

**Town of Sandown  
Zoning Board of Adjustment  
Minutes 6/25/15**

- Meeting Date:** June 25, 2015
- Type of Meeting:** Public Hearing
- Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office, Sandown Website, *Tri Town Times*
- Meeting Location:** Sandown Town Hall
- Members present:** Chairman - Steve Meisner, Vice Chairman - Christopher True, Dave Ardolino, Brian St. Amand
- Members absent:** Curt Sweet, Chris Longchamps – Alternate, Donna Green – Alternate, Tom Tombarello – Selectmen’s Liaison

**Opening:** Mr. Meisner opened the meeting at 7:10 p.m.

**Review of the 5/28/15 Minutes**

**MOTION:** Mr. True made a motion to accept the 5/28/15 minutes as written. Mr. Ardolino seconded the motion. Members voted in favor. The motion passed.

Mr. Meisner explained to the applicant and the abutters how the hearing would work.

**Case #01 – M13 L8 – Public hearing for the property located at 132 Wells Village Road and identified on Map 13 Lot 8. An application submitted by Donald Bova requesting a special exception as specified in Article 5, Section 5 to permit an accessory apartment.**

*Kevin Hatch, Cornerstone Survey Associates presented the application*

Mr. Hatch noted they were requesting to convert the existing garage to a one-bedroom accessory apartment. He noted they addressed and met all 11 criteria. The garage sits on the back of the property. The garage needs to be converted to meet today’s building codes; they have a punch list from the building inspector. The septic system currently has two leach fields that are operating.

Mr. Meisner informed the applicant they didn’t have a full board. Mr. Hatch understood they could choose to wait. The applicant decided to continue with the hearing.

Mr. True noted that at the last seminar he attended, the lawyer informed them that the abutters had the right to request a delay as well as the applicant. Mr. Meisner wasn’t aware of that and noted he would look into it.

47 Mr. Hatch reviewed the 11 criteria.

48

- 49 1. The appearance of this single family home will not change. No exterior
- 50 construction is proposed. The proposed 1,040 sq. ft., one-bedroom apartment will
- 51 be entirely within the existing detached garage.
- 52 2. This is not a duplex or multifamily building
- 53 3. The apartment shall be 45% of the size of the primary home
- 54 4. The existing house shall be owner occupied
- 55 5. There is existing parking for 25 cars
- 56 6. This property shall not be converted to condominium ownership in the future
- 57 7. A floor plan, septic system design, and certified site plan shall be available prior
- 58 to the public hearing
- 59 8. Separate controls for heat and electrical service are existing
- 60 9. A building permit will be obtained prior to construction
- 61 10. A occupancy permit will be obtained prior to occupancy
- 62 11. This conditional use permit shall be recorded and all future owners are obligated
- 63 to the same conditions.

64

65 Mr. St. Amand questioned if there was going to be parking underneath. Mr. Hatch noted  
66 it will be a single story building and the entire building will be converted to an apartment  
67 and storage.

68

69 Mr. True questioned where the entrance would be. Mr. Hatch noted they would be on the  
70 side, not facing the road.

71

72 Mr. Hatch noted there would be a portion in the back that would remain storage and  
73 where the furnace and mechanics of the apartment would be housed. They meet the sq.  
74 footage requirement no matter what space is used to calculate the percentage.

75

76 Mr. True questioned what the square footage of the apartment would be. Mr. Hatch noted  
77 they increased it to 1,040 sq. ft which is 45% of the existing house. The home has  
78 approximately 2,400 sq. ft. Mr. Meisner noted it wasn't total square footage, it was the  
79 footprint of the home that was considered when calculating that percentage.

80

81 The application had the apartment at 600 sq. ft. Mr. Hatch submitted updated plans with  
82 the proposed 1,040 sq. ft. apartment.

83

84 Members discussed the square footage and whether they should use the footprint of the  
85 home or the structure to determine the percentage. Mr. St. Amand felt the apartment  
86 needed to be smaller than the house and with the storage room off the back, it would end  
87 up being bigger. Mr. Meisner noted it couldn't be bigger than the accessory building it's  
88 going into, meaning they couldn't add on to that structure; it also couldn't be bigger than  
89 the home.

90

91 Mr. Hatch noted the proposed apartment will not be larger than the footprint of the house  
92 or the accessory apartment. Mr. Meisner felt in his opinion, they met the criteria.

