition aims to maintain much the same footprint as the existing garage, with alterations made to allow for connection to the existing house and to make the addition be parallel to the house. The addition will only increase the building coverage percent by 3% (see attached spreadsheet for details). The addition will purposefully have a smaller height than the existing house.

3. Substantial justice is done:

The variance request is in the spirit of the existing zoning ordinance.

4. The values of surrounding properties are not diminished:

The addition permitted by this variance should enhance the property, by replacing an old garage with a new structure including a new garage and one additional bedroom, thus increasing the home's property value. This, in turn, should increase neighborhood property values.

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

Literal enforcement of the provisions of the ordinance would result in unnecessary hardship because of the small lot size, which is 66' x 66'.



- Parcels
- NH Highways
- Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Streets
- Misc Streams
- Parcel Streams
- Open Water
- Buildings



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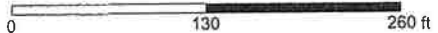
Abutters Map

Exeter MapsOnline



- Parcels
- NH Highways
- Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Streets
- Misc Streams
- Parcel Streams
- Open Water
- Buildings

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Vicinity Map

Exeter MapsOnline

Lot coverage calculations

Item	Description	L x W	Area (sq. ft.)	% of total area	Note
Property		66' x 66'	4356	100%	Dimension per Exeter map on town website
House	Main	20'10"x27'4"	507		Physical measurement of exterior lengths
	Front vestibule	6'10"x3'2"	22		
	3-season porch	8'3"x25'2"	208		
	Single story portion	13'8"x23'10"	326		
	Back porch	5'4"x6'	32		
	Total		1094	25.1%	
Current garage		12'5"x18'7"	231	5.3%	Physical measurement of exterior lengths
Current total			1325	30.4%	
Proposed addition		14'x26'	364	8.4%	Proposed dimensions
Proposed total			1458	33.5%	

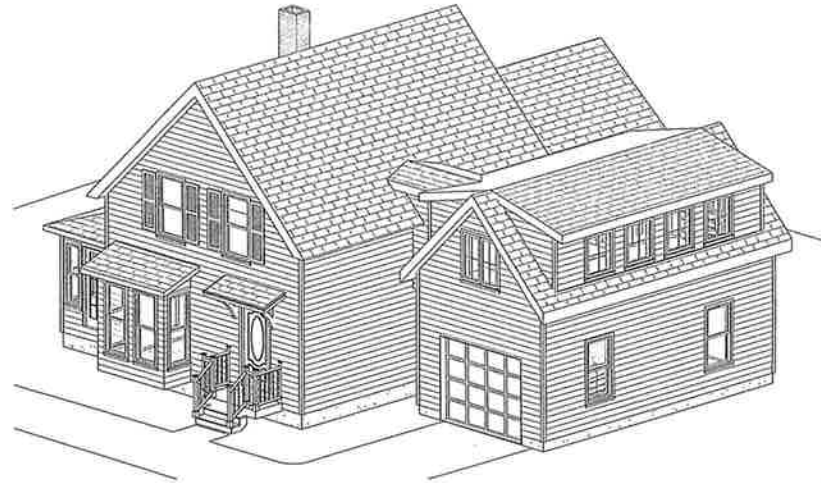
Abutters List

Abutters to 21 Charter St.

Map-Lot	Street Address	Owner	Co-owner	Mailing address
73-100	23 Charter St.	Willis Family Trust	Richard Phyllis W. Trustee	23 Charter St. Exeter, NH 03833
73-102	19 Charter St.	Lorrie Moore		19 Charter St. Exeter, NH 03833
73-97	16 Sanborn St.	Camlin Family Revocable Trust	Andrew and Margaret Camlin	16 Sanborn St. Exeter, NH 03833
73-96	14 Sanborn St.	David Mulrey		105 Washington St. Exeter, NH 03833
73-95	12 Sanborn St.	Sarah Porat	Christian Jefferson	12 Sanborn St. Exeter, NH 03833
73-50	24 Charter St.	Buxtrem LLC		PO Box 8 Exeter, NH 03833
73-51	26 Charter St.	Buxtrem LLC		PO Box 8 Exeter, NH 03833

GULICK GARAGE ADDITION

21 CHARTER STREET
EXETER, NH 03833



1 (3D)

DRAWING LIST

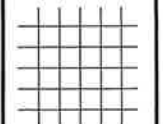
SHEET NUMBER	SHEET NAME
A0.0	COVER SHEET
A0.1	SITE PLAN
A0.2	LOCUS PLAN
A1.1	FIRST FL PLAN
A1.2	SECOND FL PLAN
A2.1	ELEVATIONS
A2.2	ELEVATIONS
A2.3	ELEVATIONS
A2.4	ELEVATIONS

A0.0

COVER SHEET
SCALE:
DATE
1/29/2024

Gulick
House Renovation
21 Charter Street
Exeter, NH 03833

OWNER
David Gulick
21 Charter St.
Exeter, NH 03833



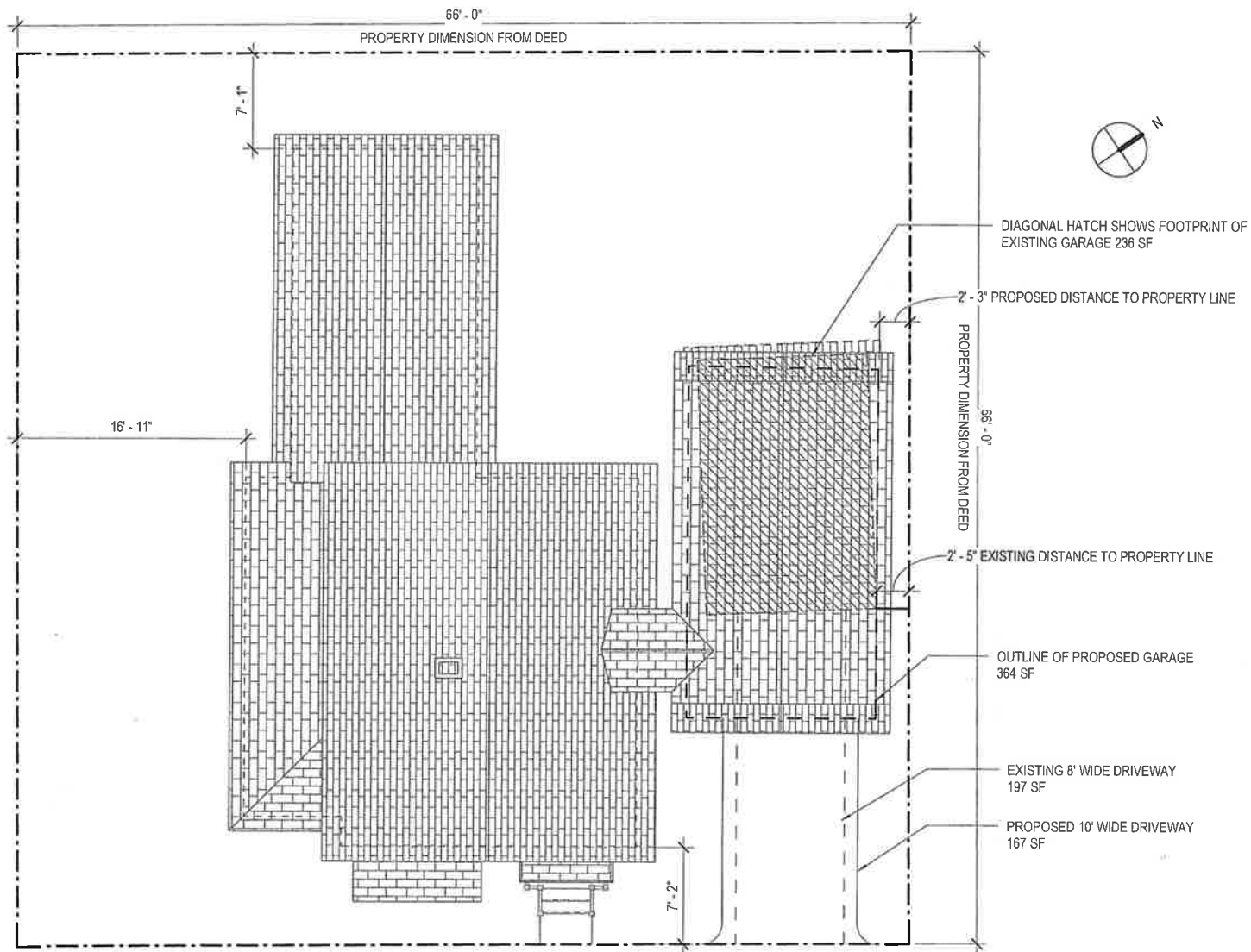
CURTIS BOIVIN
ARCHITECT

5 SPRUCE STREET
EXETER, NH 03833
T: 603 793 8129



CURTIS BOIVIN
ARCHITECT

5 SPRUCE STREET
EXETER, NH 03833
T 603 793 8129



① Site
1/8" = 1'-0"

