

## HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

SEPTEMBER 6, 2023

DRAFT

Members present – Randy Clark, Karen Hanides, Jaye Dimando, Proc Wentworth and alternates Neil Emerson and Kevin Hastings. Also attending was Chief Building Official, Kris Emerson,

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

In the absence of chairman, Hank Riehl, Randy Clark, vice chairman, chaired the meeting.

### ROBERT GREEN 9/11

The hearing for Mr. Green for a variance to construct a garage at 108 Wash Pond Road, had been continued at the request of the applicant because he wasn't prepared. Neither Mr. Green nor any of the abutters was present to proceed with the request.

### THE VOTE

Neil made a motion to deny the request, without prejudice, Jaye seconded the motion and the vote was unanimous to deny, since no one was present to represent the applicant.

### SCOTT & BETH SPICER 8B/10

The request was for a Special Exception to permit the alteration and enlargement of a dwelling on a non-conforming lot at 28 Shore Drive. Jaye stepped down from the board. Kevin stepped in as a voting member. The Spicers also own 24 Shore Drive. There was some question whether the property that was posted for 24 Shore Drive should have been posted for 28 Shore Dr. The secretary assured the board that the correct abutters had all been notified. Mr. Spicer showed photos of the house, showing that it sits below the wall. He

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said there is a problem with the roof sagging in the middle. He said the house sits below street level. He said his plan is to move the bedroom upstairs in the loft. He intends to upgrade and renovate the existing house. He will be taking down the fireplace and upgrading the kitchen and bathroom. He said the house is intended to be seasonal. He said Kris had helped him calculate the square footage of the second floor, to keep it below 67% of the first floor. He said the house will remain in the same spot with no change in the footprint.

A deck on the water side is already there. There is a porch and there will be a deck on the second floor. The construction will be no closer to the lake. The height from the street will be 17 ft. with the total height 23 feet.

### **ABUTTERS COMMENTS**

Jason Houle, 6 Shirley St., said he is not an abutter but he is concerned whether there will be any impact on the right of way. He was told it would not.

Christine Murray, 29 Shore Dr., said she lives directly across the street from the cottage. She handed the board a file with her objections to the proposed alteration. She asked about the height. Mr. Spicer said it will be about 10 ft. higher. Ms. Murray said it will obstruct her view. She said the request is contrary to the Spirit and Intent of the ordinance. And it will cause diminution of her property value. She said essentially it will be a two-story house. She asked the board to either deny or continue the hearing a month so she could have more time to prepare her case and gather more evidence.

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Roy Blackadar, 30 Shore Dr., said it could become a rental property . He said it's a quiet neighborhood and another story on the house will make it a party place. Randy asked Kris if this will really only be a half story. Kris said the original plan showed the upstairs area greater than 67 percent but the owners made adjustments to make it comply.

Randy said that Hank had sent a letter addressing access to air, light and view and said they are not guaranteed unless by easement, or covenant.

### THE VOTE

Neil made a motion to approve the request for a Special Exception to permit the alteration and enlargement of a house on a non-conforming lot with the conditions the new construction shall not be bigger than the existing footprint, per plan presented. He added that the applicants shall install gutters and mini drywell. Proc seconded the motion and the vote was 4-1 in favor with Karen voting opposed.

### OTHER BUSINESS

Jaye made a motion to approve the minutes of the August meeting. Proc seconded and the minutes were unanimously approved.

Jaye made a motion to close the meeting at 7:49. The chairman declared the meeting closed.

Respectfully submitted,

*Dawn M. Shaw*