

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

Public Hearing Meeting Town Hall
Wednesday August 11, 2010

Present: Hank Riehl, Chairman; Sandy Carter; Glenn Saba; John Recesso, Alternate;

Mr. Riehl called the meeting to order at 7:30 p.m.
Correspondence

Incoming

- 1) Budget/Expenditures through 7/31/2010
- 2) July 2010 Town and City magazine

Outgoing:

- 1) Legal Notice: Special Exception for 85 Maple, Accessory Family Living Unit
- 2) Notice of Decision re: Rehearing Request for 6 Indian Ridge

Approval of Minutes of July 14, 2010.

Motion to approve the minutes as amended was made and seconded.

New/Old Business:

Set date to rehear Haines/Paquin Variance and Special Exception on property located at 6 Indian Ridge Road.

Mr. Riehl stated that at the last hearing the Board voted to rehear this matter and that a date for the re-hearing needed to be set. The applicant asked that the Board rehear this matter at the October 13, 2010 hearing. The Board agreed.

PUBLIC HEARINGS: 7:30 P.M.

William Delaney for Peter and Corie Little, request for Special Exception as specified in Zoning Ordinance Article IV, Section 460:1 and 2 to permit Accessory Family Living Unit in residence at 85 Maple Avenue, Map 14 Lot 137 in the TR2 Zone.

List of abutters was read and the following were present:

Mr. Delaney; William Anderson

Mr. Delaney explained that he built the house in 1996. At that time he filed a letter per the building inspector, Mr. Jones that he was putting an apartment in the house. The letter is not dated but was notarized by Barbara Brown and her commission expired in 1995. The Board determined the letter was written in that time frame. Mr. Delaney sold the house to his daughter and he moved to the apartment. The only difference in the space was that there is now a stove installed. There is no kitchen sink, only a bar sink. The only difference is the house is now owned by the daughter and he is the occupant of the floorspace in question and he believed this was the red flag that brought him before the Board. Mr. Delaney believed the letter is in the building folder.

Mr. Riehl recapped that a living space was originally constructed without a stove and a kitchen sink. There was only a bar sink with cabinets. There has been a stove installed since then. Mr. Delaney explained there was no requirement for the 750 square feet when he built the space. There was a floor plan description in the package. The Board reviewed the plans and estimated the floor space to be approximately 720 square

feet. Mr. Delaney stated the floor space is located over the garage and part of the downstairs. He said you lose a lot of space upstairs because of the steepness of the roof. There is a door that goes to the outside of the house also. Mr. Saba asked how the dimensions were calculated. Mr. Delaney explained it was knee wall to knee wall because there is unusable space. There are a couple of full height walls that were built according to building codes. There is a landing at the bottom of the stairs. Off of the dining area there is a door to the main home. Mr. Delaney wanted to know why this was not brought up earlier and questioned why all of a sudden the Town is considering this a problem. Mr. Saba asked Mr. Delaney if he notified the Town when the stove was installed and asked how the Town would be aware since there was no notification. Mr. Carter stated that according to the letter that was written by Mr. Delaney at the time of the construction, it was a persuasion to the Town that this was not an apartment. It was attested to that there was no stove. The Board is here today to evaluate this floorspace as a legal accessory living unit under town definitions and regulations.

Mr. Riehl asked for abutter comments. Mr. Anderson stated that the Delaneys have been great neighbors. He has no problem with the in-law.

The Board reviewed the criteria under 460:2.

- a) Met
- b) Met
- c) A deed addendum will have to be recorded. This criterion will have to be met.
- d) Met. The daughter occupies the main part of the dwelling and is the owner.
- e) Met. The dwelling has been unchanged since 1996. Mr. Anderson stated the dwelling had the appearance of a single family dwelling.
- f) Met
- g) Met
- h) Met at 720 +/- square feet.
- i) Met
- j) The Board explained that the septic requirements for a 4 bedroom home versus a 3 bedroom home with an accessory unit are different. There are different flow calculations used. The applicant will need a statement and certification from the Health Inspector that the current septic system meets the criteria.
- k) Met as the applicant and his wife are the occupants.

Mr. Carter suggested the Board continue this hearing until they get to receive certification by the Health Officer that the provisions of (j) have been met.

Mr. Riehl explained to the applicant that the Board is going to continue this application for a month so that he can assemble the required documentation to meet the criteria of (j). Mr. Delaney asked how accessible the Health Officer was? Ms. Killam gave some guidance and offered to help him with that. Mr. Delaney explained that he is leaving in three weeks but stated that perhaps his son-in-law could come back and represent him. Mr. Riehl said he could notify the office and as the son-in-law was the owner he could come before the Board.

Mr. Riehl made a motion to continue to the next regularly scheduled hearing on September 8, 2010 and it was unanimously approved.

The Board discussed Board organization and agreed to recommend that the Selectmen appoint the newest member (Robert Waldron) as a Regular member to fill the regular seat vacated by Frank Polito. (Mr. Waldron was not present.)

Motion to adjourn was made and seconded. Mr. Riehl adjourned the hearing at 8:55 p.m.

Respectfully Submitted

Minutes transcribed from tape

Rebecca Russo

