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Town of Sandown
Zoning Board of Adjustment
Minutes 09/30/10

6 **Meeting Date:** September 30, 2010
7 **Type of Meeting:** Regularly Scheduled
8 **Method of Notification:** Public Posting ~ Sandown Town Hall & Sandown Post Office;
9 Website and the Eagle Tribune.
10 **Meeting Location:** Sandown Town Hall
11 **Members present:** Chairman Steve Meisner. Vice Chairman Doug Martin, Ken
12 Sherwood, Curt Sweet, Alternate B.J. Richardson
13 **Also present:** Administrative Aide Bette Patterson
14 **Absent:** Steve Brown, Selectmen's Liaison

15
16
17 **Chairman Meisner opened the meeting at 7:08 p.m.**
18
19

20 **CASE 093010- 01** An application from Shawn and Nicole Freligh, Judith L.D. Crane, Chris
21 Spolsino and Sam and Lisa Mosto for rehearing of the Zoning Board of Adjustment decision
22 dated July 29, 2010 to grant a Special Exception to DHB Homes LLC to allow construction
23 of a three bedroom home with a one bedroom accessory apartment. The property is shown on
24 Map 11, Lot 10-2-7 on the Sandown Tax Map and is located at 42 Meadow Brook Crossing.
25 The property is owned by DHB Homes LLC.

26
27 Attorney Sumner Kalman, representing Shawn and Nicole Freligh, Judith L.D. Crane, Chris
28 Spolsino and Sam and Lisa Musto presented information packages to the board explaining
29 that they contain information on their objection to the granting of the special Exception
30 especially under Section 4. There is also a letter from Laurie Jordan a Real Estate agent, as
31 well as a subdivision plan which pertains to the zoning ordinance special exception section 4
32 and 5 which is relevant to the appeal.

33
34 Chairman Meisner stated that when the board voted to rehear this application it was specific
35 to Article 5, Section 4 of the zoning ordinance only.
36

37 Attorney Kalman asked the board to look at tab 2, a copy of the subdivision plan, and the lot
38 to look at is 10-2-7 which is the furthest lot from Odell Road and one would have to go the
39 entire length of Meadowbrook Road to get to that lot. There are 12 lots in the cluster, 7 lots
40 have been built one. Each of them are single family residential homes which is consistent
41 with what is allowed in this zone. The 8 lots have been sold and not built on. He stated he
42 believes the applicant has four lots which he purchased at the fore closure sale. This is the
43 first of the four lots that will not be part of the first seven homes that were marketed to those
44 home owners. He stated he represents four of the seven home owners.
45

46
47 Attorney Kalman stated a Special Exception gives an opportunity to do something in a
48 district or zone that is not allowed in that zone. The seven single family homes that are there

49 satisfy the zoning ordinance and any other homes built in this subdivision as well meet the
50 zoning ordinance. He stated he reviewed the minutes because he was not at the meeting.
51 What struck him about this ordinance was that it is not limited to in law apartments, there is
52 no limit for square footage of the access apartment. The only limitation is that it be one
53 bedroom. There is nothing to say that the main house could not have one bedroom and the
54 accessory apartment could have one bedroom. There is no restriction on the percentage of
55 the house to be devoted to the accessory apartment. Four parking spaces are required and a
56 garage is preferred. Four cars representing separate family units unrelated presumably a
57 rental unit that is on this property which creates a certain flavor of the kind of development
58 that this occurs.

59

60 Attorney Kalman stated that he thinks that the crafters of the ordinance realized that there had
61 to be a safety net here and that is section four which reads the general requirements and that
62 is in the package given to the board. The Special Exception requirements read “must”. The
63 catch all here that gives the ZBA the opportunity to make sure that even though you do not
64 have many safe guards in section 4. As a safety net to make sure that any accessory
65 apartment is not going to bring about any detriment to property values in the vicinity. Our
66 clients are definitely in the vicinity and we have under taken the burden of establishing not
67 just their opinion as home owners in the areas, we have asked Laurie Jordon who was the
68 realtor who was originally involved in marketing this property. The simple question is
69 whether or not what the proposed accessory apartment is going to bring about any detriment
70 to property values in the vicinity or change the characteristics of this neighborhood. What we
71 submit to you is a letter dated September 29th from Laurie Jordon. She is here to explain this
72 letter to the board.

