

**ZONING BOARD OF ADJUSTMENT**

**TOWN OF BARNSTEAD**

**TOWN HALL**

**Monday, August 21, 2023 @7:00 P.M.**

**MINUTES**

**CALL TO ORDER:** David Brown, Chair called the meeting to order at 7:03 P.M.

**ROLL CALL:** David Brown – Chair, Dean Diemdowicz - Member, Paula Penney - Select Board Representative, Jared Hanselman – Member, Joanie Foss – Alternate/Recording Secretary

**Absent:** Mary Clarke - Member

**CASE No. 0723-292:** Shelia and Matt Upshaw of 639 Beauty Hill Road, Map 5, Lot 27-1, is requesting a special exception to **Article 4, Section 4-3: Accessory Dwelling Units** of the Town of Barnstead Zoning Ordinances. Article 4, Section 4-3 states **“An accessory dwelling unit shall be permitted in all zoning districts that permit single family dwellings following approval of a special exception by the Zoning Board of Adjustment.”** If this special exception is granted, the property owners request permission for their family member to reside in a private unattached dwelling unit. If this application is deemed complete and accurate, a Public Hearing will be held. Chair Brown explained the procedures to be followed in review of the proposal. First the applicant will make a presentation on the proposed project, and then there would be the opportunity for questions from the Board. Chair Brown requested the alternate stand in as a member to reach a quorum. Brett Kimball of BAK Home Improvements presented for the Upshaw's, B. Kimball explained that the Upshaw's would like to build an in-law apartment. Their mother-in-law is facing the loss of her home if she does not sell it now and move in with family as she cannot afford to live elsewhere. The proposed addition will be 28' x 28' and 784 square feet. In the review of the criteria: 1) meets the requirements and standards for the use as set forth in **Article 9, Section 9-2**; 2) will not create undue traffic congestions or unduly impair pedestrian safety as it is a single family resident with one additional person with two living in the main house; 3) as the main house has three bedrooms/3 baths, will not add undue pressure to water/septic with one additional person; 4) will not create excessive demand for municipal, police, fire protection, schools, or solid waste disposal services because the person added has no current special needs or restrictions. P. Penney asked if the current septic system is big enough. M. Upshaw stated yes, they would be eliminating one bedroom in the main house to accommodate the additional bedroom in the ADU.

**PUBLIC HEARING:** Chair Brown opened the public hearing on the application at 7:13 P.M. He called for testimony from abutters and interested parties. Hearing none Chair Brown asked if there were additional questions from the Board, hearing none Chair Brown closed the public hearing at 7:14.

D. Diemdowicz requested a motion to accept the application for a special exception as submitted. J. Hasselman seconded the motion. Chair Brown called the vote and the Board voted unanimously to accept the application for a special exception. The Chair noted that there is a 30 day appeal period on the decision.

**CASE No. 0723-293:** Crooked Run Revocable Trust, Judith Stowell TTE owner of 149 Bow Lake Road, Map 3 Lot 38, requesting a special exception to **Article 4, Section 4-3: Accessory Dwelling Units** of the Town of Barnstead Zoning Ordinances. **Article 4, Section 4-3 states “An accessory dwelling unit shall be permitted in all zoning districts that permit single family dwellings following approval of a special exception by the Zoning Board of Adjustment.”** If this special exception is granted, the property owners request permission for their family member to reside in a private unattached dwelling unit. If this application is deemed complete and accurate, a Public Hearing will be held. Chair Brown explained the procedures to be followed in review of the proposal. First the applicant will make a presentation on the proposed project, and then there would be the opportunity for questions from the Board. Chair Brown requested the alternate stand in as a member to reach a quorum. Judy and Andy Stowell presented. The Stowell’s stated that they would like to construct a detached ADU that will be accessed from the existing driveway. The ADU will be serviced by its own septic, well and electric. In review of the criteria: the access to the proposed ADU will be from the existing driveway and traffic will be minimal; NHDES will be presented with a septic design/site plan for the proposed ADU to ensure the proper setbacks for the well, leach field, water table, and wetlands are followed – this will protect public safety; municipal services will not have excessive demand; the ADU will barely be visible to the neighborhood. The Stowell’s stated that with the housing shortage that exists in NH, this ADU will provide an inexpensive unit that younger and older residents can afford.

**PUBLIC HEARING:** Chair Brown opened the public hearing on the application at 7:22 P.M. He called for testimony from abutters and interested parties. Abutter Mike Ciriello stated he is in full support of the ADU. Chair Brown asked if there were additional questions from the Board, hearing none Chair Brown closed the public hearing at 7:23.

P. Penney requested a motion to accept the application for a special exception as submitted. D. Diemdowicz seconded the motion. Chair Brown called the vote and the Board voted unanimously to accept the application. The Chair noted that there is a 30 day appeal period on the decision.

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CORRESPONDENCE:** None

**MINUTES:** P. Penney made a motion to approve the minutes of July 17, 2023. J. Hasselman and D. Diemdowicz co-seconded the motion. The motion passed unanimously.

**ADJOURNMENT:** D. Diemdowicz made a motion to adjourn the meeting. P. Penny seconded the motion. The motion passed unanimously. Chair Brown adjourned the meeting at 7:30 P.M.

Respectfully submitted,

Joanie Foss  
Recording Secretary