



## KINGSTON ZONING BOARD OF ADJUSTMENT

December 12, 2019

Present:

Electra Alessio  
Larry Greenbaum  
Peter Coffin

Chairman Alessio called the meeting to order at 7:00.

Board Business –

Minutes of November 14, 2019 Approval – Mr. Coffin made a motion to approve the minutes, Mr. Greenbaum seconded. Motion carried unanimously

Public Hearings

SFC Engineering Partnership  
1 Industrial Drive  
Windham, NH 03087

IN RE: South District YMCA Camp Lincoln  
67 Ball Road  
Kingston, NH 03848  
Tax Map R-25, Lot 3

Ms. Alessio explained to Camp Lincoln's director and assistant director that there was only a 3 member board tonight and Mr. Coffin had already recused himself from this hearing; there would be no action taken and the hearing would be continued to the January 9, 2020 at 7:05. Ms. Alessio stated she had received 3 contracts and none of them address the number of nights, type of applicant, health and safety issues, alcohol, and use of police details. Ms. Alessio stated the board was looking for parameters, type of vendor, and number of days, health and safety inspections, and the contracts do not address these issues. Mr. Greenbaum added the contracts were between the YMCA and their customers, the proposal that was offered last meeting is what will be on the permit, and the board is looking for YMCA's comments. Ms. Alessio stated the contract can be changed the permit will be on file. The director asked for another copy of the

proposal. Ms. Alessio stated the board would be looking for the KFD to say it's of for 2 or 3 night stay, proper number of bathrooms, and fire extinguishers etc. Mr. Coffin added number of people that could be accommodated. Ms. Alessio stated a checklist of what needs to be in place would be helpful. Mr. Greenbaum stated the board needs the stipulations for the permit. Ms. Alessio stated everyone wants this to happen but the expansion of use is the issue. Ms. Alessio asked for a copy of the revised proposal 5 days before the next meeting so that the board has an opportunity to review.

OSP Realty LLC  
52 Colby Road  
Danville, NH 03819

IN RE:  
62 Mill Road  
Kingston, NH 03848  
Tax Map R-22, Lot 26

Steve Pascoe introduced himself and his wife. Ms. Alessio explained the 3 member board and gave the applicant the option of continuing until January, noting that the decision would have to be unanimous. Mr. Coffin suggested opening the meeting and providing feedback. Mr. Pascoe stated he understood, but time was of the essence and because of a potential sale he preferred to get the meeting started. Mr. Coffin asked what year the house was built. Mr. Pascoe replied 1920 or 1930. Ms. Alessio distributed the letter from the building inspector Robert Steward. Ms. Alessio stated the living space above the garage was the issue. Ms. Alessio stated she felt she had been misled regarding information given to her by the applicant. The property has two property cards but one tax bill. Mr. Pascoe stated he was explicitly clear there is a two family home and a garage with a studio apartment. Which is the same as when he purchased it 1992, and has not been disputed until recently. Ms. Alessio stated that doesn't make it a legal apartment. Mr. Pascoe stated since 1988 paperwork shows a finished space above the garage and the town has taxed it as such. Mr. Pascoe spoke about there being 4 meters, and electrical permits being issued with three one bedroom apartments listed. Mr. Pascoe stated the property has never been condemned or fined. Mr. Pascoe stated he had been renting for 15 years. Mr. Pascoe stated the previous owner was made to expand the septic. A discussion followed regarding property tax cards vs. property tax bills. Mr. Pascoe stated assessor has to review and no one ever said it was an illegal apartment. Mr. Pascoe stated he bought it as a three family. Mr. Pascoe stated an illegal apartment should be shut down if not the town was at risk. Mr. Coffin stated different department do not always communicate; the health department checks the septic based on the number of bedrooms. Mr. Coffin stated the building pre-dates the zoning requirements. Mr. Coffin stated the building inspector can't grant an occupancy permit when a permit was never pulled. Mr. Pascoe stated it was built as a single family and was converted to a multi-family. Mr. Pascoe stated he went before the select board and argued for an hour, before being told he would need to go to the

ZBA. A discussion followed regarding the process. Mr. Greenbaum asked if there was a building permit for the 3<sup>rd</sup> apartment. Mr. Pascoe stated it was listed on all the documents. Mr. Coffin stated on the 2003 tax card it list a garage with living area for owner, but doesn't list the number of apartments. Mr. Pascoe stated in 1993 one bedroom above the garage which is a separate dwelling. Mr. Pascoe stated if the living space above the garage is an illegal apartment the building inspector should have flagged. Mr. Coffin stated this is not the first time this has happened nor the most egregious, and gave an example. Mr. Pascoe stated that was an outright attempt by the owner to hide the apartments he purchased the property as a three family. Mr. Greenbaum suggested tabling the discussion until there was a full board. Mr. Pascoe again stated nothing says the apartment is illegal and asked how the board felt about the property. Mr. Coffin stated the problem with granting a variance is it sets a precedence. Mr. Coffin suggested the applicant look at the criteria used for granting a variance. Ms. Alessio stated she would want to hear the responses to the criteria and to talk to the building inspector. Ms. Alessio stated they have to be fair and reasonable and suggested the applicant wait till the next meeting. Mr. Pascoe stated there was 30 years of use. Mr. Pascoe stated he extended beyond the immediate abutters to be notified and no one was at the meeting. Mr. Pascoe stated there have been no complaints, it is a well-managed property, no police activity. Mr. Pascoe gave some input regarding the criteria. Mr. Pascoe stated the abutters notice was incorrect. Ms. Alessio reviewed the abutters notice and agreed stating the hearing cannot go forward as the abutters were not properly noticed. Mr. Pascoe stated he had a right to be upset as he can't sell the property. Mr. Greenbaum asked if Mr. Pascoe would like to continue the hearing. Mr. Pascoe stated he was going to file a law suit. Mr. Greenbaum asked again if he would like to continue. Mr. Pascoe stated he would at this time. Ms. Alessio asked what the property was being listed at. Mr. Pascoe answered and then stated it was an inappropriate question. Mr. Greenbaum made a motion to continue, Mr. Coffin seconded. Motion passed unanimously, no abstentions.

Meeting adjourned at 8:55

Respectfully submitted,  
Tammy Bakie