73

74 Laurie Jordon stated she is the original marketing realtor for Meadowbrook Crossing and she
75 has been selling real estate for 15 years. She was asked by the home owners to take a look at
76 this particular ordinance, section 4, relative to her opinion as to if this would have an effect
77 on their lifestyle. She stated her understanding is that it’s not limited to in laws which does
78 create the potential for the market for tenants which has an effect on market values in a
79 residential neighborhood. It turns into a situation that you could offer a multi family
80 dwelling in a single family neighborhood. There is a perception that when buyers want to
81 live in a single family residential neighborhood that they will maintain a certain flavor and
82 certain characteristics of the single family residential development. Not being limited to in
83 laws has an impact on it. The section that it’s not limited by square footage and the parking
84 requirements does change the perception of a single family residential neighborhood.

85

86 Ms. Jordon stated that she has worked with hundreds of buyers and if there is a single family
87 home and a neighborhood that you have mixed types of dwellings with accessory apartments,
88 not restricted to in laws, or duplexes, there is no question that a buyer is going to look at the
89 value differently. Single family neighborhood represents a certain quality of life and
90 characteristics of that neighborhood. Ms. Jordon stated her opinion is that since the
91 ordinance does not specify in law that without a doubt it will have an effect on a buyers
92 perception of buying into that neighborhood.

93

94 Attorney Kalman stated the letter speaks for itself. The question is not that what is being
95 built is worth less, it’s worth more, the question is whether building that type of accessory
96 apartment on the road in that subdivision will in any way diminish values. Article 5 save
97 “must not diminish property values in the vicinity...” The emphasis is on “must not” and

98 that is what the folks in Sandown voted on when they approved Article 5. As a matter of law
99 there is a diminished property value in the vicinity of the single family home owners,
100 specifically the four of the seven. If there is any detriment you must refuse to grant the
101 special Exception because it's directly contrary to the law. The ZBA is a quasi judicial
102 board, you are judges. Our position is that the law as the people in Sandown have voted, the
103 facts as they presented themselves to you and enhanced by Lori Jordon and the owners in the
104 cluster development that there would be a detriment to value in the vicinity and it does
105 change the existing, characteristics of the single family residential neighborhood. On that
106 basis we are asking the ZBA to do the right thing, analyze it and come to a conclusion that
107 the special Exception in this case is inappropriate.

108
109 Chairman Meisner read Article 5, Section 4 of the Sandown Zoning Ordinance.

110
111 Ken Sherwood asked Ms. Jordon if she was the agent for Riverbend Estates. Ms. Jordon stated
112 that she was for Glastombury Drive. Mr. Sherwood stated there are accessory apartments in this
113 area and he has not noticed that any property values have dropped because of it. He commented
114 that the ordinance requires single family homes that have accessory apartments do not have a
115 duplex look.

116
117 Ms. Jordon stated there is a perception that when a buyer goes into a cul de sac dead-end situation
118 that there is a certain character and flavor to that subdivision. Riverbend Estates is a very
119 different environment.

120
121 Ken Sherwood stated whether it's a cul de sac or not, do you have any comps?

122
123 Ms. Jordan stated it's very hard to qualify. It's almost impossible to look at hard numbers.

124
125 Ken Sherwood stated that could be because there is not that much difference.

126
127 Ms. Jordon stated there have been very little values for comparisons over the last 6 months.

128
129 Ken Sherwood stated this particular house has a two car garage under and the driveway has space
130 for at least two additional cars.

131
132 Ms. Jordon stated I did not know it was not limited to in laws. An accessory apartment, from a
133 perception point of view, the buyers I have dealt with, an apartment that could be for rental.
134 Apartments change the flavor of the subdivision to more like a multi family unit as opposed to
135 single family units.

136
137 Ken Sherwood stated the purpose and objective of the accessory apartments are in the ordinance.
138 Mr. Sherwood read them. He stated he wished we had some hard figures to go on because you
139 could carry this to the extreme. In most situations in any neighborhood that would not result in
140 the detriment of property values because accessory apartments, in law or otherwise is allowed.

141
142 Attorney Kalman stated I have Town's that have accessory apartments and they have a loss in
143 property values. The Town wrote the ordinance and it's the town's job to enforce it as it's
144 written.