A0.1

SITE PLAN

SCALE:
1/8" = 1'-0"
DATE:
1.29.2024

Gulick
House Renovation

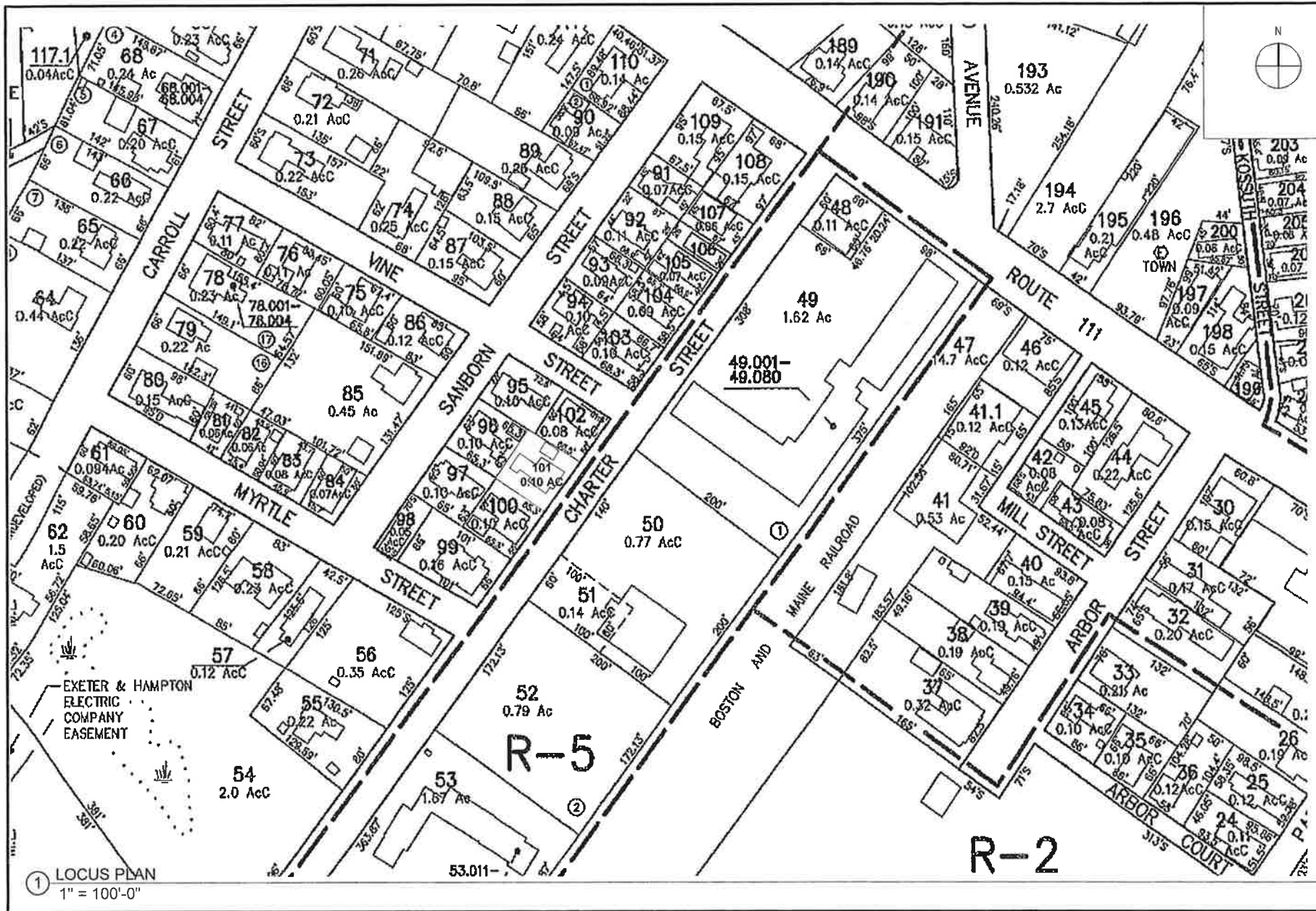
21 Charter Street
Exeter, NH 03833

OWNER

David Gulick
21 Charter St
Exeter, NH 03833

CURTIS BOVIN
ARCHITECT

5 SPRUCE STREET
EXETER, NH 03833
T: 603 793 8129



① LOCUS PLAN
1" = 100'-0"

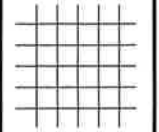


A0.2

LOCUS PLAN
SCALE: 1" = 100'-0"
DATE: 1.29.2024

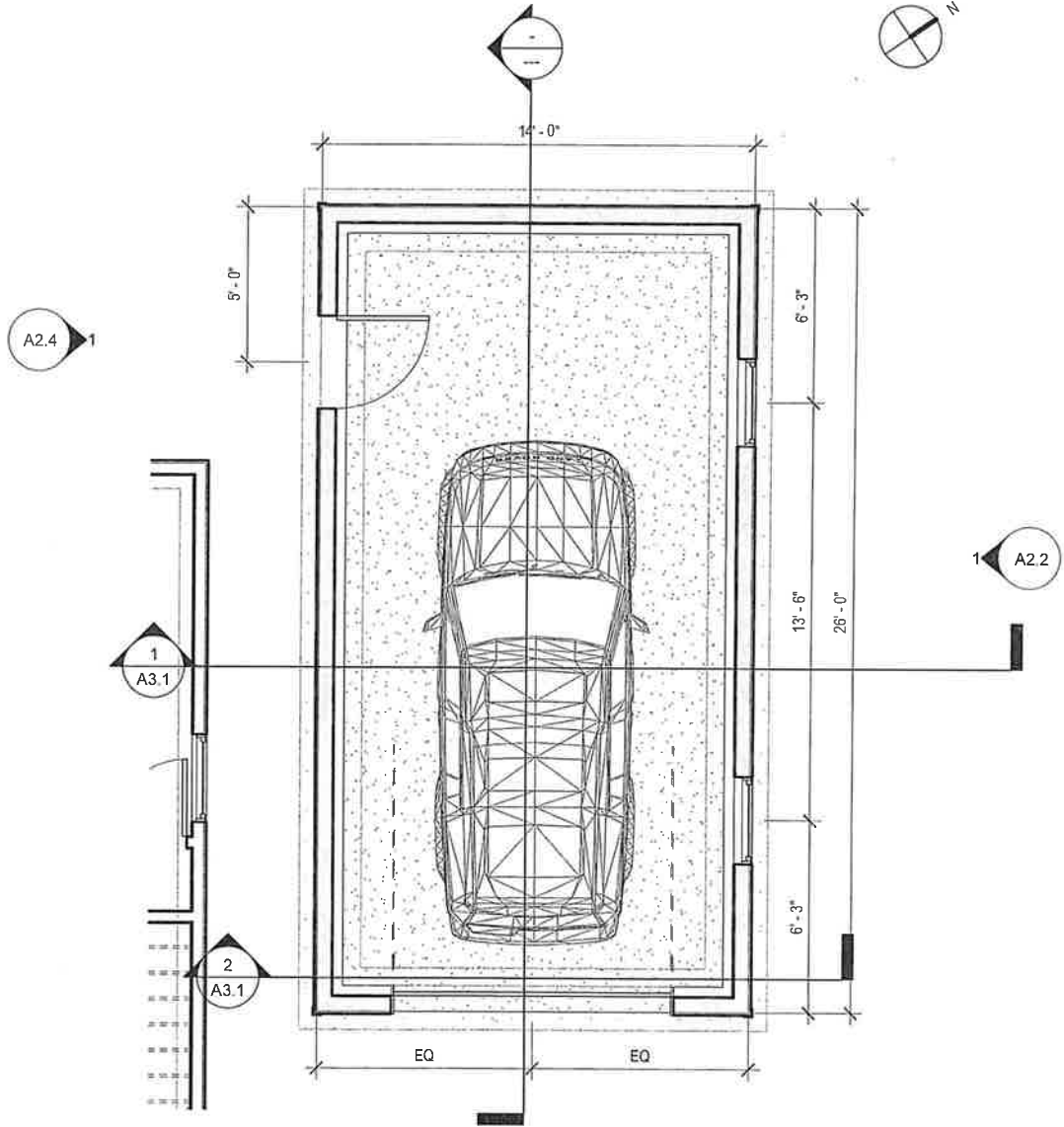
Gulick
House Renovation
21 Charter Street
Exeter, NH 03833

