

Applicants: Mike & Christian Fernandes
14 Jana Lane

Members Present: John Dold, Neil Rowe, Arol Charbonneau, Bruce Barker and Mike
Smith

The Board of Adjustment held a Public Hearing on Tuesday, December 8, 2009, at 7:30PM in the Municipal Center to consider the request of a Special Exception under the terms of Article 5.4, Section 2.1.2 of the Zoning Ordinance to permit an accessory apartment.

Secretary Arol Charbonneau read the notice and the application.

Chairman Dold asked the applicant to present his case. Charles Manck stated he is the contractor who is working for Mike and Christian Fernandes. Mr. Manck displayed drawings, floorplans and computer generated elevations of the proposed addition for the Board. Mr. Manck stated basically they are just filling in a space between the garage and the home to allow Mrs. Fernandes' mother to live downstairs and adding a bedroom upstairs for the Fernandes. He stated the Fernandes have four children and Mrs. Fernandes' mother is moving in to help care for the children.

Mr. Manck explained they are proposing to take out a section of the foundation wall and open the downstairs up into the alleyway that separates the house from the garage. The new apartment will be a bedroom and bathroom, which are existing, and a kitchen, living room and mudroom, which will all be new. Mr. Manck stated the total square footage of the accessory apartment will be 600 square feet, which is within the maximum allowed for an accessory apartment.

Chairman Dold asked if anyone from the audience would like to speak in favor of or in opposition to this application. There were no comments.

(At this point, the audio system and dictaphone were not recording.)

Chairman Dold stated in order to grant a Special Exception for an accessory apartment the following conditions must be met: a) The dwelling to which an accessory apartment is to be added must be owner-occupied. All Board members agreed the dwelling is owner-occupied. b) The property and proposed use must conform to the dimensional requirements of Table 4.2. All Board members agreed the property and proposed use conform to the dimensional requirements. c) The single-family dwelling shall not be a mobile home, condominium, or located within a cluster development. All Board members agreed this condition is met. d) The accessory apartment shall be designed so that the appearance of the building remains that of a one-family dwelling. Any new entrance that may be required shall be located on the side or in the rear of the building. All Board members agreed this is met with the exception that the front door will be installed at the front of the building. e) The size of the accessory apartment shall be between 400 and 1000 square feet, and shall not exceed 1/3 of the living area of the existing dwelling. All Board members agreed this condition is met. f) In no case shall there be more than three people

residing within an accessory apartment. All Board members agreed this condition is met. g) Off-street paved or gravel parking shall be provided for four (4) vehicles total for the lot. The appearance of the parking design shall be that of a single-family dwelling. All Board members agreed this condition is met. h) The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. All Board members agreed this condition will be met. i) Prior to granting a Special Exception by the ZBA, the owner shall provide, as part of the ZBA case file, the following: 1. Evidence to the Town Septic System Inspector that septic facilities are adequate for both units according to the standards of Stratham and the NH Water Supply and Pollution Control Division. If deemed necessary by said Inspector, such evidence shall be in the form of a certification by a State of NH licensed septic system designer. Also the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire. The Septic System Inspector then shall indicate his approval in writing to the ZBA; 2. A floor plan of one-quarter inch (1/4") to the foot scale showing the proposed changes to the building; 3. A sketch plan (drawn to scale) of the lot, with existing and proposed structures and parking. All Board members agreed these conditions will be met. j) The accessory apartment shall be subject to the standards and conditions for a Special Exception as set forth in Article 17.8.2 of this ordinance which are: 1) The standards provided by this ordinance for the particular use permitted by Special Exception. All Board members agreed those standards have been met. 2) No hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials. All Board members agreed there would be no hazard. 3) No detriment to property values in the vicinity or changes in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials. All Board members agreed there would be no detriment. 4) No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. All Board members agreed there would be no creation of a traffic safety hazard or substantial increase in the level of traffic congestion. 5) No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools. All Board members agreed there would be no excessive demand. 6) No significant increase in storm water runoff onto adjacent property or streets. All Board members agreed there would be no significant increase.

Chairman Dold motioned to grant a Special Exception to Mike and Christian Fernandes, 14 Jana Lane, to permit an accessory apartment subject to the following conditions and waivers: That the front door is to be installed in the front of the building and the owner shall provide evidence of potable water to the Building Inspector. Arol Charbonneau seconded the motion, with all Board members voting in favor. Chairman Dold advised the applicant of the thirty-day appeal period and called Case # 544 closed.

Respectfully,

Norma Corrow, ZBA Clerk

The tape of the meeting is available at the Town Office Building for review during regular business hours.