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

Public Hearing Meeting Town Hall Wednesday July10, 2013

Present: Glenn Saba, Chair; Shane Keating; Dick Paquin; Cathy Blash

Wholesale Auto Dealer Application by Chris Lewis

Mr. Lewis stated there was a miscommunication about when he needed to be at the hearing because of information he needed from the State. Mr. Saba explained that this was a request for a wholesale license and the Board needed to approve it before Mr. Lewis could get the license from the State. Mr. Lewis stated he has had a car business for a few years. There will be no activity from this location. There will be no business conducted at the property. Mr. Saba asked if he was going to have a sign

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and he thought that was up to the Town but he preferred not to have one.

Mr. Paquin made a motion to approve the application based on the fact that this is for purposes of using the address only and that there will be no car business at this site. **The Motion was unanimously approved**

<u>Public Hearings– 7:35 P.M.</u>
SEC and Associates for Daniel Young, application for Variance from Article IV Section 410:8(a) to allow construction of an addition to existing single family residence no closer than 45 feet from a wetland (55 foot variance) on property located at 3 Pheasant Lane, Map 7 Lot 19, in the RR2 Zone.

Abutters List was read with the following present:
Charlie Zilch from SEC and Associates for Daniel Young; Sean Ryan

Mr. Zilch passed out a packet that included a site plan. This is a .5 acre lot that currently supports a three bedroom home constructed in 1958. The dwelling is served by a well and septic system. The proposal is to construct a 24 x 42 addition to the south side of the

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dwelling to provide a parking garage and an accessory living unit to provide for his parents who currently live with him. There is a wetland which has been delineated on the plan and was created by land and road grading. The only reasonable place the proposed addition could be located is on the south side of the property. They need a Variance from the wetland and a Special Exception for the Accessory Unit. One of the abutters was granted a Variance and a Special Exception in 2005 under the same conditions. This proposal will be approximately 46 feet from the wetland. Mr. Zilch did go before the Conservation Commission a week ago and Mr. Saba stated that he had just received the letter via email and they did recommend the proposal as long as good construction practices were in place. Mr. Zilch said they will not have to cut any trees and there would be no impervious areas added. Mr. Saba asked if there was an approval for the Septic System and there was. There will be a three car garage under the proposed addition.

Mr. Zilch read the application and it was

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agreed that for this part of the hearing a Variance would be granted for the construction of an Addition only. The Special Exception Request for an Accessory Living Unit will be heard separately.

There was no abutter input.

The Board reviewed the criteria:

1.) The Board agreed unanimously that this was met based on the discussions and the application as presented.

2.) The Board agreed unanimously that this was met based on the discussions and the application as presented.

3) The Board agreed unanimously that this was met based on the discussions and the application as presented.

4.) The Board agreed unanimously that this was met based on the discussions and the application as presented.

5.) a.) The applicant is offering to use best construction practices. There was a favorable response from the

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Conservation Commission and there are no objections from abutters. The Board agreed unanimously that this was met based on the discussions and the application as presented.

b.) The Board agreed unanimously that this was met based on the discussions and the application as presented.

Mr. Keating made a motion to grant the Variance as stated above based on all of the criteria having been met. Ms. Blash seconded and it was unanimously approved.

Public Hearings– 7:55 P.M.

SEC and Associates for Daniel Young, application for Special Exception under Article IV Section 460, to allow Extended Family Accessory Living Unit, on property located at 3 Pheasant Lane, Map 7 Lot 19, in the RR2 Zone.

Mr. Saba asked the applicants if they were aware of the 750 square foot maximum allowed for the Accessory Living Unit. The applicant stated he was. Mr.

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Saba said his calculations did not agree with that. Mr. Zilch said the proposal cuts into the existing dwelling. Mr. Zilch reviewed the proposed plan which was for a 24 x 42 foot addition. The Accessory Living Unit will be located over a three car garage and the square footage of the Unit itself is 750 square feet. There is direct access to the existing dwelling. Mr. Saba asked him to do the math. Mr. Ryan stated he had met with the Building Inspector and that the square footage did not take into the stairway and the common areas between the existing and proposed. The walls delineates the area from the living space to the garage and the connection to the existing structure. Mr. Saba stated the provisions that need to be met state that the Unit needs to be contiguous to the existing dwelling with convenient and direct access. The plan depicts walking up a closed stairwell and then into an area with separate doors for both the existing dwelling and proposed accessory unit. Mr. Ryan agreed that he could see where it would appear that way and stated that the doorway could be removed. He thought if the casings

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were removed it would be open and direct. Mr. Saba did not believe that it is open and direct access because it does not connect to the existing dwelling. Mr. Paquin asked where the common area was that connected the two. Mr. Ryan stated the common area was at the top of the stairs/landing. Mr. Saba said the stairway is closed and makes it too separate. Under Section 460 (e), the objectives are intended to not a make the unit a wholly separate and self-sufficient living unit. Mr. Ryan thought they could redesign the unit to be more contiguous and make the common area open to both the existing dwelling and accessory unit. Mr. Ryan stated there is an elevation difference and that is why there were a few steps up and down in the common area. The Board discussed what the common area was and where the accessory unit started. Mr. Saba stated the approval could only be for 750 square feet. The Board thought the calculations on the unit were off and that it does not meet the requirements. Mr. Ryan said he thought within the proposed design, the common area would not be included in the square footage calculations

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and if that were taken out of the equation they would meet the 750 sf maximum requirement. Mr. Paquin said that as shown it does not meet the requirements and thought the applicant should redesign the space and show all of the measurements of each room. He thought the applicant needed guidance on what would be considered common area and how to designate it. Mr. Saba also said the septic system would need to be installed prior to an occupancy permit being issued.

