

MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING
November 14, 2013
7:00 PM

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

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

Mr. Knudsen stated they had purchased the seasonal cottage in 2009, would like to sell their large home in East Hampstead and convert the cottage into a year round home. Mr. Knudsen stated they had engineering help with the septic system. Mr. Quintal stated he had prepared plans for the previous owners and this plan was environmentally better than the conventional leech field. Mr. Quintal explained the septic systems compartments and functions. Mr. Quintal stated this system has been used and proven and works well especially around lakes or streams and it makes it easier for the State to approve plans on a small lot. Mr. Quintal stated he also did a plan for the Shore Land Division of the State, for a permit. Mr. Quintal stated the applicants would reduce the size of their driveway reducing the overall lot coverage. Mr. Alberts asked if there were any detriments. Mr. Quintal stated no, that if he was living there this was the plan he would want. Mr. Knudsen reviewed the five criteria. Ms. Alessio asked if anyone would like to speak in favor or opposition of the project. Ms. Alessio stated she had spoken with the building inspector and the footprint is the same as the original structure but would still need variances because they don't meet current regulations. A vote was taken for a 15.6 foot variance; a motion to grant the variance was made by Mr. Donald and seconded by Mr. Alberts, all in favor. A vote was taken for a Special Exception all five criteria passed; a motion to approve was made by Mr. Donald, seconded by Mr. Alberts, all in favor. Ms. Alessio explained the thirty day waiting period.

Kaiss Kirata, Tax Map R-8, Lot 32-6

Mr. Kevin Hatch of Cornerstone Survey stated the proposal was to build a home on Kinneret Drive, on the corner lot. Mr. Hatch stated the plan was for a three bedroom home with a one bedroom apartment, a three car garage, and plenty of parking. Mr. Hatch stated the apartment would be 965 square feet the total house is 4009 square feet meeting the minimum

requirement. Mr. Hatch stated the plan had been sent to the town and state and have received septic approvals from both. Mr. Hatch reviewed the 10 criteria for the special exception. Mr. Paul Brisson stated he was the owner of the adjacent lot and welcomed his new neighbors, he asked about the distance from his lot line. Mr. Hatch stated the closest point would be 75 feet. Mr. Brisson asked about converting to a condex or rental. Ms. Alessio explained the process to record the apartment on the deed and it not being transferable to a new owner. Mr. Whittier asked about the egress for the apartment. Mr. Hatch provided a plan, explained and discussed. Mr. Whittier made a motion to approve the request for a Special Exception, for an Accessory Family Apartment, this approval would require the applicant to register the Accessory Family Apartment on their deed at the Rockingham county Registry of Deeds, Mr. Branch seconded, all in favor.

John Pramberg, Tax Map, R14, Lot 18

Mr. Paul Nichols stated the seasonal cottage is within the shoreline protection district of Country Pond. Mr. Nichols stated they had hired Seekamp Environmental to do the wetland delineations and the wetland buffer. Mr. Nichols stated it was determined that the buffer would be 100 feet. Mr. Nichols stated the existing cottage was 25 feet from open water and 15 feet from the edge of the wetland. Mr. Nichols stated he would like to keep the existing structure and expand it. Mr. Nichols stated it would change from a two bedroom seasonal to a three bedroom year round usage. Mr. Nichols stated they had permits from Shoreline protection and the septic design has been approved by the town and the State. Mr. Nichols stated that if one were to build anywhere on the site it would be within the wetland buffer. Ms. Alessio asked about the approval for the septic whether it was for two or three bedrooms. Mr. Nichols explained there was a note stating the design allows for the increase of use from seasonal to full time occupancy for a three bedroom home. Ms. Alessio stated she was concerned because the applicant was asking for the lot to become more non-conforming. Mr. Alberts asked for copies of the permits. Mr. Nichols explained the plan. Ms. Alessio asked how the home was accessed. Mr. Pramberg stated through Newton. Mr. Pramberg stated the property was in a trust and had been in the family since 1705. Mr. Pramberg stated he would like to retire to this property. Mr. Pramberg explained different properties on the plan, and how the family property was divided. Mr. Nichols stated in the 50's the road became a town road. A discussion followed regarding the third bedroom. Ms. Alessio read a letter from the Conservation Commission, objecting to the proposal. Mr. Alberts asked what percentage the building would be increased by. Mr. Nichols estimated it would be 50%. Mr. Whittier asked

