

**MINUTES**  
**PEMBROKE ZONING BOARD OF ADJUSTMENT**  
**May 26, 2015**

**Pending 5-29-2015**

**MEMBERS PRESENT:** William Bonney, Chair; Bruce Kudrick, Vice Chair; Tom Hebert, Paul Paradis, Dana Carlucci

**ALTERNATES PRESENT:** Mark Johansen

**EXCUSED:**

**STAFF PRESENT:** Everett Hodge, Code Enforcement Officer; Susan Gifford, Recording Secretary

Chairman Bonney called the meeting to order at 7:01 p.m.

**PUBLIC HEARING**

Case #15-05-Z

Applicant: Greg and Marti Wood  
217 Pembroke Hill Road  
Pembroke, NH 03275

Property Owner(s): Greg and Marti Wood  
217 Pembroke Hill Road  
Pembroke, NH 03275

Property Address: 217 Pembroke Hill Road  
Pembroke, NH 03275  
Tax Map 565, Lot 203 located in the R1A Medium Density –Residential  
Zoning District

**Case 15-05-Z** a request has been made for a Special Exception under Article IV Use Regulations §143-18-1 Accessory Dwelling Units. The applicant, Gregory and Marti Wood is requesting permission to add a 675 square foot Accessory Dwelling Unit / in-law apartment to their existing residence. A Special Exception is required for an Accessory Dwelling Unit in the R-1A Zoning District. The property is owned by Gregory and Martin Wood, 217 Pembroke Hill Road, Pembroke, N.H. 03275. The property is located at 217 Pembroke Hill Road Map (565) Lot (203) in the R-1A Medium Density-Residential Zoning District.

Mr. Everett Hodge confirmed that all abutters were notified.

Chairman Bonney opened the public hearing at 7:02 p.m.

There were 5 regular members and 1 alternate member present. Therefore, there was a full five-member board present for this hearing. Chairman Bonney explained the rules of the hearing. The Board makes its decision based upon the facts presented by the applicant. If any of these facts are subsequently found to be different, the Board reserves the right to revisit its decision.

Copies of assessment card, tax map, and a sketch of the proposed in-law apartment and a drawing dated 3/13/15 were included in the application packet.

Greg Wood addressed the Special Exception criteria:

Please give a detailed description of your proposal below:

We are proposing to build a 675 square foot in-law addition to our house. With this addition, we will be able to provide future assistance for my mother-in-law. To build this addition we will take down the existing two-car garage and build another two-car garage that is 2 feet wider. The replacement garage and the addition meet all setbacks. The side setback needs 15 feet and has 83 feet. The front setback needs 30 feet and has 57 feet. The rear setback has 40 feet where 40 feet is needed. The double wide driveway will be used for parking. Greg Wood stated there is room to carve out a new parking spot at the top of the driveway for the in-law apartment.

The in-law apartment will wrap around the house. In response to Bruce Kudrick's question, Greg Wood stated that they are relocating their existing kitchen as part of the addition project. There is one main door connecting to the in-law apartment. There is a door to the existing house through the mud room. Everett Hodge confirmed the connecting door from the garage will satisfy the connecting door requirement. The door from the garage cannot be considered an egress. Greg Wood noted the "framed opening for future door" is on the plan in case it is needed for the Wood family to enter the apartment quickly. The lot area is .55 acres. There has not been a Special Exception or Variance on this property previously.

**Please describe how the requested use is essential or desirable to the public convenience or general welfare.**

The addition will allow us to provide assistance to an aging relative.

**Please state how the requested use will not impair the integrity or character of the district, or adjoining zones, nor be detrimental to the health, morals or general welfare.**

The addition will be attached to the existing structure.

**Please describe how the specific site is an appropriate location for the proposed use and that the character of adjoining uses will not be affected adversely.**

Our property is large enough to accommodate the new structure.

**Please show that no factual evidence is found that the property value in the district will be adversely affected by such use.**

There will not be an effect on the district. See attached plan.

**Will undue traffic, nuisance or unreasonable hazard result from your proposed use? Yes or no and please explain your answer.**

No, this will be a single person addition.

**Please explain how adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.**

The in-law apartment will be attached to the existing dwelling and use the current facilities in place.

**Please show that there are no valid objections from abutting property owners based on demonstrable fact.**

There are no objections from abutting property owners.

**Please show that the proposed use has an adequate water supply and sewerage system and meets applicable requirements of the State.**

The addition will use the existing facilities.

**If the proposed use is for multi-family dwellings, will it be served by the Town water system and by**

**the Town sewerage system?**

The house and in-law apartment will remain on Town water and sewer.

An email dated May 18, 2015 from Paulette Malo, Operations Director, Pembroke Sewer Commission to Everett Hodge was read into the record. The property owner will need to pay a \$2,216.53 sewer connection fee to add the in-law apartment to the existing dwelling. Bruce Kudrick noted that the property owner also needs to pay a \$1,500 water connection fee. Both of these fees need to be paid before the Town will issue a Certificate of Occupancy for the new in-law apartment.