145
146 B.J. Richardson stated in the affidavit presented, it states that Ms. Jordan reviewed her file. He
147 asked for a copy of the covenants. He asked to your knowledge were these protective covenants

148 ever introduced to the planning and/or zoning board for approval of the subdivision and was it
149 made a part of that binding development?

150

151 Ms. Jordan replied I cannot answer that question because I was not representing the building.
152 According to my records I understood that these were the covenants, documents from the builder
153 that were presented to the buying public.

154

155 B.J. Richardson stated you have no record of this being forwarded to the State.

156

157 Attorney Kalman stated this project has 12 lots. Would be more than 15 lots or fewer than 50 to
158 require attorney general approval. The covenants are not recorded and as stated in the minutes
159 it's a civil matter. I have actually have one of the covenants signed by the owners at closing. It
160 was represented having restricted covenants in the Purchase and Sales. He would presume that
161 the builder's intent was to record the document but the builder went bankrupt.

162

163 Doug Martin asked wouldn't the restrictive covenants be required to be recorded?

164

165 Attorney Kalman stated they should have been recorded and they were not. He stated the
166 expectations of the people buying the houses were that there were restrictive covenants in place.

167

168 B.J. Richardson asked were you the closing agent and do your records show that at the closing the
169 restricted covenants were signed by the buyers at each of the closing for the individual
170 properties?

171

172 Ms. Jordan replied she was not the closing agent. Does not have anything in her files showing
173 that the restrictive covenants were signed at the time of closing.

174

175 Doug Martin stated the fact that the covenants were not recorded even though they may have
176 been presented to the buyers as a binding contract . the fact that the covenants were not recorded
177 puts this subdivision in the same category as every other subdivision without covenants. That
178 particular part should have been done and recorded by the representative to the buyers. My
179 opinion is that the covenants were presented and has no bearing on our decision.

180

181 Steve Meisner stated the covenants are not the issue. We are to look at Article 5 Section 4. The
182 applicant also talked about things like physical look of the neighborhood and when we first heard
183 the case we went through each one of those things one by one. We requested the builder move
184 the door from the front to the back to accomplish what the ordinance states. Looking at the
185 application and driving through that neighborhood with the homes that are there now, I cannot see
186 that there would be a big difference in the look of the houses, if any.

187

188 Ed Rosamilo, representing DHB builders and James Brooks Certified appraiser and real estate
189 broker.

190

191 Mr. Rosamilo stated that he sold these lots to DHB and counsel reviewed the protective covenants
192 and they were never recorded. In this case I do not think putting an accessory apartment would
193 really have any diminished value on the neighborhood. It's hard to come up with comps that
194 show diminished value. The proposed apartment is for a mother in law to reside in.

195

196 Mr. Brooks stated the he has been a real estate broker and appraiser. There is very little evidence
197 to determine impact on value. Typically assessor apartments are built to the same quality of
198 construction and that does not diminish value. Not unusual to have parking for 4 cars. My

199 opinion is that I have not seen in my years of Real Estate where an accessory apartment or in law
200 would become a detriment to value.

201

202 B.J. Richardson asked if you could do an approximation of how many appraisals you have done
203 over the years that were for an accessory apartment or in law?

204

205 Mr. Brooks replied a minimum amount, approximately 100 to 200. In the course of doing
206 residential appraisals we sometimes see accessory or in law in single family neighborhoods and
207 those comp sales are not precluded in a single family residential appraisal.

208

209 B.J. Richardson asked what would you say about an upscale neighborhood having accessory
210 apartment?

211

212 James Brooks replied it's difficult to say, however, most often accessory apartments are located
213 in single family neighborhoods. He viewed three homes in Riverbend Estates and the appraised
214 value according to the Town's records is \$571,000, 512,000 and 525,000. He would consider this
215 upscale. There are 6 out there and I did not know they were there until I did the research.
216 Anyone interested in buying there would probably not be effected because you cannot see that
217 they are there

218

219 Danielle Bedard, an abutter, stated that it's not that she would object to this family living there
220 but what may happen if they move. Anyone could buy it and rent the apartment. She stated she is
221 trying to prevent this from happening in the future.

