

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES
NOVEMBER 4, 2020

MEMBERS PRESENT: Geoff Dowd, Hank Riehl, Proc Wentworth, Neil Emerson, Dale Blaine and alternates Randy Clark and Karen Hanides.

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

The meeting was held consistent with the Covid-19 guidelines with face coverings and spacing six feet apart.

DOMINICK & PAUL WHITAMORE – 17/22

The hearing was continued from October when the applicant asked for more time to put a plan together. The request was for a variance to permit commercial use of a workshop and office in the Residential Zone at 141 Central St. Mr. Whitamore handed out a packet with his proposal, his intent to honor the town's zoning and a sample contract to be signed by a potential tenant. He showed a plan of the building and parking lot. He had signed an agreement describing his plans including no sign, no retail business so no increased traffic, no safety or anything obnoxious around the building. He said he would not be changing the residential use of the property. There will be no equipment outside the building and no tractor trailers coming to the site. His plan is to rent space to a tradesman with no manufacturing. He said employees might number 2 or 3 with no more than 4 working in the office. He said vehicles will park behind the building. Neil asked if there would ever be a sub-lease. The applicant answered there would not. There will be separate entrances for the business and office. He has personal storage on the upper level. Geoff said it looked like the applicant mirrored provisions of the Home Occupation ordinance so it could be revoked if violated. He questioned whether the same could be done with a variance. Hank said it could be reviewed and revoked by the Code Enforcement Officer. He said there could be tight limitations included in the motion. Geoff complimented the applicant on his application and presentation. Members agreed. Mr. Whitamore addressed the variance requirements. He said he has a carpenter friend who is interested in leasing. Karen asked about any trucks or tractor trailers staying on site. Hank said minimal outdoor storage and activity could be included in the motion. The other restrictions were added to the applicant's list, which he signed. Neil made a motion to permit the commercial use of the building – workshop and office – in the Residential Zone per the added restrictions. Proc seconded the motion and the vote was unanimous to grant the request.

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES
NOVEMBER 4, 2020 pg. 2.

CHAD & ELIZABETH CLARK 12/106

The request was for a variance to demolish a seasonal dwelling and construct a new dwelling that will not meet setbacks on an undersized lot at 20 Bailey Shore Rd. The hearing was continued from October at the applicant's request. The applicants were represented by Vern Dingman. The existing cottage was built in 1950 and is owned by the applicant's father. Mr. Clark wants to upgrade the home and septic and tie into the water system. Vern said the new home will be moved further back. There is an approved septic system and the Shoreland Permit is pending. Geoff reminded the applicant that rebuilding a seasonal home doesn't automatically give it year-round status. The new septic system is elevated. Neil asked if the Building Inspector had reviewed the plan re: the second floor. Geoff answered that Kris had reviewed and approved the plan. Mr. Clark addressed the criteria for a variance. He said property values will not be diminished. The house will be for recreational family use only. Vern said there is need for a variance on one side only. It will be 10.3 ft. from the side. He said the lot -.12 acres – is 60 x 100 ft. making it necessary for a variance on one side. Hank noted that the proposed house will only be 20.1 ft. from the rear so will need that variance as well. Geoff read a letter from abutter Richard Marrs, 19 Bailey Shore Rd. who had no objection to the proposal. Hank made a motion to approve the demolition and rebuilding of a structure – granting variances to the side and rear lot lines. Proc seconded the motion. Members filled out their worksheets. The vote was unanimous to grant the request.

APRIL-MAY REALTY 12/15

The request was for a series of variances for property located at 664 Route 111. The owner/applicant was represented by Brian Pratt. The first two variances pertained to the Wetlands Ordinance to permit placement of a septic system too close to wetlands and a building too close to poorly drained soils. The proposal is for Route 111 Auto Sales which is currently next to the former Little Mexico restaurant. The business wants a larger facility and an increased parking area. Mr. Pratt said the applicant has conditional approval from the Planning Board and was sent for wetlands variances.

