

MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING
October 10, 2013
7:00 PM

Meeting called to order by Electra Alessio, present, Ray Donald, Daryl Branch, Peter Coffin, John Whittier and Jay Alberts. The minutes for the July 2013 meeting were approved.

Carolyn Griffin, Tax Map R – 4, Lot 10-1

Ms. Carolyn Griffin stated her family had recently moved to Kingston, her daughter, husband and two children and she would like to have her own space and still be close to the family. Mr. Alberts asked about the site plan. Ms. Alessio stated plans have been approved and a letter from Robert Steward approving the apartment had been received. Ms. Alessio asked if anyone would like to speak in favor or opposition of the request. Mr. Whittier made a motion to grant the special exemption with the proviso that it be recorded with the registry of deeds, Mr. Donald seconded. Mary Cyr asked about the apartment being transferable. Ms. Alessio explained the process. Ms. Cyr asked how many accessory apartments were in town and if the town had the means to track who was in the apartment. A discussion followed regarding regulating apartments. A vote was taken all in favor. Ms. Alessio explained the thirty day waiting period.

James & Tina Duval, Tax Map R-5, Lot 21D

Mr. Tim Lavelle from James Lavelle Associates stated he did the survey and prepared the plans. Mr. Lavelle stated Mr. Duval has an existing shop behind the house and had gone before the Planning Board with a site plan to show the use of the building. Mr. Lavelle stated Mr. Duvall's shop has evolved and would like to legalize the welding shop. Mr. Lavelle stated most of the work takes place indoors and it's a fairly clean quiet operation. Mr. Lavelle stated the property is right off the C3 zone. Mr. Lavelle stated there would only be three people in the shop at one time (two being the homeowners). Mr. Alberts asked about traffic in and out of the business. Mr. Lavelle stated there were very few onsite customers and one delivery a month. Ms. Alessio asked how long the business has been in existence. Mr. James Duval stated approximately fifteen years operating out of Hunt Road for twelve. Ms. Alessio asked if anyone would like to speak in favor or opposition of the request. A discussion followed regarding permitted use and the properties proximity to Route 125 and other commercial properties. Ms. Alessio explained the process

for the site plan review. Mr. Branch asked if it was a machine shop or a welding shop. Mr. Duval stated it was a welding shop, mostly bench work, but no repair work. Mr. Lavalley reviewed the five criteria. Mr. Branch asked about storage of materials. Mr. Duval stated they try to keep everything inside. A vote was taken all five criteria passed Mr. Donald made a motion to grant the variance seconded by Mr. Alberts, all in favor, no opposition. Ms. Alessio explained the thirty day waiting period.

John and Ellen Knudsen, Tax Map U-4, Lot 109

Ms. Ellen Knudsen stated they had purchased the seasonal cottage in 2009 and would like to turn it into a year round property and retire to the community. Ms. Ellen stated they would like to expand; they currently have 680 square feet not all livable in the cooler weather. Ms. Knudsen stated they would like to expand to 1100 square feet. Ms. Knudsen stated they had consulted with several contractors who advised it should be torn down and rebuilt. Ms. Knudsen stated they were aware of a septic situation. Ms. Knudsen stated they had approval from the state and town for a new septic system. A foot print plan was reviewed and discussed. Mr. Rich DeBenadetto stated the current structure was a one story home and the proposed would also be one story with similar roof lines, but the peak would be 4 feet higher than the existing. Mr. DeBenadetto stated 40% of the home would have cathedral ceilings with no attic space. Mr. DeBenadetto stated they looked at remodeling the current structure and it doesn't meet any building codes and the best solution is to take the building down and put up a new structure which would be an asset to the community. Ms. Alessio asked about taking down the back deck. Mr. DeBenadetto stated everything would be coming down and there would be a full foundation, currently it is up on blocks. Mr. Alberts asked about the distance from the lot lines currently and the proposed. Mr. DeBenadetto stated it would be the same footprint. Mr. Alberts stated if the building was repaired it would be grandfathered as legally non-conforming. Mr. Coffin asked about the well and the septic on the property. A discussion followed regarding the septic and well radius requirements, flooding, flood zones and flood insurance. The plans were viewed and discussed. Mr. Coffin stated the homes in the area were built as camps and not intended to be year round homes, and he did not see how it would be physically possible to meet all of the state requirements. Mr. DeBenadetto stated they had an approval from the state and town. Mr. Knudsen stated all of the all of the homes on that street were year round except theirs. A discussion followed regarding the size and workings

