

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

**Public Hearing Meeting Town Hall  
Wednesday, August 12, 2015**

Members Present

Glenn Saba, Chair  
Shane Keating  
Bob Connors

Others Present

Linda Casey  
Rodney Bartlett

Sue Killam, Planning and Zoning  
Administrator

**Work Shop 7:00 PM**

Call to Order: Chair Glenn Saba called the meeting to order at 7:15 PM.

Correspondence: none

Approval of Minutes: July 8, 2015 - deferred

**Public Hearing – 7:30 P.M.** - Chair Saba opened the public hearing at 7:30 PM August 12, 2015

Continued from July 8, 2015 meeting

**Linda Casey, request for Extended Family Accessory Living Unit as specified in the Zoning Ordinance, Article IV, Section 460 at property located at 11 Millstream Drive , Map 11 Lot 45, TR2 Zone.**

Abutters: Robert and Erin George, Linda Casey - present, Cynthia Freedman, Anthony and Lisa Carella, John and Kristin Carmichael, Jason Surois, Kelly Gilmar - none present

At the previous meeting, there were concerns regarding the detailed plan and the septic plan. Chair Saba explained that if the applicant meets the 11 criteria, the special exception will be granted. Mr. Saba also informed the applicant that there were three members present at this meeting but they were not present at the previous meeting. The applicant agreed to proceed.

Linda Casey and Rodney Bartlett came before the Board. Chair Saba requested the applicant explain the request for the benefit for the two people present at this meeting who were not present at the July 8, 2015 meeting.

Mr. Bartlett explained that the purpose of the request is to build an extended family living unit for Ms. Casey's parents. The floor plan and views have been updated. Mr. Bartlett has a letter from an engineer at Hoyle, Tanner & Associates regarding the

septic system. Mr. Bartlett explained that the present septic system is in excellent condition, it is in sandy soil and the seasonal high water table of 54 inches.

Mr. Bartlett will go through the plans and gave the Board a copy of the letter from Hoyle, Tanner & Associates. The cover sheet shows the existing house and the extended unit to be built at the right rear corner of the existing structure. Sheet 2 shows the basement garage area and the first floor. It also shows the interconnection between that area and the existing house on a stairway to the living floor. It also shows the stairway on the outside to the living floor. Sheet 3 shows the living floor. It is on the same elevation as the existing house. The laundry will be for both houses. There is a half bath for the existing house, the addition and anyone on the deck. The deck will be extended so that it connects with the common area. The common area will include a closet pantry area. There is a slider from the deck to the common area and a slider to the living room to the main house. Within the 750 square feet of living area are the living, dining, kitchen, master bedroom and master bath.

The total size of the extended unit is 31x26 feet or 802 square feet. If the outside walls are subtracted, the size of the unit is 750 square feet. The actual living area is 718 square feet if the dimensions of the rooms are added up. Mr. Bartlett explained that the computer calculates the dimensions.

Mr. Saba objected to the way the size of the unit is calculated. The Board discussed Section H of the ZBA regarding calculating the size of an extended family unit. Chair Saba asked Ms. Killam, Planning and Zoning Administrator. Ms. Killam commented that she does not see the dimensions on the plan. Ms. Killam stated that she has seen the cold space or exterior wall size deducted once. Mr. Keating pointed out that with 6 inch walls, six inches could be taken off all four sides and the total size would be 750 square feet.

The Zoning Board of Adjustment continued to discuss if deducting the size of the walls from the total square footage could be allowed.

Mr. Bartlett continued to describe the unit. It is directly connected to the house. The access is on the side of the house.

Mr. Saba asked if there was a door from the laundry room to the common area. Mr. Bartlett stated there was no door. The only door in that area is the one that goes into the kitchen.

Chair Saba asked if there were any questions on the plan. Then, Chair Saba asked Mr. Bartlett to describe the septic system.

Mr. Bartlett explained that William Davidson from Hoyle Tanner reviewed the initial design of the septic system. The high water table is 54 inches. The tank will have to be increased from 1250 gallons to 1500 gallons. He explained that the enviro septic piping system will fit on the existing foot print and will meet all minimum setbacks. The applicant is ready to meet with the Building Inspector or Code Enforcement Officer for Atkinson and then DES for approval.

Mr. Saba explained to the applicant that according to the standards of the Town and the State, the system shall be adequate for the existing single family home and the accessory living unit. The septic system must be able to handle 675 gallons a day, not the existing 450 gallons a day. An adequate septic system must be in place prior to an occupancy permit. Mr. Bartlett explained that his engineer had informed him that a 1500 gallon tank would be needed and the leach field was adequate. Mr. Bartlett agreed that he would have the septic plan approved and an updated septic system in place for occupancy prior to applying for the building permit.

