

PUBLIC HEARING AND BUSINESS MEETING  
final

**A. Call to Order – 7:00 p.m.**

**B. Roll Call:** J. Deleire, Chairman; P. Young, Member; T. Parker, P. Robart, Alternate Members; L. Ruest, Administrative Assistant

**Not Present:** A. Dittami, D. French, Members; K. Kelley, Building Inspector

**C. Public Hearings**

**1. Case #11-04:** Application from **Thomas and Eileen Baker** for variance to the terms of Article III, Section 3.8.1, Yard Requirements, to permit building of a barn in Zone A for property located at 10 Frying Pan Lane (Map 4, Lot 18-1).

Thomas and Eileen Baker were present. No abutters or members of the public were present. T. Baker reported that he is looking to construct a 24x32' barn with 8' lean-to. He explained that the way in which his property is laid out that in order to adhere to setback requirements, the barn would need to be constructed in the middle of the front lawn. He reviewed the sketch submitted with the application with Board members identifying the area he would like to place the barn as compared to the areas that meet regulations.

The sketch shows a location 20' off the property line with abutter Ackroyd as the proposed location. By siting the barn in this location, there is a need for relief from Hampton Falls 50' setback requirement. T. Baker stated he spoke with abutter Ackroyd who indicated to him that she has no objection to the proposal.

T. Baker distributed photos of the parcel showing the area proposed to place the new barn as well as the areas where the barn can be placed without relief from zoning. One area (labeled as "A" on the sketch) has a flagpole, rock and red maple tree at present. Another area (labeled as "B" on the sketch) would require the removal of a large oak tree and also has a pool in that area. The proposed area (labeled as "C" on the sketch) would require removal of scrub ash trees and undergrowth and would be located alongside the abutter Ackroyd's existing garage within the setback. He added that in reviewing the Town's wetland maps, there may be an area of wetland soils as well on the property. T. Baker stated his goal is to be the least invasive as possible and not have to disturb existing features.

J. Deleire explained that the challenge of the Board is to determine whether there is a hardship. He stated that aesthetics, cosmetics and costs are not concerns of the Board but rather that the hardship of the property cannot be overcome without relief from requirements. In this case, the applicant has presented that there are two locations where the barn can be constructed that do not violate zoning. He noted that voters of the Town put regulations in place and that the ZBA needs valid reason(s) to relieve requirements within five criteria established by law.

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T. Baker reviewed the five criteria and his answers as presented in the application before the Board. He reported that Building Inspector K. Kelley denied the permit and told him how to go through the ZBA process and what to do.

T. Parker asked whether a soil survey is available for the property showing the wetland boundary and 100' buffer. T. Baker stated that he does not have a soil survey. T. Parker also inquired as to the proposed use of the barn. T. Baker stated that he plans to use the proposed barn as wood shop and area to store a boat and firewood for winter heating. T. Parker stated that he felt this could be accomplished in Location A on the sketch. Question was raised as to whether relief from wetlands requirements would be needed as well.

J. Deleire stated that although the applicant states that he feels the relief to zoning wouldn't impact other properties, it is the charge of the ZBA to apply the zoning. This matter is presenting that there is a location that meets zoning. T. Baker stated he felt he should be able to do whatever he wants with his property and that the proposal is a better use for all.

P. Young noted that the applicant indicated that trees would need to be removed from the area within the sideline setback. She also noted that all Hampton Falls property owners need to meet the same requirements. Although it is acknowledged that the applicant wants to save a tree, it is not a matter of consideration when seeking a variance. She also inquired as to a written letter from Abutter Ackroyd. T. Baker stated he did not have one.

T. Parker asked if the new barn could be added to the existing garage. T. Barker considered this and stated that doing so would result in a driveway in the front yard. P. Robart agreed that there is not enough evidence to support granting a variance other than saving a tree.

J. Deleire offered the applicants the option of withdrawing the application as this application does not appear to have the merits to support the granting of a variance. P. Robart added that the Board cannot make a judgment based on emotion and offered the suggestion of trying to change the zoning requirement relating to setbacks by warrant article.

T. Baker requested that the application be withdrawn.

**MOTION:** To accept the applicant's request to withdraw the application for Case #11-04 without prejudice.

**MOTION: J. DELEIRE**  
**SECOND: P. YOUNG**  
**UNANIMOUS**

**D. Review of Minutes of the Previous Meeting**

**MOTION:** To approve the minutes of the June 23 meeting as written.

**MOTION: P. ROBART**

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**SECOND: P. YOUNG  
3 IN FAVOR, 1 ABSTENTION, PASSES**

**E. Other Business**

A review of the proposed budget for Planning/Zoning (4191) for the year 2012 was held. J. Deleire explained that the Planning Board Chairwoman is responsible for submitting proposals and has done so following review with him. Discussion took place as to certain lines of this budget and the reasons for the request of funds.

**F. Comments or Questions from the Floor**

P. Young inquired as to whether additional alternate members were being sought as she would like to change her membership from regular member to alternate member.

**G. Adjournment**

**MOTION:** To adjourn the meeting at 7:45 p.m.

**MOTION: J. DELEIRE  
SECOND: P. YOUNG  
UNANIMOUS**