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES
NOVEMBER 7, 2020 pg. 3

There is a revised plan for 184 spaces. He said storm water from Route 111 flowed onto the property. There should have been a roadside ditch cut but never was. So he said this is just storm water. He said it was the Town engineer who said the variances were necessary. The area is less than 10,000 square feet so it doesn't require mitigation. They are waiting for the Dredge and Fill Permit to be issued soon. The permit has to be for the whole lot because it hasn't been subdivided yet. Wetlands will be filled for the parking area. Mr. Pratt said the septic system won't need a variance because it will be filled, but it needs a variance now to existing wetlands. He said it won't be diverting any water into wetlands. Hank said they are changing the path the water will take so the setbacks will be moot after being filled. It will be 50 ft. from the building to wetlands and 50 ft. from the septic to wetlands. Tim Lovell, Chairman of the Conservation Commission addressed the board. He said he felt the variance should be denied. He said once there's a wetland it should get the same protection. He said the State has regulations and zoning is there for a reason. He said it's a commercial variance and needs a higher level of protection. He said we need to stay within the guidelines of the Town's zoning. Randy asked about mediation on the back side – next to the wetlands. Mr. Pratt said he was under the impression the Conservation Commission had no issue with the plan, after meeting with them. Neil said the wetland was caused by the State or Town because no ditch was put in by the previous owner. He said it's not a natural wetland they want to dredge. Geoff said it's a lot of asphalt. Mr. Pratt said it's a lot of asphalt because it's a car dealership. Land owner, Randall Bennett said it was the result of someone not doing what they should. He said he is the victim. Realizing that he knew Mr. Bennett, Geoff recused himself and Randy stepped in. Hank asked Tim Lovell if he knew that the wetlands were not always going to be wet. Tim Lovell said once a wetland is established it should be respected. He said the idea of zoning is to protect wetlands. Mr. Pratt addressed the requirements for a variance. The board decided to vote on surface configuration first. Neil made a motion to grant a variance to alter the surface configuration, per plan presented. Proc seconded. Members filled out their worksheets. The vote was unanimous to grant the request. Neil made a motion to grant the request for placement of the septic within the wetland buffer per plan presented. Hank said

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

NOVEMBER 4, 2020

pg. 4

when they do what they propose they won't need the variance. He said the septic is not to be installed until the wetland boundary is moved and is approved by the Town engineer. Proc seconded the motion. Members filled out their worksheets. The variance was unanimously granted. Neil made a motion to permit construction of a building within 50 ft. of poorly drained soils, per plan presented with the provision no construction is to begin until the surface mitigation is approved. Proc seconded the motion. Members filled out their worksheets. The request was unanimously granted.

OTHER BUSINESS –

The board reviewed a request for a rehearing for Michael Loconte whose request for a variance for construction of a garage too close to the lot line was denied in October. Geoff returned to the board but since he was not present for the October meeting would not vote on the request for rehearing. Hank read Mr. Loconte's letter setting forth his reasons for granting a rehearing. In the letter Mr. Loconte stated that board members had not given reasons for denial. He said the ordinance was adopted after the residence was constructed. Neil said he didn't see any substantial change or new evidence which is required in order to grant a rehearing. Dale noted that the applicant already has two accessory buildings on his lot. That was not brought up at the October hearing. Hank said there were letters of support from neighbors that were not submitted at the October hearing. He said he did not see sufficient grounds for granting a rehearing. Neil said he had asked in October if the shed would be removed and the applicant had answered "No". Randy said nothing warrants a rehearing. Hank called for a roll call vote whether to grant a rehearing. Neil, Proc, Hank, Randy and Karen all voted to deny the request for a rehearing based on no new evidence and no substantial change.

MINUTES – The minutes of the October meeting were accepted as submitted with Geoff and Dale abstaining because they were not at the meeting.

Geoff congratulated Neil on his 20 years of service on the board. He submitted his resignation as a full member but has agreed to serve as alternate when he is in town. Members agreed his history with the town has been a very valuable asset to the board through the years.

The secretary reminded the board that elections will be held in December.

Respectfully submitted,

Dawn M. Shaw