

These minutes are subject to possible corrections/revisions at a subsequent
Exeter Zoning Board of Adjustment meeting.

EXETER ZONING BOARD OF ADJUSTMENT June 21, 2011 MEETING MINUTES

Present:

Chairman: John Hauschildt.

Regular Members: Patrick Driscoll, Hank Ouimet, Martha Pennell, Bob Prior.

Alternate Members: Marc Carbonneau.

Building Inspector/Code Enforcement Officer: Douglas Eastman.

Deputy Code Enforcement Officer: Barbara McEvoy.

The meeting convened at 7:00PM.

(Mr. Prior and Ms. Pennell stepped down for Case #1412. Mr. Carbonneau became a voting member.)

Agenda:

1. Case #1412: 77 Kingston Road, Riverwoods Company – Special Exception request.
2. Case #1417: 40 Washington Street – Variance request.
3. Case #1418: 60 Watson Road – Variance request.
4. Case #1419: 17-19 Dartmouth Street – Variance request.

New Business:

1. Case #1412:

The application of Riverwoods Company at Exeter for a special exception per Article 4, Section 4.2 Schedule I: Permitted Uses to permit the proposed construction of an outdoor park and recreation area as an accessory use in conjunction with the abutting RiverWoods (elderly congregate health care) facilities. The subject property is located at 77 Kingston Road, in the R-1, Low Density Residential zoning district. Tax Map Parcel #97-43.

Attorney Charlie Tucker approached the board representing the applicant and gave a brief outline of the proposed recreation park. The park is being planned for development in conjunction with the previously approved administration building. He stated that he told the ZBA that he would return to the board for further review and approval for the park.

Ms. Robbie Woodburn, landscape architect, approached the board at this time on behalf of the applicant. She described the proposed project as being a rural neighborhood park which will blend in with the existing neighborhood. Included in the plan for the park is picnic tables, a gazebo, a community garden, a greenhouse, a trail system, a two-car parking area, parking at the new administration building with a trail to the park, a connection to the Jolly Rand trail, a community bulletin board, a storage shed and a dog run which would be adjacent to the administration building.

Mr. Ouimet asked if there would be landscaping and trees along Kingston Road.
Chairman Hauschildt asked about the two spaces for parking on Kingston Road.

(At this time, Mr. Jeff Clifford of Altus Engineering arrived on behalf of the applicant.)

Attorney Tucker began a discussion of the special exception criteria at this time. He also mentioned that the park will be open to the public and that the planning board will review the site plan on June 30th.

Mr. Ouimet asked if the walking trail will traverse the wetland.

Chairman Hauschildt mentioned the buffer and that the planning board will review the request for relief from the buffer.

Mr. Carbonneau inquired about the access to the park and the gravel drive.

Mr. Driscoll asked about the parking.

Mr. Clifford explained that the issues will be discussed at the planning board.

Attorney Tucker mentioned the park will be called "Gooch Park." He gave a brief history of the site to the board and information regarding the family name.

Chairman Hauschildt asked how RiverWoods would deal with the park with increase usage and popularity.

Ms. Dawn Barker of RiverWoods explained that RiverWoods would provide parking at individual facilities and provide a shuttle service.

At this time, the chairman opened the hearing to public testimony.

Mr. Goodenough of Pickpocket Road approached the board and inquired about lighting of the park all night and parking on Pickpocket Road.

Mr. Prior of 16 Pickpocket Road stated that a lot merger increased the property size. He also inquired as to the dimensions of the buildings and asked if there were elevations of the proposed buildings. Continuing, Mr. Prior commented that this area is a gateway to Pickpocket Road and asked that the board make minimal lighting a condition of approval. He was also concerned that if this is a neighborhood park and open to the public, there could be problems with loud noise, partying and parking on Pickpocket Road. He then mentioned signage, the horseshoe curb cut, wetlands and that he was agreeable to the name choice. Mr. Prior also commented that he hopes tension relative to the private/public park can be kept on an even scale in regard to the signage, public access and lighting issues; all of which he hopes the ZBA will address.

In rebuttal, Attorney Tucker clarified that the site will be a private park that will be opened to the public. He does not believe the neighborhood should be concerned with overuse of the park. RiverWoods security will deal with any issues that may arise. It was mentioned that security is on duty twenty-four hours a day, seven days a week. The condition of the Ridge approval, fire station #3 was mentioned as well as the access to it from Kingston Road.

Chairman Hauschildt asked what the plan would be if parking problems on Pickpocket Road arise. Attorney Tucker stated that is would be a police matter. He also mentioned that the road would be posted and information available that the recreation at the park being provided would not be attractive to teens. (No basketball etc.)

Ms. Woodburn mentioned that low bollard lighting would be used for security. It was also mentioned that the greenhouse would be 20' x 40' and the gazebo 18' x 18'.

At this time, the public hearing was closed.

DELIBERATIONS

The board discussed the criteria for special exception at this time. Issues for planning board review were also discussed.

**MOTION: Mr. Ouimet made a motion to approve the special exception request as presented.
Mr. Driscoll seconded.
The motion passed 4-0.**

(At this time Mr. Carbonneau stepped down and Mr. Prior and Ms. Pennell became voting members.)

2. Case # 1417:

The application of David L. Petruzzi for a variance from Article 5, Section 5.1.2 and Article 4, Section 4.3 Schedule II: Density and Dimensional Regulations for the expansion of a non-conforming use to permit the proposed construction of a 20' x 20' garage with less than the required minimum side yard setback. The subject property is located at 60 Watson Road, in the R-1, Low Density Residential zoning district. Tax Map Parcel #73-169.