222

223 Doug Martin stated we have to stay on the case which is value of the property.

224

225 There being no further abutter input, Chairman Meisner closed the public input section of the
226 hearing and opened the discussion to the board members.

227

228

229 Ken Sherwood stated this is not going to be a small house, it's stick built and not everything out
230 there is, and it will probably be one of the most expensive houses on the street.

231

232 Doug Martin stated he has no doubt that the house will be assessed for more with the accessory
233 apartment. The house with an accessory apartment has more living space.

234

235 Board members reviewed the drawing again.

236

237 Doug Martin stated I have visited the neighborhood a couple of times. One issue is about parking
238 the four cars, making this look like a multi-family. He stated while driving around town and at
239 his own house there are four cars in the driveway now because he has two teenage kids that
240 drive. There are cars in driveways all over the town and four cars in one driveway is not out of
241 the ordinary. In this case they even have a two car garage. Each time Attorney Kalman is here we
242 learn something from him and I thank him for bringing to our attention that we may want to look
243 at the requirements for a special exception again. We have never had a zoning challenge on this.

244

245 Ken Sherwood stated I do not know of any accessory apartments that have caused a problem.

246

247

248

249 Board members discussed that they may want to address the regulations with the Planning Board
250 regarding restricting accessory apartments to in law only or leaving the requirement as it is.
251 Members agreed that one of the strengths of the ordinance is that an accessory apartment must be
252 owner occupied so that ten years down the road an investor could not buy the property and rent to
253 two different occupants. The property must remain owner occupied.
254

255 Doug Martin pointed out that when getting a building permit, it must be recorded on the deed that
256 the property will be owner occupied. He also noted that in the Riverbend development there are
257 several homes with accessory apartments and you would really have to know which homes have
258 them because they are unrecognizable just by looking at them. He also stated that Mr. Brooks, an
259 appraiser that the bank uses, cannot come up with anything that shows a contrary impact to the
260 neighborhood and neither can anyone else. He stated Ms. Jordan has experience in the market
261 place but there were no facts and figures saying the use was going to go down in value.
262

263 Chairman Meisner stated the detriment to property values is an issue. This is a cul de sac. Wood
264 Duck Circle is a cul de sac and he knows of at least two other cul de sacs that the homes have
265 accessory apartments. On all of them you cannot tell that there is an apartment and in my opinion,
266 in my own experience, and I am not a real estate broker, I have not noticed any difference in the
267 value change. He has been looking at the drawing of the house that is going to be built and
268 cannot see where this would have an effect on the neighboring houses in relationship to esthetics.
269 The characteristics of the neighborhood is another issue. Anyone could have a lot of children and
270 six to eight cars in a driveway. In looking at the driveway that is proposed, the garage under and
271 the shape and size of the home, he did not see where this would impact the neighborhood. This
272 will be one of the bigger homes built but there may be larger ones built in the future. Parking
273 area is traditional.
274

275 B.J. Richardson stated that an earlier statement was that everyone has their own opinion,
276 however, the board has to go on the evidence presented. He stated he has not seen hard evidence
277 that would change his opinion that this lowers property values.
278

279 Curt Sweet agreed stating that there is not enough evidence that this would lower property values.
280

281 Chairman Meisner stated he wanted the public to know that the State supplies the board with a
282 book called the Board of Adjustment which is a guide for variances and special exceptions. In
283 that book on page 13 there is information on decreasing property values. Board members have
284 attended many seminars reviewing all the processes for both variances and special exceptions. He
285 explained that he reviewed the section on values and the State allows us to take the expert
286 information whether in favor or against an application and we, as a board have to figure it out.

287 **MOTION:** Ken Sherwood made a motion to reaffirm the granting of the Special
288 Exception for a three bedroom home with a one bedroom accessory apartment on Map
289 11, Lot 10-2-7, 42 Meadow Brook Crossing and deny the appeal of that decision which is
290 case 093010-01. B.J. Richardson seconded. Voted unanimously in the affirmative.

291 **CASE 093010- 02** An application from James Ryder for a Special Exception as specified in the
292 Sandown Zoning Ordinance Article V, Part D, Section 5. The applicant is requesting permission
293 add a one bedroom accessory apartment. The property is shown on Map 5, Lot 22-3 on the
294 Sandown Tax Map and is located at 1 Rowell Lane.