OWNER
David Gulick
21 Charter St
Exeter, NH 03833



CURTIS BOVIN
ARCHITECT
5 SPRUCE STREET
EXETER, NH 03833
T: 603.793.8129

① Level 1
1/4" = 1'-0"



A1.1

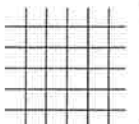
FIRST FL PLAN

SCALE:
1/4" = 1'-0"
DATE:
1.29.2024

Gulick
House Renovation

21 Charter Street
Exeter, NH 03833

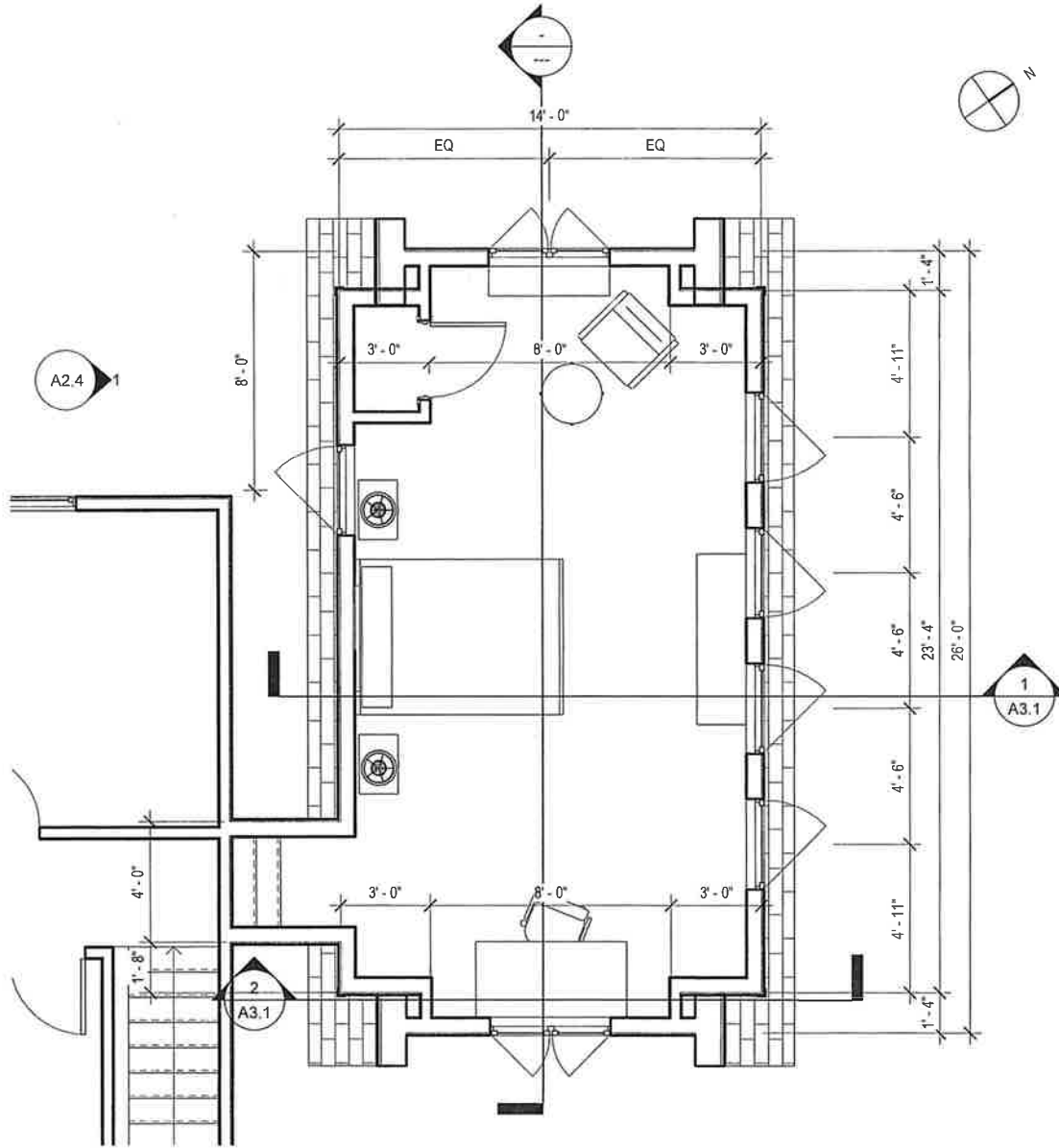
OWNER
David Gulick
21 Charter St
Exeter, NH 03833



CURTIS BOIVIN
ARCHITECT

5 SPRUCE STREET
EXETER, NH 03833
T: 603 793 8129

① Level 2
1/4" = 1'-0"



A1.2	SECOND FL PLAN	OWNER: David Gullick 21 Charter St Exeter, NH 03833	 CURTIS BOVIN ARCHITECT 5 SPRUCE STREET EXETER, NH 03833 T: 603 793 8129
	SCALE: 1/4" = 1'-0" DATE: 1.29.2024	Gullick House Renovation 21 Charter Street Exeter, NH 03833	

A2.1

ELEVATIONS

SCALE:
1/4" = 1'-0"