Mr. David Petruzzi approached the board. He stated that his property currently has an 18' x 18' garage and he would like to construct a 20' x 20' garage and move it forward 8' toward the street.

Mr. Eastman stated that there is no special exception for expansion of a non-conforming use in Exeter. This request now requires a variance.

Mr. Prior inquired about the height and design of the proposed garage. He mentioned that it should be designed to keep with the character of the neighborhood. It was mentioned that it would have one door and be a garage with storage.

Ms. Pennell asked about the process and it was mentioned that a building permit was submitted and subsequently denied. The Heritage Commission reviewed the demolition request.

Mr. Ouimet asked about setbacks.

Mr. Eastman stated that it is typically 15' and non-conforming is 10'.

At this time, the chairman opened the hearing to public testimony and there was none. The public hearing was then closed.

DELIBERATIONS

Mr. Prior asked about the foundation. He then began a discussion of the criteria for variance. The board determined that the conditions have been met.

**MOTION: Mr. Prior made a motion to approve the variance request.
The motion was seconded.
The motion passed unanimously.**

3. Case #1418:

The application of Architectural Builders Ltd. (on behalf of Scott Crawford) for a variance from Article 9, Section 9.3.4.C to permit the proposed construction of a 20' x 40' attached garage to the existing residence which is located within the required 150' setback for the Exeter Shoreland Protection District. The subject property is located at 60 Watson Road, in the R-1, Single Family Residential zoning district. Tax Map Parcel #73-169.

Mr. James Wakefield approached the board at this time. He stated that the size of the addition being discussed is actually 28' x 40'. He also mentioned that the entire lot is within the 150' setback.

Mr. Prior mentioned that there was no change with the driveway width.

A discussion about topography began and it was mentioned that the addition would be built into the slope and 47' from the brook.

Mr. Prior mentioned erosion control and the culvert under the driveway for Bloody Brook.

At this time the chairman opened the hearing to public testimony and there was none.

DELIBERATIONS

Mr. Prior mentioned drainage and the possibility of sheeting over the driveway due to the steep slope. It was mentioned that the homeowner would have to deal with this.

Mr. Ouimet completed a discussion of the criteria for a variance with the rest of the board.

Ms. Pennell mentioned that this case will not need planning board review.

Mr. Eastman mentioned a conditional use permit may be needed and that soils should be checked.

MOTION: Mr. Ouimet made a motion to approve the variance request as amended.

Mr. Prior seconded as amended.

The motion passed unanimously.

4. Case #1419:

The application of Robert A. Johnson for a variance from Article 4, Section 4.3 Schedule II: Density and Dimensional Regulations (Residential) and Article 5, Section 5.1.2 for the expansion of a non-conforming use to permit the proposed construction of a 12' x 20' addition to the existing structure. The subject property is located at 17-19 Dartmouth Street, in the R-2, Single Family Residential zoning district. Tax Map parcel #73-169.

Mr. Bob Johnson and Mr. Paul Powell, his contractor, approached the board to present to the board. Mr. Powell mentioned that the applicant wants to increase the square footage of the units, but not increase the number of bedrooms.

Mr. Eastman stated that parking is required and would be four spaces.

The hearing was opened to public testimony at this time.

Mr. Thomas Candee of Main Street approached the board. He stated that there is no designated parking and that this issue needs to be addressed. He then mentioned that the property also has access to Dartmouth Road and that a place for trash needs to be established. Pictures were provided to the board.

Ms. Susan Peterson approached the board and stated that construction was taking place while people were living there.

Mr. Eastman stated that this was up to the owner.

In rebuttal, Mr. Johnson stated that unit #17 was staying and unit #19 was moving and that the tenant in unit #17 will be moving into #19. In regard to trash, Mr. Johnson stated that he had never heard any complaints but that the issue will be addressed.

DELIBERATIONS

Mr. Ouimet mentioned that there are parking and access concerns.
Mr. Prior agreed that parking needs to be increased on the dead end road.

Mr. Driscoll began a discussion of the criteria for variance with the board at this time.
A discussion regarding surrounding property values ensued.

**MOTION: Mr. Driscoll made a motion to approve the variance request, as presented, subject to an additional four parking spaces for lot #1 and town planner review.
Ms. Pennell seconded. (for discussion)**

In discussion, the board discussed parking requirements and it was determined that four spaces may not be adequate.

**MOTION: Mr. Driscoll made a motion to withdraw his previous motion.
Ms. Pennell seconded.
The motion passed unanimously.**

**MOTION: Mr. Driscoll made a motion to approve the variance request subject to parking being added in accordance with current regulations and with the location of the parking to be determined by the town planner.
The motion was seconded.
The motion passed unanimously.**

Other Business:

1. Minutes 5/17/11

In discussion, Chairman Hauschildt mentioned a few errors on the second page regarding board elections. The paragraph under Election of Officers should read:

“Mr. Prior nominated Mr. Hauschildt for chairman, Mr. Hauschildt nominated Mr. Prior for Vice Chairman, and Mr. Ouimet nominated Ms. Pennell for Clerk. All nominees accepted and there was no further discussion.”

**MOTION: Ms. Pennell made a motion to accept the May 17, 2011 minutes as amended.
Mr. Ouimet seconded.
The motion passed unanimously.**

**MOTION: Mr. Prior made a motion to adjourn.
Mr. Ouimet seconded.
The motion passed unanimously.**

The meeting adjourned at 9:10PM

The next meeting of the Exeter Zoning Board of Adjustment will be held Tuesday, July 19, 2011 at 7:00PM in the Novak Room at the Exeter Town Offices.

Respectfully Submitted,

Christine Szostak
Planning & Building Department Secretary