

# ZONING BOARD OF ADJUSTMENT

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes February 7, 2024

A meeting of the Zoning Board of Adjustment was held on Wednesday, February 7, 2024, at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live on HCTV 16.

**PRESENT:** Randy Clark (Vice-Chairman), Proc Wentworth, Karen Hanides, Jaye Dimando, and Kevin Hastings.

Clark welcomed those present at the meeting and stated there were two hearings for consideration as well as some board business to discuss this evening.

1. Appoint Kevin Hastings as a full-time member to replace Hank Riehl  
The board voted at the January meeting to appoint Hastings as a full-time member to replace Riehl who resigned from the board. It was not a valid vote since only three board members were present, including Hastings. The board is re-doing the motion this evening with a full board present. Hastings indicated that he is on the 2024 ballot to continue as a full-time member.

**MOTION: Wentworth made a motion to appoint Kevin Hastings as a full-time member to replace Hank Riehl through March 2024.**

**SECOND: Hanides**

**VOTE: 4-0-1 (Hastings abstained)**

2. Map 8A Parcel 7 aka 7 Orcutt Drive – Special Exception – continued from January 3, 2024 public hearing.

Soucy explained that Mr. Trahan no longer wished to proceed with the project. There was a handwritten note in the board members' packet from Mr. Trahan.

**MOTION: Dimando made a motion to withdraw without prejudice the application for a special exception for property located at Map 8A Parcel 7 aka 7 Orcutt Drive.**

**SECOND: Hanides**

**VOTE: 5-0**

3. Map 8 Parcel 110 aka 219 Main Street – Special Exception

Wentworth stepped down from his spot on the board.

Clark explained that the applicant would be heard by a four-person board and asked if they still wished to proceed. The applicant signed the waiver form for the file.

George Maroun was present to represent Heavy Hitters, LLC along with Adam Maroun. Maroun stated that for many generations this site has been a market in town. Maroun stated he follows the local FB page and was taken aback by the thoughts folks shared on the page. Maroun stated his family has invested \$1 Million dollars into this project

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and are redoing the store from top to bottom and fully renovating the building. Maroun was open to answering questions from the board.

Maroun stated he and his family have a background in the food industry. The new store will be named Josephine's Market and will be licensed as a convenience store plus, he added they will sell gas as well. Maroun stated there will be no change in what is going on in the market. Maroun stated Hampstead is a tight-knit community and feels the store is good for the neighborhood.

Clark asked when they planned on opening and Maroun responded April 2024. Clark asked if the store would be the same size and it was confirmed the footprint would remain the same. Clark stated the ZBA is concerned with the value of property and the impression on the town. Clark stated he sees no problem. Hanides asked if there would be seating for food service and Maroun responded there will not be seating for dining.

Maroun stated the store is a complete redo as the old building needed to be updated. Maroun informed the board he has already filled six dumpsters with demo material.

Clark asked for public comment.

Eliza Brickett Wixon – 223 Main Street – she is a neighbor to the store, her dad's grandparents opened the store, she stated she has lived next to the store and has been familiar with the owners over the years. Eliza stated the current owner wants to bring the store back to what it should be and is excited. Eliza talked about childhood memories that a lot of folks in Hampstead have with Don's Market.

Clark asked if anyone else wished to speak. Clark closed the public comment session.

Clark reiterated the Special Exception the applicant was requesting.

**MOTION: Hanides made a motion to grant Heavy Hitters, LLC a Special Exception as provided in Article 1.2 Section 1:B.3 of the zoning ordinance and waives the terms to permit the continuation of the non-conforming use as a convenience store on the property located at 219 Main Street, Residential Zone A.**

**SECOND: Hastings**

**VOTE: 4-0**

4. Map 12 Lot 108 aka 5 Bailey Shore Road – Special Exception  
Wentworth returned to his spot on the board.

Property owner Marty Auger was present to request a Special Exception for his property located at 5 Bailey Shore Road. Auger stated he met with Kris Emerson and the proposal is well under the 67% to go up, he is adding two dormers to the second level. The footprint of the building would not be changing.

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Clark confirmed the letter from Emerson stated the calculations with the dormer are under the story and a half definition.

Auger stated the property has a two-bedroom septic. Hanides asked what kind of septic system and Auger stated it is a traditional system with a leach field sized for two-bedrooms and all tests were fine.

Dimando commented that the property was in a great location. Hanides asked if they were expanding closer to the lake and Auger confirmed the footprint was not changing. Clark asked if any other board members had questions/comments. Hastings said he has no issues; the house is two-bedrooms with an approved septic.

Clark reiterated the Special Exception the applicant was requesting.

**MOTION: Dimando made a motion to grant Special Exception as provided in Article 1.2 Section 1:B.2 of the zoning ordinance and waives the terms to permit the alteration of a structure on a non-conforming lot on the property located at 5 Bailey Shore Road, Recreation Zone B.**

**SECOND: Wentworth**

**VOTE: 5-0**

5. Review/Approve January 3, 2024, Minutes

**MOTION: Wentworth made a motion to approve the 1/3/2024 minutes as presented.**

**SECOND: Hastings**

**VOTE: 3-0-2 (Clark and Dimando abstained)**

6. Interest in Alternate Position

Soucy informed the board that there is interest in the alternate position, unfortunately the gentleman was sick in January and is away on vacation this month, he is still interested and will attend the March public hearing. Soucy stated she would follow up to confirm attendance at the March meeting.

7. Discussion/Review of updated Rules of Procedure

Clark stated the current Rules of Procedure are quite old and are dated 2010. Soucy provided the board members with a DRAFT of updated Rules of Procedure via email for their consideration. Clark asked if any of the board members had comments and there was none.

**MOTION: Clark made a motion to adopt the Rules of Procedure as presented.**

**SECOND: Dimando**

**VOTE: 5-0**

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8. Discussion/Review of updated ZBA Fee Schedule, Add \$150 legal ad fee and \$50 return check fee.

**MOTION: Dimando made a motion to approve the new fees and add them to the Notice of Land Use Fees under RSA 673:16, III**

**SECOND: Wentworth**

**VOTE: 5-0**

9. Adjourn

**MOTION: Clark made a motion to adjourn at 7:34 P.M.**

**SECOND: Dimando**

**VOTE: 5-0**

Minutes prepared by Debbie Soucy, Secretary