

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

September 27, 2012
7:00 pm

AGENDA

Case #12-01. Justin and Melissa Lyons, 52 Willow Road (MBL 08-02-03), East Kingston, NH. The applicants are seeking 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 Norm Freeman.

Also present: Mr. & Mrs. Justin Lyons and abutter Mrs. Ellen Dang

Mr. Daly opened the meeting of the East Kingston Zoning Board of Adjustment (ZBA) at 41 Depot Road (Pound School) on September 27, 2012 at 7:00 pm.

Public Hearing 12-02

Justin and Melissa Lyons, 52 Willow Road (MBL 08-02-03), East Kingston, NH. The applicants are seeking special exception under Article VIII – USES PERMITTED Paragraph F. for an accessory dwelling unit.

Mr. Daly opened this public hearing and acknowledged that Mr. & Mrs. Lyons were in attendance.

Mr. Daly asked Mr. Lyons to review his application for the Board and explain how he met the special exception conditions.

Mr. Lyons explained that his intent was to build a new home which included an in-law apartment so his grandfather could reside with them. At the present time, their home is in Kingston and his grandfather is residing with them.

Mr. Lyons showed the Board his plans for a 3-bedroom new home, yet to be built, which included an attached in-law apartment. Mrs. White distributed a copy of those plans to the abutter for review. The proposed design for the in-law apartment was well within the 500 sf allowable size, and the unit would be attached to the main house.

The front door of the in-law apartment would be located to the side of the main dwelling, and access to the main house was shown. Mr. Lyons noted there would be two parking spaces provided for the in-law apartment and pointed out to the Board where those spaces would be located.

Test pits for a septic system had been dug in June of 2011, and he has received a septic design approval from the State. He also noted that the septic system was rated for a 3 bedroom house and an in-law apartment. The Town Building Inspector, Mr. Ray Donald, has reviewed the septic plan and approved it.

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

Ownership. The owner of the property must occupy the main dwelling as the primary resident.

Mr. Lyons indicated he and his wife would be the primary residents of the main dwelling.

This condition is satisfied.

Mr. Daly informed Mr. Lyons that the resident of the accessory dwelling unit would not need to be a family member. Mr. Lyons indicated this was new information to him, but at this time, the intended person to live there would be his grandfather.

Living Area Configuration. The total living area configuration shall not exceed 500 sf, with one bedroom, 1 kitchen/ living area and 1 bathroom. It was also to be clearly secondary to the main dwelling.

Mr. Lyons clarified that the proposed accessory dwelling unit would be no larger than 19' x 21' which is less than the maximum of 500 sf and would consist of one bedroom, 1 kitchen/ living area and 1 bathroom, and was secondary to the main dwelling.

This condition is satisfied.

Construction. Only one accessory dwelling unit is allowed, and the outside entryway must not be located on the front/street side of the principal residence. There must also be an interior passage through the dwelling common walls to the main dwelling.

Mr. Lyons explained that the entryway to the accessory dwelling unit was located on the side of the main dwelling, with a separate entrance, and he showed the Board on the plans where the access to the main dwelling was located.

This condition is satisfied.

Parking. Off-street parking shall be available for two cars for the main dwelling and two cars for the accessory dwelling unit.

Mr. Lyons showed on the plan a paved, 2-car parking area for the accessory dwelling unit located to the side of the main driveway. There was also ample parking for the main dwelling in front of the two-car garage.

This condition is satisfied.

Mr. Daly asked if the Board members had any questions for Mr. Lyons.

Mrs. Belcher asked for clarification if Mr. & Mrs. Lyons would be living in the house. Mr. Lyons answered that they would be the main residents of the house.

Mr. Falman asked if it was to be a stick-built or pre-fab house. Mr. Lyons replied it would be stick-built.

Chairman Daly opened the floor to abutters.

Mrs. Ellen Dang, 48 Willow Road, had reviewed the proposed plans and opined she thought the Lyons' house would be a wonderful addition to the neighborhood.

There were no additional abutters and Chairman Daly closed the floor to abutters.

Chairman Daly asked for a motion.

MOTION: Mr. Falman **MOVED** that the board grant the special exception under Article VIII– USES PERMITTED Paragraph F. for an accessory dwelling unit for Justin and Melissa Lyons, 52 Willow Road (MBL 08-02-03), East Kingston, NH. (ZBA #12-01) based on satisfying the conditions for granting the special exception outlined in the ordinance. The vote was five “ayes” and the motion carried.

Mrs. Belcher thanked Mr. Lyons for providing such a complete application with clear drawings of his proposed dwelling.

Mr. Daly closed the public hearing. Mr. Lyons thanked members of the Board.

The meeting was adjourned at 7:30 PM.

Respectfully submitted,

Barbara White

Barbara White
Recording Secretary

John Daly
Chairman