93

94 Mr. St. Amand questioned if they should include the space where the mechanics of the  
95 apartment will be. Mr. Meisner noted that space is already being used for that purpose.

96

97 Mr. Meisner questioned if there would be any windows on the street side of the building.

98 Mr. Hatch noted they would need to add one as an egress for the bedroom, but because of  
99 the location of the house, you likely wouldn't see the window from the road.

100

101 Mr. Hatch noted the lot next door was vacant and owned by Mr. Bova. Mr. Meisner noted  
102 that if there was a home built on that lot, they would probably prefer to have the  
103 apartment vs. more space for the existing business.

104

105 *Andrea Cahill – 136 Wells Village Road*

106 Ms. Cahill noted she was happy to see the clarified plans with the updated square  
107 footage. She questioned how many people could live in the apartment. Mr. Meisner noted  
108 they were only allowed to have one bedroom and there were no restrictions on number of  
109 people.

110

111 Ms. Cahill questioned if it could eventually be rented. Mr. Meisner noted it could be. Mr.  
112 Hatch added that one of the units needed to remain owner occupied.

113

114 Ms. Cahill confirmed that the person listed on the deed needed to be living on the  
115 premises. Mr. Hatch confirmed the deed to the property was in Donald Bova's name and  
116 he would be the one living in the apartment.

117

118 *Steve Bergholm – 131 Wells Village Road*

119 Mr. Bergholm feels that the improvements he would be making to the structure would be  
120 an enhancement to the neighborhood. He fully supports what Mr. Bova is doing and  
121 would encourage the board to approve it.

122

123 *Lebaron Atherton – 127 Wells Village Road*

124 Mr. Atherton submitted a letter to the board. The letter stated he has concerns about new  
125 EPA and MS4 requirements for property which is located in the Exeter River flood plain.  
126 He feels the EPA should advise on the request. The accessory apartment and the septic  
127 system are both in the Exeter River flood plain.

128

129 Mr. Hatch noted the property is not in the flood plain, it is above flood elevation. They  
130 are in the Exeter River watershed. The MS4 requirements have to do with sediment  
131 control. The property has functioned that way for years. They are not expanding the  
132 impervious area at all. There is no permit through EPA that they would need to obtain.

133

134 Mr. St. Amand questioned how far the structure was from the Exeter River. Mr. Hatch  
135 didn't know the exact distance but added that they needed to inform the state of anything  
136 within 250' and they are outside that range.

137

138 Mr. Meisner closed the hearing to the public.

139

140 Mr. True questioned if Mr. Atherton's concerns would be addressed when they pulled the  
141 building permit. Mr. Meisner noted the state would review the septic plans and they  
142 would be denied if they were within that 250' zone. He added that the plans would be  
143 required to go to conservation for additional permitting if they were within that zone.

144

145 Mr. St. Amand had some concerns about the additional area where the mechanicals are  
146 going—that space could eventually become an additional room. Mr. Meisner questioned  
147 what the dimensions of that space were. Mr. Bova noted it was 12x12, but only has a  
148 ceiling height of 4' on one end. It is a wood structure. It has a shed dormer for a roof line  
149 and a 3' wide door.

150

151 Ms. Cahill questioned if they could potentially add on a garage to the apartment. Mr.  
152 Meisner wasn't sure and would need to see legal council to answer that since he's never  
153 received that request. Mr. Hatch noted he has never seen an accessory apartment with a  
154 garage.

155

156 **MOTION:** Mr. True made a motion to grant the special exception for the property  
157 located at 132 Wells Village Road and identified on Map 13 Lot 8 to permit an accessory  
158 apartment. Mr. St. Amand seconded the motion. The board voted unanimously in favor.  
159 The motion passed 4-0-0.

160

161 Mr. Meisner noted for the applicant that according to RSA 677:2 there was a 30-day  
162 appeals timeframe.

163

164 **Correspondence**

165 Letter from FEMA regarding the new Risk MAP program.

166

167 **MOTION:** Mr. St. Amand made a motion to adjourn. Mr. Ardolino seconded the motion.  
168 All members voted in favor. The motion passed. Meeting adjourned at approximately  
169 8:22 p.m.

170

171 Respectfully Submitted,



172

173 Andrea Cairns