DATE:
1.29.2024

Gulick
House Renovation

21 Charter Street
Exeter, NH 03833

OWNER

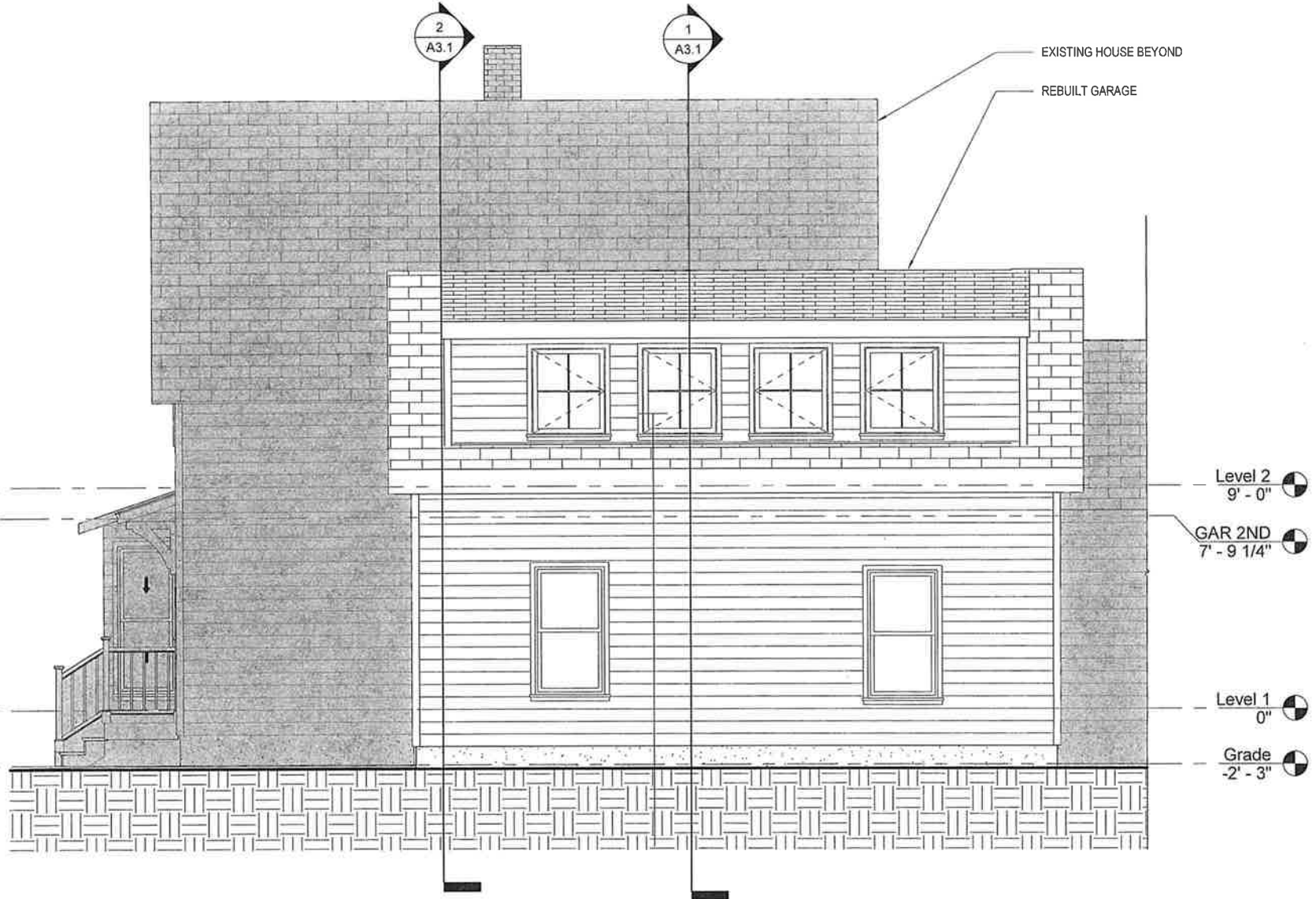
David Gulick
21 Charter St
Exeter, NH 03833

CURTIS BOIVIN
ARCHITECT

5 SPRUCE STREET
EXETER, NH 03833
T. 603 793 8129



① East Elevation
1/4" = 1'-0"



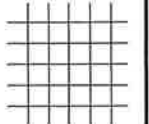
① North Elevation
1/4" = 1'-0"

A2.2

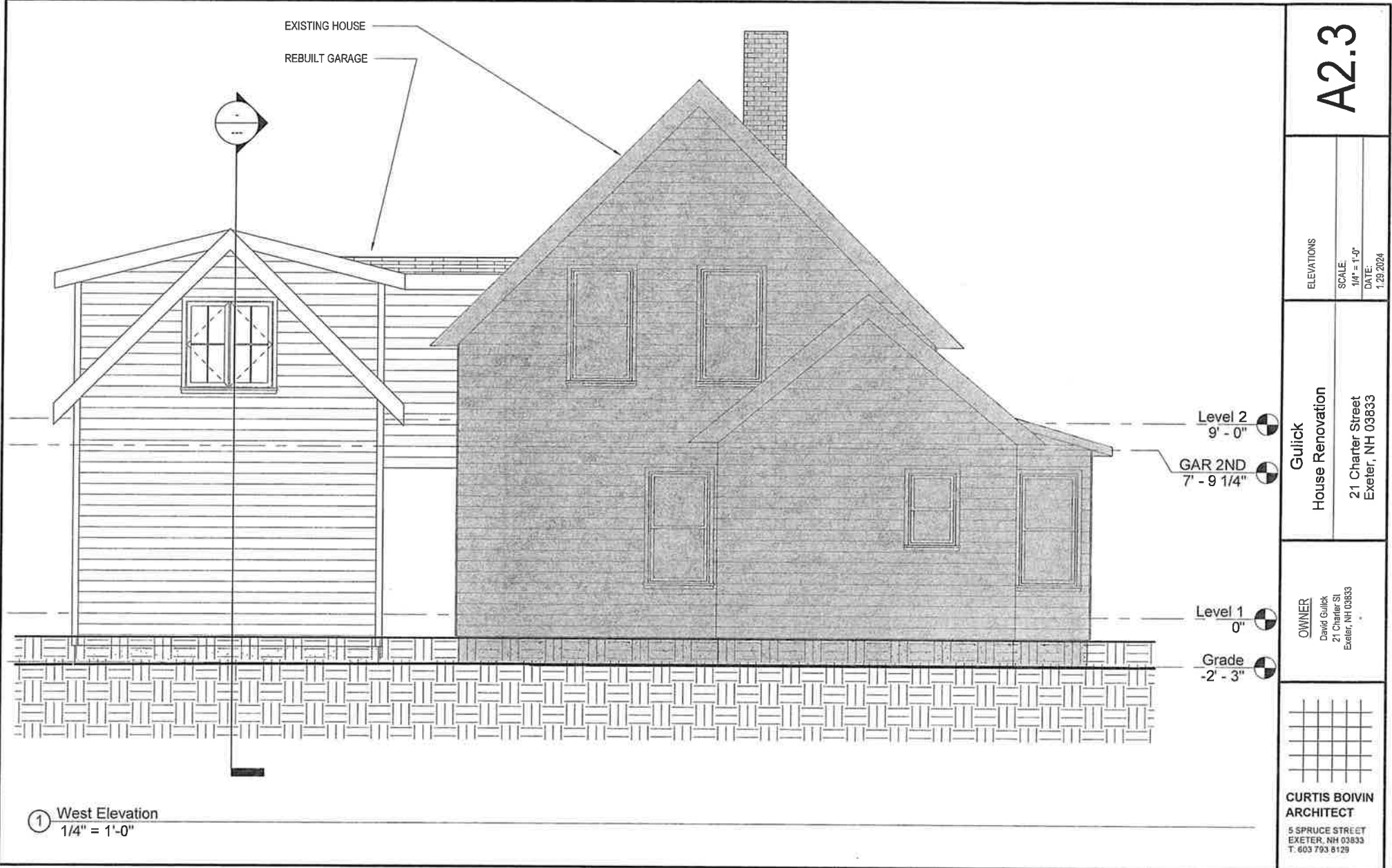
ELEVATIONS
SCALE: 1/4" = 1'-0"
DATE: 1.23.2024

**Gulick
House Renovation**
21 Charter Street
Exeter, NH 03833

OWNER
David Gulick
21 Charter St
Exeter, NH 03833



**CURTIS BOVIN
ARCHITECT**
5 SPRUCE STREET
EXETER, NH 03833
T: 603 793 8129



EXISTING HOUSE

REBUILT GARAGE

Level 2
9' - 0"

GAR 2ND
7' - 9 1/4"

Level 1
0"

Grade
-2' - 3"

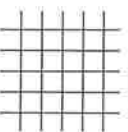
① West Elevation
1/4" = 1'-0"

