

# Westmoreland Zoning Board of Adjustment

## Unapproved Meeting Minutes

16 August 2023

### **Board Members Present**

Peter Remy, Nancy Ranson, Brian Merry, Alan Bell, Ernie Perham, Mark Terry, John Harris

### **ZBA Support staff**

Kaelyn Willette, ZBA Clerk

### **Public Present**

Brain Tilton, applicant, Scott, applicant son, Laurie Burt, zoning administrator, Allison Fissette, planning board member, Bruce Smith, Planning board member, Lenny & Susan Nelson, Abutters

### **Minutes**

At 6:48pm the board started by reviewing the meeting minutes from 19 July 2023. Mr. Bell moved to accept the meeting minutes and Mr. Merry Seconded.

At 7:01pm, Chairman Remy opened the public hearing and invited Brian Tilton to discuss his application for a Variance and Special Exception to build an Accessory Dwelling Unit. Mr. Tilton was applying for a variance because the ADU was 1,152 sq feet was exceeding the maximum footage of 900 sf found in the Westmoreland Town Ordinances.

Mr. Tilton then answered the five requirements for a variance. The ADU would be built over top of Mr. Tilton's preexisting 2 car garage. The ADU would not have changed the character of the neighborhood. The set back from the road would not be affected. Mr. Merry asked why the ADU needed to exceed the limit of 900 sf the ADU is being built for Mr. Tilton's son who works from home and needs adequate living space. The value of surrounding properties will not be diminished. The ADU will be the same height as the house and be consistent with the style. Mr. Merry asked about parking and there will be adequate parking off the street. There will be 4 cars visible in Mr. Tilton's driveway.

Chairman Remy asked Larry Muchmore about the septic, Mr. Muchmore stated that it is a law that Mr. Tilton needs to get state approval of the septic system. Chairman Remy made sure to make it completely clear to Mr. Tilton that it is a state requirement to get state approval of his septic system. There was then discussion about the 900sf limit for an ADU. Some of the planning board members Allison Fissette and Bruce Smith stated that the limit of 900sf for an ADU is being generous since some of the surrounding towns have smaller ADU size limits.

At 7:43 there was discussion about withdrawal of the request of the variance. Chairman Remy talked about how there must be special conditions of the property to grant a variance not just to enhance the size of an ADU. Mr. Terry also agreed that it may be Mr. Tilton's best option to withdrawal the variance request.

Abutter Lenny Nelson talked about how Mr. Tilton is a great neighbor, keeps his property clean, and is in support of the ADU.

There was more talk about withdrawing the Variance request. Mrs. Fissette stated that if Mr. Tilton were to withdraw, he could approach the ADU at a different approach and stay under the 900sf limit. If Mr. Tilton were to not withdraw his request for a variance and was denied he then could not apply for another variance. Mr. Tilton asked if he were to stay under the 900sf limit does he need to get the septic checked, yes, the state still needs to approve the septic system.

At 8:12pm Mr. Tilton decided to withdraw the request of the variance for oversized ADU and stay under 900sf.

Chairman Remy then gave Mr. Tilton the requirements for a special exception. Mr. Tilton then went through and answered all 11 requirements. There will only be one ADU on the property. The ADU will not change the character of the property. Mr. Tilton son Scott will reside in the ADU. There are two means of egress in the ADU. Mr. Tilton will get the septic approved by the state. There will be adequate parking for the ADU. Mr. Tilton will get the building permit from Mr. Muchmore after he gets the septic permit from the state. Mrs. Ranson asked where Mr. Tilton is planning on putting the stairs. Mr. Tilton said he prefers to have a 4ft wide stair and is unsure whether he will put the stairs on the outside of the ADU due to concerns about weather. Mr. Tilton asked if the staircase is part of the 900sf and Mr. Muchmore said that it is not livable space so he does not think it is part of the 900sf.

At 8:24pm Mrs. Ranson moved to accept Mr. Tilton's application to construct an ADU at 346 Route 63 Westmoreland NH, Mr. Bell seconded. The board unanimously approved Brian Tilton's application for a special exception.

8:25pm Mr. Merry moved to adjourn the meeting; Mrs. Ranson seconded. The board unanimously agreed and the meeting concluded.