Chairman Bonney summarized the case. This is **Case #15-05-Z**, a request for a **Special Exception** under Article IV Use Regulations §143-18-1 Accessory Dwelling Units. The applicant, Gregory and Marti Wood is requesting permission to add a 675 square foot Accessory Dwelling Unit / in-law apartment to their existing residence. A Special Exception is required for an Accessory Dwelling Unit in the R-1A Zoning District. The property is owned by Gregory and Martin Wood, 217 Pembroke Hill Road, Pembroke, N.H. 03275. The property is located at 217 Pembroke Hill Road Map (565) Lot (203) in the R-1A Medium Density-Residential Zoning District. No certificate of occupancy will be issued until a sewer connection fee of \$2,216.53 and water connection fee of \$1,500 is paid by the property owner. The applicants will take down the existing two-car garage, build a new two-car garage that is 2 feet wider, and the in-law apartment will wrap around the existing building. The applicants are building a new kitchen in the main building as part of the addition. In-law apartments must meet Item C Accessory Dwelling 143-18-1. Even with the new garage two feet wider, the addition meets all setbacks for the R1A district. The driveway is double wide and the property owner is able to put a new parking space in for the in-law apartment.

There being no further input, Chairman Bonney closed the public hearing at 7:20 p.m.

**Deliberations:**

The ZBA discussed the Special Exception criteria.

**Please describe how the requested use is essential or desirable to the public convenience or general welfare.** Agreed, providing for one's mother-in-law is a good thing.

**Please state how the requested use will not impair the integrity or character of the district, or adjoining zones, nor be detrimental to the health, morals or general welfare.** The addition will look like one large house with a two –car garage.

**Please describe how the specific site is an appropriate location for the proposed use and that the character of adjoining uses will not be affected adversely.** There was no testimony about adjoining uses.

**Please show that no factual evidence is found that the property value in the district will be adversely affected by such use.** No testimony was presented that property value would be adversely affected.

**Will undue traffic, nuisance or unreasonable hazard result from your proposed use? Yes or no and please explain your answer.** One additional adult and potentially one vehicle would be added.

**Please explain how adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.**

**Please show that there are no valid objections from abutting property owners based on demonstrable fact.** No objections were received from abutting property owners.

**Please show that the proposed use has an adequate water supply and sewerage system and meets applicable requirements of the State.** Site has town water and sewer.

**If the proposed use is for multi-family dwellings, will it be served by the Town water system and by the Town sewerage system?**

The house and in-law apartment will remain on town water and sewer. Property owners must pay the sewer connection fee of \$2,216.53 and the water connection fee of \$1,500.00 before issuance of Certificate of Occupancy for the in-law apartment.

**MOTION:** Bruce Kudrick moved to **APPROVE Case #15-05-Z, a Special Exception** under Article IV Use Regulations §143-18-1 Accessory Dwelling Units. The applicant, Gregory and Marti Wood is requesting permission to add a 675 square foot Accessory Dwelling Unit / in-law apartment to their existing residence. A Special Exception is required for an Accessory Dwelling Unit in the R-1A Zoning District. The property is owned by Gregory and Martin Wood, 217 Pembroke Hill Road, Pembroke, N.H. 03275. The property is located at 217 Pembroke Hill Road Map (565) Lot (203) in the R-1A Medium Density-Residential Zoning District. A Special Exception is approved with the following conditions:

1. Must follow the submitted site plan.
2. Must follow all State and Town of Pembroke regulations.
3. Must pay the sewer connection fee of \$2,216.53 and the water connection fee of \$1,500.00 before issuance of a Certificate of Occupancy.

Tom Hebert seconded,

**VOTE:**            DANA - YES            TOM - YES BRUCE - YES  
                     PAUL - YES            BILL - YES

**MOTION TO APPROVE SPECIAL EXCEPTION WITH CONDITIONS PASSED 5-0.**

#### **MINUTES OF PREVIOUS MEETINGS**

**MOTION:** Bruce Kudrick moved to approve the minutes of April 27, 2015 as amended. Paul Paradis seconded.

**VOTE:**            DANA - YES            TOM - YES BRUCE - YES  
                     PAUL - YES            BILL - YES MARK - YES

**MINUTES OF APRIL 27 2015 APPROVED AS AMENDED ON A 6-0 VOTE.**

#### **OTHER**

##### **Update Zoning Board of Adjustment Rules of Procedure-**

Everett Hodge reported that the Town Attorney brought to his attention two sections of the ZBA Rules of Procedure that need to be amended.

- Item 6.4 Decisions , delete RSSA 676:4 Ic(I) as it pertains to Planning Board
- Item 9.8 Reasonable Time – define Reasonable Time as 30 days,

**MOTION:** Bruce Kudrick moved to delete RSA 676.:4 I c (I) from Item 6.4 of ZBA Rules of Procedure effective May 26, 2015. Dana Carlucci seconded.

**VOTE:** DANA - YES TOM - YES BRUCE - YES  
PAUL - YES BILL - YES MARK - YES

MOTION PASSED ON 6-0 VOTE

**MOTION:** Bruce Kudrick moved to define Reasonable Time as 30 days in Item 9.8 of ZBA Rules of Procedure effective May 26, 2015. Dana Carlucci seconded.

**VOTE:** DANA - YES TOM - YES BRUCE - YES  
PAUL - YES BILL - YES MARK - YES

MOTION PASSED ON 6-0 VOTE

**MOTION:** Bruce Kudrick moved to adopt ZBA Rules of Procedure as amended effective May 26, 2015. Dana Carlucci seconded.

**VOTE:** DANA - YES TOM - YES BRUCE - YES  
PAUL - YES BILL - YES MARK - YES

MOTION PASSED ON 6-0 VOTE

**NEXT MEETING**

**Date of next ZBA meeting** – Everett Hodge noted the next ZBA meeting would be on **Monday, June 22, 2015 at 7:00 p.m.**

**ADJOURN** **Motion:** Tom Hebert moved to adjourn. Dana Carlucci seconded. Vote was unanimous in favor of motion. Meeting adjourned at 7:37 p.m.

Respectfully submitted,  
Susan P. Gifford  
Recording Secretary