about the location of the expansion. The plan was reviewed and discussed. Mr. Whittier asked about the design and square footage. Mr. Pramberg stated they did not have a design, but estimated 2010 square feet. Ms. Alessio stated it was 1200 square feet currently. Mr. Albets asked if the state had approved the plan from a shoreline perspective why would the Conservation Commission's comments bear weight. Ms. Alessio stated the State's ordinances were not as stringent. Mr. Nichols stated the states jurisdiction is Country Pond not the outflow. Mr. Nichols showed the area where the State wanted kept unaltered. Ms. Alessio stated she was uncomfortable making the property more non-conforming. Mr. Nichols asked whether maintaining the same set back and eliminating the corner would make a difference. Mr. Nichols stated a Special Exception would still be needed because they were within the shoreline. A discussion followed regarding being limited by setbacks, and the existing well being abandoned and a new well dug. Ms. Alessio stated the applicant would need a use variance to change from seasonal to year round use. A discussion followed, Mr. Pramberg stated he was told he could put a heating system in and there was nothing the town could do to prevent him from making it a year round home as long as state criteria was met. Mr. Pramberg stated he would not be allowed to vote, register vehicles or boats at the address. Ordinances were reviewed and discussed. Pictures were provided and discussed. Ms. Alessio questioned the need for a use variance. Mr. Pramberg asked if he could fix up the structure and add a heating system. Ms. Alessio reiterated that residences were not allowed in the shore land protection area. Mr. Nichols stated the majority of the addition is outside the shore land protection area. Mr. Coffin stated by expanding the existing building it is creating a new non conforming use. A discussion followed regarding being grandfathered and the architectural restrictions. Ms. Alessio stated the board could allow the applicant to build the addition but not touch the front two corners that are in the wetland protection area. Mr. Donald asked about the building lot size. Ms. Alessio answered 2 acres, 3 for aquifer zone, and this property is 9 acres. Mr. Nichols stated they would maintain the integrity of the existing structure in the front, and eliminating the two corners. Mr. Pramberg stated he had opportunity to take possession of property in 2008 but renounced it and it was put into trust. Mr. Pramberg stated they had a soil engineer go through property and read a portion of what he wrote. Mr. Pramberg stated he was irrationally attached to the footprint and site and it makes no economic sense to do what he wanted to do. A discussion followed regarding whether the use variance was needed and not changing the front of the house. Mr. Coffin read from the municipal laws, and Ms. Alessio read again the Conservation Commission's comments. Further discussion regarding conditions and restrictions and the need for an area variance and or a use variance followed. A vote

was taken on a use variance, all five criteria passed; a motion was made to grant relief from Article 202 of the Town of Kingston Zoning Ordinance to allow the conversion of the 2 bedroom seasonal home to a year round residence by Mr. Whittier, seconded by Mr. Alberts, all in favor. A vote was taken on an area variance, all five criteria passed, Mr. Whittier made a motion to grant a Special Exception under the terms of Article 205.4C of the Shore land Protection Ordinance, granting two variances for the two corners of the structure facing the water: one corner is 15 feet from the wetlands on one corner of the structure facing the water and 23 feet to the open water on the other corner facing the water, seconded by Mr. Alberts, all in favor.

Ms. Alessio adjourned the meeting at 9:35.

Respectfully submitted,

Tammy L. Bakie
Secretary
Zoning Board of Adjustment