



KINGSTON ZONING BOARD OF ADJUSTMENT

August 09, 2018

Present:

Peter Coffin

Larry Greenbaum

Chuck Hart

Vice-Chairperson Larry Greenbaum called the meeting to order at 7:00.

Board Business –

Minutes of July 12, 2018 Approval – Mr. Coffin made a motion to approve the minutes, Mr. Hart seconded. Motion carried unanimously.

Public Hearing

Paul Trabucco
Kingston Veteran's Club
36 Church Street
Kingston, NH

RE: Tax Map R-30, Lot 11

Vice Chair Greenbaum gave the applicant the option to postpone the hearing as there were only 3 members present. The applicant declined. Mr. Trabucco explained that they were seeking a two foot variance to construct a 10'6 X 15' bathroom on the existing building. Mr. Coffin asked about the bump out for the air conditioning unit. Mr. Trabucco explained there was an existing bathroom in that location that would become a handicap bathroom and then add on a three stall women's bathroom. Vice-chair Greenbaum asked for any public comment. Mr. Hart asked if the AC unit would be relocated. Mr. Trabucco stated one would be moved. Mr. Hart asked if parking spaces would be lost. Mr. Trabucco stated they wouldn't, they still have 18 feet to the lot line. Mr. Hart asked if the septic could handle the additional bathroom. Mr. Trabucco stated the septic is brand new and is oversized. Mr. Coffin stated his biggest concern was if an abutter had any objection, and there was no-one present. All five criteria passed unanimously, Mr. Coffin made a motion to grant the variance, Mr. Hart seconded all in favor. Vice Chair Greenbaum explained the 30 day waiting period.

**Nancy Pratt
154B Main Street
Kingston, NH 03848**

RE: Tax Map u-10, Lot 7B

Vice-Chair Greebaum provided the applicant with two letters of denial, and asked the applicant if she wanted to continue the hearing as there were only three members present. Ms. Nancy Pratt stated she would like to postpone the meeting but would like to ask some questions and hear any comments. Vice-Chair Greenbaum stated that would be considered a hearing. Ms. Pratt stated she would like to go forward with the hearing. Ms. Pratt spoke about condo docs being mis-quoted. Ms. Pratt stated she addressed the condo issue in her application. Ms. Pratt stated she was not clear why she even needed a special exception. Mr. Coffin asked if she had been before the Historic District Commission. Ms. Pratt stated she had but was told she needed approval from the zoning board first. Mr. Coffin asked what zone she was in. Ms. Pratt stated she was in residential. Ms. Pratt stated she was being assessed and taxes for two residential homes, each one was considered separate residential. Ms. Pratt stated since she had purchased the property she hasn't gotten around to doing anything with the building and had requested a hearing with the selectmen decided no that is what she is being taxed, so she is paying the same for the spare building as for her unit. Mr. Coffin asked what zone 154 Main was in. Ms. Pratt stated it was in multiple family zoned and business and historic district. Mr. Coffin stated normally it's only required to go to the ZBA if property is in single family residential. Ms. Pratt stated the town of Kingston does not define what it is but the State of NH does. Mr. Coffin named off the zones and stated that each property is in a zone. Ms. Pratt stated she couldn't find it so went with the State and spoke about NH condominium acts and statutes. Mr. Coffin explained underlying zones and why that was important. A discussion followed regarding zoning and assessing, the tax maps were consulted and the property is in the single family residential zone and needs a special exception for an ADU. Mr. Coffin stated an ADU in a multi-family structure is prohibited, but as of this past year you are allowed to build an ADU as a separate unit as long as it meets the size limitations. Mr. Coffin stated Mr. Steward had written a letter that the ADU meets the size requirements. Mr. Hart asked for clarification on which unit they were talking about. Ms. Pratt stated the main house is unit #1 the thru way to the barn is unit #2 and the barn goes with unit 1 and the stand alone building that use to be the dental office that goes with her condo, that she wants to convert to an ADU. Ms. Pratt drew a picture of where the ADU is located which was discussed. Ms. Pratt stated this would meet all the criteria except there is confusion about the septic system which she has to have brought up to code, if she gets the approval. Ms. Pratt stated there was plenty of parking out back. Mr. Coffin spoke about the requirements for the septic system and a letter from the Kingston Health officer referring to the NH code of administrative rules requiring approved septic plans before expansion. Mr. Coffin stated as of this date there is no approved septic system design on file. Ms. Pratt stated there was an

approval for an update but it has expired, and it is unclear if the former owner did anything with those plans. Vice-Chair Greenbaum stated he had met with the health inspector and the applicant has to have proof of the approved septic system before the special exception can be granted. Mr. Coffin stated the only thing they could do is continue the hearing which would also give her time to address the other issue of ADU in multi-family structure. Ms. Pratt read State of NH 356-B:5. Mr. Coffin stated that a continuance would give the board a chance to consult with the town's attorney. A discussion followed regarding the difference between apartments/co-ops/and condominiums, and whether the septic system has been approved and or installed. Mr. Hart also questioned residency. Ms. Pratt stated she does not stay there full time because it is in the process of being re-done and there was a major water issue and she had just had a well put in. Ms. Pratt stated she would be living there. Mr. Coffin stated it is a requirement for her to live in one of the units. Vice-Chair Greenbaum stated the applicant would have to address the issues raised by the building inspector and the board's purview vs. civil. Mr. Coffin stated the applicant should look at RSA 674:71-73 the local ordinances comply with the state law. Mr. Coffin stated the legislature did not address condominiums and multi-family structures well and Chairperson Alessio should contact Glenn Greenwood for some clarity. Ms. Pratt stated this is a useless rotting building in the historic district and could be made to look like a carriage house and generate money to make improvements on the property. A discussion followed regarding continuing the hearing and what would be required. Mr. Coffin made a motion to continue the hearing to October 11th Mr. Hart seconded, all in favor. An unidentified member of the audience spoke about the well and the septic system. Vice-Chair Greenbaum stated the hearing has been continued to October.

Meeting adjourned at 8:02

Respectfully submitted,
Tammy Bakie