295 James Ryder and General Contractor Dwayne Schofield, stated that they are requesting an
296 accessory apartment for Mr. Ryder's daughter and husband. They are taking two bedrooms out
297 of the existing house and using them for the accessory apartment.

298 Chairman Meisner read the following section from the Zoning Ordinance ARTICLE V SPECIAL
299 EXCEPTIONS.

300 Section 5 Accessory Apartment Ordinance

301 A. Authority

302 This section is enacted in accordance with the provisions of RSA 674:21, using the dwelling
303 unit definition as defined in Article II, Section 15 (a) of this Ordinance.

304

305 B. Purpose

306 The purpose of the accessory apartment provisions is to increase housing alternatives while
307 maintaining public health, safety and neighborhood aesthetics.

308

309 C. Objectives

310 The objectives of this section are to:

311 1. Provide housing units in single family neighborhoods that are appropriate for different housing
312 demands.

313 2. Add more affordable rental units to the housing stock to meet the needs of small households,
314 both young and old.

315 3. Protect stability, property values, and the single family residential character of neighborhoods
316 by ensuring that accessory apartments are installed only in existing owner-occupied houses and
317 under such additional conditions as to protect the health, safety, and welfare of the public.

318

319 D. Definitions

320

321 Accessory Apartment: One apartment with cooking, living, sleeping, and sanitary facilities
322 provided it is located within a single family dwelling or in an accessory structure, and is
323 clearly subordinate part thereof, and has safe and proper means of entrance and exit, and
324 meets the requirements set forth herein. The apartment can only have one bedroom.

325 *Chairman Meisner read the following requirements for a Special Exception and the answers*
326 *submitted by the applicant are provided below in italics.*

327

328 E. Special Exception

329

330 A special exception allowing the installation of one (1) accessory apartment within a single
331 family dwelling or its accessory structure shall be issued by the Zoning Board of Adjustment
332 provided that all of the following conditions have been met:

333

334 1. The appearance of the building remains essentially that of a single family dwelling.

335

336 *Yes the appearance will remain as a single family dwelling unit. The access to the apartment is*
337 *in the back. Chairman Meisner asked if from Rowell Lane would you see the door? Mr. Ryder*
338 *replied not really.*

339

340 2. It shall be contrary to this ordinance to provide accessory apartment uses in duplexes or multi-
341 family dwellings.

342

343 *Single family dwelling only.*

344

345 3. The size of the accessory apartment shall not exceed the footprint of the existing single family
346 dwelling or accessory structure.

347

348 *The apartment and existing house are approximately 1200 square feet. The apartment is smaller*

349 *in square footage than the existing house.*

350

351 4. One of the dwelling units must be owner occupied.

352

353 *Owner occupied.*

354

355 5. Off-street paved or gravel parking shall be provided for at least four (4) vehicles. Garage
356 parking is encouraged.

357

358 *Off street parking for four vehicles is provided.*

359

360 6. The structure and lot shall not be converted to a condominium or any other form of legal
361 ownership distinct from the ownership of the existing one family dwelling. The applicant shall
362 record with the Registry of Deeds a notice of the Special Exceptions, including conditions of
363 approval, in a form acceptable to the Board.

364

365 *There will be no conversion to a condominium.*

366

367 7. Prior to granting a Special Exception by the ZBA, the owner shall provide, as part of the ZBA
368 case file, the following:

369

370 a. The septic system shall meet the NH Water Supply and Pollution Control Division
371 requirements for the combined use.

372 *The applicant submitted a septic design, however, it was not given to the building inspector. Mr.*
373 *Sherwood will find out where it is.*

374

375 b. A floor plan of one-quarter inch (1/4") to the foot scale showing the proposed changes to the
376 building or accessory structure addition.

377 *There is a floor plan. One bedroom in apartment, two bedrooms in the existing house. Mr. Ryder*
378 *did not have a copy of the floor plan to submit to the board.*

379

380 c. A certified plot plan of the lot, with existing and proposed structures, parking, location of septic
381 system and well.

