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**Zoning Board of Adjustment Minutes**  
**April 15, 1998**

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Deputy Chairperson Michael Iafolla called the meeting to order at 7:30 P.M. with Mark Johnson, Terry Mackin, Allen Brandt, Russell Jeppesen, Building Inspector Susan Zarlengo, and members of the press and public present. Iafolla introduced the members of the Board and explained the procedures of the meeting.

Iafolla announced the request of appeal of the Mill Road subdivision would be delt with at the end of the meeting.

Case 98:18 Kevin Gregory has withdrawn his application, case is closed.

Brandt moved to accept the minutes of March 20, 1998, Mackin seconded, motion carried.

Case 98:22 Joe-Ghan Realty, L.L.C. for property located at 203 Lafayette Road, tax map 17, lot 88 located in IB zone, appeals the interpretation that the 1994 approval of a 34 lot manufactured housing park at 203 Lafayette Road is invalid.

Attorney Peter Loughlin, from Portsmouth represented Mr. Roy. Iafolla proposed they table this and deal with the variance.

Johnson moved to table this petition, Mackin seconded, motion carried.

Case 98:21 Joe-Ghan Realty, LLC for property located at 203 Lafayette Road, tax map 17, lot 88, located in IB zone, requests a variance to the terms of Article IV, Section 405 and asks that said terms be waived to permit 34 ,manufactured housing sites as shown on a plan entitled "Site Plan for Tax Map #21, Lot #7, North Hampton, NH, prepared by J.A. Davis & Associates, Revised 4/18/94." The variance is requested since the property is bisected by the I-B/B-3 zoning line with 25 of the lots being wholly within the R-3 District and 9 of the lots being partially in the R-3 District where manufactured housing parks are not permitted as a matter of right.

Peter Loughlin presented the plans that were previously approved by the Planning Board in 1994. Asking for a variance to permit 34 lots. Front part of the lots lie in commercial zone, rest are in R-3. He stated it's reasonable use of the property and the five conditions of granting have been met.

Joe Fitzgerald, 185 Lafayette Road owner of Giant Lift and abutter to the property, stated he had the same problem. He showed several photos of the area and expressed concern for the heavy odor of septic at times.

Mr. Ellingwood stated she couldn't understand the developer not knowing where the zones were.

Iafolla stated there are 37 lots to deal with, all developed and occupied, 2 bedroom homes. It was noted that the park and recreational area required as part of the plan had not been done. Forest Griffin, Planning Board Chairman, stated there was a proposed recreation area. Brandt asked Roy why this has not been done? He answered because area is near woods and not good for children. Iafolla stated this was sloppy work on the engineer's part (referring to the oversight of not including the location of the zone line). Brandt said he doesn't buy it, that it happened, but if they have to move it will create problems. Mackin stated it's an oversight on the Planning Board.

Brandt moved to grant a variance to Case 98:21 with the condition that the plans approved by the Planning Board on May 15, 1994 are complied with, Jeppesen seconded, motion carried.

Brandt moved to take Case 98:06 off the table, Iafolla seconded, motion carried.

Case 98:06: Joe-Ghan Realty Trust, for property located at 203 Lafayette Road, tax map 17, lot 88 requests a variance to Article III, Section 302.36 and Article V, Section 503 and asks that said terms be waived to permit units 118-121 to be considered as manufactured housing units and be allowed to exist on one lot which in total complies with bulk density requirements.

Peter Loughlin again spoke for Mr. Roy, stating there's 4 units that are park models in the R-3 zone. Land was a seasonal campground when owned by Upland Realty. Iafolla stated if they're under 720 SF, seasonal, in the R-3 zone they legal, no variance is needed. Mackin asked what's the hardship, as he doesn't see one. Roy replied he received verbal permission to put them there by the building inspector. There's 1 unit that's 1200 SF, lived in year round, will need a variance, for lot #118.

Brandt moved to bring Case 98:05 off the table, Jeppesen seconded, motion carried.

Case 98:05: Joe-Ghan Realty Trust for property located at 203 Lafayette Road, tax map 17, lot 88 requests a variance to Article V, Section 501.2 and Article IV, Section 405 to allow the existing manufactured housing park to be expanded in an R-3 zone.

Peter Loughlin stated there's no frontage on a town road for 2 acre single homes. Brandt said area could be used for agricultural. Roy stated this is the last spot to be developed.

Case 98:23: Barry Dyke, for property located at 120 Atlantic Avenue, tax map 6, lots 21,22 and 24, located in the R-2 zone, requests a special exception as provided for in Article V, Section 507 to operate a home occupation.

Mr. Dyke stated he has a benefit counseling business. May have 2 people and a small sign. No employees now, they work in Mass.

Case 98:24: W.E. Aubuchon Co., Inc. for property located at 5 Lafayette Road, tax map 3 lot 79 located in the IB zone, requests a variance to the terms of Article V, Section 506.3 {c} and asks that said terms be waived to permit two signs on the property and Article IV, Section 406.8 and asks that said terms be waived to permit the elimination of the 10 foot buffer along the front property line.

