

**SOMERSWORTH ZONING BOARD OF ADJUSTMENT**  
**MINUTES OF MEETING**  
**NOVEMBER 7, 2018**

**MEMBERS PRESENT:** Matt Keiser Chair, Donald Routhier, Vice Chair, Richard Brooks, Coty Donohue, Brad Fredette

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Shanna Saunders, Director of Planning and Community Development and Christien DuBois, Assessing/Code Clerk.

The meeting was called to order at 7:00pm.

**1) APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 3, 2018.**

Keiser made Fredette a voting member of the Board.

**Motion:** Brooks moved to approve the minutes of the meeting of October, 3<sup>rd</sup> 2018. The motion was seconded by Donohue and the motion passed unanimously 5-0.

**2) OLD BUSINESS**

A) Any old business that may come before the Board.

None

**3) NEW BUSINESS**

A) Douglas Ladd is seeking a variance from Table 5.A.1 of the Zoning Ordinance to have a duplex without required frontage on property located at 55½ West High Street, in the Residential Duplex (R2) District, Assessor's Map 13, Lot 39, ZBA #12-2018 – PUBLIC HEARING.

Saunders stated that this is an existing property with a single-family dwelling and wants to add a second unit. Saunders explained that the property does not have the frontage for the second unit despite being zoned R-2. Saunders explained to the applicant the accessory dwelling unit but wanted the property to have separate utilities.

Douglass Ladd passed out a packet to the Board. Ladd explained his history to the property and his history to the community. Ladd stated that one of the items the realtor stated when he bought the house was the propensity to add another unit if he wanted. Ladd stated that the property is zoned R-2 and showed the tax card which is zoned R-2 to the Board. Ladd stated looking at the regulations, it doesn't look like he would be qualified for a single-family home under today's regulations either. Ladd stated that the building was clearly built to be a duplex. Ladd stated that speaking with his attorney, the ADU provision is available but wants to be able to have separate utilities. There are two meters at the property already. The second meter was used for a separate water heater.

Keiser asked the applicant to provide an overview of how his application meets the 5 criteria that he provided on his application.

Ladd stated that the proposal wouldn't diminish surrounding property values because there are duplexes in the nearby area, in addition, you can't see the property from the road. The lot is heavily wooded as well and can't see the house. The structure meets the use that the property was zoned for. The property pre-dates the zoning.

The variance would not be contrary to the public interest because the property is zoned R-2 and the property provides additional living spaces. It is making the best use of the property that it was zoned for.

He cannot literally meet the provision of the ordinance because it doesn't conform to a single-family housing. The lot is an odd shape and it is the way that the property was created and is a hardship for him.

It is a reasonable request because it raises the property value of his home. It provides more housing and increases the tax base. Under the laws of the State of New Hampshire, he can add another unit anyway.

Ladd states he can't see why it doesn't meet the spirit of the ordinance because the property is zoned R-2.

Routhier asked Ladd where the apartment would be placed and if there was access.

Ladd answered yes and that there is already a door to access the proposed apartment. Ladd stated that many people think the apartment entrance is the front door.

Routhier asked about the total square footage of the apartment.

Ladd stated a little less than 1200sqft.

Routhier asked how many bedrooms he was going to add.

Ladd stated 2.

Routhier asked how many windows are in the apartment.

Ladd stated there are front and side windows and he is looking to place more.

Routhier asked about parking.

Ladd stated he has a long dirt driveway that he can park over 20 vehicles in the space.

Routhier asked if the proposal would have to go to Planning Board.

Saunders stated he would not and that duplexes aren't required to go to Planning Board.

Routhier asked about the location of the property in relation to the SAU.

Ladd explained where the property was located and explained how the driveway was laid out.

Routhier asked about surrounding properties that are duplexes.

Ladd recalled some properties in the surrounding area that are duplexes.

Fredette asked if he was going to create an ADU if a variance was not granted.

Ladd answered that he would.

Keiser asked how large the lot is.

Ladd answered 1.3 acres, the majority of it is in the back of the lot.

Keiser asked if the driveway was surrounded by a wooded area.

Ladd answered that it was.

Keiser closed the public hearing at 7:31pm.

Fredette asked Saunders to explain the R-2 Zone to him.

Saunders stated the way the R-2 zone is interpreted that with water and sewer he needs 150 feet of frontage for a single-family dwelling. For each unit, the applicant needs to have 230 feet of frontage.

Fredette stated that the house was built as a single-family home with the propensity of an in-law apartment. Fredette stated he doesn't see a house specifically to be a duplex. The property abuts Ron-Wyn Drive, which has single family homes and doesn't see a hardship beyond the use of an in-law apartment.

Donohue stated that the ordinance does ask for more frontage between a single-family home in R-2 versus a duplex in the R-2 zone.

Saunders stated those were good questions but the applicant wouldn't meet either requirement.

Donohue asked if anyone saw a problem with the proposal of another unit.

Saunders stated the City could work with him on the proposal.

Donohue asked about an ADU that would be greater than the maximum square feet.

Saunders stated that it would require a variance.

Donohue stated that the items the Board should look at is size and the separate utilities.

Keiser stated there are other different requirements between an ADU and a separate unit. Keiser also stated it is not the Board's decision to determine if those are right or wrong.

Routhier stated the zoning district is R-2. The applicant is therefore entitled to put a duplex on the property. Routhier also mentioned the property is built as a single family. Properties on High Street, particularly older properties were built as single-family homes, but are now duplexes. The applicant has plenty of land, more than most other people in the area. The only issue is frontage, but most other properties don't have enough frontage in the area.

Keiser stated the spirit of the ordinance is the regulation of density in the area. The applicant has a large lot, and therefore meets the spirit of the ordinance. Keiser stated that the property is unique due to its largeness and has a hardship because of the size of the lot relative to its frontage. Keiser stated it wasn't going to do any harm or injustice to the community or its property values. Keiser stated he believes it meets the criteria.

Brooks stated he believed it meets all 5 criteria, specifically the uniqueness of the property and the hardship caused by the shape of the lot. Brooks continued that realtors are sales people and don't get into the details of the ordinances.

Brooks moved to approve the proposal due to all 5 criteria being satisfied as discussed. The motion was seconded by Donohue. The motion carried 4-1, with Fredette opposing.

B) Somedowntown, LLC is seeking a variance from Section 21.A.1 of the Zoning Ordinance to add residential units without adequate parking on property located at 59-65 High Street, in the Business Historic (BH) District, Assessor's Map 11, Lot 63A, ZBA #13-2018 – PUBLIC HEARING.

Saunders stated that this applicant was not here tonight and asked to be tabled until Wednesday December 5<sup>th</sup>.

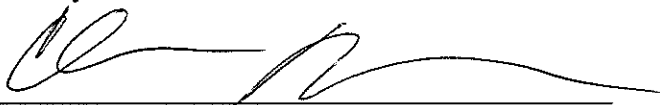
Fredette moved to table the proposal until the December 5<sup>th</sup> meeting, seconded by Donohue. The motion carried 5-0.

C) Any new business that may come before the Board

There was none

Brooks moved to adjourn, seconded by Fredette. The motion carried 5-0 and the meeting adjourned at 7:49pm.

Respectfully submitted:



Christien Dubois, Assessing/Code Clerk  
Somersworth Zoning Board of Adjustment