

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

Public Hearing Meeting Town Hall
Wednesday September 8, 2010

Present: Hank Riehl, Chairman; Glen Saba; John Recesso, Alternate; Robert Waldron,
Alternate

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

Incoming

- 1) Budget/Expenditures through 8/31/2010

Outgoing: none

Approval of Minutes of August 11, 2010.

PUBLIC HEARING: 7:30 P.M. - Continued from August 11, 2010:
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.

Abutters list read with the following present:

Mr Riehl read a letter from Mr. Delaney and Mr. Little requesting to withdraw their Application based on the fact that they had removed the kitchen stove and feel the Special Exception is no longer necessary. The Board voted to accept the request to withdraw the Application, all in favor.

Mr. Kirsch said he received a list from the Board of Selectmen of illegal two family apartments. He questioned whether this was still a two family because there are two families living there. Mr. Riehl said they are not an enforcement Board and asked if there is no stove and no kitchen, is it no longer an accessory living unit? Mr. Riehl was uncomfortable giving him guidance and thought that should come from the Board of Selectmen.

Ms. Killam believed the applicant acted on what the ZBA told him at the last hearing, that if the stove were removed then nothing needed to be done. The applicant is not here, asked for a withdrawal and the conversation should not be continued. Mr. Riehl agreed.

PUBLIC HEARING:

Paul and Pamela Donovan, request for Special Exception as specified in Zoning Ordinance Article IV, Section 460:1and 2 to permit Accessory Family Living Unit in residential new construction in property located at 9 Deer run Road, Map 16 Lot 1-1 in the RR3 Zone.

Abutters list read with the following present:
Shaun and Mellissa Finneran; Mr. Donovan

Mr. Donovan presented the Board with a package including approved septic plan; drawings and plans. The accessory living unit is planned for the basement area and access is through the side garage. This is intended for his mother-in-law. There is 742 square feet in the unit. This is a 9 acre parcel of land with a limited building envelope. Mr. Saba questioned the plan because the bedrooms listed on the second floor are 1, 3 & 4. Mr. Donovan said there are only 4 bedrooms including the in-law. Mr. Riehl asked about the septic approval and Mr. Saba confirmed the septic plan that was approved by the State meets the guidelines.

Mr. Riehl asked about abutter comments. There were none.

The Board reviewed the criteria.

- a) Met as described
- b) Met as shown on the drawings
- c) Will be met by the recording of the deed addendum
- d) Met
- e) Met
- f) Met per the drawings
- g) Met
- h) Met
- i) Will be met with building permits, etc.
- j) Met per approved septic plan.
- k) Met

Mr. Saba made a motion to approve the request as requested based on all of the conditions having been met and per the submitted plans and septic approval. Conditioned upon the proper documentation being recorded prior to the occupancy permit. The motion was seconded and unanimously approved.

Motion to adjourn was made and seconded. Mr. Riehl adjourned the hearing at 8:40 PM

Respectfully Submitted

Minutes transcribed from tape

Rebecca Russo