

TOWN OF WEBSTER, NEW HAMPSHIRE
Zoning Board of Adjustment
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Zoning Board of Adjustment
Minutes September 8, 2015

PUBLIC HEARING

Case No. 15-01 Special Exception/Accessory Apartment:

Petition of James D. Michaud and Catherine Burke-Michaud for property located at 1104 Pleasant St., Webster, NH wherein a Special Exception per Article V. Section 5. *Accessory Apartment* is requested and to add a living room to the accessory apartment. Said property is shown on tax map 6 lot 25-2 and lies within the residential/agricultural zone.

Present: Members – Martin Bender, Chairman, Robert Drown, Jr., David Barnes, Barbara Corliss and Secretary, Jaye Terrazzano-Bowe; Alternate –Guy LaRochelle; Catherine Burke-Michaud, applicant and her son, James Michaud.

7:00 PM: Chairman Bender opened the public hearing. Secretary Terrazzano-Bowe took attendance and read the application. Chairman Bender explained the public hearing procedure. He then asked Mrs. Michaud to tell the Board exactly what they wanted to do.

Mrs. Michaud her intentions were to have an accessory apartment in the basement for her son and his two children.

Chairman Bender also informed the Board that he and Member Barnes visited Mrs. Michaud earlier in the day and toured the apartment. The Board then reviewed the application drawings and page 11 of the Zoning Ordinance which defines accessory apartment.

Chairman Bender inquired about the finished square footage of the apartment. Mrs. Michaud stated 715 sq. ft.; currently it is at 547 sq. ft. Chairman Bender pointed out the required square footage for an accessory apartment was between 400 and 600 sq. ft.

Member Corliss inquired about the septic system. Mrs. Michaud stated there was an e-mail from DES in the application stating that since they were not adding bedrooms and the DES septic construction approval was less than 20 years old (house was built in 2004), she did not need approval from DES to relocate bedrooms to the basement.

Alternate LaRochelle reviewed the drawing of the basement with Mrs. Michaud which also illustrated the common areas of the house and the proposed 12 X 14 living room. Alternate LaRochelle posed several questions regarding the construction re: foundation, footings, support, etc. Mrs. Michaud's son answered Alternate LaRochelle's questions satisfactorily.

Member Corliss posed questions regarding egress – entrances and exits from the basement. Mrs. Michaud referred to the drawings and pointed out the egresses to the Board. Discussion ensued regarding

the windows and life safety code requirements especially smoke and carbon dioxide detectors. Per the Michauds, the smoke detectors are hardwired and connected upstairs and downstairs. Alternate LaRochelle was pleased that what was described was compliant with the most recent state building code.

Member Drown had concerns about the future of the apartment with one bedroom and two growing children.

After a brief discussion, Member Corliss stated her only concern was square footage. The proposed living room would put the number over by 115 square feet. Chairman Bender stated the Board could consider the special exception for the current accessory apartment but the Michauds would have to come back with an application for a variance due to the excess square footage.

Member Corliss stated the Michauds did meet all the requirements for a special exception for the accessory apartment except for the square footage, which would be another issue.

At this time Chairman Bender asked if anyone wished to speak in favor of the application. Mary Leidy, an abutter to the Michauds, asked if the apartment was contained within the current structure or was it jutting out? Mrs. Michaud stated it was in the basement. After a brief discussion, Mrs. Leidy stated she had no opinion either positive or negative, just some questions about the Town's requirements.

There were no other comments.

7:29 PM: Chairman Bender closed the testimony and opened up the hearing for Board discussion. Member Drown stated he did not have a problem with the footage. Chairman Bender agreed, however, the proposed addition would put it over the maximum 600 square feet. After a lengthy and in depth discussion, the Board and the Michauds worked out a plan so the playroom in the apartment becomes part of the common area of the house by extending the common hallway directly to the playroom cutting the bedroom short. The playroom could then be a part of the common area. With all the revisions, the Michauds could add the living room and be under the 600 square feet by 12 square feet. Alternate LaRochelle and Member Barnes also suggested moving the playroom wall in line with the stairwell wall.

Member Barnes made a motion that the Board grant the special exception for the accessory apartment with the modifications that were discussed (the Michauds will submit a revised drawing within 30 days); Member Terrazzano-Bowe seconded the motion; roll call: Member Bender – in favor; Member Drown – in favor; Member Barnes – in favor; Member Corliss – in favor; Member/Secretary Terrazzano-Bowe – in favor.

At this time the Board reviewed the draft minutes of July 8, 2014 and October 14, 2014. The Board unanimously approved both sets of minutes as written.

7:54 PM: Meeting adjourned.

These draft minutes were prepared by Therese E. Larson, Town PB/ZBA Secretary.

Posted September 15, 2015