

This month's meeting was called to order by the Chairman, Mike Iafolla, at 7:30 p.m. Those attending were, Allen Brandt, Robert Field, Mark Johnson and Russell Jeppesen. Mr. Johnson recorded the minutes of the meeting since the secretary was sick.

A motion was made to accept the minutes from the March 15, 2000 meeting, seconded, motion passed 5-0.

The Chairman stated that he had received a written request from Janice Collins' attorney, Denise Poulos, to request a continuance for Case 2000:11, to a time and date certain, May 17, 2000.

Case 2000:08 – John Kimball, for property located at 68 Lafayette Road. This case had been tabled to a time and date certain from the previous meeting. It was taken off the table by Mr. Brandt, seconded by Mr. Jeppesen. Town Counsel's opinion was read. It stated that the existing building "Ken's Garage" is grandfathered at 8' off the lot line and therefore not an issue. If, however, it were moved to any other location on the property, no matter how slight the move, it would then need to conform to standards existing. No further action needed. Petition withdrawn by Peter Simmons, owner.

Case 2000:09 – Chuck Lamprey, 39 Cedar Road, for an Administrative appeal of Planning Board interpretation of Zoning Ordinance Article IV 406.5. The ordinance states: *a lot in this zoning district that is presently utilized for business purposes shall not be used for residential purposes. Any existing undeveloped lot may be used for either a business or residential purpose, but not both.* The Planning Board ruling on the wording of this ordinance, was that the converse wording would apply in this situation: **that a lot presently utilized for residential purposes shall not be used for commercial purposes.** After a presentation by Chuck Lamprey regarding the Administrative Appeal of the Planning Board decision on mixed use on a lot in IB/R zone, it was discussed by board members and agreed that the Planning Board interpretation and decision was the right one. Motion was made, seconded, passed 5-0.

Case 2000:10 – Chuck Lamprey, 39 Cedar Road, for a variance to Article IV, Section 406.5. Subsequent to 2000:09, the petitioner, Mr. Lamprey, sought to gain a variance to allow the mixed use – the continued use of the existing home as a residence and the development of the majority of the parcel for business use. Two major points were made by Mr. Lamprey. 1. Existing tenants had been there for a considerable time and would have difficulty finding another suitable and comparable housing in the North Hampton area. 2. At least for the short term, the income would allow the project to work and be the fairest to all parties with no obvious detriment to anyone. Mr. Simmons spoke in support of the petitioner "Do the right thing." Questions were posed by Board members only, as to the hardship and the lasting effects of "subdivision" by lease to different uses. There was give and take discussion pertaining mostly to avoid long-term acceptance of mixed use on this property. All board members were in agreement that economics would, in time, pressure the residential use off the lot and, in fact, should – the "higher" and "better" use being IB (Industrial Business) on that lot in town. Discussion followed to ensure that the residential use would disappear. There were two factors: amend the time and that the residents become tenants-at-will instead of the lease, thereby avoiding any subdivision by lease concerns. The motion was made and seconded to approve the variance with the following conditions: 1. Existing dwelling may continue in use as a residence no longer than April 19, 2007 – which is a period of seven (7) years. 2. Use of the dwelling as a residence will end with the end of the current tenants occupancy. Additional comments by Mr. Lamprey when he was invited back to

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the table for discussion, pertained to what his rights would be in case of a fire or other calamity that resulted in the destruction of the residence. Mr. Lamprey stated that such an occurrence would, of his will, end the residential use of that building, but wanted assurance of his right to rebuild in the same footprint, and the same location on the property.

Motion was made to approve with conditions, vote was 4-1, with the following findings of fact:

1. **That there will not be a diminution in value of surrounding properties as a result of the granting of this variance because it is in a neighborhood of similar properties**
2. **That the granting of this variance will be of benefit to the public interest because it will be consistent with the character of the neighborhood; moving toward commercial use in IB zone**
3. **That the “special conditions’ of your land which cause literal enforcement of the zoning ordinance to be an unnecessary hardship because the existing use is residential with no appropriate options to the existing tenant**
4. **That by granting of this variance substantial justice will be done because this lot is in a neighborhood of similar properties; (the petitioner can use his property as intended in the IB zone as commercial)**
5. **That the use contemplated by you as a result of obtaining this variance will not be contrary to the spirit of the ordinance; because the property is moving towards 100% commercial.**

Respectfully submitted,

Tina Kinsman

Recording Secretary

(Minutes taken by Mark Johnson, transcribed by Recording Secretary)