

**Town of East Kingston, New Hampshire**  
**Zoning Board of Adjustment Meeting Minutes**  
**August 30, 2007**  
**7:30 PM**

**AGENDA**

**Richard and Camille Goff**  
**31 Powwow River Road**  
**MBL #02-04-03-**  
**East Kingston, NH**  
**ZBA 07-04**

**Members Attending:** Chairman John V. Daly, Vice Chairman David A. Ciardelli, Peter Riley

**Alternate Members:** Catherine Belcher, Tim Allen

**Others Attending:** Mr. Joseph Ferrandi representing the Goff's, Mrs. Camille Goff, and Julie Urwick, abutter

**Advisors Present:** Mr. Raymond Donald, Building Inspector

Mr. Daly opened the meeting of the East Kingston Zoning Board of Adjustment (ZBA) at the East Kingston Town Hall on August 30, 2007, at 7:30 PM.

**PUBLIC HEARING FOR RICHARD AND CAMILLE GOFF (ZBA 07-04), 31 POWWOW RIVER ROAD, EAST KINGSTON, (MBL #02-04-03)**

This hearing is to consider an application seeking variance from Article VIII – USES PERMITTED, Paragraph F for an accessory dwelling unit. Mr. Daly opened the hearing.

Mr. Daly recognized the applicant's representative, Mr. Joseph Ferrandi. Mr. Ferrandi explained that he wanted to build an in-law apartment for his mother at the 31 Powwow River Road location. He was looking to convert the lower level of the existing building into the in-law apartment and replace the structure that had been damaged by fire, attaching it to the original house. The plan would reconfigure the building on the lot to conform to existing lot setbacks. Mr. Ferrandi was before the Board tonight for special exception for the in-law apartment.

Mr. Daly explained that previously, the Board had been confused in respect to how the applicant had defined just what it was he proposed to do on the site. He reiterated that there were conditions that needed to be met for the variance to be granted, and the Board needed hard evidence that those conditions were met.

Mr. Donald stated that the current proposal would allow the replacement building to be located farther from the property lines and allow it conform to current setback standards. The original house would become the in-law apartment and the replacement building would become the house.

Mr. Ferrandi acknowledged that the existing stairs to the attic and the basement of the original building were non-conforming and little more than a steep ladder of sorts. He would replace both sets of stairs, bringing them into conformity and relocating them to the new structure. His plans were to enhance the property by landscaping and planting grass, and he feels the improvements would benefit the Town. He will also be installing a new septic system, as the existing septic system is original to the house.

Mr. Daly wanted to know if Mr. Ferrandi had already completed the septic plan, and Mr. Ferrandi answered that he has received approval from the State for the proposed septic plan.

Mr. Allen asked if the planned septic system was designed for two families. Mr. Ferrandi stated it was. Mr. Donald interjected that he had seen the plans and it met the code. Mr. Allen asked how many bedrooms were in the in-law apartment; Mr. Ferrandi replied there was only one.

Mrs. Belcher asked if Mr. Ferrandi had calculated the square footage of the living space for the in-law apartment. Mr. Ferrandi answered that it came out to 499 sf.

Mr. Donald stated that there were a tremendous amount of current code violations in the existing building, as it was a turn-of-the-century building. He stated that the work Mr. Ferrandi proposed was according to current code and would make it much safer. The stairway to the attic is a hazard, and it was a good thing that it was going to be replaced. Mr. Donald would make sure that the in-law apartment does not exceed 500 sf.

Mr. Riley asked if the in-law apartment was less than the required 500 square feet (sf). Mr. Ferrandi stated that the total amount of sf of the lower level came to 501, and when the 2 sf for the chimney was deducted, it came to 499 sf.

Mrs. Belcher inquired if the upstairs of the original building would only be accessed from the new house, and Mr. Ferrandi answered that was correct. It was small and would most likely only be used for storage.

Mr. Daly asked if the entrance to the in-law apartment was on the side of the building and not the front, and Mr. Ferrandi answered that it was.

