

DRAFT

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

JULY 5, 2023

Members present: Hank Riehl, Randy Clark, Karen Hanides, Jaye Dimando, and alternates Neil Emerson and Kevin Hastings. Also present was Chief Building Official, Kris Emerson.

The chairman announced that Neil would be sitting in as a voting member. He opened the meeting at 7:00 p.m.

A copy of the Posting Notice, abutters' notice and letters presented by abutters at the hearing, are a part of these minutes.

SERGIO DECURTIS 4/30

The request was for a variance to permit construction of an addition to a deck which will be too close to Big Island Pond, for property located at 155 Mills Shore Dr. Mr. Decurtis said he is replacing a deck which is in dilapidated condition and putting on a 2' x 15' addition. He said it will make better use of the stairway. There is no expansion and the addition will be cantilevered. Construction will be Trex and glass railings.

Mr. Decurtis said he owns two lots, 75 ft. wide. The addition will be even with the existing deck. Karen asked if it could be closer to the side instead of towards the lake. Mr. Decurtis said the land is grass, gardens and his driveway.

The applicant addressed the requirements for a variance. He said it will enhance the value of surrounding properties.

DISCUSSION

Karen said there is no difference from any other house so she did not see a hardship. She said she didn't see why they would be given a variance. Jaye noted there will be no foundation and it will not effect runoff. Neil said each hearing is a separate hearing. Hank asked Kris about state regulations. Karen read from the Shoreland Protection Act

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

JULY 5, 2023

pg. 2

which stated the construction must be 50 ft. from the water. Kris advised the applicant to contact Concord.

THE VOTE

Randy made a motion to grant the variance for the addition to the deck, per plan submitted. Karen seconded. Members filled out their variance worksheets. The vote was 4-1 in favor with Karen voting opposed.

RANDY & MARIE WINTERS 2/10

The request was for a Special Exception to permit a home occupation – Bed & Breakfast/Inn on the second floor of the dwelling - and for a variance to permit a wedding/event venue at 361 Main Street. Mr. Winters had prepared packets of information that he had emailed to members and an updated version that he hand delivered to them. Hank said he did not read it because he felt it was inappropriate and Jaye said she did not like his (Mr. Winters') approach. Kristin Yassenka introduced herself as the attorney representing the Winters'.

The board addressed the Bed & Breakfast request first. Mr. Winters said he was not trying to turn the town into a commercial town. He said he understood that might be a fear of the neighbors. He discussed the Town's Master Plan. He will be adding only one bedroom. He also went over the community goals in the Master Plan. He said there will be three bedrooms upstairs and a sitting room on the second floor. It would accommodate 6-8 people. No pets, no smoking and no drinking. He said he had operated a Bed & Breakfast for nine years.

Jaye asked about parking for the guests. Mr. Winters said there was room in the back. He told the board there is a grandfathered apartment in the dwelling with its own meter. Karen said per zoning there could not be both an apartment and a Bed & Breakfast. Kris said multi-family means three families.

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

JULY 5, 2023

pg. 3

Mr. Winters was asked if he planned to have a sign. He showed a drawing of a proposed sign – Taylor’s Inn – with the intention of keeping the historical name of the dwelling. Kristin read the Home Occupation Ordinance from the Town’s Zoning. Kris said it will require a Building Permit and a review by the Fire Department.

Betty Newman, 18 Andrew Circle, asked if it would need a business license. She was told the permit from the board would be all that’s needed.

Jim McHale, 356 Main St., said the business would have to meet the State’s Life Safety requirements. He said he had questions about signage, septic, lighting and the water aquifer.

Jaye asked about the current septic. Neil said Code Enforcement would address that. She asked if this would be an Inn or a Bed & Breakfast. Mr. Winters said there would be no meals served. It would be an Inn.

THE VOTE

Randy made a motion to permit a Home Occupation – Inn/Bed & Breakfast on the second floor of the dwelling. Neil seconded the motion. Jaye said if food is served it would need a State license. Kristin said if they serve food they will comply with those requirements. Randy said if it was a Bed & Breakfast, he would expect a muffin. The motion passed 4-1 with Jaye voting against.

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

JULY 5, 2023

pg. 4

Kris said he had denied the plan because, per the ordinance, it's not a permitted use in a Residential Zone. Kristin said this is a murky area. She asked "how do we require a use variance without having a building?" Hank told her it is up to her to do her job and come up with a single most compelling argument for the board to say "yes" to. He added that it's not up to this board or the Planning Board to decide whether it would be a tent or a building.

