

Town of East Kingston, New Hampshire
Zoning Board of Adjustment Meeting Minutes

February 23, 2017
7:00 pm

AGENDA

Case #17-01. Christopher and Kayla O'Neil, 13 Pine Woods, EK, NH (MBL 12-03-13). The applicant is seeking a special exception under Article VIII - USES PERMITTED Paragraph F. for an accessory dwelling unit.

Members Attending: Chairman John Daly, Vice Chairman Catherine Belcher Dave Ciardelli, Paul Falman, and Tim Allen.

Also present: Applicants Christopher and Kayla O'Neil, and abutters Edwin and Jeanne Crosby.

Mr. Daly opened the meeting of the East Kingston Zoning Board of Adjustment (ZBA) at 41 Depot Road (Pound School) on February 23, 2017 at 7:03 pm.

Public Hearing 17-01

Christopher and Kayla O'Neil, 13 Pine Woods, EK, NH (MBL 12-03-13). The applicants are seeking a special exception under Article VIII - USES PERMITTED Paragraph F. for an accessory dwelling unit.

Mr. Daly opened this public hearing and acknowledged that Mr. and Mrs. O'Neil were in attendance. Chairman Daly invited the O'Neil's to review their application for the Board and explain how they met the special exception conditions.

Mr. O'Neil explained that his father is in declining health and his mother can no longer care for him alone. They would like to construct the accessory apartment at their home, utilizing the allowable amount of square footage within their existing 3 car garage so his parents can be close to family.

He has supplied the required documents consisting of a new septic system design, a copy of their deed showing they are the owners of the house, where parking will be located, and drawn sketches of the accessory apartment configuration with measurements which show how the overage square footage will be eliminated from the accessory apartment.

Mr. Daly reviewed the Special Exception Worksheet with the Board.

1. **Ownership** - *The ordinance states the owner of the property must reside in one of the units.*

The O'Neil's have supplied a copy of the deed showing they are the owners of the house and they plan to continue living there.

This condition is satisfied.

2. **Living Area Configuration** *The ordinance states an accessory apartment cannot be larger than 900 sf.*

Mr. O'Neil noted the apartment will have one bedroom, one bath, a kitchen and a living area configured within the allowable 900 sf. (899.60 sf to be exact). The O'Neil's were offered the opportunity before this public hearing to wait until after Town election which may change the allowable bedrooms from one to two; they opted not to wait stating they only need one bedroom.

This condition is satisfied.

3. **Construction** *The ordinance states an accessory dwelling unit must be attached to the primary dwelling unit and cannot have an entry way on the front side of the house. There also must be an interior passage through the main house for safe egress.*

Mr. O'Neil has shown the apartment meets these conditions; the apartment will be attached to the house with an entry way into the main house and the entrance shown is on the side of the house where the garage doors are at the present time.

This condition is satisfied.

4. **Parking** *The ordinance states there will be a minimum of 2 off street parking spaces each for the main house and accessory apartment.*

Mr. O'Neil has indicated parking for at 4 vehicles on his sketch. He has a large parking area in front of the garages.

This condition is satisfied.

5. **Pre-existing Conditions** *A pre-existing accessory dwelling unit in existence before March 8, 2005 in a non-complying residence must comply within 6 months and the owner must obtain a Certificate of Occupancy (CO).*

Non-applicable.

Mr. Daly asked if the Board members had any questions for Mr. O'Neil; there were none.

Chairman Daly acknowledged there were abutters present and asked if they had any comments. Mr. and Mrs. Crosby, 139 South Road, originally had concerns regarding the wetlands on their property which backs up to the O'Neils and any contamination that might go into the swamp as it was part of their aquifer. In hearing that they were going to convert the garage to the accessory apartment and not build a new structure, they now have no concerns.

The O'Neil's also supplied a letter from their direct abutter who faces the garage, stating they had no concerns.

Chairman Daly asked for a motion.

MOTION: Mr. Ciardelli **MOVED** that the board grant the special exception under Article VIII – USES PERMITTED Paragraph F. for an accessory dwelling unit for Christopher and Kayla O'Neil, 13 Pine Woods, EK, NH (MBL 12-03-13) based on satisfying the conditions for granting the special exception outlined in the ordinance. Seconded by Mr. Allen; the vote was five “ayes” and the motion carried.

Mr. Daly closed the public hearing. Mr. O'Neil thanked members of the Board.

The meeting was adjourned at 7:45 PM.

Respectfully submitted,

Barbara White

Barbara White
Recording Secretary

John Daly
Chairman