Mrs. Belcher stated she could not tell from the diagram what the measurements of the parking area were, and asked how many cars could be parked there. Mr. Ferrandi stated he thought there would be room for up to seven cars.

Mr. Donald stated that he was not sure if the State had acknowledged the existence of two driveways or not, but in reality, there is a driveway on both sides of the house. Mr. Ferrandi interjected that they would be discontinuing using the driveway on the right of the house and only utilize the one on the left. It would provide better access to both the house and the in-law apartment. Mr. Donald also stated that since it was not on a state road, both driveways could be allowed, and they had been there for many years. Mr. Riley stated that as long as they both were existing, he saw no reason for one of them to be disallowed.

Mrs. Belcher asked where the safe ingress and egress from the in-law apartment would be. Mr. Ferrandi pointed out on the in-law apartment sketch where both doors would be. The front door was on the side of the house, and the second door exited into the new structure.

Mr. Daly asked if the other Board members had any questions in reference to adequate parking, because the way it was noted on the plan made it a little unclear.

Mrs. Belcher stated she was a little uncomfortable with two active driveways in such close proximity, and reiterated the fact that the applicant was intending on abandoning one of them. Mr. Ferrandi corroborated that fact.

Mr. Allen asked if the curved line he was looking at on the drawing indicated the curb line, and Mr. Ferrandi answered that it did. Mr. Belcher asked how wide and deep the driveway would be, and Mr. Ferrandi answered that he did not know the exact measurements. Mr. Donald stated he had been in the driveway and had parked three cars wide. To him, it looked as though the depth of the driveway would be at least 3 to 4 cars deep, which would provide more than adequate parking for both residences.

Mr. Ferrandi remarked that in his mind, the driveway should have been laid out the way he was proposing from the very beginning, when the house was first built. He also indicated that the configuration of the new structure on the lot would be better utilization of the land than the previous building.

Mr. Riley stated that as far as the parking was concerned, the code only called for two off street spaces per dwelling, for a total of four and that looked to be satisfied.

Mr. Daly opened the floor to abutters.

*Mrs. Julie Urich, 27 Powwow River Road, East Kingston.* Mrs. Urich stated she had lived next door for many years and that the previous tenant had dug huge holes in the yard and buried things they did not want to bring to the dump. She stated that they had also had several junk cars, oil tanks and other trash about the property, making it look like a junkyard. She was concerned that it would not be cleaned up. Mr. Ferrandi stated that their intent was to clean up the yard. Mr. Donald stated that they might find some of the buried material when they dug for the septic system. Mr. Ferrandi explained that the new structure was a replacement for the one that had burned down. Mrs. Urich said she would be satisfied as long as the property was going to be cleaned up.

Mr. Donald directed the abutter to a location where Mr. Ferrandi had built some houses so she could see first-hand examples of his completed work.

Mr. Daly closed the floor to abutters.

The Secretary acknowledged that they had received a letter from Mr. Richard Mason, 37 Powwow River Road, stating he was opposed to the Goff's building an accessory dwelling unit as in his opinion "the lot was too small". This letter was shown to Mr. Ferrandi and also placed in the file.

Mr. Ciardelli asked if the comment "the lot is too small" was relevant to this variance application. Mrs. Belcher and Mr. Donald both agreed that the proposed structure met all the current setbacks.

Mr. Daly reviewed the conditions for *Special Exception* to be met by the applicant with the Board members, and asked for their vote on each condition.

1. Ownership. The owner of the property must occupy one of the units as a primary resident and be the owner/landlord of the accessory dwelling unit. This does not change in the event of the sale of the property.

The consensus of the Board was that this condition had been met.

2. Living Area Configuration. Total living area for an accessory dwelling unit shall not exceed 500 square feet, and must consist of not more than 1 bedroom, 1 kitchen/living area and 1 bathroom. The accessory dwelling unit must be clearly secondary to the principal residence.

The consensus of the Board was that this condition had been met.

