

TOWN OF EAST KINGSTON ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

July 28, 2022

Pound School
41 Depot Road
East Kingston, New Hampshire

Tim Allen, Chair
Ed Robbins, Vice Chair
7:00PM

AGENDA

Palladino ADU Special Exception – 2 Woldridge Lane
Donahue ADU Special Exception Revisit – 26 Haverhill Road

Board Members present: Tim Allen – Chair, Dave Ciardelli, Frank Collamore, Nate Maher, and Alternate Paul Falman.
Absent: Ed Robbins – Vice Chair.

Applicants and members of the public who participated in the meeting: Diane Palladino, Margaret Bonnevie and Randy Bonnevie.

Chairman Allen opened the meeting at 7:00pm followed by the roll call. Noting the absence of Vice Chairman Robbins, he designated Alternate Falman to serve as full voting member for all matters before the board this evening.

PUBLIC HEARING – DIANE PALLADINO - property located at 2 Woldridge Lane (MBL# 03-02-12). Application for a Special Exception to permit an Accessory Dwelling Unit (Zoning Ordinance Article VIII.F).

Chairman Allen opened the public hearing for Diane Palladino at 7:01 pm noting this was the second application for an accessory dwelling unit for the applicant as the first one was denied for various reasons.

Dr. Palladino indicated she has been a resident for 22 years and her plan is to live in the accessory dwelling unit with her daughter and husband residing in the main house.

Randy Bonnevie presented new plans that included an updated septic system (6-bedroom design) which has already been approved by the state, a redesign of the accessory dwelling unit whereas the unit is now connected directly to the existing home by way of attached garage, and the living space for the unit measures under 900 square feet. He also noted the plans include a detached 3-car garage, but that this structure was not a matter for the board.

Fielding board member questions, Mr. Bonnevie indicated the width of the unit is approximately 22 feet 10 inches, a second egress is located through double doors onto the deck, and the unit is a single floor design with a cement slab foundation.

FINDING OF FACT

Chairman Allen then reviewed, with the board, the criteria set forth in Article VIII.F for an accessory dwelling unit:

- a. *A single-family dwelling located in a zoning district that allows single-family dwellings may be permitted one accessory dwelling unit.* – The property is located in a residential zone where the use is permitted. – Requirement met.
- b. *Ownership. The owner of the property shall occupy one of the units as a primary residence and be owner of both the primary dwelling unit and the accessory dwelling unit. These ownership and residency provisions shall not change in the event the property is sold. Any kind of condominium ownership arrangement for the accessory dwelling unit and/or the principal dwelling unit is prohibited.* – Ownership of both the home and the accessory dwelling unit will be Dr. Palladino and then later, Margaret Bonnevie, both parties residing at the premises. – Requirement met.
- c. *Living Area Configuration. The total living area for an accessory dwelling unit shall not exceed 900 square feet. The accessory dwelling unit shall have no more than two (2) bedrooms. Dormitory-style facilities are expressly*

prohibited, whether seasonal or otherwise. – The unit shall measure 898 square feet as presented on the plan. – Requirement met.

- d. *Construction. Only one accessory dwelling unit is permitted per parcel or lot. The accessory dwelling unit shall be constructed within or attached to the principal dwelling to preserve the appearance of a single-family dwelling and clearly secondary to the principal dwelling unit. Attached means having a shared wall or connected by a covered and enclosed structure. There shall be a connecting door between the primary dwelling and the accessory dwelling unit. An outside entry way to the accessory dwelling unit shall not be placed on the front/street side. – The accessory dwelling unit is secondary to the main home, the plan depicts a shared connection, and the outside entry is not located at the front of the building. – Requirement met.*
- e. *Manufactured Housing. The addition of an accessory dwelling unit to a manufactured home is prohibited in manufactured home parks or when a manufactured home is under condominium ownership. – This is not a manufactured home in a manufactured home park or under condominium ownership. – Requirement met.*
- f. *Parking. Off-street parking shall be available for a minimum of two automobiles for the accessory dwelling unit. Room for vehicle ingress and egress on site shall be provided. – The driveway can easily accommodate five vehicles, a minimum of four is required. – Requirement met.*
- g. *Septic facilities and water. An accessory dwelling unit shall conform to all applicable water and sanitary standards for residential structures.*

Prior to Special Exception approval by the Zoning Board of Adjustment for an Accessory Dwelling Unit, the owner shall provide evidence as part of the Special Exception application that septic facilities are adequate to serve both the principle dwelling and the accessory dwelling unit. This initial evidence shall be in the form of a replacement septic system design plan prepared by a state licensed Septic System Designer sized to accommodate both the primary dwelling and accessory dwelling. The Zoning Board of Adjustment Special Exception approval shall be conditional upon approval of the septic replacement plan by the NH Department of Environmental Services. Alternatively, if the existing septic system is state approved and adequately sized to accommodate both the primary dwelling and accessory dwellings and conforms to state and local requirements, an applicant may choose to submit a copy of the existing septic system plan and an inspection report by a state licensed Septic System Designer detailing the condition of the existing system. – The board reviewed the septic plan noting it did not display the state approval stamp; however, the state approval certificate was provided (eCA2021041901). Also noted was that the design consisted of two septic tanks (the existing 1500-gallon tank for the main house and a new 1250-gallon tank with a pump system for the accessory dwelling unit), a new leach field to handle the flow of both tanks, and that all septic set backs were met. The board agreed this criterion has been met.