A2.3

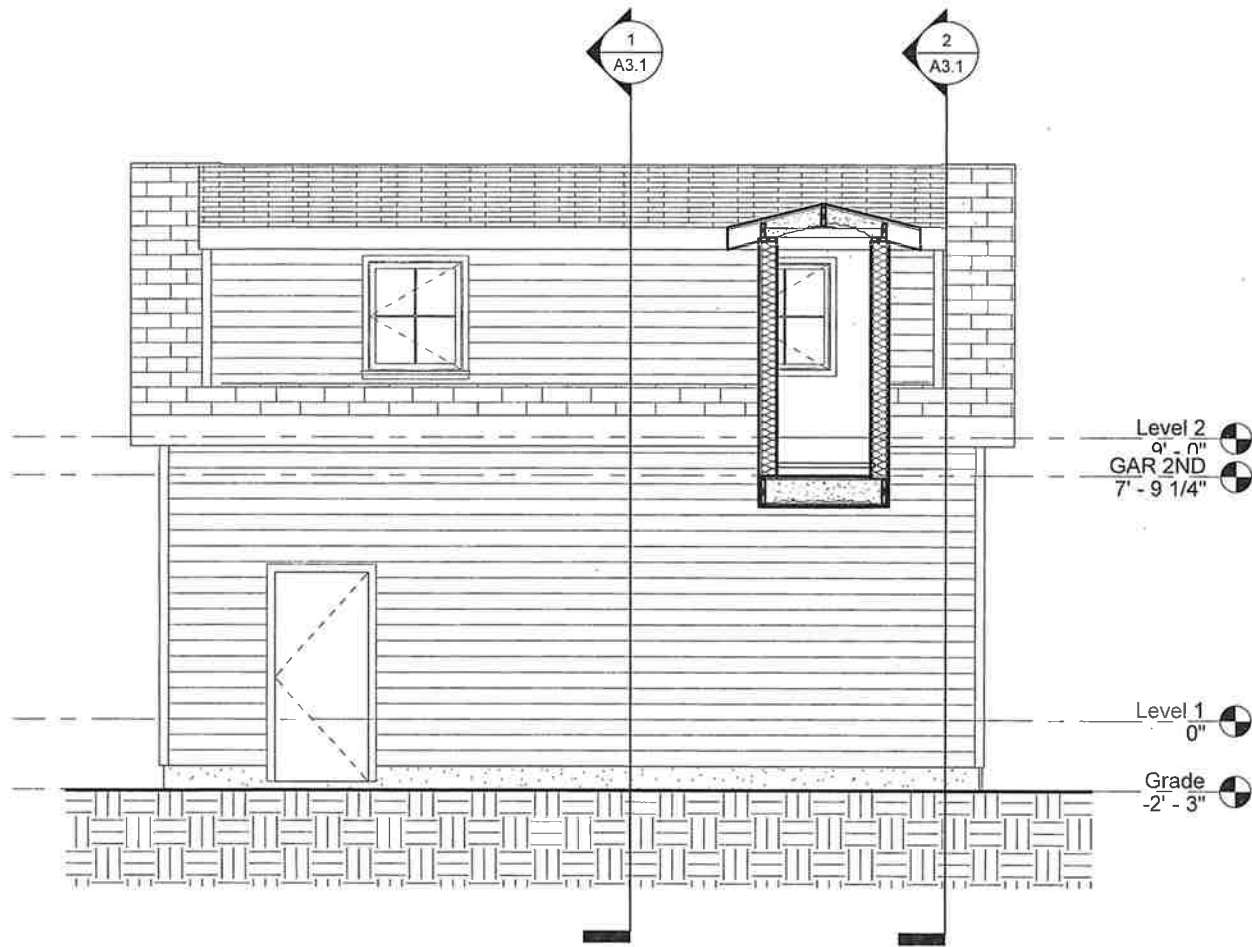
ELEVATIONS
SCALE: 1/4" = 1'-0"
DATE: 1.29.2024

Gulick
House Renovation
21 Charter Street
Exeter, NH 03833

OWNER
David Gulick
21 Charter St
Exeter, NH 03833



CURTIS BOVIN
ARCHITECT
5 SPRUCE STREET
EXETER, NH 03833
T. 603 793 8129



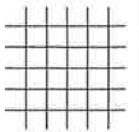
① South Elevation at Garage
1/4" = 1'-0"

A2.4

ELEVATIONS
SCALE: 1/4" = 1'-0"
DATE: 1.29.2024

Gulick
House Renovation
21 Charter Street
Exeter, NH 03833

OWNER
David Gulick
21 Charter St
Exeter, NH 03833



CURTIS BOIVIN
ARCHITECT
5 SPRUCE STREET
EXETER, NH 03833
T: 603 793 8129



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD
JOHN J. RATIGAN
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
DENISE A. POULOS
NICHOLAS R. AESCHLIMAN

January 29, 2024

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

**Re: 12 Highland Street, Map 65, Lot 138-1
Special Exception Application for Accessory Dwelling Unit**

Dear Chairman Baum and Board Members:

Enclosed please find Special Exception Application for an Accessory Dwelling Unit for the above referenced property together with supporting materials. Also enclosed is an abutter list, abutter labels and a check in the amount of \$190.00 for filing fees. We have prepared this application at the request of our client, but Ms. Trabelsi will be presenting the application on her own behalf before the Board.

We respectfully request the matter be placed on the Board's February 20, 2024 agenda. If you have any questions, do not hesitate to contact me.

Very Truly Yours,

DONAHUE, TUCKER & CIANDELLA, PLLC

Briana L. Matuszko, Esq.
BLM/sac

cc: Rachel Trabelsi

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

SPECIAL EXCEPTION

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

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

Address 12 Highland Street, Exeter, NH 03833

Telephone Number 603-583-0117

Property Owner Rachel Trabelsi

Location of Property 12 Highland Street, R-2, Map 65, Lot 138-1

Applicant Rachel Trabelsi, by her attorneys, Donahue, Tucker & Ciandella, PLLC
(number, street, zone, map and lot number)

Signature 
Briana L. Matuszko, Esq.

Date January 29, 2024

*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 SPECIAL EXCEPTION

1. **Currently existing use and/or situation:** single family residence

2. **Proposed use and/or situation:** single family residence with accessory dwelling unit contained within the existing building

Note: Proposed change of use may result in applicable impact fees.

3. **List all maps, plans and other accompanying material submitted with the application:**
GIS Map

Floor Plan Sketch

Photos

Special Exceptions:

A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.

Special Exceptions, as enumerated in Article 4.2, Schedule I, shall be permitted only upon authorization by the board of adjustment. Such exceptions shall be found by the board of adjustment to comply with the following requirements and other applicable requirements as set forth in this ordinance.

NOTE: Please use a separate piece of paper if additional space is needed to complete the following information:

4. Explain the justification for special exception by addressing the following criteria:

A. That the use is a permitted special exception as set forth in Article 4.2, Schedule I hereof;

see attached

B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;

see attached

C. That the proposed use will be compatible with the zone district and adjoining post 1972 development where it is to be located;

Note: Adjoining principal uses in existence prior to 1972 (generally referred to as grand-fathered uses) that are not permitted uses as listed in 4.1 Schedule I: Permitted Use, shall not be considered in determining the compatibility of an applicant's proposed use.

see attached

D. That adequate landscaping and screening are provided as required herein;

see attached

E. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets;

see attached

F. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments;

see attached

G. As a condition of Special Exception approval, the applicant may be required to obtain Town Planner review and/or Planning Board approval of the site plan. Additionally, the Board of Adjustment may require the applicant to obtain Planning Board approval of the site plan prior to rendering a decision on an application for Special Exception.

see attached

H. That the use shall not adversely affect abutting or nearby property values;

see attached

I. If the application is for a Special Exception for the bulk storage of a material which is, in the opinion of the Planning Board, potentially explosive, than landscaping, per Article 5.20, shall be deemed to include such blast containment, blast dampening or blast channeling features as the Board may require;

see attached

J. If the application is for a use in the “Professional/Tech Park District,” such exception will not:

- 1. Affect the water quality of Water Works Pond or other water supplies;**
- 2. Constitute a health hazard to the community;**
- 3. Permit temporary structures;**
- 4. Permit the recycling, disposal or transfer of materials defined as hazardous waste and set forth in Article 5.10.5 of this ordinance;**

N/A

Note: The applicant shall demonstrate that handling, storage and containment of any chemicals or substances defined as “hazardous” will be handled in strict accordance with the regulations and recommendations of the EPA and/or any other governmental body charged with enforcing compliance with any laws or statutes regulating hazardous substances.