3. Construction. One accessory dwelling unit is permitted per residential lot. It must be built within or attached to the principal dwelling to preserve the appearance of a single-family dwelling. There can be no outside entryway to the accessory unit on the front/street side of the principal residence. Interior passage through the dwellings common wall(s) shall provide for safe egress.

The consensus of the Board was that this condition had been met.

4. Parking. Off street parking shall be available for a minimum of 2 autos for the principal residence and 2 for its accessory dwelling unit. Room for vehicle ingress, egress and turn-around on-site shall be provided. A new curb cut for the accessory unit is prohibited.

The consensus of the Board was that this condition had been met.

Mrs. Belcher desired to make abandonment of one of the driveways a condition. Mr. Riley did not agree the Board needed to go as far as making it a condition of approval as it was existing and not on a state road. It was Mrs. Belcher's opinion that it would be safer if one of the driveways were eliminated. Mr. Donald verified that there were three driveways in a very short distance and although it would not be necessary to eliminate one of them as it was not a State road, he agreed eliminating one could make for safer conditions. Mr. Riley still did not agree it was necessary as a condition, and Mr. Allen felt the same. Mrs. Belcher stated that since the owner was not opposed to eliminating one driveway, she thought it should be made a condition. Mr. Daly agreed it was not necessary, but could be safer.

**MOTION:** Mrs. Belcher **MOVED** to grant the SPECIAL EXCEPTION for the application of Richard and Camille Goff, 31 Powwow River Road (MBL #02-04-03), East Kingston, NH (ZBA 07-04) seeking variance from Article VIII – USES PERMITTED, Paragraph F for an accessory dwelling unit, with the condition that the smaller driveway be abandoned. Mr. Ciardelli seconded.

Mr. Allen voted Yes, Mrs. Belcher voted Yes, and Mr. Ciardelli voted Yes; Mr. Riley abstained. The vote was 3-0 and passed by majority.

By vote of at least three members, the Board voted to APPROVE the variance requested based upon the applicant's meeting all the conditions.

Mr. Ferrandi thanked the Board for their time.

Mr. Donald informed Mr. Ferrandi that he would be on vacation the week of September 17<sup>th</sup>, and he should call the Town Offices if he needed anything and they would get in touch with the Deputy Building Inspector, who is also the Kingston Building Inspector.

Mr. Daly closed this public hearing.

**BOARD BUSINESS**

*New fees.* The Secretary read a portion of the Selectmen's Meeting Minutes of August 20 in regard to changing the ZBA fee structure.

*ZBA:* The Board reviewed a letter from the ZBA Secretary, Barbara White, requesting a change in the fees for the Zoning Board of Adjustment. It states that the Chairman (John Daly) would like to the support of the Board of Selectmen to increase the fees for ZBA application fees as follows: Cost of postage + 10% per abutter and Current Legal Notice Fee + 10%. It was noted that the current fees of \$3.50 per abutter for postage, and \$45 for legal noticing, have not been changed for many years.

Mr. Caron **MOTIONED** to support the fee structure recommended by the ZBA Chairman. Mr. Poelart seconded. Motion carried 3-0. Mr. Caron added the Planning Board will be discussing adding a "fees page" to the ordinance book, and remove all fees from within the book with reference to fees on the "fees page." It would streamline the fees, and make it easier to have all the fees uniform.

The Secretary stated to the Board that the Selectmen's Assistant had indicated the ZBA needed to vote on this item to confirm it.

Mr. Daly asked all those in favor of raising the ZBA fees on the applications to so indicate. Mr. Allen, Mrs. Belcher, Mr. Ciardelli, Mr. Daly and Mr. Riley indicated they were in favor. The vote was unanimous.

The Secretary explained that on two ZBA applications and in one place in the ordinance book under the subdivision regulations, it still stated that the notice fee was \$45. Mrs. Belcher confirmed that it was the responsibility of the Planning Board to have a public hearing to change item under the subdivision regulations in the ordinance book.

The meeting was adjourned at 8:05 PM.

Respectfully submitted,

*Barbara White*

Barbara White  
Recording Secretary

John Daly  
ZBA Chairman

Minutes Approved on 25 October 2007