

TOWN OF SUTTON
Zoning Board of Adjustment
Pillsbury Memorial Hall
Meeting Minutes
July 16, 2014

Present: Zoning Board of Adjustment Members: Bill Hallahan, Chair, Derek Lick, Doug Sweet, and Ed Canane, Members; alternate, Sue Reel (Dane Headley, member, and Carla Krajewski, alternate, were absent); Laurie Hayward, Land Use Coordinator; and interested member of the public, Thomas Schaumberg.

The meeting was called to order at 7:05 PM, by Bill Hallahan.

Hallahan asked the alternate, Sue Reel, to sit in for Dane Headley who was absent.

The Chair opened the Public Hearing. The Chair asked the LUC to read the notice for the, **Case 2014-07**. The notice was read.

“You are hereby notified of a Public Hearing to be held on **July 16, 2014** at or around 7:00 p.m. at the Pillsbury Memorial Town Hall, 93 Main Street, Sutton Mills, NH, concerning a request, **Case 2014-07: By Wade & Debra Walker, applicants, 93 Cotton Road, Sutton, Tax Map # 07-533,593** for the following Special Exception under Articles V.B.1 & IV.B.1: To permit the change from a single family dwelling to a two-family dwelling; in a Rural-agricultural District.

Documents are available for your review at the Town Office.”

The Chair then read the Ordinances IV.B.1 & V.B.1.

“IV. B. The following uses in the Residential District may be granted by a special exception by the Board of Adjustment after a public hearing:

1. Two-family dwellings.”

“V.B. Uses permitted as a special exception subject to the approval of the Board of Adjustment after a public hearing:

1. Any special exception permitted to be granted in the Residential District.”

The Chair explained the process. The Chair stated that several Board members did visit the property. He invited Wade and Debra Walker to step forward. The Chair opened the discussion with the applicants by stating that the application was clear and that one of the most important portions of the application was Mrs. Walker’s letter regarding the purpose of the request for Special Exception.

The Chair asked that one of the applicants explain their request. Mrs. Walker explained that they have a cape and they would like to close off an area of the first floor to make a separate living unit. She further explained that the existing kitchen would become a part of the new rental unit. Their current office would become the apartment bedroom and they would use an upstairs room for an office. She clarified that it would be a studio or in-law-apartment. Mrs. Walker noted that there would be no change to the exterior of the house. Hallahan noted that the application included diagrams showing the proposed changes. Hallahan asked the members if anyone had questions on the diagram or the proposed changes.

The Chair asked the applicants to explain what they were thinking regarding the rental of this unit. Mr. Walker explained that this is a very small unit and they expect it would only work for one person or a couple. The size would be 34x15 feet. The kitchen is quite small. The bathroom being used for the unit already exists and they do not need to add a bath elsewhere. The house was built in 1988 and the septic system would have been the same year. The Walkers are the only owners. Mrs. Walker brought their septic plan and showed it to the Board. Sweet looked at the septic design and explained to the applicants that the design is for 3 bedrooms and they have three bedrooms, but they will add a second kitchen. He explained that a second kitchen would be the equivalent of 1.5 bedrooms. The applicant asked why the requirement is that way if they are not adding bedrooms. Sweet explained that a one bedroom apartment is considered 1.5 bedrooms because additional plumbing is required to add kitchen plumbing. Sweet suggested that he would like to see a condition that required the applicants go through DES and obtain a septic approval and, if required, a DES approved design. Sweet said the condition should require the applicants get a permitted designer to review it and evaluate it and the applicant would be asking for approval for 2 bedrooms and "1.5" bedrooms for the apartment. He further stated that he did not expect that they would have to build a new septic system, only demonstrate to DES that a system adequate for the proposed use could be fit on the property. Canane asked for clarification on the statement that the septic system need not be built. Sweet explained that it is his experience that DES does not require the new system be built only that it could be built to accommodate the new use. Installing a new system would only be required should the current system become an issue.

There was a brief discussion about the building code requirement for 500 square feet on the first floor for a second dwelling unit. Canane spoke and indicated that he knew the road well and did not think that there would be any impact to traffic or parking with the addition of the proposed rental unit. Canane asked if there wasn't a minimum square footage requirement for living space in the Ordinance. Hallahan stated that the requirement is part of the building code. Lick quoted from page 71 the Building Code, Article II.C.1.:

"Every dwelling or residence shall have a first-floor space designed and used for living quarters of not less than five hundred (500) square feet per family unit exclusive of basements, utility room, porches, garage, breezeways, terraces, attics, or partial stories."

It was agreed that 30 x 17 feet, roughly 510 square feet, the design presented does just comply with Building Code. There was some question about the wording of the Article, especially in connection to the "first floor" requirement. The Chair asked for any additional input from Board members. Reel noted that she knows the property and especially likes that they are simply "replacing children" and not adding more people than originally lived in the house.