Mr. Winters said he is willing to invest in a building which would be permanent and would address sound issues. He said it would also be available for the Town to use. He said a building could be far away from any setback issues. He said they would work around the distance from the pond. He said he is willing to give up the tent idea. Hank said the board is being enlisted to solve his (Mr. Winters') problem.

Randy said a variance could be granted for an event venue in a permanent structure that meets all setbacks and height requirements. Mr. Winters said that was acceptable to him.

Kris said it would still be subject to non-residential site plan review to meet all regulations.

Kristin addressed the requirements for a variance. She said it is not contrary to the public interest and it meets Spirit and Intent, per the Master Plan. She said there would be no traffic and the noise issue had been addressed. She said the Noise Ordinance would be observed, per zoning. She said justice would be met because there would be community involvement. She said there would be no diminution of property values. Pertaining to unnecessary hardship, Kristin said other properties on the road have home businesses. There are other mixed uses. She said it is a large property and it is a reasonable use. She said all requirements of the ordinance will continue to be met.

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

JULY 5, 2023

pg. 5

PUBLIC COMMENT – Note: Each of the residents who spoke before the board submitted their written comments for the record. They are part of these minutes.

Vanessa Farland, 105 Wheelwright Rd., said she is not an abutter but is close enough to be affected by the venue. She said people don't want quiet weddings and she cited intoxicated drivers.

Karen Galipeau, 50 Lexington Dr. said she was okay with the Bed & Breakfast but was against the wedding venue.

Lee Hunt read a letter from Matthew Shepherd of 6 Lexington Dr., who was concerned with noise and traffic around children.

Jim McHale, 356 Main St, lives directly across the street. He said some don't want valet parking. He asked about lighting and Storm Water Management. He also asked about a cut for the driveway, water issues and wells that are already overtaxed. He said it is not a unique property and it's a self-created hardship.

Jake Halverson, 371 Main St., lives next door and is opposed. He said it is contrary to the public interest.

Kevin & Diane McCarthy , 110 Wheelwright Rd., are concerned with traffic and strangers in the next yard.

Gina Mullane, 55 Page Ln., is absolutely opposed. Only a 150 ft. strip separates her land from the Winters'. She is concerned with bright lights and loud speakers. She said property values will be reduced.

Joe and Betty Newman, 18 Andrew Circle, said the request did not meet the requirements for a variance. He said property values will diminish and it's contrary to the public interest. He said the Winters have the use of the property as a residence.

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

JULY 5, 2023

pg. 6

Hank read a letter from James Gore, 367 Main Street, who was originally in favor of the request but has since rescinded his letter. The proposed building will abut the back of his barn and he has water issues.

Allison Parker, 24 Page Ln., A letter was read stating it would have a negative impact on their lives.

Cynthia Papageorge, 50 Page Ln., cited noise issues.

Mike Fruhbeis, 56 Page Ln., wanted it on the record that he is opposed.

Mr. Winters said he tried to reach out to neighbors prior to the hearing but most didn't respond. He said he doesn't need a lighted parking lot and he doesn't need 16,000 ft. for the parking lot. He said if water is an issue, he can import it. He said he's made an effort to control noise and he could bring in noise experts. He said it won't be 100 cars. He wants to address the issues of the Planning Board.

Randy Clark suggested Mr. Winters have his attorney reply to the issues that were raised and to respond to the five requirements for a variance.

Kristin said this will not turn the property into a commercial area. She said a lot of issues will be addressed by the Planning Board, if the variance is granted.

Hank asked about smoking. Mr. Winters said there could be a smoking room. Jaye said if there was no lighting, the parking lot would not be safe.

DISCUSSION

Hank said this should be a town decision, not only from abutters. He said some things have been blown out of proportion by some abutters. He asked the applicant if he wanted the board proceed to a vote or if he wanted to withdraw. He said it should be postponed to next month,

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

JULY 5, 2023

pg. 7

after a formal review. He wants to read the latest submission. Randy said the amount of traffic in a residential area is unsolvable.

Neil said a variance goes with the property. Kris said it expires after two years. Hank said this is contrary to the public interest, it will change the nature of the area and will diminish property values. Neil said the board needs to make a really good decision because it will most likely go to the Land Use Board. Kris said that board only deals with housing. He's not sure it covers this.


THE VOTE

Neil made a motion to continue the hearing to August 2, 2023, giving the applicant time to present more information and rebuttal. Jaye seconded the motion and the vote was unanimous to grant the continuance.

The meeting was declared closed at 11:15 p.m.

Other Business – The minutes of the June meeting were approved as presented.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dawn M. Shaw".