

TOWN OF EAST KINGSTON ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

June 23, 2022

Pound School
41 Depot Road
East Kingston, New Hampshire

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

AGENDA

Donahue ADU Special Exception – 26 Haverhill Road

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

Applicants and members of the public who participated in the meeting: Shawn Donahue and Tanya Donahue.

Chairman Allen opened the meeting at 7:02pm followed by the roll call.

PUBLIC HEARING - SHAWN DONAHUE AND PATRICIA GOODWIN – property located at 26 Haverhill Road (MBL# 09-02-04) on 1.6 acres in the Commercial District. Application for a Special Exception to permit an Accessory Dwelling Unit (Zoning Ordinance Article VIII.F).

Chairman Allen opened the public hearing for Shawn Donahue and Patricia Goodwin at 7:02pm and noted this was a continuation from the May 26th meeting to allow the applicant to submit a new septic design plan. He then referenced the May 4th and May 26th meeting minutes with respect to the applicants having met special exception requirements a-f as provided under Article VIII.F Accessory Dwelling Units.

- a. *A single-family dwelling located in a zoning district that allows single-family dwellings.* – MET
- b. *Ownership.* – MET
- c. *Living Area Configuration.* – MET
- d. *Construction.* – MET
- e. *Manufactured Housing.* – MET
- f. *Parking.* – MET

He stated that there was discussion on the septic system design plan at the May 26th meeting which resulted in the continuance of the hearing to this evening. He then asked the applicant if there were any changes to the proposal (specifically requirements a-f) apart from the new septic system design plan as presented this evening.

Mr. Donahue responded there were no changes to the proposal. He stated the new septic design plan utilizes the existing leach field but consists of two septic tanks. This way he will not need to revisit the system when he updates the main dwelling sometime in the future.

Vice Chairman Robbins noted the leach field location has been modified from the last plan to meet the boundary setback.

Chairman Allen noted the proposed septic design meets the well and boundary setbacks, and has received state approval (#eCA2022061609), as well as a wetland disturbance permit.

Discussion then ensued on the newly proposed system design's capacity noting the overall capacity is rated at 895 gallons per day (675/3 bedrooms and 220/accessory dwelling unit). Though the permit is not specific to a 5-bedroom system, the overall capacity qualifies as meeting the appropriate flowage for the main dwelling (3 bedrooms) and the accessory dwelling unit (1 bedroom).

The board addressed the septic system requirement as follows:

- 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.

By virtue of the septic design's state approval, the board, by show of hands, agreed this condition had been met. Furthermore, the applicant was informed that 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. Mr. Donahue was advised to present the ZBA's written approval of the special exception as well as the state-approved plan and documents to the Building Inspector who will then issue a building permit.

Additionally, he was advised that when the renovation or construction is complete, and the 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.

Mr. Donahue indicated his understanding of these requirements.

Chairman Allen opened the hearing to public comment; there was none. He then closed the public hearing at 7:14pm for board deliberation and decision.

MOTION: Chairman Allen motioned to approve the special exception application for an accessory dwelling unit for Shawn Donahue and Patricia Goodwin of 26 Haverhill Road, MBL# 09-02-04, based on the final and state-approved septic design plan submitted this evening as well as the accessory dwelling design plans first submitted at the May 4th meeting; seconded by Vice Chairman Robbins. With no further discussion the motion passed 5-0-0.

Mr. Donahue was informed a notice of decision would be forthcoming to which he provided his email address as a means to transmit the notice directly to him.

APPROVAL OF MINUTES

Board members reviewed the minutes from May 26, 2022.

MOTION: Vice Chairman Robbins motioned to approved the May 26, 2022 minutes; seconded by Mr. Ciardelli. With no further discussion the motion passed 5-0-1 (Chairman Allen abstained).

OTHER BUSINESS

MEMBER RECRUITMENT EFFORTS: The board was updated on board member recruitment efforts (email distribution to town officials, Facebook postings on two community pages as well as the Town's page, website postings on both the Planning and Zoning boards' pages, posted at the town offices and post office, and a pending press release in the Carriage Towne News). Vice Chairman Robbins offered to post the recruitment flyers in Cricket Hill.

RULES OF PROCEDURE: The board reviewed a draft of proposed changes to the board's Rules of Procedure and discussed the possibility of adding more procedural language with respect to application submittal standards in an effort to garner continuity in this process and make meetings more efficient. Board members expressed their agreement that application submittal requirements be met prior to moving the application forward to public hearing and then provided two recent applications as minimum standard samples as well as suggestions to create a checklist for the applicant to ensure he/she meets that minimum standard. The Rules of Procedures will be placed on the July agenda for additional review and then scheduled for adoption at a subsequent meeting.

PUBLIC HEARING NOTIFICATION PROCESS: Discussion then ensued on the Planning Board's recent approval to utilize the website posting option for public hearing notices as allowed under RSA 675:7 as both cost savings and application processing improvement measures. Public notice about these changes would be published in the newspaper in July, August and September in an effort to alert community members of this change in practice. By general consent, the board agreed to adopt this public hearing notification process.

SEPTIC DESIGN PROVISIONS FOR ACCESSORY DWELLING UNITS: Chairman Allen informed the board of the intent behind amendments made to the septic design provisions for accessory dwelling units under Article VIII.F noting a paragraph was added to clarify the process that was being followed; however, it was clear that further clarification was needed to ensure both a separate and combined septic plan is acceptable to meet the septic plan requirements.

With no other business before the board,

MOTION: Mr. Maher motioned to adjourn the meeting; seconded by Vice Chair Robbins. The motion passed 5-0-0.
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The meeting adjourned at 8:10pm.

Respectfully submitted,

Catherine Belcher

Land Board Secretary

Minutes approved on July 28, 2022.