Mr. Saba also explained that the size of the unit does not meet 750 square feet based on how the Atkinson Zoning Board of Adjustment calculates the size of a building. Mr. Bartlett informed the Board that if the building inspector agrees, then Mr. Bartlett would agree to move the back wall so that the dimensions would be 750 square feet on the outside.

Mr. Saba explained that the changes would have to be shown and approved on the plan. The Board discussed the dimensions. Mr. Bartlett agreed to initial the plan that he gave the Board with outside dimensions of 30 and 25 feet.

Chair Saba asked if there were more comments. There were none. Chair Saba requested a motion to close public participation.

**Member Shane Keating made a motion to close public participation. Member Bob Connors seconded the motion to close the public participation. All Members of the Atkinson Zoning Board of Adjustment voted in favor. Vote: 3/0/0.**

Mr. Saba read the criteria for a special exception under Zoning Board of Adjustment Regulation 460:2: An Extended Family Accessory Living Unit shall be allowed in residential zones by special exception from the Board of Adjustment if the Extended Family Accessory Living Unit complies with the following:

a. The accessory living unit shall be subject to the standards and conditions for a special exception as set forth in this Ordinance.

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented.**

b. No more than one accessory living unit shall be allowed per single-family dwelling. The accessory living unit shall be included in said single-family dwelling and shall not be permitted within accessory structures located on the same lot as the single-family dwelling.

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented.**

c. The single-family dwelling or the accessory living unit shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. An accessory living unit shall be recorded by deed

addendum at the Registry of Deeds, indicating the conditions and limitations of the approval granted.

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented and on condition of approval of b.**

d. The single-family dwelling to which an accessory living unit has been added shall be owner-occupied.

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented and that recorded certification be presented as part of condition c.**

e. Accessory living units will be allowed only as part of single-family detached housing.

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented.**

f. The accessory living unit, and any related changes to the property, shall be designed so that the appearance remains that of a single family residence and is consistent with the single family character of other residences in the neighborhood. Any new entrances shall be located on the side or in the rear of the building.

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented.**

g. The accessory living unit shall have convenient and direct access to the principal dwelling unit.

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented.**

h. The accessory living unit shall be no more than 750 square feet in size, shall be clearly accessory to the principal dwelling unit and shall consist of no more than one bedroom. (2007)

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented.**

i. Any and all construction shall be in accordance with the building standards of the Town of Atkinson in effect at the time of construction.

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented.**

j. In accordance with the standards of the Town and the standards of the New Hampshire Water Supply and Pollution Control Division, the septic facilities shall be adequate to service both the existing single-family dwelling and the accessory living unit.

Mr. Saba reiterated that the septic system must be designed to handle a minimum of 675 gallons per day based on the existing 3 bedroom home and the in-law apartment and the applicant has agreed to install it prior to applying for the building permit.

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented.**

k. The occupancy shall be limited to specific extended family member(s). For the purposes of this ordinance, extended family is defined as parents (and their spouses), grandparents (and their spouses), children (and their spouses), grandchildren and persons under legal guardianship. In the event specific extended family member(s) vacate said unit, the special exception shall expire and any new occupancy shall require a new special permit exception application. (1995)

**The Atkinson Zoning Board of Adjustment agreed unanimously that this was met based on the application and the discussions as presented.**

**Member Shane Keating made a motion for approval of Linda Casey, request for Extended Family Accessory Living Unit as specified in the Zoning Ordinance, Article IV, Section 460 at property located at 11 Millstream Drive , Map 11 Lot 45, TR2 Zone with the following three conditions: the exterior dimensions of the building should be 30 feet by 25 feet as per plan as amended; the upgraded septic and leach field for the 675 gallons per day should be installed before the occupancy permit is granted; and that the proper deed restriction addendum is recorded at the Registry of Deeds according to criteria c. Member Bob Connors seconded the motion. All members of the Atkinson Zoning Board of Adjustment present voted in favor. Vote: 3/0/0.**

Chair Saba explained that there is a 30 day window for appeal and requested the applicant sign and date all pages of the plan with the agreed to amendments. Ms. Casey and Mr. Bartlett signed and initialed the changes on all four pages of the plan.

Chair Saba asked if there were other questions. There were none. Chair Saba requested a motion to closed the public hearing.

**Member Shane Keating made a motion to close the Public Hearing. Member Bob Connors seconded the motion. All members of the Atkinson Zoning Board of Adjustment present voted in favor. Vote: 3/0/0.**

**Other Business:** There was no other business.

Chair Saba requested a motion to adjourn.

**Member Shane Keating made a motion to adjourn the August 12, 2015 meeting of the Town of Atkinson Zoning Board of Adjustment at 8:10 PM. The motion was seconded by Member Bob Connors. All members of the Atkinson Zoning Board of Adjustment present voted in favor. Vote: 3/0/0.**