

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

APRIL 7, 2021

Members present: Geoff Dowd, Hank Riehl, Proc Wentworth. Randy Clark and alternate Karen Hanides. Also present was Chief Building Official, Kris Emerson.

A copy of the agenda, posting notice and abutters' notice are a part of these minutes.

Geoff began by explaining the procedure for the meeting, based on COVID 19 guidelines.

BLUEBIRD SELF STORAGE 12/15-2

The request was for a variance to a building setback at 664 Route 111. Brian Pratt, engineer, represented the owners. He reminded the board that he had been before the board previously for the proposed subdivision of five buildings. He said there is conditional approval of the subdivision and site plans. Although a variance had already been granted, Brian said that variance is moot because there has been a change in the configuration of Route 111. He said there was a small R.O.W. that had been discontinued. There was a 30 ft. setback. During the figuring of the plan it was discovered by the DOT that Witcher Road had been discontinued in 1954. There was a 100 ft. setback from 111 but now with the crescent part of the highway, there is only 89.7 feet from the road. There is now 300 ft. of frontage on Route 111. There is still 122 ft. from the straight section of 111. Hank asked if Witcher Road no longer exists, isn't it land – not road? Brian said DOT says it is part of the R.O.W. He said nothing else has changed. Geoff said the applicants are before the board to clear it up. Hank said it's simply a housekeeping matter. Geoff said the hardship is the crescent R.O.W. bump - out. Hank made a motion to permit the minimum front building setback to be less than the required 100 ft. setback – 89.7 - feet as shown on the drawings presented. Proc seconded the motion. Members filled out their worksheets. The vote was unanimous to grant the request.

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DANA MOQUIN/LAUREEN CAMPAGNONE 6/45

The request was for a variance for a two-lot subdivision at 264 and 268 Stage Road. The applicants were represented by James Lavelle and Att. Bernard Campbell. He explained that the lot had been subdivided from the larger lot which since became Sweet Baby Vineyard. He said the plan is to subdivide the barn and use it for a residence. The barn was previously used for music storage for a sound business. He said the property is Residential and the plan will make it a legal use. The owner collects cars and his plan is to store the vehicles on the lower level and renovate the upper area for his residence. The small house will be on the separate lot. Jim said both lots will have the required lot size but will not meet the current soils regulations. One lot will measure 45,636 square feet and the other 96,972. He said the lots meet more than half what is needed per soils. He said Hampstead Area Water Company provides water so it is mitigated by that. Geoff noted that Hampstead zoning requires lots to be rectangular in shape whenever possible. The lot with the house will have a dog leg in order to meet frontage. Karen pointed out that there is one conforming lot now that is being made into two non-conforming lots. Jim said the State of New Hampshire cuts the soils size in half when there is off-site water. There is no provision for that in the Town Ordinance. The irregular lot line is to make it 30.4 ft. from the barn and 30 ft. from the house. He said the Planning Board can waive the irregular lot line. Att. Campbell said the plan is consistent with State requirements. He said the applicants are not asking for an administrative appeal. He addressed the requirements for a variance. He said 45,000 square feet is sufficient to meet Spirit and Intent. Each lot will be Residential in character and there will be no diminution in property values. There will be no physical changes to the buildings. He said the hardship is that it is unique in its setting. He said the use is reasonable and it meets zoning. Hank asked if the owner was a collector or a dealer. Mr. Moquin said he has a collection of old cars for his personal use and said he could park 20 downstairs. There will be no dealing. He said his is a family of five and they are living in an 800 square foot house. The upstairs in the barn is 4200 square feet and will be suitable for four bedrooms. He said there will be dormers on the street side and a second story deck on the rear. He said he will not be making the building any larger and there will be no additional buildings on the lot. Geoff said voters have said a number of times that they want the property to remain Residential. He said this meets all setbacks.

