

**ATKINSON ZONING BOARD OF ADJUSTMENT**

**21 Academy Avenue**

**Atkinson, New Hampshire 03811**

**Public Hearing Meeting Town Hall**

**Wednesday, December 9, 2015**

Members Present

Glenn Saba, Chair  
Sam Zannini, Vice Chair  
Shane Keating  
Bob Connors

Others Present

Sue Killam, Planning and Zoning  
Administrator

**Work Shop 7:00 PM**

Call to Order: Chair Glenn Saba called the meeting to order at 7:10 PM.

**Other Business:**

Correspondence: none

Minutes November 12, 2015

The Atkinson Zoning Board of Adjustment reviewed the minutes of the November 12, 2015 meeting.

**Vice Chair Zannini made a motion to approve the minutes of the November 12, 2015 meeting as amended. The motion was seconded by Member Bob Connors. All members of the Atkinson Zoning Board of Adjustment present voted in favor. Vote: 4/0/0.**

**Public Hearing – 7:30 P.M.** - Chair Saba opened the public hearing at 7:30 PM December 9, 2015. Vice Chair Sam Zannini, Shane Keating and Robert Connors are present.

**1) John Widman, Nancy & Shawn Smith, request for Extended Family Accessory Living Unit as specified in the Zoning Ordinance, Article IV, Section 460 at property located at 8 Emery Drive , Map 16 Lot 8, RR3 Zone.**

Abutters: Rick Schaefer, Michael and Lisa Daly, Robert and Teresa Allen from the 2014 Allen Family Trust, John and Ellen Marie Widman - **present**, Roland and Mindy Richardson, Steve and Malinda Paley

The applicants came before the Board to present the proposed plans. Chair Saba explained to the applicants that if the plans meet the criteria, then the exception will be granted by right, if the criteria are not met, then the exception will not be granted.

Mr. Widman explained that his daughter and her husband are purchasing the home from him and the sale should close by December 23, 2015. His daughter wishes to provide space for her parents. Mr. Widman has a home in Florida and plan on being in Atkinson for 2 to 3 months in the summer and on the holidays and will stay in the accessory living unit. Mr. Widman has an architect working with him who has done the floor plans and renderings.

The house at 8 Emery Drive is a 4 bedroom garrison with a salt box end. The applicant passed out the plans. The plan is to make a master suite and expand the bathroom, making the home a 3 bedroom with a laundry. The proposed addition will go back about 10 feet behind what is the garage and will have a bedroom and bath. Mr. Widman explained that the only thing that could be seen differently from the street is the garage which will be extended back 10 feet. The deck will be pushed back. The proposed addition will be 747 square feet. Chair Saba explained that the square footage is on the threshold.

Chair Saba asked about the septic system. Mr. Widman explained that the number of bedrooms will not change. There will be another 75 gallons of waste from 600 gallons to 675 gallons.

Chair Saba explained that he has to go by the ordinance. Mr. Widman informed him that he has an approved design, but he does not intend to build unless something happens but at present does not see a reason to build it. Chair Saba informed the applicant that the Zoning Board of Adjustment does not have the jurisdiction to waive the special exception rules. Chair Saba read Article "J" of the special exception rule and explained that the proposed addition does not meet the criteria. The Atkinson Zoning Board of Adjustment has always interpreted Article "J" to mean the septic system has to be adequate for the house and the addition. The standard is a septic system that can handle 675 gallons of waste. Chair Saba explained that in order to meet the special exception rules, the septic system will have to be approved, installed and meet the standard.

Mr. Widman stated that the leach field meets the standard but a 1200 gallon tank does not have enough capacity for 675 gallons of waste per year. Mr. Saba explained again that the septic system will have to conform before the special exception can be granted. Mr. Widman believes that he can replace the tank and meet the requirements. He stated that he could add another 500 gallon tank in tandem and the septic system would satisfy the requirements.

The Board continued to discuss options for the septic system to meet the requirements of Article "J" of the Special Exception Rule.

Mr. Widman believed that he had to have a design for a new system.

The Board discussed whether or not to continue the application. Ms. Killam, Planning Board Chair, explained that a new septic design must be drawn up by a licensed septic designer and septic designs are transmitted electronically. The applicant can have a new septic design done, and once it is done it can be transmitted in one day.

Mr. Widman asked if there were other issues. Chair Saba said that the calculation of square footage has been a problem in the past. The applicant replied that he would have the architect include his calculations in the plans. The applicant has also spoken to all the abutters.

The applicant requested that the application be continued for one month.

**Vice Chair Zannini made a motion to continue the application to the January 13, 2016 meeting of the Atkinson Zoning Board. Member Shane Keating seconded the motion. All members of the Atkinson Zoning Board present voted in favor. Vote: 4/0/0.**

The applicant asked if there were an issue with his son-in-law appearing at the continuance. The Board explained that he will be the owner so it will not be an issue.

**Vice Chair Sam Zannini made a motion to adjourn the December 9, 2015 meeting of the Town of Atkinson Zoning Board of Adjustment at 9:00 PM. The motion was seconded by Member Bob Connors. All members of the Atkinson Zoning Board of Adjustment present voted in favor. Vote: 4/0/0.**

The next meeting of the Atkinson Zoning Board of Adjustment will be January 13, 2015.