

ATKINSON ZONING BOARD OF ADJUSTMENT
21 Academy Avenue
Atkinson, New Hampshire 03811

Public Hearing Meeting Town Hall
Wednesday April 14, 2010

Present: Hank Riehl, Vice-Chairman; Sandy Carter; Sue Miner

Mr. Riehl called the meeting to order at 7:25 p.m.

Correspondence

Incoming

- 1) Notice of May 8 Annual Spring Planning and Zoning Conference
- 2) 3/26/10 letter from Sumner Kalman re: Atkinson v. Mason
- 3) 3/16/10 letter from Sumner Kalman re: Atkinson v. Mason
- 4) 3/16/10 letter from Sumner Kalman re: SBA Towers II, LLC v. Atkinson

- 5) 3/16/10 letter from Sumner Kalman re: SBA Towers II, LLC v. Atkinson

Outgoing

- 1) 3/11/10 Decision Letter to Mr. Stephen Rothwell

Approval of minutes of February -deferred to next hearing

Approval of minutes of March – Last page, change “abstained” to “opposed” in two places. Motion by Sandy Carter, seconded by Sue Miner: Approved as amended

PUBLIC HEARINGS: 7:30 P.M.

Tod S. Erickson request for Special Exception as specified in the Zoning Ordinance Article VII, Section 700:2 to allow Conversion from Seasonal to Year-round/Primary use for dwelling on property located at 19 Hemlock Shore Drive, Map 22, Lot 75, RR3 Zone

Abutters list was read with the following present:

Tod Erickson

Mr. Riehl explained that there were only three members; the applicant had the right to continue to next month when there might be a full board. Mr. Erickson said he wanted to proceed.

Mr. Erickson explained that he bought the home 4 or 5 years ago and intended to renovate and use as a second home. He is recently divorced and would like to now use this home as his primary home. He has an approved septic plan which he plans to install. Riehl asked if this is strictly for a conversion or if there any

other issues that need to be addressed. The applicant said there are no issues other than the conversion.

Mr. Riehl reviewed Section 700 and compliance of Atkinson's water supply WS300. Mr. Erickson said he has an approved Septic Plan by the NH DES and the Atkinson Health Department. The property currently has a shared well and that home is year-round. Sue Killam said the Town would have had to sign off on it before it went to the State. If the State has approved it, then the Town would have had to also. Mr. Riehl had a copy of the State approved Septic Plan. There is review and approval of the Health Department in the file. Mr. Carter said by virtue of the approval of the Health Department and DES that the criteria under A & B have been met. Mr. Carter thought the Board should ask the Health Officer to provide the Board with a letter stating there is compliance with WS300 on all of these requests. Mr. Riehl asked for any input from the audience. There was none.

Ms. Miner stated the approved septic plan they had was dated in May of 2006 which just makes it into the 4 year period for expiration. Mr. Erickson has a revised letter from Vern Dingman that has a revised site assessment. There was a different number on the approvals. Mr. Erickson said there was a change in the plan because the State wanted a chambered system, which the original plan had not provided. Mr. Erickson provided the updated approval for the revised plan and it was dated April 2008.

The Board reviewed the conditions. The Board discussed whether the applicant would need to have the septic installed before final approval for the conversion could be granted. Mr. Carter did not believe it had to be installed. Mr. Riehl believed the septic had to be installed before the conversion was complete. The Board agreed.

Mr. Carter made a motion to approve the request for a special exception as requested to allow the conversion of seasonal to year round use, conditioned upon the construction and installation of the new septic system as referenced in CA Approval No. 2008092337 . Ms. Miner seconded and it was unanimously approved. Hearing closed at 7:50 PM

2nd Public Hearing 7:55 PM

Dube Plus Construction, (Todd Wallace) for Turner Porter Holdings/ Maple Heights Realty LLC, request for Special Exception as specified in Zoning Ordinance Article IV, Section 460:1 to permit Accessory Family Living Unit in new construction at 11 Blackford Drive, Map 9 Lot 49-4 in the TR2.

Mr. Riehl made a correction that this was actually Section 460:2.

Abutters list was read with the following present:
Dube Construction by Todd Wallace

Mr. Riehl explained to the applicant about the three member board and gave him

the opportunity to continue to the next hearing. The applicant wished to proceed.

Mr. Wallace stated that he is representing the potential homeowner but they have not closed on the property yet. Sue Killam stated that there is an authorization from the property owners. He was not sure how the Board would proceed because the potential homeowners do not yet own the property. Ms. Killam said the approval could be conditioned upon these homeowners buying the property.

Mr. Riehl agreed the Board could proceed. Ms. Miner said she wanted to let the applicant know that she is building in this same development. Mr. Wallace said he did not have a problem with that and believed he met the conditions for the Special Exception.

Mr. Wallace explained that the potential homeowners live in Medford in a two family house and would like to build a colonial style home with an accessory unit for the in-laws. The accessory unit meets the 750 square foot requirement. The garage is shared and access is gained through the main house.

The Board reviewed the conditions under Section 460:2:

All of the conditions have been or will be met once the buyers become the owners of the home. The approval will be conditioned upon the recording of the deed restriction, the construction of the premises and complying with building codes as per the requirements of the granting of the Special Exception.

Ms. Miner made a motion to approve the request for Special Exception as stated based on all of the conditions either having been met , or conditionally having to be met in the construction of the proposed dwelling as presented on the plan dated March 16, 2010 and the application submitted on behalf of the potential owners Ken and Michelle Palmer. Mr. Carter seconded the motion and it was unanimously approved.

Motion to adjourn was made and seconded. Mr. Riehl adjourned the hearing at 8:15 P.M.

Respectfully Submitted

Minutes transcribed from tape

Rebecca Russo