The Chair asked for motion to close the public hearing and go into deliberations on Case 2014-07. Chair moved; Canane seconded the motion and it was voted unanimously.

The Chair asked if there was anything from abutters and the LUC explained that there was a letter from Valerie Forbes-Serrano, an abutter who lives in Madrid, Spain. The LUC also explained that the same abutter had telephoned her from Madrid that day to make sure that the LUC had received the letter. In both the letter and the conversation, the abutter expressed that she had no objections to the proposed modifications to the dwelling. The Chair asked if there was any other input and the LUC replied that there was not.

The Chair asked if members wished to go back into session to complete worksheets and made a motion that they do so; Lick seconded and it was voted unanimously.

Lick explained that he would base his approval on the applicant's reasons as articulated by the applicants in their letter with the condition that the applicants secure a septic system approval from DES for the proposed use. The members completed their worksheets. **The Chair asked for a roll call vote on Approval with the Condition that the applicants secure a septic system approval from NHDES. The LUC took the roll call vote with results as follows: Hallahan, yes, Lick, yes, Sweet, votes to grant, Ed Canane, yes, Sue Reel, yes. The approval with conditions is voted unanimously.**

Hallahan thanked the applicants, noting that the application was well done. He also explained that there is a 30 day

appeals period before the decision is final. Walker asked if he needed to get a DES application to the Board. Hallahan explained that the Walkers need to apply to DES. Once they have the septic system approval from DES, a copy should be sent to the LUC in order to fulfill the condition. Walker asked about the Building Permit. The LUC replied that the Walkers could apply for a building permit right away. The application would be held until the 30 day appeal period is over and then submitted to the Select Board for their approval at the next Select Board meeting. **The motion to close the hearing was made and seconded and voted unanimously. This ended the public hearing on Case 2014-07.**

Administrative: Minutes from the last meeting: The Chair took up the Minutes for the meeting on June 18, 2014. There was a brief discussion about the revision to the draft minutes that included a note that the LUC sent a letter to Moulton correcting the appeals process noted at the meeting by explaining that appeal begins with a request for reconsideration by the Zoning Board of Adjustment. **The Chair moved that the minutes be approved; Lick seconded the motion to approve and the minutes were approved unanimously.**

Open Conditions: The LUC explained she had found someone at TDS to resolve the Merrimack County Telephone (TDS) Condition from late 2012. He has asked what kind of vegetative screening the Board would like installed at the sight which is located at Route 114 at Brown Avenue. The Chair asked Sweet for his thoughts. Sweet suggested that arbor vitae are fine; but, he suggested that the abutter be consulted. Board members generally agreed that arbor vitae at least the height of the cabinet would be fine and the LUC was directed to let the TDS contact know that and to provide him with a list of several local landscape companies.

The LUC also provided an update of the status of the Mapes condition. She explained that there has been contact with both the Mapes and Provan & Lorber and the Select Board has approved a 60 day extension to allow Provan & Lorber the time to get a DES approved design completed.

Regarding the ITW cell tower installation, the LUC explained that work has recently begun with grading of the access road to the site.

Other Business: There was a brief discussion about the need to go through the Ordinances and put together recommendations for changes in language in advance of the 2015 town meeting and vote. The LUC explained that she had included in packets the current RSA language requiring town give two years to perform on Variance and Special Exceptions. The Chair explained that the new RSA does not allow for the stricter one year that exists in the current regulation.

Regarding previous discussions about adding language regarding solar installations, the LUC explained that the New Hampshire Office of Energy and Planning had indicated that they are currently working on a "model ordinance" for solar installations and it might be wise to wait until that is available. The Board agreed.

The LUC also explained that members' folders contained a draft of a noise ordinance. She further explained that the town does not currently have a noise ordinance and it is Police Chief Korbet who asked her to put this before the planning and zoning boards. Chief Korbet explained to her that he receives complaints regularly and would like to have a basis in the Ordinance so that he has something to enforce when there are complaints. The Chair asked the LUC to gather information on noise ordinances in other towns and the Board will look at Chief Korbet's draft as well as other examples.

Derek Lick offered to do some work on a revision of language in the Ordinances and that offer was quickly accepted by the other board members and the LUC.

Canane opened a brief discussion about workforce housing and how he supported the kind of housing that the hearing this meeting represents – additions of in-law apartments to provide a small income to home owners. Otherwise, Canane explained he feels workforce housing should be for the local workforce and the only example he sees in Sutton is for the few farms that need to provide housing for farm workers. The LUC explained that the Master Plan is a good

place to work on issues that members feel they can contribute and asked that they consider becoming involved with one area. It was agreed that the LUC would send members a list of committees.

There being no hearings scheduled for August, it was agreed that the next meeting will be held, Wednesday, September 17, 2014 at 7pm.

There being no further business, Sweet moved; it was seconded and voted that the meeting be adjourned at 8:14 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator

DRAFT