382 *A copy of the plot plan is in the town office.*

383

384 8. Separate controls for heating, cooling and electrical service shall be accessible in each unit.
385 (Amended March 14, 2006)

386

387 *Separate heating and cooling as well as electrical service will be provided.*

388

389 9. In accordance with Article II, Part A, Section 2, no construction shall begin without first
390 obtaining a building permit from the Building Inspector. As part of the application for a building
391 permit to construct an accessory apartment, the owner shall provide the Building Inspector with a
392 copy of his/her Special 11 Exception granted under Section V. herein. There shall be no
393 construction of the accessory apartment until the Building Inspector has issued the proper
394 building permit.

395

396 10. Once any renovations or construction is complete, or the owner is ready to have a unit
397 occupied, a request must be made to the Building Inspector for 17 an Occupancy Permit. There
398 will be no occupancy of the accessory apartment until the Building Inspector has issued a
399 Certificate of Occupancy.

400 11. A purchaser of a home that had a Special Exception granted for an accessory apartment who
401 wants to continue renting the accessory apartment must comply with all conditions of the
402 permit previously granted, as well as comply with any current building or life safety codes. Any
403 change to the prior conditions will require a new permit.

404

405 *The applicant agreed to and understood items 9 through 11.*

406

407 The Board discussed that a previously issued Special Exception or Variance was granted for a
408 business at this location.

409

410 Ken Sherwood stated that if this is granted the board needs to make sure that whatever conditions
411 may have been on a previous Special Exception or Variance is adhered to.

412

413 The Board discussed the fact that they do not have a complete layout of the building. The
414 applicant gave the board a drawing which they reviewed.

415

416 Ken Sherwood stated the accessory apartment is bigger than the existing house. The main living
417 area has to be bigger than the accessory apartment.

418

419 Chairman Meisner stated the drawing does not delineate the house from the accessory apartment.
420 His concern was that the drawing is a part of the file and it needs to be accurate.

421

421 Mr. Ryder offered to bring in a cleaner plan.

422

423 Ken Sherwood stated so long as they delineate the separate areas it meets the requirements of the
424 ordinance.

425

426 Doug Martin stated for the history of the file the plan does need to be better.

427

428 The board agreed that there should be a plan that is scaled and delineated properly.

429

430 Mr. Ryder stated that he has a septic permit that can be placed in the file and the plans are on file.

431

432 B.J. Richardson stated we may have erred in our original review of the application. He stated he
433 would like to see an as built in the file with a drawing of the addition to scale.

434

435 Mr. Ryder asked for a continuance to allow him the opportunity to submit the missing items.

436

437 MOTION: Ken Sherwood made a motion to continue this hearing to Thursday, October 28th,
438 2010 at 7:00 p.m. Curt Sweet seconded. Voted unanimously in the affirmative.

439

440 Chairman Meisner stated that abutters will not be renoticed, however, they will have an
441 opportunity to speak at the next meeting.

442

443 **CASE 093010- 03** An application from Raymond J. D'Auteuil for a Special Exception as
444 specified in the Sandown Zoning Ordinance Article V, Part D, Section 5. The applicant is
445 requesting permission to add a one bedroom accessory apartment. The property is shown on Map
446 25, Lot 75 on the Sandown Tax Map and is located at 3 Main Street.

447

448 Chairman Meisner stated the septic approval is in the file along with a plot plan, floor plan of the
449 building and the board reviewed it.

450

451 Mr. D'Auteuil stated the first floor is the accessory apartment and the second and third floor are
452 the main home.

453

454 Chairman Meisner read the following section from the Zoning Ordinance ARTICLE V SPECIAL
455 EXCEPTIONS.

456 Section 5 Accessory Apartment Ordinance

457

458 A. Authority

459 This section is enacted in accordance with the provisions of RSA 674:21, using the dwelling
460 unit definition as defined in Article II, Section 15 (a) of this Ordinance.

461

462 B. Purpose

463 The purpose of the accessory apartment provisions is to increase housing alternatives while
464 maintaining public health, safety and neighborhood aesthetics.

465

466 C. Objectives

467 The objectives of this section are to:

468 1. Provide housing units in single family neighborhoods that are appropriate for different housing
469 demands.

470 2. Add more affordable rental units to the housing stock to meet the needs of small households,
471 both young and old.

472 3. Protect stability, property values, and the single family residential character of neighborhoods
473 by ensuring that accessory apartments are installed only in existing owner-occupied houses and
474 under such additional conditions as to protect the health, safety, and welfare of the public.