of the septic system. Ms. Alessio asked if anyone would like to speak in favor or opposition to the proposed plan. The applicant explained the removal of the paved area to comply with the impervious surface ordinance. A discussion followed regarding the 150 ft Shoreland Protection Ordinance, and the request for a variance. An exact measurement could not be determined. Mr. Donald stated the board needed more information. Ms. Alessio stated the board could not grant anything greater than a 30 ft. variance as that was what was noticed. Mr. DeBenadetto asked about granting the variance with a condition the foundation meets the requirements. Mr. Branch calculated the current residence was 124 feet from the water. A discussion followed regarding requesting additional footage. Mr. Donald suggested delaying the meeting until next month. Ms. Alessio stated the applicant could come back but the board still could not grant more than 30 feet unless the legal notice was re noticed. The calculation was reviewed and a discussion followed regarding the footprint and changes that could be made to the plan to comply with the ordinances. Mr. Whittier stated the applicant could comply with the 30 feet which would mean altering the proposed addition or request a new hearing that would be re-posted. Ms. Alessio stated the applicant could withdraw the request tonight without prejudice and no action would be taken, and the dead line for the November meeting is next Wednesday. Ms. Alessio asked the board if they would like to vote on the first two items or have the applicant withdraw the entire application. The board was split and the applicant was asked which way they would like to proceed. Ms. Knudsen stated she would like to see a vote on the first two issues. Ms. Alessio stated she would waive the application fee but could not waive the fee for abutter's notices. It was agreed that the entire application be pulled and resubmitted for November's meeting.

Joseph & Samuel Patterson, Tax Map R-4, Lot 2B

Attorney Mary Ganz, Ganz Law Office representing the applicant and the owner of the property. Attorney Ganz stated they had gone before the Planning Board with the client's proposal to buy the property, in order to park equipment and trucks on property. Attorney Ganz stated the Planning Board mandated they come before the ZBA because it was not on the approved or prohibited uses list. Attorney Ganz stated the property was on Route 125, and the trucks and equipment would be parked off of the road and a buffer would be between the residential properties. Ms. Alessio asked what kind of business looked for just a parking lot. Attorney Ganz stated a paving business. Attorney Ganz stated the Planning Board informed her they needed to be specific and she provided a list of vehicles and equipment but requested substitutes for

when the applicant updated equipment and vehicles. Attorney Ganz stated there were approved uses that would have many trucks. Attorney Ganz supplied photographs of other properties on Route 125 with vehicles and equipment parked on the properties. Attorney Ganz stated the vehicles and equipment would not be seen from the street. Attorney Ganz stated the applicant was not planning on putting a building on property. Ms. Alessio asked if they were planning on driving from Seabrook to Kingston to park. Attorney Ganz stated her client has been using his property and has been looking for an alternate place to park, and this seems to fit the bill. Mr. Alberts stated the question was not if the business was allowed but if they could park vehicles at the location. Attorney Ganz agreed vehicles and equipment. Mr. Alberts asked if the vehicles were registered. Attorney Ganz stated they were all registered vehicles. Attorney Ganz stated some of the equipment would leave at the beginning of the work day Monday thru Saturday, seasonally and return at the end of the day. Attorney Ganz stated the applicant would still have to go to the Planning Board for site plan review. Mr. Donald asked if they anticipated doing maintenance work on the vehicles while parked at the property. Mr. Patterson stated some repairs would be done on site. Ms. Alessio asked again about a building. Mr. Patterson stated not now, but maybe someday they would put a building on the property. Mr. Whittier asked about the property frontage. The plans were reviewed and discussed. Attorney Ganz reviewed the criteria. Mr. Alberts asked why the request was for parking cars not for a type of business. Attorney Ganz stated his business was paving but they would not be doing any paving at the property just parking the vehicles and equipment. Mr. Donald asked if there would be a limit to pieces of equipment and vehicles. Mr. Patterson stated he would like to grow but in this economy he didn't see it happening, all of the equipment fits on 1/2 acre of land. Ms. Alessio asked about land in Seabrook. Mr. Patterson stated it was behind his house and his wife was tired of it being there. Ms. Alessio stated she was not in favor of this, the pictures of other vehicles on Rt. 125 do not justify adding more vehicles onto Rt. 125. Ms. Alessio stated it would increase the traffic and would be an eyesore. Ms. Alessio stated she didn't see how they could limit the number of vehicles and it bothers that he is coming from Seabrook to park his cars in Kingston. Mr. Alberts stated he thinks the request fits within the town ordinance. Mrs. Lynn Merrill stated she is the listing broker for the property. Mrs. Merrill spoke about the creation of the C3 zone. Mrs. Merrill spoke about the photographs that show other properties on Route 125 that were used to park construction vehicles. Mrs. Merrill stated the "use" was currently in place on two properties, and did fit. Mr. William Bartlett Jr. stated the real question is whether the gentleman could buy the property and park trucks and they had shown where other persons are permitted in this town to do the same thing. A

vote was taken All five criteria passed, a motion was made and seconded, all in favor.

Ms. Alessio adjourned the meeting at 9:10

Respectfully submitted,

Tammy L. Bakie
Secretary
Zoning Board of Adjustment

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