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Town of Sandown
Zoning Board of Adjustment
Minutes 05/26/11

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Draft Only

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Meeting Date: May 26, 2011
Type of Meeting: Regularly Scheduled
Method of Notification: Public Posting ~ Sandown Town Hall & Sandown Post Office;
Website and the Eagle Tribune.
Meeting Location: Sandown Town Hall
Members present: Chairman Steven Meisner, Vice Chairman, B.J. Richardson,
and Curt Sweet

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Chairman Meisner opened the meeting at 7:05 p.m.

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Public Hearing

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Chairman Meisner announced that there are three board members present for this evening's hearings. An affirmative vote by all three board members is required in order for a Special Exception or Variance request to be granted. Any applicant may request a continuation in order to have their case heard by a five member board.

Robert Vilella, representing Boemark Construction Corporation, stated he would like to continue with the public hearing.

Public Hearing for review of an application from Boemark Construction Corporation for a Special Exception as specified in the Sandown Zoning Ordinance Article V, Part D, Section 5. The applicant is requesting permission to add a one bedroom accessory apartment. The property is shown on Map 6, Lot 11-15 on the Sandown Tax Map and is located at 22 Phillips Pond Drive.

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

Section 5 Accessory Apartment Ordinance

A. Authority

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

B. Purpose

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

C. Objectives

The objectives of this section are to:

1. Provide housing units in single family neighborhoods that are appropriate for different housing demands.
2. Add more affordable rental units to the housing stock to meet the needs of small

46 households, both young and old.
47 3. Protect stability, property values, and the single family residential character of
48 neighborhoods by ensuring that accessory apartments are installed only in existing
49 owner-occupied houses and under such additional conditions as to protect the health,
50 safety, and welfare of the public.

51
52 D. Definitions

53
54 Accessory Apartment: One apartment with cooking, living, sleeping, and sanitary
55 facilities
56 provided it is located within a single family dwelling or in an accessory structure, and is
57 clearly subordinate part thereof, and has safe and proper means of entrance and exit, and
58 meets the requirements set forth herein. The apartment can only have one bedroom.
59 *Chairman Meisner read the following requirements for a Special Exception and the*
60 *answers submitted by the applicant are provided below in italics.*

61
62 E. Special Exception

63
64 A special exception allowing the installation of one (1) accessory apartment within a
65 single family dwelling or its accessory structure shall be issued by the Zoning Board of
66 Adjustment provided that all of the following conditions have been met:

67
68 1. The appearance of the building remains essentially that of a single family dwelling.

69
70 *Yes the appearance will remain as a single family dwelling unit. The access to the*
71 *apartment is in the back. There is only one door on the front of the home.*

72
73 2. It shall be contrary to this ordinance to provide accessory apartment uses in duplexes
74 or multi-family dwellings.

75
76 *Single family dwelling only.*

77
78 3. The size of the accessory apartment shall not exceed the footprint of the existing single
79 family dwelling or accessory structure.

80
81 *The apartment is smaller in square footage than the existing house.*

82
83 4. One of the dwelling units must be owner occupied.

84
85 *Owner occupied.*

86
87 5. Off-street paved or gravel parking shall be provided for at least four (4) vehicles.
88 Garage parking is encouraged.

89
90 *There is a two car garage and off street parking for two vehicles is provided.*

91

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

96
97 *There will be no conversion to a condominium.*

98
99 7. Prior to granting a Special Exception by the ZBA, the owner shall provide, as part of
100 the ZBA case file, the following:

101
102 a. The septic system shall meet the NH Water Supply and Pollution Control Division
103 requirements for the combined use.

104 *The applicant has an approved septic design.*

105
106 b. A floor plan of one-quarter inch (1/4") to the foot scale showing the proposed changes
107 to the building or accessory structure addition.

108 *There is a floor plan. One bedroom in apartment, two bedrooms in the existing house.*

109
110 c. A certified plot plan of the lot, with existing and proposed structures, parking, location
111 of septic system and well.

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

113
114 8. Separate controls for heating, cooling and electrical service shall be accessible in each
115 unit. (Amended March 14, 2006)

116
117 *Separate heating and cooling as well as electrical service will be provided.*

118
119 9. In accordance with Article II, Part A, Section 2, no construction shall begin without
120 first obtaining a building permit from the Building Inspector. As part of the application
121 for a building permit to construct an accessory apartment, the owner shall provide the
122 Building Inspector with a copy of his/her Special 11 Exception granted under Section V.
123 herein. There shall be no construction of the accessory apartment until the Building
124 Inspector has issued the proper building permit.

125
126 10. Once any renovations or construction is complete, or the owner is ready to have a
127 unit occupied, a request must be made to the Building Inspector for 17 an Occupancy
128 Permit. There will be no occupancy of the accessory apartment until the Building
129 Inspector has issued a Certificate of Occupancy.

130
131 11. A purchaser of a home that had a Special Exception granted for an accessory
132 apartment who wants to continue renting the accessory apartment must comply with all
133 conditions of the permit previously granted, as well as comply with any current building
134 or life safety codes. Any change to the prior conditions will require a new permit.

135
136 *The applicant agreed to and understood items 9 through 11.*

137

138 **Chairman Meisner opened the hearing to public comment. There was no public**
139 **present.**

140

141 **MOTION:** B.J. Richardson made a motion to grant a Special Exception to Boemark
142 Construction Corporation to add a one bedroom accessory apartment as specified in the
143 Sandown Zoning Ordinance Article V, Part D, Section 5. The property is shown on Map
144 6, Lot 11-15 on the Sandown Tax Map and is located at 22 Phillips Pond Drive. Curt
145 Sweet seconded. Voted unanimously in the affirmative.

146 Approval of Minutes

147 Chairman Meisner announced that approval of the 4/28/11 minutes will be tabled until
148 the next regular meeting.

149

150 **Adjournment**

151

152 **MOTION:** B.J. Richardson made a motion to adjourn. Curt Sweet seconded. Voted
153 unanimously in the affirmative. MEETING ADJOURNED AT 7:20 p.m.

154

155 Respectfully submitted,

156

157 Bette Patterson, Administrative Aide

158

159 *Note: These minutes were transcribed from an electronic recording of this meeting.*