

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

MAY 3, 2023

DRAFT

Members present: Hank Riehl, Randy Clark, Karen Hanides, Jaye Dimando and alternates Neil Emerson and new alternate Kevin Hastings.

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

Chairman, Hank Riehl opened the meeting at 7:00 p.m. He welcomed newly-appointed alternate Kevin Hastings and explained that he would sit with the board but would not be a voting member at this meeting since Neil has had more experience.

The first hearing was continued from April. The applicant, **Renee Anthony**, has requested a Special Exception to remove a dwelling and rebuild. She also needs two variances for the proposed structure from the side and rear lot lines. A Special Exception is also requested for a pool. The property is located at 19 Shore Dr. in the Recreational Zone, Map 8B Parcel 64. The lot is .11 acres. The applicant was represented by Jim Lavelle who passed out plans and information about the requests. He said the proposed dwelling will be 29.5 ft. by 51 ft. and that lot coverage would be less than at present. The impervious surface is now 42 percent with the driveway and will be reduced to 33 percent. The structure will be six ft. from the left side lot line and 28.3 ft. from the rear. He said it will need Shoreland approval. Chief Building Official, Kris Emerson, had denied the building permit application because a Special Exception is needed to rebuild the house and variances to the lot lines.

Jim said many lots in that area are only 50 ft. wide so nothing could be built without a Special Exception or a variance. He addressed the criteria for a variance. He said there would be no diminution of neighboring properties and by increasing the value of this lot it will increase the value of others. He said it is not contrary to the public interest or the spirit and intent of the ordinance. He said the required setbacks are not possible. It's in keeping with the other houses in the neighborhood – the zoning setbacks are not realistic. He said there will be no harm to neighbors or the public. Hank asked about hardship. Jim said it's the way zoning affects these lots. When zoning was done, the zoning setbacks should have been different.

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Hank said with the new construction it will be more non-conforming. Neil noted that the well is under the house now. He said the left side setback is 14.5 ft. and it would be 6 ft. Hank asked about the rear setback. It was not included on the plan. Neil asked about the front setback. It is 19.9 now.

Jim said the house will be raised 4 ½ ft. and there will be a garage under. Hank asked if Kris had reviewed the plan for height. The height will be 23.5 ft. Renee said that because of the elevation of the lot, the garage will be under and there would be a story and a half above.

PUBLIC COMMENT – Jason Houle, 6 Shirley Street, asked about the back lot line. He said removing the garage would be an improvement. Paul Deastlov, 16 Shore Dr., asked about drainage plans. Jim said Shoreland approval will address the runoff prior to construction.

Renee said she is proposing a 10 x 20 ft. pool because she can't use the lake.

Hank read an email from Kris to the board indicating the request might be asking too much. He suggested the applicant could consider an alternate proposal. Mrs. Batchelder, 18 Shore Dr., said there's been construction on the street before and the water issue has been problematic. She said if the swale along the road and the ditch are maintained, it will solve the problem. The water would go away from her property – not to it.

BOARD DISCUSSION – Randy asked to have the variance addressed first. Neil agreed. Hank said the lot is not unique; it's just like the others so it doesn't pass the hardship test. He said all the other homes were there prior to zoning so not grandfathered. Karen agreed. She said the applicant could build in the same footprint only higher.

THE VOTE – Randy made a motion to grant the variances to both side and rear lot lines, per plan provided. Members filled out their worksheets. Neil seconded and the vote was unanimous to deny. Randy made a motion to deny the request. Jaye seconded and the vote was unanimous to deny. Hank said she could appeal. Jim said they might come back with a different plan.

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REQUEST FOR REHEARING – The board considered the request for a rehearing of the John and Andrea Peters approval for a 600 sq. foot detached garage at 31 Shore Dr. The request was submitted by Jason Houle. Hank explained the procedure for considering the request for a rehearing. There would be no discussion other than among board members. And the board would only consider the letter submitted with the rehearing application by Jason Houle. Karen agreed with Mr. Houle's statement that the matter should have been considered a variance rather than a Special Exception. She read from the zoning ordinance. She said it is not a vacant lot because there is a house on it. The lot has a use. Jaye said Kris is the authority and his determination was that it required a Special Exception. Hank said Kris has talked with Diane Gorrow, Town Attorney, who said the use existed before zoning – a pre-existing structure. It was determined there is no such thing as an "unbuildable lot". Karen said she was glad Kris got the lawyer's advice, but added that it still doesn't meet wetlands setback. Jaye said there are no wetlands on the lot. Neil said this case has been discussed since last October and it's time for the board to act.

THE VOTE - Randy made a motion to deny the request for a rehearing of the Special Exception. Jaye seconded the motion and the vote was unanimous to deny the request.

JIM & SUSAN BURNS – 8/128

The request was for a variance to permit construction of a carport onto an existing garage at 12 Island Pond Rd. too close to the right lot line. The carport will be 16 ft. wide and would be 5.2 ft. from the line. Mr. Burns said the use will be to cover his business trucks. Neil recalled that the applicant had been before the board previously for a deck and has two sheds. Mr. Burns addressed the requirements for a variance which he had prepared for the board. He said there will be no diminution of property values; it's not contrary to the public interest; the hardship to the owner is that he can't do much with the property. He said the carport will be pitched front and back – sloped, facing the street and off the back. He will keep the same roofline and will be maintaining the culvert.

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Neil looked at the map and saw that the lot is half in Zone A and half in Zone B. Mr. Burns said the house was built in 1973 and the garage is original. Neil wants to see a plan showing the sheds.

PUBLIC COMMENTS – Steve Baron, 6 Island Pond Rd., said he supports the project. Ryan McLeod, 20 Island Pond Rd., also supports the plan. Denise MacMillan, 15 Island Pond Rd. is also in favor. All abutters stated the Burns' have a well kept property and the Burns are good neighbors.

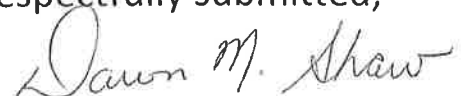
BOARD DISCUSSION - Hank and Neil both said they had done a drive by of the property. Hank said he did not hear a complete response to the variance criteria. Neil asked if there was already a concrete pad. Mr. Burns said No. He has asphalt paving. Neil said what was presented was not a surveyor's plan with measurements. Randy wants to see a plan showing the sheds. Mr. Burns said he does have plot plans showing the sheds. One shed is 150 square ft. Hank asked for a continuance for measurements, and photos so the board can make an informed decision.

CONCLUSION – The applicants requested a continuance to June 7. Randy made that motion. Karen seconded and the vote was unanimous to grant the continuance.

OTHER BUSINESS - The minutes of the April meeting were accepted with Neil abstaining because he was not in attendance.

The meeting was adjourned at 8:46 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Dawn M. Shaw". The signature is written in dark ink and is positioned below the typed name "Dawn M. Shaw".