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He noted that there is a small buildable area on the house lot and that another owner would need to come back to the board for setback relief if a variance is granted because it will be a non-conforming lot. Att. Campbell said it will need waivers from the Planning Board for the lot line and added that maybe the applicants should have asked for a frontage variance. Jim said the lot will require a new septic system behind the barn. He said all upland soils are contiguous. Hank said he had a problem with the soil-based lot size. Jim said the Town doesn't have a regulation re: off-site water. Att. Campbell said 45,000 square feet minimum base applies everywhere. He said they could ask the Planning Board to reconfigure the line. He said the existing house is connected to Hampstead Area Water Company so the old well will be abandoned. Geoff said the house is an accessory building to the barn. He said he didn't like how the lot was cut up. Abutter, Suzanne Zakian, said her only concern was placement of the septic system. She said there is a lot of water and soggiess between the fence and the road. She said there is a culvert under the driveway. Jim said he did not know where the septic will go yet but it may not go there. Mr. Moquin said he has only two bedrooms in the small house but will have four in the refinished barn. Hank made a motion to grant the subdivision of two lots that do not meet lot sizing by soils, per plan submitted. Proc seconded the motion. Members filled out their worksheets. The request was granted 4-1 with Karen casting the opposing vote.

LUKE AND BRENDA MAGUIRE 3/48

The request was for a Special Exception to remove an existing dwelling and for a variance for a new structure which will not meet setbacks and for a variance for the structure to be too close to wetlands at 26 Summer Street. The lot is .22 acres. The applicants were represented by Charlie Zilch, SFC Associates. He told the board the lot is an existing lot of record since 1961. It has 134 ft. frontage and meets Shoreland regulations. There is a three-bedroom dwelling that was built in

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1965. It is one story and measures 920 square feet. The proposed dwelling will be 1204 sq. ft. and one and a half stories. There is currently street side parking and a graveled area. There will be a new septic system and well. The house will be positioned more centrally on the lot. There will be a paved driveway at the front of the house. Both Shoreland and septic approvals are in. There will be no basement – only crawl space. Charlie said there will not be much difference in the distance to the lake. Karen said the roof will be larger and closer to wetlands. Geoff suggested discussion on all requests then separate voting with the Special Exception first then the two variances. Charlie said the second floor is 65% of the first floor. Abutter, Paula Brown, said she was not opposed to the construction of a new home but she objects to the loss of her water view. She is also concerned about wetlands. She said the water level is high. Charlie explained that it is a manmade swale – a jurisdictional wetland collected by a culvert to the beach. Ms. Brown showed photos of flowing water between the house and shed. She said the loss of her view will devalue her property. Charlie said there is not an enormous increase in size. The house will be 70 ft. from the shoreline. There will be paved parking and an infiltration trench. There will be a gravity feed septic system for three bedrooms. The shed will be removed to make the numbers work. Charlie said the abutter's view will not be entirely blocked – it will just be a different view. Charlie addressed the requirements for a variance. He said the proposed setbacks will be 17.4 ft. from the front (East) where it is 20 ft. now; 25.7 ft. from the side (North) where it is 18.4 now; and 27.9 ft. from the rear (West) where it is 35.9 ft. now. He said there will be no diminution but it will increase the value of the property. Hank said this is an attempt to get things up to current code around the lake. Proc made a motion to grant a Special Exception to remove an existing dwelling on a non-conforming lot, according to the plan presented, but not addressing the variances. Karen seconded the motion and the vote was unanimous to grant the request. Proc made a motion to permit a new dwelling to be too close to setbacks – 17.4 ft. from the front; 25.7 ft. from the side and 27.9

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ft. from the rear, per plan presented. Proc made a motion to permit the proposed dwelling to be too close to wetlands (approximately 4 ft.) per plan presented. Randy seconded the motion. Members filled out their worksheets. The vote was unanimous to grant the request.

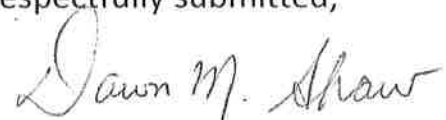
CRYSTAL AND DAN MARTIN 11/49

The request was for a Special Exception to permit placement of a 15 ft. round above ground pool on an undersized lot at 8 Aruda Rd. The pool will be placed in front of the shed, behind the fence. The leach field is in the back. The pool will be only 10 ft. from the side lot line but will meet all other setbacks. The applicant said it will not interfere with any pipes or septic. The property is partly in Sandown and all Sandown abutters were notified. Hank made a motion to permit an above ground pool to be 10 ft. from the side lot line, approximately as plan presented, with the condition all pool equipment will face the applicants' house. Proc seconded the motion and the request was unanimously granted.

OTHER BUSINESS –

Minutes – The minutes of the March meeting were unanimously approved with Geoff abstaining.

Respectfully submitted,

A handwritten signature in cursive script, reading "Dawn M. Shaw".