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

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CHRISTOPHER D. HAWKINS
ELAINA L. HOEPPNER
WILLIAM K. WARREN
BRIANA L. MATUSZKO
ALI GENNARO

Please Respond to the Exeter Office

January 29, 2024

Via Hand Delivery

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

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

**Re: Special Exception Application for Accessory Dwelling Unit
12 Highland Street, R-2 Zone, Tax Map 65, Lot 138-1
Narrative Explanation**

Dear Chair Baum and Members of the Zoning Board:

This Firm (the “Applicant”) represents Rachel Trabelsi (the “Applicant” or “Owner”), which owns the property situated at 12 Highland Street in Exeter, also identified as Tax Map 65, Lot 138-1 (the “Property”). The Applicant seeks a Special Exception for an Accessory Dwelling Unit pursuant to Exeter Zoning Ordinance Article IV, Section 4.2 Schedule I to create an accessory dwelling unit within the existing single-family dwelling. This letter is intended as a narrative summary of the proposed use and a detailed explanation as to why the proposed use meets each of the applicable Special Exception criteria for an Accessory Dwelling Unit.

We respectfully request that the Zoning Board place this matter on the agenda for the Board’s February 20, 2024 meeting.

I. Property Description and Proposed Use

The Property is a 0.38-acre lot of record that is improved by a 2-story, single-family home with attached garage and is situated in the Town’s R-2 Zoning District. The single-family home situated on the Property contains approximately 1,890 square feet of living area, including an unfinished basement. The existing home has 3 bedrooms. The existing structure was built in 2016 and the Applicant has lived in the home since 2018.

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

The Applicant seeks a Special Exception for an Accessory Dwelling Unit to create a 900 square foot accessory dwelling unit within the existing single-family dwelling. As explained in more detail below, the proposed use complies with all of the Special Exception Criteria applicable to Accessory Dwelling Units.

The Applicant submits that the applicable Special Exception criteria are met for the following reasons:

II. Article V, 5.2 Special Exception Criteria

A. The use is a permitted special exception as set forth in Article 4.2, Schedule I.

As noted above, the Property is situated in the R-2 District. Pursuant to Article IV, Section 4.2, Schedule I, Accessory Dwelling Units are permitted by Special Exception within the R-2 District, subject to compliance with additional Special Exception criteria set forth in the Schedule I Notes (discussed in detail below).

B. The use is designed, located, and proposed to be operated so as to protect the public health, safety, welfare, and convenience.

In submitting this Special Exception Application, the Applicant seeks to create a separate unit for rental purposes within the existing dwelling. This Accessory Dwelling Unit (“ADU”) requires no construction, with the only modification being the addition of a stove and refrigerator to create a separate kitchen area. There is an existing sink separate from the bathroom sink. The footprint of the current single-family dwelling will not change due to this modification. The only other proposed changes to the ADU are cosmetic changes. The Applicant does not propose any modifications to the exterior of the existing dwelling.

There is adequate space to accommodate a separate unit within the existing home because the space already exists. There will be no substantial changes to the use of water or septic, as the residence already has three bedrooms, and the capacity is not changing. Additionally, the Property has a driveway with a garage and space for at least four additional cars outside the garage.

Given that the Property’s size and configuration are adequate to support the proposed use, the fact that the Property is served by municipal water and will continue to be served by municipal sewer, and the fact that the Property has more than adequate off-street parking, the proposed use does not pose any threat to the public health, safety, welfare, or convenience.

C. The proposed use will be compatible with the zone district and adjoining post 1972 development where it is to be located.

The Applicant seeks an ADU to change the existing single-family use to include a separate unit for rental purposes. The Property is zoned for residential use(s), including the current single-family use, as a matter of right, and the proposed ADU use, by Special Exception. The proposed use is also compatible with any adjoining post 1972 development in the form of single-family

homes and the Hampton Inn and Suites. The proposed use of the Property is thus in keeping with the R-2 District and will remain residential in character. The change in use will be barely perceptible and the Property is well-situated to accommodate such a change while remaining compatible with the R-2 Single-Family Residential District.

D. Adequate landscaping and screening are provided.

Adequate landscaping and screening are provided. There are no changes to the existing exterior, nor is there any construction involved with the incorporation of the ADU into the existing structure. As a result, the existing landscaping will be adequate.

E. Adequate off-street parking and loading are provided, and ingress and egress are designed so as to cause minimum interference with traffic on abutting streets.

The existing residence has a total of three bedrooms, and therefore requires 2 parking spaces under Article V, Section 5.6.6. The proposed ADU is a one-bedroom unit within the existing single-family residence. The Property presently has a garage that will be used exclusively by the occupant of the ADU, as well as a driveway that can provide adequate off-street parking for at least four (4) cars. Accordingly, the Property presently has adequate off-street parking for the proposed use.

F. The use conforms with all applicable regulations governing the district where located.

The Property was built in 2016 and the proposed use is otherwise consistent with all applicable regulations governing the R-2 District.

G. Town Planner review and Site Plan review.

The Applicant will not need to seek Town Planner review or Site Plan Approval from the Planning Board upon the granting of this request for Special Exception.

H. The use shall not adversely affect abutting or nearby property values.

The proposed use will not adversely affect abutting or nearby property values. The residential use of the Property will remain the same and will not adversely affect the property values of nearby properties which include single-family homes and the Hampton Inn and Suites. There will be no exterior changes or any intensification of use of the Property. The only changes will be to the interior of the home, and there is no construction involved. As a result of these minimally invasive changes, the proposed use will not affect the values of nearby properties.

I. The Application is not for the hazardous material that is potentially explosive.

The Applicant does not seek to store explosive materials on the Property, so Article V, Section 5.2.I is inapplicable to this Special Exception Application.

J. The Application is not for use on any of the following Tax Map Parcels: #70-101, #70-102, #70-103, #70-104, #69-2, #69-3 and/or #69-4.

The Property under review is Tax Map 65, Lot 138-1. As such, Article V, Section 5.2.J is inapplicable to this Special Exception Application.

III. Article IV, Section 4.2 Additional Special Exception Criteria for ADUs

A. The Property and proposed use must conform to the dimensional requirement of a one-family lot.

The existing Property is not being altered, such that the dimensional requirements will change. Thus, the proposed use of an internal ADU conforms with the dimensional requirement of a one-family lot.

B. No more than one accessory dwelling unit will be allowed in a detached one-family dwelling or its accessory structure.

There is only one proposed ADU planned for the single-family dwelling.

C. The accessory dwelling unit shall be designed so that the appearance of the building remains essentially that of a one-family dwelling. The Board of Adjustment may require that new entrances be located on the side or in the rear of the building.

The appearance of the existing structure on the Property will remain the same. There will be minor changes to the interior of the building to ensure that the ADU will be an independent living space separate from the living space occupied by the owner. Currently, there is one entrance to the ADU that is through the garage. The garage will be solely occupied and used by the ADU.

D. Accessory dwelling units shall not be allowed in manufactured housing.

The ADU will be a part of the principal structure on the Property, which is a single-family dwelling.

E. For accessory dwelling units within the principal structure, the accessory dwelling unit shall be limited to a maximum of 900 square feet or one-third of the finished floor area of the principal structure, whichever is less but in no case shall the accessory dwelling unit be restricted to less than 750 square feet in accordance with NHRSA 674:71 to :73, or as the same may be subsequently

amended. For accessory dwelling units located in a detached accessory structure, the dwelling unit shall be limited to a maximum of 750 square feet.

