

## HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

OCTOBER 7, 2020

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

### DEBRA SOUCY – 8-102

The request was for a variance to permit construction of a deck which will not meet setbacks at 6 Summer Street. The 10 x 14 ft. deck will be built on the rear of the house. It will be 17.5 ft. from the side and 31.5 ft. from the rear. The side of the house is already non-conforming. Abutter, Paul Bowen, said he had no problem with it. Ken Evangelista also said he was in favor. The applicant addressed the requirements for a variance. She said there was no harm to the public, it meets spirit and intent and property values will increase. She said the hardship is that the lot was created before zoning. She said most single family homes have a deck. It will be an open deck so there would be low impact. She said there is no other place to locate the deck that would not be non-conforming. Neil made a motion to permit construction of a deck according to the plan presented – 17 ½ ft. from the side and 31 ft. from the side. Karen amended the motion to add that a stairway will be removed. Randy seconded the amended motion. Members filled out their worksheets. The vote was unanimous to grant the request.

### MICHAEL LOCONTE 11/197

The request was for a variance to permit construction of a 20 x 24 ft. garage which will be 10 ft. from the side lot line. It will be unattached to the left *side* of the home at 75 Croy Path. There is an existing shed. The applicant said the septic is on the other side. He has a new driveway. Abutter, Brant Sayer had no opposition. Hank asked if it could be located somewhere else on the lot. Mr. Loconte said there is

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not because of the septic, and it being too close to the water. Kris said it is not a conforming lot. It is on a private road. The property had already been before the board to demolish a building and rebuild so it became an existing non-conforming lot. Mr. Loconte said the building will be used for storage to protect some of his belongings. Hank asked him to address the criteria for a variance. The applicant said it will not affect the public; it will benefit neighbors and will not diminish any property values. He said he tried to buy more land and investigated other locations. He also said there is a drastic slope. He said it will be a one-story garage with no loft and that he is trying to stay away from the lake. Neil made a motion to permit construction of a garage, per plan presented - 10 ft. from the side. Karen seconded the motion. Members filled out their worksheets. The vote was 3-2 against. Hank and Proc voted in favor. Randy, Neil and Karen voted against. The request was denied.

STEPHEN & BRITTANY FLYNN 18/93

The request was for a Special Exception to permit a home occupation – seasonal firewood business at 342 Sandown Rd. Mr. Flynn said he is cutting mostly dead trees from his 22 acre lot and from neighbors. He works weekends and after work. Hank noted that the use of chain saws causes noise issues. Karen asked if there was a house close to him. He said only one. Neil asked if he started at 6 a.m. He said he starts at 8 a.m. but not every day. Neil asked if he would have any objection to making no noise on Sunday. Hank said he drove by and that it looked like a casual business. He read from the Home Occupation ordinance. Mr. Flynn said agricultural use is allowed. He said he also brings in wood that is not from his property. Hank said surrounding property values and spirit and intent are the tests for a home occupation. Proc made a motion to permit a home occupation -seasonal firewood business. Neil added no machinery on Sunday and hours 8 a.m.-6 p.m. Proc seconded the motion and the request was granted 4-1.

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DOMINIC & PAULA WHITAMORE 17/23

The request was for a variance to permit commercial use of a building in the Residential Zone at 141 Central St. The building was originally used as a machine shop. It was used as an office until three years ago. Mr. Whitamore said it would be used for a workshop with no retail business. There will be no storefront or increased traffic. There will be no tractor trailers coming to the site. There might be an employee. A two-family house is in front of the building. The applicant was asked what his plans are for the building. Randy mentioned low visibility and low traffic. Hank mentioned signage. Karen asked about lights. Hank said the applicant might want to continue the hearing until he has a better idea of his intentions for the building. Mr. Whitamore requested a continuance to November 4. The board voted unanimously to grant the continuance.

CHAD & ELIZABETH CLARK 12/106

The applicants asked to reschedule to the Nov. 4 meeting. The board voted unanimously to allow the continuance.

OTHER BUSINESS – Minutes: the September minutes were approved AS written.

Neil gave his letter of resignation as full member, effective Nov. 5. The board accepted with regrets. Neil recommended Randy to replace him. Randy accepted. Neil agreed to serve as alternate only when a member is absent.

Respectfully submitted,