Mr. Keating made a motion to continue to the next regularly scheduled hearing so that the applicant could revise his plan to show the accurate measurements and square footage to comply with the required 750 square feet. Mr. Paquin seconded and it was unanimously approved.

Public Hearings– 8:30 P.M.

Nicole and Brad Duquette, application for a Variance from Article VI Section 600:8(b.3) and 600:11, to allow an addition to an existing residence within the front yard setback of a previously approved cluster subdivision and to allow an encroachment into the

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100 foot no-build buffer to create a driveway and the addition to the dwelling, on property located at 2 Dearborn Ridge, Map 19 Lot 18-110.

Abutters List was read with the following present:
Nicole Duquette

Mr. Saba read a letter from the Conservation Commission, who voted unanimously in favor of recommending the variance be granted.

Mrs. Duquette explained that her house was very small and they were outgrowing it. The house is currently a two bedroom home and there is a three bedroom septic system. Originally when the subdivision was created as a cluster subdivision, all of the homes in the subdivision were approved with garages. They are only 10 feet from the pavement. There is a 100 foot no construction buffer zone and this lot is the only lot that is greatly impacted by this restriction. The current driveway has no site distance to cars coming around the bend and that is why they are proposing a new driveway. They are also proposing an attached two car

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garage with a master bedroom above it. She presented letters from both abutters stating they had no objections to the proposal. She met with the Planning Board last month and was told to come before the Board to ask for a Variance. Mr. Saba asked about the driveway and why it was out so far. She stated it was because of the grade and that the elevation between the house and the road is significant.

Mrs. Duquette read the application, which is incorporated by reference.

There was no public input. There was some confusion on the restrictions in this subdivision. Mr. Saba explained that in the old days there was a 100 foot buffer which is incorporated in these lots. The applicant's buildable area is very small. Today's standards require an additional 50 foot buffer, which gives the lot no buildable area. The proposed addition will be no closer than the existing dwelling and meets the previous requirements of the zoning in this subdivision.

1. **Variance from Article VI Section 600:8(b.3) and 600:11, to allow an**

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addition to an existing residence within the front yard setback of a previously approved cluster subdivision.

The Board reviewed the criteria:

1.) The Board agreed unanimously that this was met based on the discussions and the application as presented.

2.) The Board agreed unanimously that this was met based on the discussions and the application as presented.

3) The Board agreed unanimously that this will be met based on the discussions and the application as presented.

4.) There are special conditions of this lot. The Board agreed unanimously that this was met based on the discussions and the application as presented.

5.) a.) This is a continuation of the use and the neighbors are not against the proposal. The Board agreed unanimously that this was met based on the discussions and the

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application as presented.

b.) The Board agreed unanimously that this was met based on the discussions and the application as presented.

Mr. Keating made a motion to grant the request for Variance as stated above, based on the application as presented and all of the criteria having been met. Mr. Paquin seconded the motion and it was unanimously approved.

2. Variance to allow an encroachment into the 100 foot no-build buffer to create a driveway and the addition to the dwelling, on property located at 2 Dearborn Ridge, Map 19 Lot 18-110.

Mrs. Duquette stated that they were required by the Planning Board to get waivers and affidavits from all of the residents on Dearborn Avenue for a change to the buffer.

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1.) This proposal is a continuation of the previous zoning and will encroach no further and the proposed location of the driveway is in a much safer place. The Board agreed unanimously that this was met based on the discussions and the application as presented.
2.) There is no garage presently although it was part of the original proposal for the subdivision. This lot is the most restrictive The Board agreed unanimously that this was met based on the discussions and the application as presented.
3) The lot is unique and the building envelope is very small. The Board agreed unanimously that this will

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be met based on the discussions and the application as presented.
4.) The roadway is being made safer. The Board agreed unanimously that this was met based on the discussions and the application as presented.
5.) a.) The original subdivision required all dwelling to have a garage and this one did not. The Board agreed unanimously that this was met based on the discussions and the application as presented.
b.) The Board agreed unanimously that this was met based on the discussions and the application as presented.

Mr. Keating made a motion to grant the request for Variance as stated above, based on the application as presented and all of the criteria having been met. Mr. Paquin seconded the motion and it was unanimously approved.

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Motion was made and seconded to adjourn the hearing. Mr. Saba adjourned the hearing at 9:15 p.m.

Respectfully Submitted

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Minutes transcribed from tape
Rebecca Russo

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