The proposed ADU will be located within the principal structure and will be a maximum of 900 square feet.

F. One of the dwelling units shall remain owner-occupied.

The ADU will be a separate unit independently occupied within the home, and the Applicant will continue to reside in the remainder of the single-family dwelling.

G. Off-street paved or gravel parking shall be provided for at least four (4) vehicles. Garage and “piggy-back” parking is encouraged.

The ADU will have exclusive use of the garage and there is off-street paved parking for at least four (4) vehicles in the driveway.

H. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing one-family dwelling. An accessory dwelling unit use shall be recorded by deed addendum at the Registry of Deeds, indicating all the terms of the approval granted.

The Applicant shall not convert the structure and lot to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. The Applicant will also record the ADU by deed addendum at the Rockingham County Registry of Deeds, indicating all the terms of the approval granted.

I. Prior to any renovations or building, the owner shall provide evidence to the Town Building Inspector that septic facilities are adequate for both units according to the standards of the Town and the New Hampshire Department of Environmental Services (Water Division). If deemed necessary by the Building Inspector, such evidence shall be in the form of certification by a State of New Hampshire licensed septic systems designer. Also the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire.

The Applicant does not plan to commence any renovations or construction associated with the creation of the ADU. However, if any renovations are necessary to ensure separation from the existing living space, the Applicant shall provide evidence to the Town Building Inspector that septic facilities are adequate for both living spaces per the standards of the Town and the New Hampshire Department of Environmental Services (Water Division). The Applicant shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire if necessary.

- J. Once any renovation or construction is completed, or the owner is ready to have a unit occupied, a request must be made to the Building Inspector for an occupancy permit. There will be no occupancy of the accessory unit until the Building Inspector has issued a certificate of occupancy.**

Once the Applicant is ready to have the ADU occupied, a request shall be made to the Building Inspector for an occupancy permit. The Applicant will only allow occupancy of the ADU once a certificate of occupancy is issued.

- K. A purchaser of a home that had a special exception granted for an accessory dwelling unit who wants to continue renting any one of the accessory units must comply with all conditions of the permit previously granted. Any change to the prior conditions will require a new application.**

This is not applicable, as the Applicant is the current owner of the home.

IV. Conclusion

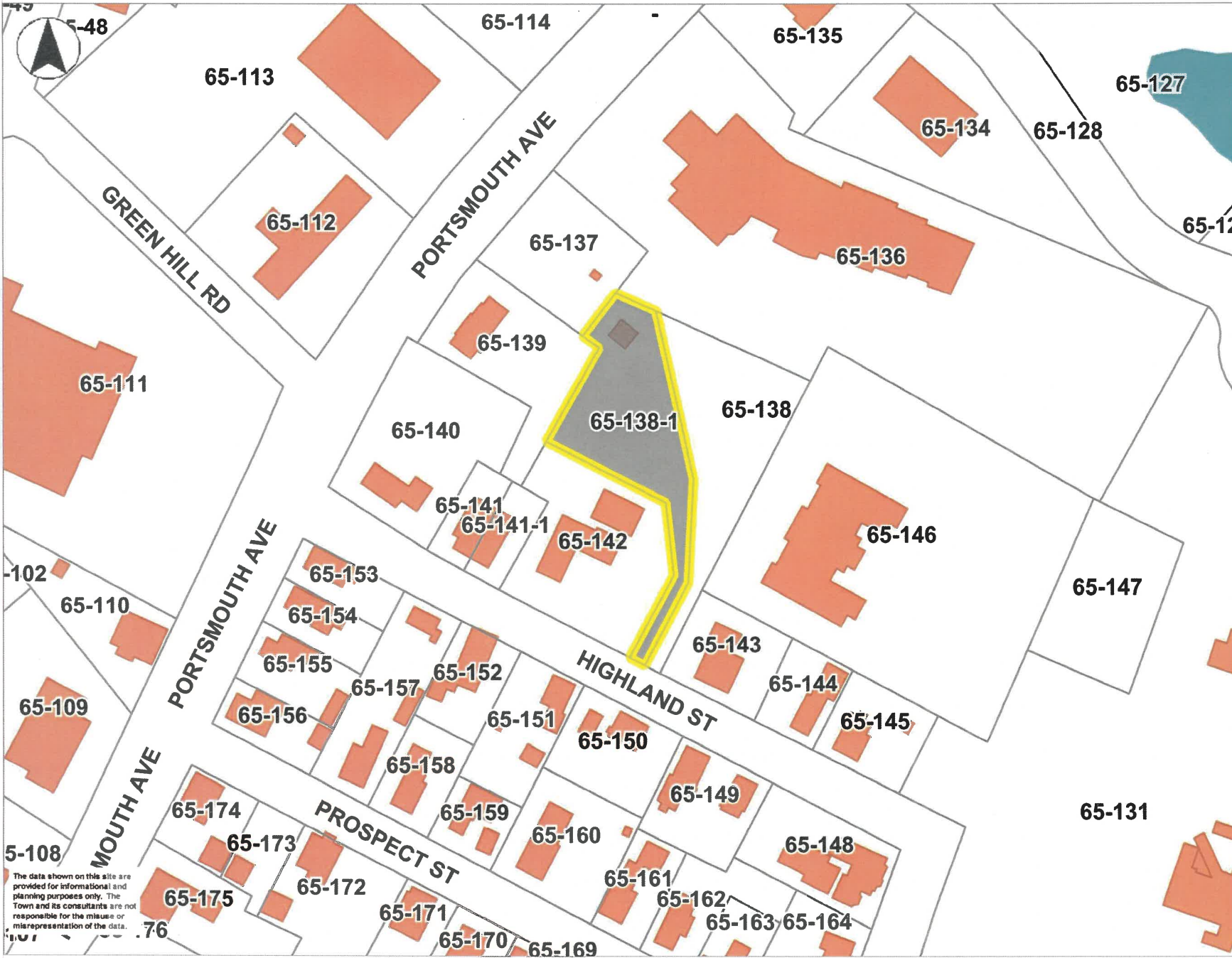
Based on the foregoing, the proposed use fully complies with all provisions of the Exeter Zoning Ordinance applicable to Special Exceptions for Accessory Dwelling Units, and the Applicant respectfully requests that the Board grant the requested Special Exception for Accessory Dwelling Units. Should the Board require additional information or have questions about any of the foregoing, please do not hesitate to contact me directly. Thank you for your time and consideration.

Very Truly Yours,

DONAHUE, TUCKER & CIANDELLA, PLLC



Briana L. Matuszko, Esq.
bmatuszko@dtclawyers.com



- Parcels
- NH Highways
- Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Streets
- Misc Streams
- Parcel Streams
- Open Water
- Buildings

