

ZONING BOARD OF ADJUSTMENT	SEPTEMBER 27, 2018 7:00 P.M.
TOWN OF HAMPTON FALLS	TOWN HALL

DRAFT

A. CALL TO ORDER: The meeting was called to order by Chairman J. DeLeire at 7:00 p.m.

B. ROLL CALL: J. DeLeire, Chairman, S. Bryant, Vice Chairman, F. Perry, M. Call, L. Job, A. Dittami, Alternate, P. Young, Alternate, M. Sikorski, Building Inspector, M. Beliveau, Town Counsel, H. Fazzino, Secretary. Absent: S. Almeda.

Town Counsel M. Beliveau discussed changes to statutes.

- **HB1215:** Previously, there was no requirement in the statutes on how a Board would vote. In 2018, the statute was clarified that boards will use the same method it uses now. If the Board decides to change its method, it must be voted on, and 60 days shall pass before the change goes into effect.
- **SB 339** states that the concurring vote of any three members of the Board is necessary to take action.

C. PUBLIC HEARING:

Attorney Chris Wyskiel, representing Heronfield Academy, request that four Heronfield Academy matters, including Case # **17-06**, Case # **18-01**, Case **18-02** and Case # **18-04** be continued to November 15, 2018.

MOTION: To approve the applicant's counsel request re: Case # 17-06, Case # 18-01, Case # 18-02, and Case # 18-04 be continued to November 15, 2018.

MOTION: S. BRYANT

SECOND: F. PERRY

UNANIMOUS

CASE# 18-05: Application from Heronfield Academy for a modification to a 2006 variance to the terms of Article III, Section 4E 1, 2, 3, and 5, to construct a multipurpose facility within the existing horse riding arena for school related purposes in Zone A, located at 356 Exeter Road, Map 6 Lot 22.

Attorney Wyskiel introduced the parties present on behalf of the applicant. The request was described as a use variance. The arena was used by the previous property owner, but the property was since sold to Heronfield Academy. The application is for a modification to the existing horse riding arena for school related purposes only. See Table of Permitted Uses 4.E. 1, 2, 3, and 5. Attorney Wyskiel supported a limit on the allowed uses, and that the 2006 Variance be modified. Ms. Betsy Kelly, Head of School- Heronfield Academy- reports that enrollment is currently 85. Physical education activities such as cross country and basketball are played at The Rim in Hampton. It was originally felt that the arena did not have adequate height. Heronfield Academy now believes they can now work with the current height. A video of student drop off,

pick up, and one field trip day was offered to the Board, but was not found to be needed. Athletic events are currently played at other schools. Heronfield anticipates 4 games per season. Availability of parking, and overflow parking is currently used in gravel areas. The school has a relationship with the Church of Jesus Christ of Latter-day Saints for evacuations.

Ms. Kelly reported that there is currently not enough space for making posters, science projects. The currently available space is used for lunch, drama and music.

Rob Martel, Rob Martel Architecture, presented the elevations for the proposed building received on August 30, 2018. Tab D, Plan A101. Plans for a fresh coat of paint.

Plan A100.

Plan A102. Total plan for 7,000 sq ft. Proposed a seating capacity be set by the Fire Department.

Eric Weinreib, Altus Engineering, discussed Heronfield Academy's plan to remove two buildings which will provide greater access to the arena, and parking plans for all-season capacity.

Attorney Wyskiel discussed a Christmas concert that might be held on-site, and with the proper facility, graduation. Pictures of the parking areas were distributed to members of the Board.

Peter Stanhope, Certified General Appraiser, was retained to determine if home values will diminish. His research showed that there was no diminution of value.

Attorney Wyskiel reviewed the 5 Criteria for a variance:

1. Not contrary to the public interest- there is no hazard to the proposal.
2. Spirit of the ordinance is observed. No information was presented).
3. Substantial justice is done- gain to the public if denied, harm to the applicant is greater.
4. The values of surrounding properties are not diminished- school wants to make use of all their space.
5. Literal enforcement of the provision of the ordinance would result in an unnecessary hardship. Allow the property to continue with an extended reasonable use.

M. Sikorski's letter at Exhibit I was referenced.

There was no hazard to the proposal.

Surrounding property values were addressed.

M. Sikorski, Building Inspector- Important that the uses will improve the uses at the school.

F. Perry- Complimented Attorney Wyskiel's presentation. He is mindful of the boundaries of operating as a school. They are asking to confirm how the project fits into the permitted use table. Attorney Wyskiel confirmed that he did not intend to steer away from the ZBA process and authority. He believes the variance is moot because the property was sold. F. Perry confirmed the building timeline, to include an immediate start with a six month build, before the school year start in 2019.

<p>A. Dittami reflected on the original hearings in 2006 where the school asked for a variance for 2 buildings. He is concerned about counsel's misrepresentations or omissions. He asked whether there are any plans for future builds.</p>	<p>Attorney Wyskiel stated that it is unfair to predict Heronfield's future. A member of the Building and Grounds Committee created the diagram shown online by A. Dittami. It was created to show what the school could be. Peter Angerhofer, Chair of the Board at Heronfield Academy, confirmed that they have no plans for other growth or financing.</p>
<p>A. Dittami asked whether the school knew when they bought the property that they would not be able to expand. A. Dittami asked if the 2006 variance has cost a lot of money.</p>	<p>Attorney Wyskiel answered yes, it cost a lot of money.</p>
<p>A. Dittami asked if the variance is granted, what will happen to the rural character of the School.</p>	<p>Attorney Wyskiel stated that granting the variance would further the aspirational goals of the Master Plan.</p>
<p>A. Dittami asked whether the school has been hurt by a lack of a gymnasium.</p>	<p>Current sports include cross country, track, basketball.</p>
<p>M. Call asked about the conditions of approval.</p>	

THE PUBLIC COMMENT PERIOD WAS OPENED.

T. Livermore, Exeter Falls Road. He is concerned about property values. He tried to sell his home, but the real estate agent reportedly told prospects about trouble with the school. He was disappointed that a formal traffic study was not conducted.

Bob Otovic, Exeter Falls Road. Best values are not achieved by poor personal circumstances. He took exception with the entrance. Car lights are bothersome in the winter. Lighting, signs labeled school zone, restrictions on the building's parameters. F. Perry recommended addressing these issues before the Planning Board. P. Young believes that the junction of Route 88 and Exeter Falls Drive is a town road.

Nancy Otovic, Exeter Falls Road. Complained of speeding traffic, on a state road. Attorney Wyskiel responded that the Route 88 accident is not relevant to whether there will be another accident.

Chairman DeLeire recommended that the public hearing remain open, and the Board meet with Counsel. Next meeting will be October 10, 2018 at 6:30 pm.

MOTION: To continue Case # 18-05, with the public comment period to remain open to November 15, 2018.

MOTION: F. PERRY
SECOND: S. BRYANT
UNANIMOUS

MOTION: To approve the meeting minutes from July 26, 2018, as written.

MOTION: F. PERRY
SECOND: S. BRYANT
UNANIMOUS

MOTION: To adjourn the meeting at 9:50 p.m.

MOTION: P. YOUNG
SECOND: S. BRYANT
UNANIMOUS

The next meeting of the Zoning Board of Adjustment is October 10, 2018 at 7:30 p.m.