475

476 D. Definitions

477

478 Accessory Apartment: One apartment with cooking, living, sleeping, and sanitary facilities
479 provided it is located within a single family dwelling or in an accessory structure, and is
480 clearly subordinate part thereof, and has safe and proper means of entrance and exit, and
481 meets the requirements set forth herein. The apartment can only have one bedroom.

482

483 *Chairman Meisner read the following requirements for a Special Exception and the answers*
484 *submitted by the applicant are provided below in italics.*

485

486 E. Special Exception

487

488 A special exception allowing the installation of one (1) accessory apartment within a single
489 family dwelling or its accessory structure shall be issued by the Zoning Board of Adjustment
490 provided that all of the following conditions have been met:

491 1. The appearance of the building remains essentially that of a single family dwelling.

492

493 *Yes the appearance will remain as a single family dwelling unit. The access to the apartment is*
494 *on the side.*

495

496 2. It shall be contrary to this ordinance to provide accessory apartment uses in duplexes or multi-
497 family dwellings.

498

499 *Single family dwelling only.*

500

501 3. The size of the accessory apartment shall not exceed the footprint of the existing single family

502 dwelling or accessory structure.

503

504 *The apartment size is smaller than the main home.*

505

506 4. One of the dwelling units must be owner occupied.

507

508 *Owner occupied.*

509

510 5. Off-street paved or gravel parking shall be provided for at least four (4) vehicles. Garage
511 parking is encouraged.

512

513 *Off street parking for four vehicles is provided.*

514

515 6. The structure and lot shall not be converted to a condominium or any other form of legal
516 ownership distinct from the ownership of the existing one family dwelling. The applicant shall
517 record with the Registry of Deeds a notice of the Special Exceptions, including conditions of
518 approval, in a form acceptable to the Board.

519

520 *There will be no conversion to a condominium.*

521

522 7. Prior to granting a Special Exception by the ZBA, the owner shall provide, as part of the ZBA
523 case file, the following:

524

525 a. The septic system shall meet the NH Water Supply and Pollution Control Division
526 requirements for the combined use.

527

528 b. A floor plan of one-quarter inch (1/4") to the foot scale showing the proposed changes to the
529 building or accessory structure addition.

530

531 c. A certified plot plan of the lot, with existing and proposed structures, parking, location of septic
532 system and well.

533

534 8. Separate controls for heating, cooling and electrical service shall be accessible in each unit.
535 (Amended March 14, 2006)

536

537 *Separate heating and cooling as well as electrical service will be provided.*

538

539 9. In accordance with Article II, Part A, Section 2, no construction shall begin without first
540 obtaining a building permit from the Building Inspector. As part of the application for a building
541 permit to construct an accessory apartment, the owner shall provide the Building Inspector with a
542 copy of his/her Special 11 Exception granted under Section V. herein. There shall be no
543 construction of the accessory apartment until the Building Inspector has issued the proper
544 building permit.

545

546 10. Once any renovations or construction is complete, or the owner is ready to have a unit
547 occupied, a request must be made to the Building Inspector for an Occupancy Permit. There will
548 be no occupancy of the accessory apartment until the Building Inspector has issued a Certificate
549 of Occupancy.

550

551 11. A purchaser of a home that had a Special Exception granted for an accessory apartment who
552 wants to continue renting the accessory apartment must comply with all conditions of the

553 permit previously granted, as well as comply with any current building or life safety codes. Any
554 change to the prior conditions will require a new permit.

555

556 *The applicant agreed to and understood items 9 through 11.*

557

558 Chairman Meisner noted that there are no abutters present.

559

560 MOTION: Ken Sherwood made a motion to grant a Special Exception to Raymond J. D'Auteuil
561 for a Special Exception as specified in the Sandown Zoning Ordinance Article V, Part D, Section
562 5 to add a one bedroom accessory apartment. The property is shown on Map 25, Lot 75 on the
563 Sandown Tax Map and is located at 3 Main Street. B.J. Richardson seconded. Voted
564 unanimously in the affirmative.

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568 **Application Review(s) for October Meeting**

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571 **Adjournment**

572

573 **MOTION:** Ken Sherwood made a motion to adjourn. Curt Sweet seconded. Voted
574 unanimously in the affirmative. MEETING ADJOURNED AT