

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

SEPTEMBER 2, 2020

Members present: Hank Rhie, Proc Wentworth, Neil Emerson and alternate Randy Clark attending in person; Chairman Geoff Dowd and Dale Blaine attending remotely.

Geoff went over the procedure for holding the meeting via Zoom, as necessary per Covid-19 guidelines.

Geoff turned the meeting over to vice chairman Hank Rhie.

EMILY BALKUS - 17/17

The applicant was represented by Jim Lavelle. It was a new hearing for the same request that was denied in June. Jim explained that the applicant and some abutters were confused by the remote process and missed their opportunity to participate. Because it was unique circumstances, Jim asked the board to allow a new hearing as opposed to a rehearing. The request was for a variance to permit construction of a garage too close to the side lot line at 22 Cortland Rd. The applicant was present at this meeting. Jim said all the lots in the subdivision are ½ acre. The proposed garage will be 24 x 28 and will be 16 ft. from the lot line. Hank read letters from abutters, including the closest one – Marilyn Komalien – who had no objections. Hank said it was the same situation as before and he felt the garage could be situated elsewhere on the lot so it could meet setbacks. Randy asked about having it on the other side. The applicant said the septic and propane tank are on the other side. She said that what is proposed is the easiest way to get into the house because they can't drive over the leach field. Neil noted that the lot is only 125 ft. wide. Jim addressed the criteria for a variance. Hank said he had a problem with the

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

SEPTEMBER 2, 2020 pg. 2

hardship issue. He said it might not be where the applicant wants it but that the garage could be squared off, needing a lesser variance. Neil said the garage is 28 ft. deep so even if turned it would still need a variance. Neil made a motion to permit construction of a garage which will not meet the side setback, per plan submitted. Proc seconded the motion. Members filled out their worksheets. Geoff called the roll call vote. The request was unanimously granted.

STATE LINE TRAILER SALES 12/15

The request was for a variance to permit minimum frontage on Witcher Rd. – a Class VI road where Class V is required at 664 Route 111. Hank addressed the members that he was not convinced the board has the authority to hear the request. He said it is asking the board to change the law on a Class VI road. The applicant was represented by Brian Pratt. He said reducing the frontage requirements has been done in other towns. He said it is not being used as a road and that this is a technicality. He said it was discontinued in 1958 but never really closed. Hank said he did not think the board was empowered to allow a Class VI road to be used as frontage. Brian said the lot will be subdivided into five lots so businesses can own their own lots. Neil said the board has allowed building on private roads. Hank said Class VI is different from a private road. Geoff said it is irony that this is the lot the driveway is on. He asked Hank if he felt it is not within the scope of the board. Hank answered “yes”. Proc asked how far Witcher Road is off the pavement of Route 111. The driveway will be 30 ft. Neil said that means it will have 30 ft. frontage. Hank polled the board whether they could change the ask and they agreed to change to 0 ft on 111.

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

SEPTEMBER 2, 2020

pg. 3

Brian commented that it is the same article and section for either request. He said that he was willing to take the risk that the ask had changed. State Line Trailer Sales will have 0 ft. frontage on Route 111. Bluebird Self Storage will have 63 ft. frontage on Route 111. Brian went through the variance criteria for State Line. Hank said if they get the State to sell the parcel to them, it will take 2-3 years. Then, if the board grants this tonight there will be 296 ft. of frontage. Geoff made a motion to permit minimum frontage of 0 ft., per plan presented for the proposed new lot 12/15-3. Neil seconded the motion. Members filled out their worksheets. Geoff called the roll call vote and the vote was unanimous to grant the request.

BLUEBIRD SELF STORAGE 12/15

The request was for a variance to permit minimum frontage on Witcher Rd (Class VI) where Class V or better is required at 664 Route 111. The applicant was represented by Brian Pratt. The ask was changed to 63 ft. frontage along Route 111. Brian went through the variance criteria which was the same as for the State Line Trailer Sales hearing. The total frontage will increase based on the negotiations with the State. Neil made a motion to allow 63 ft. frontage along Route 111, per plan presented for proposed new lot 12/15-2. Proc seconded the motion. Members filled out their variance worksheets. Geoff called the roll call vote and the vote was unanimous to grant the request.

OTHER BUSINESS – The August minutes were approved as written with Hank abstaining.

Respectfully submitted,

Dawn M. Shaw