(g. continued) Prior to a dwelling renovation or accessory dwelling unit construction, the owner shall provide evidence to the East Kingston Building Inspector that septic facilities (whether separate or combined) are adequate to serve both the principal dwelling unit and the accessory dwelling unit, and obtain the necessary Town and State permits. Such evidence shall be in the form of a replacement septic system plan prepared by a State of New Hampshire licensed septic system designer and approved by the State and the Town. The property owner shall have an existing septic system inspected by a licensed septic system inspector and provide a report of the inspection results. If the existing septic system is found to be not fully functional, the property owner shall install a replacement septic system according to the approved plan. The property owner shall provide evidence that there is adequate potable water (whether separate or combined) to serve both the principal dwelling and the accessory dwelling unit, according to State standards. – With the determination that the existing septic system is not adequate, the applicant shall construct a new one as presented. – Requirement met.

Mr. Bonnevie noted the well company confirmed the water source with respect to water flow and well depth is adequate for the property.

Chairman Allen then informed the applicant on the provisions to ascertain a Certificate of Occupancy in that when renovation or construction is complete, and an accessory dwelling unit is ready for occupation, the owner shall request a Certificate of Occupancy from the Building Inspector. Occupancy of the accessory dwelling unit (or the primary residence if the entire dwelling is new construction) is prohibited until a Certificate of Occupancy is obtained.

Chairman Allen opened the floor to board questions, there being none, he opened the floor to public comment. He read aloud a letter from abutter Terrance Waldron indicating his support of the application.

BOARD DELIBERATION

Chairman Allen then closed the public hearing to allow for board deliberation and decision.

Board members noted all conditions for an accessory dwelling unit had been met, including state septic approval.

BOARD DECISION

MOTION: Chairman Allen motioned to approve the special exception application for an accessory dwelling unit for Diane Palladino, 2 Woldridge Lane, MBL# 03-02-12, with the condition the septic system be constructed per the design as presented; seconded by Nate Maher. With no further discussion the motion passed 5-0-0.

The applicant was then informed a notice of decision would be forthcoming and that the building and septic plans should be submitted to the building inspector for approval of construction.

SHAWN DONAHUE ADU REVISIT – 26 Haverhill Road

Chairman Allen opened discussion with Shawn Donahue at 7:27pm. Mr. Donahue was before the board to request slight modifications to his already-approved special exception for an accessory dwelling unit. Chairman Allen informed the board that Mr. Donahue would present his proposed changes to the previously approved accessory dwelling unit plan and the board would need to decide if the scope of those changes warranted a new application or if the changes fell under the purview of the original approved plan (Case #2022-01).

Mr. Donahue stated that if the breezeway as depicted on this originally-approved plan did not count towards the total square footage of the accessory dwelling unit, then he would like to apply those measurements to the accessory dwelling unit which would bring the new total square footage to 896 square feet, still keeping under the 900-foot requirement. Doing so would result in modifying the ridgeline of the garage/ADU, create a one-foot overhang (garrison style) on the ADU, and change the breezeway configuration to measure 8x12 feet which would tie into the garage/ADU and main dwelling better. The measurements for the accessory dwelling unit would change from the approved 28x30 feet to 30x30 feet.

Fielding board questions, Mr. Donahue indicated the foundation itself would not change, only the ridgeline. The board and applicant discussed the actual layout of the design with respect to the one-foot overhang and how this could modify the aesthetics of the plan. Board members discussed whether the residential look of the proposal would change based on the new configuration, and if those modifications were still in the spirit of the original board approval. It was noted that the town requirements would still be met, the access to the garage/ADU would not change, the floor plan for the ADU would not change, and the breezeway roofline would then come over to meet the house and the breezeway – the breezeway would remain enclosed. Concern about abutter notification to the changes was raised resulting in board agreement that the change in the ridgeline itself would not constitute grounds for not approving the plan.

For the record, Mr. Donahue confirmed the new configuration for the accessory dwelling unit would measure 30x30 feet.

By general consent, the board agreed the modifications to the ridgeline and the increase in square footage of the accessory dwelling unit did not warrant a new hearing, as the changes would affect the aesthetics of the plan only, and the spirit of the original approval remains intact. Notice to the building inspector about these changes will be provided by the board and the meeting minutes shall serve as record of the board's approval.

APPROVAL OF MINUTES

Board members reviewed the minutes from June 23, 2022.

MOTION: Mr. Ciardelli motioned to approved the June 23, 2022 minutes; seconded by Mr. Collamore. With no further discussion the motion passed 5-0-0.

OTHER BUSINESS

MEMBER RECRUITMENT EFFORTS: The board will continue its efforts to recruit new board members.

DECISION RECORDING PROCEDURES: The board discussed the recording practices for board decisions noting that although recording decisions at the Registry of Deeds is not required, it would seem best practice to do so in order to ensure the perpetuity of these town records. The board approved the practice of recording notices of decisions at the Registry of Deeds by general consent. This practice would be included in the board's Rules of Procedure.

RULES OF PROCEDURE: The board reviewed a draft of proposed changes to the board's Rules of Procedure and discussed adding language that the land board secretary serve as an alternate member provided, he/she is a town resident. It was agreed this practice could be implemented; however, it would not need to be added to the Rules and Procedure's document. Also noted was an update to the public notice paragraph in that the Zoning Board of Adjustment criteria for public notice is different than the Planning Board's, which was originally cited in the rules. The board agreed to place the adoption of the Rules and Procedures on the next agenda.

ADU APPLICATION AND SAMPLE APPLICATION: The board reviewed the proposed updated accessory dwelling unit application and sample application and approved both for immediate use and posting. Updates to the other ZBA application forms are forthcoming.

With no other business before the board,

MOTION: Chairman Allen motioned to adjourn the meeting; seconded by Mr. Falman. The motion passed 5-0-0.

The meeting adjourned at 8:14pm.

Respectfully submitted,

Catherine Belcher

Land Board Secretary

Minutes approved on October 26, 2022.