Aubuchon representative stated Mary Kilcup (owner) wants to keep her sign up, so now the property would have 2 signs. Within 5 years her sign will be gone. Asking for a 40-foot sign, have approval for a 60-foot sign.

Regarding the 10 foot buffer area in front of property, Aubuchon is asking to use 63 SF of 10 foot buffer for parking. Concern is to have enough parking for the customers. Iafolla suggested they 60 degree angle the parking spaces, would give 10' buffer. Allen Moulton of Division 6, State of New Hampshire stated the State has plans to widen Route 1 and will remove the poles and take an additional 12' of property, 45' from the centerline.

Case 98:25: Brenda & Chris Quackenbush, for property located at 15 New Road, tax map 14, lot 92 located in the R-1 zone, requests a variance to the terms of Article IV, Section 406 and asks that said terms be waived to permit an addition to an existing structure that will encroach upon the side property setback.

Mr. Quackenbush stated he's short on setback on the north side. Will be a single room on the back 1 foot in from the existing structure, violating setback.

Case 95:26: Debbie Whitten, 54 Atlantic Avenue, for property located on Atlantic Avenue, tax map 14, lot 29, located in the R-1 zone, requests a variance to the terms of Article IV, Section 406.2 and asks that said terms be waived to permit this lot to be a buildable lot.

Mrs. Whitten said this was 2 separate lots, at some point it's been merged. She stated McLane bought their piece in 1941, in 1951 bought abutting piece and in 1961 sold 1 lot from the 1951 piece. When asked her hardship she answered that she was born and grew up in North Hampton and wants to stay here but the land in the subdivisions is not affordable. In 1974 got separate septic plan for this lot, was subdivided but the Registry of Deeds told her no separate deed till it's sold.

Priscilla Leavitt, an abutter in the rear of this property, expressed concerns regarding the water drainage. She explained McLane's property is 1.29 acres, Lamprey .is 34 acres so this would make 3 houses on 1.5 acres. Also, she explained there's a freestanding culvert that can't be blocked. This drains from across Atlantic Avenue. Lamprey put in a pipe when the garage was constructed. She showed drawings and photos and is concerned more water will end up in her yard.

Iafolla stated there are 2 issues here:

1. Was the lot ever a lot of record?
2. Need to find out if it's a buildable lot.

He suggested this be tabled and find out if the lot can support a septic system and setbacks.

Brandt moved to table Case 98:26 till the May meeting, Mackin seconded, motion carried.

Case 98:27: Iafolla stated they requested this to be tabled.

Case 98:28 Theodore M. Turchan, for property located at 125 Lafayette Road, tax map 75, located in the IB zone, requests a variance to the terms of Article IV, Section 406 and asks that said terms be waived to permit the construction of a residential barn within the side property setback.

Turchan showed plans and explained he plans to construct a barn 20' from sideline.

Case 98:29: Andrea R. & Samuel L. Checovich, for property located 182 Atlantic Avenue, tax map 7, lot 24-01, located in the R-1 zone, requests a variance to the terms of Article IV, Section 406 and asks that said terms be waived to permit the construction of an addition that will encroach upon setback five feet.

Checovich showed plans and explained this is an addition to the existing house consisting of 3 bedrooms, family room, entryway and garage. He stated he has the septic approval.

Grant Seaverns stated he had no objections but would like the record to stipulate that the encroachment not exceed 20 SF, and not to exceed 5' in depth.

Other business: Request to hear the appeal of the Planning Board decision on the Mill Road subdivision.

Iafolla being an abutter stepped down, Checovich came to the table and Brandt chaired.

Letter from Town Counsel was received today. The board members reviewed this. Letter also received today from Turner Porter's attorney. Brandt asked the members if they had received and reviewed the package that was distributed to each member. All said they had. Checovich stated lot of information has been brought before the board, time to hear from the abutters.

Checovich made a motion to go ahead and hear the appeal at the next meeting, Mackin seconded. 3 for and 2 against (Brandt & Jeppesen), motion carried, appeal to be heard.

Decisions:

Case 98:05: Jeppesen moved to deny, Johnson seconded, motion carried.

Case 98:06: Brandt moved to deny, evict 1 after October 15<sup>th</sup> and return to seasonal, Mackin seconded, motion carried.

Case 98:23: Brandt made a motion to grant, Mackin seconded, 3 for 2 opposed (Brandt, Jeppesen), motion carried.

Case 98:24: Mackin moved to approve one 40' sign, allow 2 signs on the property, after 5 years back to 1 sign, Johnson seconded, 4 for and 1 against (Brandt), motion carried.

Brandt moved to deny the elimination of the 10' buffer, Johnson seconded, 3 for and 2 against, motion carried.

Case 98:25 Brandt made a motion to grant, Johnson seconded, motion carried.

Case 98:28: Mackin moved to grant, Jeppesen seconded, motion carried.

Case 98:29: Mackin made a motion to grant relief from the side setback as shown in the plans with the condition that the expansion does not encroach the side setback any more than 5', Johnson seconded, motion carried.

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Meeting adjourned at 12:25 A.M.

Beverley Frenette  
Secretary

Reviewed by  
Susan Zarlengo  
Building Inspector