HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

 APRIL 3, 2019

Members present: Geoff Dowd, Hank Rhiel, Dale Blaine, Proc Wentworth and alternate, Randy Clark.

A copy of the posting notice, abutters’ notice and a list of persons attending is a part of these minutes.

H&C Ashford, LLC 9/24 & 70

The hearing for a variance was continued from February and March. Randy stepped down from the board. The applicants were represented by Attorney Bernard Campbell. The request was for a variance to permit use of a private road in a mobile home community in Zone D (Granite Village) to access land for a proposed building in Zone A. The chairman advised the applicants that there were only four voting members in attendance and that it would take three affirmative votes to grant the request. The applicants decided to proceed and the attorney signed a waiver. The Planning Board sent the applicants to the Board of Adjustment in January. Att. Campbell said the roads in the park are non-public. The abutting property is owned by Johnson Meadow and they want to build a duplex. The driveway connects with Charleston Ridge. In June, the Board of Adjustment granted the use of a driveway in the buffer zone. Access would pass over the roads in the park so the Planning Board determined that a variance was needed. Att. Campbell said he would be asking the board to make a decision that no variance was needed. He said he was willing to address the requirements for a variance. He said it would be a use variance to provide residential access. He said it would not be a commercial use but a residential one. He said there are other instances of using a road in Zone D to get to a residence. He cited Cardinal Lane where there are three houses that go through Zone D for access. He also cited a

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

 APRIL 3, 2019 pg. 2

residence on Amy Lane that uses access through Zone D. He said this is really not a use variance. Hank asked if there were any other options. Att. Campbell said this is the only feasible one. He said this is a different zone but the use is the same. He said the Planning Board was not clear that it needed a variance – maybe a finding of fact. Joe Tabbi, resident of 30 Charleston Ridge, abutting the proposed access, said he had no problem with the request. Planning Board alternate, Randy Clark who had recused himself from this hearing addressed the board. He said the park residents don’t think of it as a park – just a residential zone. He said the Ashfords had approached the residents of the park and told them that they (Ashfords) could control what goes up the private road. He said it was the right thing for this to be before the board. Att. Campbell presented papers from 30 residents of the park stating they were aware of the proposal and understood there would be no school buses passing through and no mail delivery. He said the fire and police departments have approved the plan. Geoff said Zone D is more restrictive than Zone A. There will be a deeded easement document and possibly fees for use. Hank asked if the new residents could force the use of school buses and mail. Att. Campbell said there could be covenants to the new structure and they will know the restrictions when they buy the home. Geoff asked the board if they wanted to address the issue as a finding of fact. They agreed. Hank made a motion that a road in Zone D leading to a residence in Zone A is a permitted use. Proc seconded the motion and the vote was unanimous that it was the board’s Finding of Fact.

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

APRIL 3, 2019 pg. 3

MICHAEL AND JENNIE DIBARTOLOMEO 12/54

The request was for a variance to permit construction of a commercial building on a residential lot along with an existing dwelling at 550 Route 111. The lot is 1.25 acres. The applicants were represented by Jim Lavelle. Randy returned to the board. Jim showed the board a zoning map. In front of the lot there are commercial buildings. There are also apartment buildings, Village Green nearby. Old Witcher Road separates the two properties. Jim said setback will be the same as what is required in the C2 Zone. He also said it would need to meet the 15 percent lot coverage. There is an existing house which may or may not remain. There is also a small garage. Jim said it is a unique property. Alpha Properties – an electrical company – wants to develop the lot commercially. He said the buyer would be looking for mixed use and

that the combined use will be the biggest issue. Jim addressed the requirements for a variance. He said the property sits alone and will increase property values. He said it is not contrary to the public interest and it is a reasonable use of the property. He said the building will not be next to residential properties. Randy noted that there are wetlands bordering the lot. Jim said he had done a wetland study. The proposal will go before the Planning Board for site plan approval. Geoff said he was concerned that this would be rezoning the property. He said it is not changing the zoning of the lot – only one building. It is still staying mixed. Jim said the lot will be developed as C2 meeting the requirements of that zone. Hank asked what the building will be. Jim said it will be an electrical shop and housing for other tradesmen. The uses will be presented to the Planning Board. Randy made a motion to permit construction of a C2-type building, with the existing residence, with that building being developed subject to all C2 requirements. Proc seconded the motion. The vote was unanimous to grant the request.

HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

 APRIL 3, 2019 pg. 4

Other business

Minutes – The minutes of the March meeting were accepted with a correction of street numbers in the Hastings/Griffin lot line adjustment to numbers 34 and 38.

Liaison – Selectman Joe Guthrie stopped by to inform the board he will continue to be the liaison although he might not be able to attend all meetings because of a time conflict with another board.

Elections – Hank nominated Geoff to be re-elected chairman. Dale seconded and the vote was unanimous. Geoff nominated Hank to remain as vice-chairman. Dale seconded and the vote was unanimous. Hank nominated Dawn to continue as recording secretary. Geoff seconded and the vote was unanimous.

 Respectfully submitted,