

# ZONING BOARD OF ADJUSTMENT

11 Main Street, Hampstead, New Hampshire 03841-2033

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## March 6, 2024 Minutes

A meeting of the Zoning Board of Adjustment was held on Wednesday, March 6, 2024, at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live on HCTV 16.

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

Clark introduced the board members and announced the matters to be discussed at tonight's meeting.

### 1. Map 12 Parcel 107 aka 24 Bailey Shore Road – Special Exception

David and Lisa DeMio were in attendance to present plans for a special exception for property located at 24 Bailey Shore Road. DeMio stated he has lived at 70 Bonnies Way since 1998 and last year he had the opportunity to purchase the abutting property located at 24 Bailey Shore Road. DeMio needs a special exception to meet the intent of the zoning ordinance; DeMio stated he met with his neighbors and shared their plans and all seemed to be in agreement.

DeMio stated the property is all hillside and there is only one area to build a structure, they are replacing a summer cottage and building on the same footprint. DeMio stated he is willing to answer questions of the board. Hanides commented that DeMio owned two properties. DeMio stated the 1950's summer camp is being replaced by a year-round 2-bedroom home.

Clark reviewed the SEC plan which showed the location of the proposed residence. Clark commented the new structure is twice the square footage. Clark commented that the design is taking advantage of the slope of the lot and will be able to build several levels with a garage under.

DeMio stated that instead of taking down the hillside with the cottage they decided to work with the land with the structure stepping into the hillside. Clark asked about the concrete foundation and DeMio stated if they run into a lot of rock they will replace with beams.

Hanides asked about wetlands. DeMio stated there is a stone-wall 30-40 feet from where the wetlands begin, the driveway is 50 feet away from the wetlands meeting the required setback, the new structure will be 70 feet away from the wetlands. Hastings reviewed the driveway plan.

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Dimando commented that the structure is going from one story to three stories; she asked what the square footage would be and DeMio stated it is approximately 2,000 square feet, on top of the garage will be a patio since no yard.

DeMio stated the building is in the process of being demolished. Hanides talked about two adjoining lots in common ownership should be merged when one lot is vacant. Soucy commented that she did not think the lot would be considered vacant since there has been a summer cottage on the property since 1950.

Hastings reviewed the plan with the board. DeMio approached and explained the plans to the board. Clark asked the board members if they had additional questions. Dimando asked about the size of the cottage and was advised with the porch it is approximately 750 square feet. Dimando asked how close to the road the house will be and Wentworth and Clark stated you need to drive in to property to reach house. Dimando asked where the house would be situated and the plan was explained. There is a long driveway on the property.

Clark asked for public comment and there was none.

Hanides asked how close to the lot line the house would be and DeMio explained it will be well past the 30-foot setback. Clark commented that it is a big building on .30 acres, 60-feet from the wetlands and 140-feet from the lake, it is a two-bedroom house with septic approved by state and water from Hampstead Area Water Company.

Dimando referred to the existing building and asked about the footprint. DeMio stated the cottage is 21 x 28 and the 21-foot side is expanding to 24-feet and the other side is staying the same. DeMio stated he also needs to get a Shoreland Protection permit since he is within 250-feet of the lake. DeMio stated that they have had preliminary talks with the State and noted that approximately 30% of the lot will be impermeable surface. DeMio based on the impermeable surface and comments from the State the driveway will not be paved. DeMio stated that he has had several conversations with Kris Emerson.

Hanides asked about the run-off and how that would be handled. DeMio stated the run-off and drainage will be addressed with the Shoreland Permit. Dimando stated the board on occasion has added comments regarding drainage. Dimando asked about town and state approvals. DeMio stated they did not proceed too far with the State since they need local approval first, he added they will meet the State Shoreland requirements.

Hastings commented the project needs a Shoreland Protection permit no matter what since the lake is within 250-feet of the property. Clark commented they need State approval and will prepare a drainage plan to the State's requirements.

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Soucy commented that the board needs to address the diminution of property value. Clark commented that tearing down the 1950's cottage is already an improvement. DeMio stated the conversations with the neighbors is they feel the same way. Clark stated he drove through the neighborhood earlier today.

**MOTION:** Hanides made a motion to accept/approve the request for a Special Exception as provided in Article 1.2 Section 1:B.2 of the zoning ordinance and permit the alteration or enlargement of a structure (per plan submitted) on a non-conforming lot for property located at 24 Bailey Shore Road, Recreation Zone B with the exception that the drainage is addressed by the Shoreline Permit.

Soucy asked if by accept Hanides meant to approve the special exception and the motion was amended.

**SECOND:** Wentworth

**VOTE:** 5-0

Clark stated the facts of the case: they will be connecting to Hampstead Area Water Company, the proposal is for a two bedroom home, septic has been approved by the state, the application meets the requirements for a special exception.

Clark informed the property owners that there is a 30-day appeal period and that any work done within that time frame is at their risk.

## 2. Interest in Alternate Position

Rick McQuesten – 15 Hilltop Lane – expressed an interest in an alternate position on the board. McQuesten has lived in Hampstead for 7-years. McQuesten stated he has worked in construction from the past 25-30 years and is familiar with excavating, reading plans, surveying, GPS, etc. McQuesten stated he is currently a general superintendent for a construction company overseeing operations from NY to ME.

Clark commented that the ZBA handles a variety of issues relating to zoning, there are two recourses for an applicant; a special exception which is spelled out in zoning or a variance that requires the applicant meet five criteria. Clark stated some cases as simple and gave examples while others are more complex. Clark commented that sometimes there are issues that need to be addressed with the abutters.

McQuesten left the meeting.

Clark stated he has no issues with the request but didn't want to have the board discussion in front of him. Hanides commented that he will be a good asset.

**MOTION:** Clark made a motion to accept McQuesten as an alternate to the ZBA.

**SECOND:** Hanides

**VOTE:** 5-0

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## 3. Review/Approve February 7, 2024 Minutes

**MOTION: Wentworth made a motion to approve the 2/7/2024 minutes as presented.**

**SECOND: Dimando**

**VOTE: 5-0**

## 4. Adjourn

**MOTION: Dimando made a motion to adjourn at 7:50 P.M.**

**SECOND: Hanides**

**VOTE: 5-0**

Minutes prepared by Debbie Soucy, Secretary