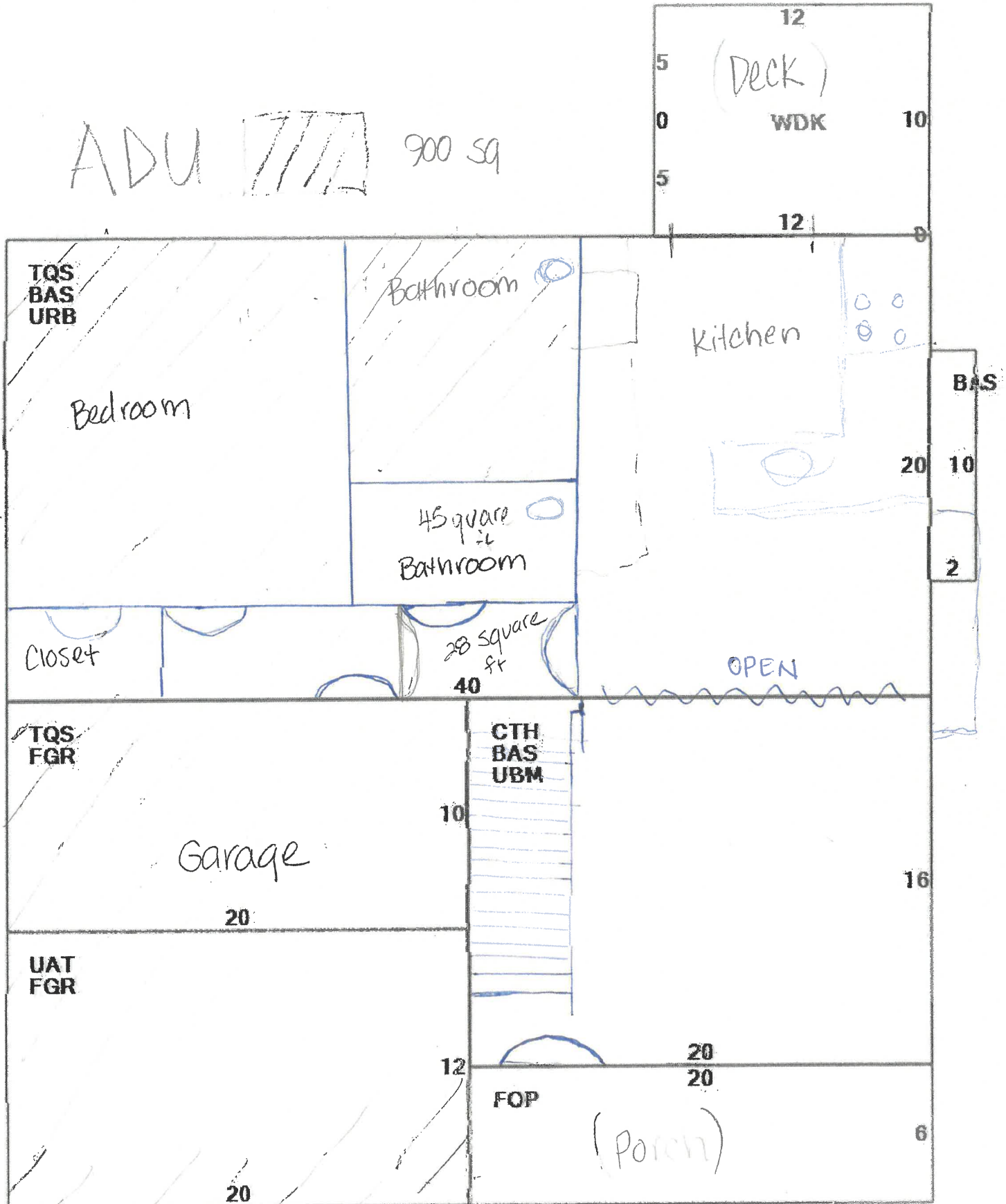
The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



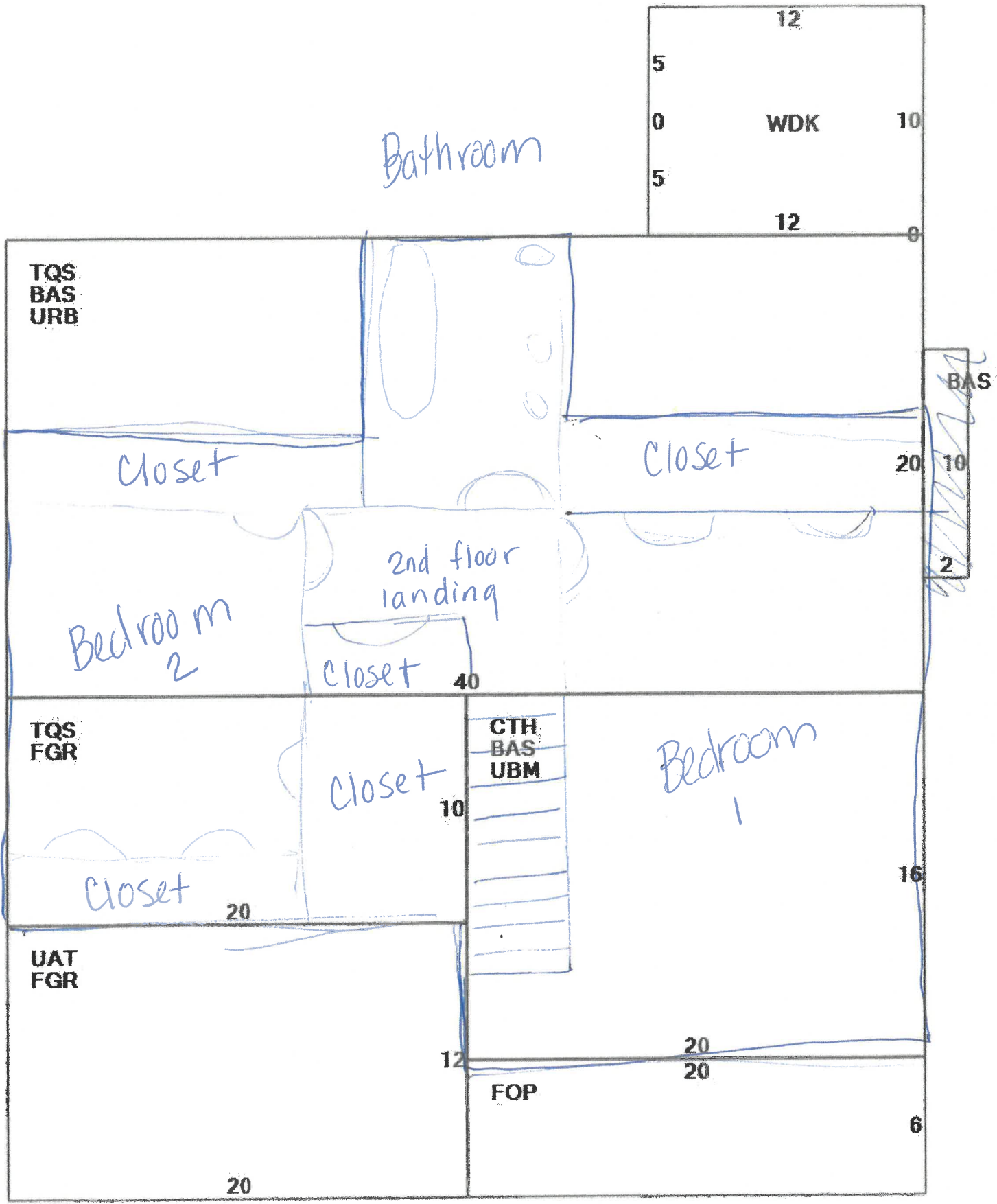
Printed on 10/30/2023 at 03:07 PM

Exeter MapsOnline

ADU 900 sq



1st Floor



2nd Floor








LETTER OF AUTHORIZATION

I, Rachel Trabelsi, owner of property depicted on Tax Map 65, Lot 138-1, 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: _____

1/10/24



Rachel Trabelsi

**RACHEL TRABELSI - TAX MAP 65, LOT 138-1
12 HIGHLAND STREET
ABUTTER LIST**

OWNER/APPLICANT:

65/138-1 Rachel Trabelsi
12 Highland Street
Exeter, NH 03833

ABUTTERS:

65/139 J&M Evergreen Realty Trust
Ma Ken, Trustee
55 Portsmouth Avenue
Exeter, NH 03833

65/137 Blake Properties of NH, LLC
PO Box 368
Newfields, NH 03856

65/136 Chatham Exeter HAS, LLC
c/o Chatham Lodging Trust
222 Lakeview Avenue, Suite 200
West Palm Beach, FL 33401

65/138 Kimberly Montgomery
14 Highland Street
Exeter, NH 03833

65/142 Douglas Johnson
Linda Comerci
13940 Jarvi Drive
Anchorage, AK 99515

65/150 Frederick & Rachel Decicco
PO Box 690
Exeter, NH 03833

65/151 Paul O'Neil
8 Elton Avenue
Stratham, NH 03885

ATTORNEY:

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