



**Meeting Minutes**  
**Town of North Hampton**  
**Zoning Board of Adjustment**  
**Tuesday, June 28, 2022 at 6:30pm**  
**Town Hall, 231 Atlantic Avenue**  
**North Hampton, NH 03862**

These Minutes were prepared as a reasonable summary of the essential content of the Meeting, not as a transcription. All exhibits mentioned, or incorporated by reference, in these Minutes are a part of the official Case Record and available for inspection at the Town Offices.

**In attendance:** Robin Reid, Chair; Bill Clifford, Vice Chair; Members Audrey Prior and Larry Miller; Alternate Member Mark Janos; and Recording Secretary Rick Milner.

**I. Preliminary Matters.**

Chair Reid called the meeting to order at 6:35pm.

Mr. Janos seated for Mr. Stanton.

Ms. Reid presented the minutes of the March 22, 2022 meeting.

**Ms. Prior moved that the ZBA accept the minutes of the March 22, 2022 meeting as written. Second by Mr. Janos. The vote was unanimous in favor of the motion (5-0).**

**II. New Business.**

**1. Case #22:05 – Applicant: Allen Frechette, 54 Post Road, North Hampton, NH 03862.** The Applicant requests a variance from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow a structure (home addition) within the side yard structural setback. Property Owners: Allen and Dianne Frechette, Trustees, Frechette Family Revocable Trust, 54 Post Road, North Hampton, NH 03862; Property Location: 54 Post Road; M/L: 008-139-000; Zoning District: R-1, High Density District.

**In attendance for this application:**

Allen Frechette, property owner.

Ms. Reid swore in Mr. Frechette. Mr. Frechette addressed the Board. Mr. Frechette presented a site plan for the property at 53 Post Road which included the following:

- a. a small, 1950's era ranch style home on a 0.55 acre property,
- b. a proposed 10 foot wide addition off the southerly end of the home within 21.1 feet of the southerly lot line at the front of the home and 22.9 feet of the southerly lot line at the back of the home, and
- c. a proposed 36 foot by 24 foot garage off the front of the home closest to the southerly lot line.

Mr. Frechette explained that, due to the small size of the home, he desired to increase the living area of the home with a small addition on the southerly side of the home and conversion of the existing garage space on the northerly side of the home into living area as well. A proposed two car garage and storage space on the front of the home will replace the existing garage. He is requesting a variance to allow the proposed home addition to be built three to four feet into the structure setback from the southerly lot

line. Construction of the proposed garage requires Planning Board approval; but does not need a variance.

Mr. Frechette addressed the five criteria for granting a variance identified in the State of NH RSA's.

1. Granting the variance will not be contrary to the public interest in that the existing home is substandard in size with the existing ground level floor space barely meeting the minimum required living area for a dwelling unit in North Hampton. The proposed footprint expansion would bring the home more in line with the character of the surrounding neighborhood.

2. The spirit of the ordinance is observed in that the application proposes a modest 240 square foot increase in the size of the home along with a conversion of the existing garage to obtain a reasonable 1,248 square foot single story living area centered on the property. The proposed addition only extends three to four feet into the structure setback area and is well over 50 feet from the closest abutting home.

3. Substantial justice will be done by granting the variance in that the existing structure does not conform to modern living standards for living area and bedroom sizes. The proposal allows for bedroom and living area to be more in line with modern standards for adequate living space.

4. Granting of the variance will not diminish the values of surrounding properties in that the current home is in disrepair and in need of maintenance. The proposed improvements will enhance the value of the subject property and in turn the values of surrounding properties as well.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship in that there are special conditions of the property which distinguish it from other properties. The location of the home within the restrictive configuration and structural setbacks on a non-conforming lot of record makes any expansion to improve the existing home not possible without relief. The location of the septic system in the back yard precludes any expansion to the rear of the home.

Mr. Milner noted that the Board should consider the one foot roof overhangs associated with the proposed addition when evaluating the variance request.

Mr. Clifford asked if the applicant considered placing the proposed addition on the northerly side of the home.

Mr. Frechette responded that placing the proposed addition on the northerly side of the home was not feasible due to the structural setbacks and utility connections on the northerly side of the home.

Mr. Miller asked if the applicant's intention for the proposed addition was to create a single family home that the applicant would live in.

Mr. Frechette responded his intention for the proposed addition was to create a single family home that his family would live in.

Mr. Frechette presented letters from abutters Karin Backstrom and Francis and Gail Ferraro supporting the variance request.

Ms. Reid asked for public comments. No comments were made.

Mr. Miller asked for clarification regarding a proposed septic system mentioned in the application.

Mr. Frechette explained that a septic system design is being created to ensure that there is a plan in place to replace the current septic system in the back yard if the current system fails in the future.

Ms. Reid closed the public hearing at 6:53pm.

Mr. Janos stated that any improvement to the subject property will be a significant improvement for the entire neighborhood. The proposed expansion is not significant and will enhance surrounding property values. He supports the variance request.

Ms. Reid stated that she has no concerns with the variance request.

**Mr. Janos moved that the Zoning Board of Adjustment grant a variance from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow a structure (home addition) within the side yard structural setback at 54 Post Road as represented in the application and site plan presented to the Board. Second by Mr. Clifford. The vote was unanimous in favor of the motion (5-0).**

### **III. Other Business.**

Ms. Reid informed the Board of the discussions that occurred at the recent annual land use boards meeting where the various North Hampton land use boards share information regarding past, current, and future projects and board activities.

Ms. Reid suggested that Board members review State of NH RSA's and the State of NH ZBA Official Procedural Handbook to become familiar with the allowed ZBA decision-making process and the ability of the Board to take extra time after a meeting to create a decision letter with reasons justifying a decision which can be presented at the next Board meeting.

Ms. Reid also informed the Board of the Town Counsel opinion letter which explained how Board members should not engage in evidence gathering activities outside of a regular meeting and should only consider the evidence and comments presented by participants in a case or public comments during a regular meeting discussing a particular case.

**Mr. Janos moved to adjourn the meeting at 7:27pm. Second by Mr. Clifford. The vote was unanimous in favor of the motion (5-0).**

Respectfully submitted,

Rick Milner  
Recording Secretary