

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

Public Hearing Meeting Town Hall
Wednesday October 12, 2011

Present: Hank Riehl; Glenn Saba; Cathy Blash

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

Correspondence:

Incoming:

Outgoing:

Approval of Minutes of September 14, 2011 – The following corrections additions were made:

Public Hearings - Continued from July 13, 2011- 7:35 P.M.

Todd Wallace, Dube Plus Construction, for D.J. Lowell Trust, Application for Special Exception Per Article IV Section 460 to allow Extended Family Accessory Living Unit at 15 Woodlawn Ave, Map 13 Lot 50 in the RR2 Zone.

Abutters List was read with the following present:
Todd Wallace for the Lowell Trust

Mr. Riehl explained that since there were only three members the decision would have to be unanimous. The applicant understood and wished to proceed with the hearing.

Mr. Riehl stated that his recollection was that there was a septic issue and a dimension issue. Mr. Wallace confirmed those were the issues. He presented the Board with an approved septic design that has not yet been installed. Mr. Riehl said the Board had received the plan. Mr. Wallace stated they revised the drawings to reflect the floor plan changes. The first floor stayed the same and the second floor is where the change occurred. Originally the bedroom extended over the stairwell but has now been opened up and reduced in size. The total square footage of the extended family unit is 745 square feet and the common area space is 139 square feet. The stairway leads up to the accessory unit but the hallway is a common entry. From the common entry is the opening to the existing living area of the main dwelling. There were challenges in this home because the existing master bedroom is on the driveway/garage side. Mr. Saba asked if the dog shed entrance is new or existing. Mr. Wallace said that it was new and was to create an entrance from the driveway instead of having to go in through the garage. Mr. Riehl asked if the 745 square feet started at the top of the stairs and Mr. Wallace stated it did. Mr. Riehl asked the Board members if they had any questions. He said that the only judgment call would be the stairwell from the garage up to the unit serves only the unit but he is not uncomfortable taking that out of the calculations. The intent of the regulation is met. Mr. Saba said he was having a problem and did not see the continuous flow in to the existing living space. He saw it as an isolated apartment. He did not know if this would meet the criteria under G. Mr. Wallace reiterated that this house already exists on two levels and that they created a common area to access both floors. Mr. Saba contended that if you locked the door at the top of the stairs you could have a rental apartment. Mr. Wallace thought the Board had enough triggers in place with deeds requirements and so forth to protect against that. Mr. Saba said the problems are enforcing it. There is a master bedroom on the other side. Mr. Riehl said that meeting the criteria is pretty cut and dry and all of them must be met otherwise a Special Exception cannot be granted. Mr. Wallace said that at the last hearing this was not brought up as any potential problem and that they went and did their due diligence with the septic design and reducing the error in the square footage. The Board had looked at plans before and they haven't changed except to make the common hallway bigger and the bedroom in the accessory unit

smaller. The Board never raised an issue about the common area being an issue. Mr. Saba said this was a free standing apartment that could be rented. Mr. Wallace disagreed and said there was enough cause and effect in the ordinance to stop that. Mr. Saba did not think there was direct and convenient access. Mr. Wallace said they could take the wall completely out of the living room and make it flow into the common space. Mr. Saba agreed that would work. Mr. Riehl said this would address the issue of direct and convenient access into the main home.

The Board reviewed the criteria:

- a. The Board agreed this was met as stated
- b. The Board agreed this was met as stated
- c. The Board agreed this will be met with the recording of the Deed Addendum.
- d. The Board agreed this was met as stated
- e. The Board agreed this was met as stated
- f. The Board agreed this was met as stated
- g. Mr. Riehl asked that one of the plans be altered to reflect the agreement the Board and the applicant had come to in terms of opening a wall for direct access. Mr. Wallace reflected changes on the plan and initialed it acknowledging his approval. Mr. Saba wanted it noted that they would all agree to a minimum of a six foot wide opening with no obstructions or doors.
- h. The Board agreed this was met as stated.
- i. The Board agreed will be met and inspected by all necessary parties.
- j. The Board agreed this will be met once the approved septic system is installed.
- k. The Board agreed this was met as stated.

Mr. Saba made a motion to approve the request for the special exception based on all of the criteria having been met or will be met. Criteria c requires a deed addendum, criteria g requires meeting the requirement of removing the wall as indicated on the amended plan submitted to the Board, and criteria j requires the septic system to be installed. Ms. Blash seconded and it was unanimously approved.

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

Respectfully Submitted

Minutes transcribed from tape

Rebecca Russo