



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Thursday, December 8, 2016 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: Charles Gordon, Chair; Phelps Fullerton, Vice Chair; Members Mark Janos and George Lagassa; Alternate members Robin Reid and Dennis Williams; and Recording Secretary Rick Milner.

I. Preliminary Matters.

Chair Gordon called the meeting to order at 6:30 pm.

Mr. Gordon announced that Ms. Reid will continue to sit on the Board for Mr. Lagassa during discussion of the last meeting minutes and Case #16:04 continued from the last meeting. Mr. Lagassa will return to the Board for discussion of Case #16:05 and Case #16:06.

Mr. Gordon presented the minutes of the November 22, 2016 meeting.

Mr. Janos moved that the ZBA accept the minutes of the November 22, 2016 meeting as written. Second by Ms. Reid. The vote was unanimous in favor of the motion (4-0).

II. Old Business.

- 1. Case #16:04 – Applicant: Sean Murphy, 37 Post Road, North Hampton, NH 03862.** The Applicant requests a variance from Section 406 – Yard and Lot Requirements of the Town of North Hampton Zoning Ordinance to allow construction of a ground-mounted solar array within the accessory structure setback. Property Owners: Sean Murphy and Rachel Rios Murphy, 37 Post Road, North Hampton, NH 03862; Property Location: 37 Post Road; M/L: 008-025-000; Zoning District: R-1 High Density District.

In attendance for this application:

Sean Murphy, applicant.

Tricia Mills, Revision Energy, contractor for the applicant.

Mr. Gordon informed the Board that the matter was tabled at the last meeting pending an agreement between the applicant and an abutter regarding landscape screening for the project being reached. Mr. Gordon presented a letter of agreement from the abutting property owner stating that he was satisfied with the existing and proposed landscape screening plantings and his approval of the variance request.

Mr. Lagassa, speaking as a member of the public, stated that the applicant's reasons of optimizing the efficiency of the solar system and creating more usable space in his yard may not necessarily be considered hardships. However, the placement of the solar array to avoid the septic system and the well may be considered a hardship.

Disclaimer – these minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91A:2,II. They will not be finalized until approved by majority vote of the Zoning Board of Adjustment.

Mr. Fullerton stated that constructing the solar array near the leach field could be problematic in later years. This is the primary purpose for the proposed placement of the system.

Tricia Mills was sworn in. Ms. Mills confirmed that the primary reason for the placement of the system within the structure setbacks is to avoid damaging the leach field with ground screws used for installation and heavy equipment during construction.

Mr. Fullerton asked Ms. Mills to confirm that the solar array would be used exclusively for residential purposes of the house only and not sold back to the utility grid for commercial purposes or transferred to other customers.

Ms. Mills confirmed that the power generated by the solar array structure was intended to be used exclusively for residential purposes of the house only. The system is designed to generate the same amount of average power used by the home in the last year.

Mr. Gordon noted that the granting of any variance is based on the specific details of a particular case. In this case, the neighboring structures are located a far distance from the location of the solar array.

Ms. Reid suggested that any variance for this project include a condition that the variance is granted per the specifications included in the submitted application.

Mr. Murphy was sworn in. Mr. Murphy stated that he intends to honor the landscape screening agreement with his neighbor.

Mr. Fullerton moved that the ZBA grant a variance from Section 406 – Yard and Lot Requirements of the Town of North Hampton Zoning Ordinance to allow construction of a ground-mounted solar array within the accessory structure setback as represented in the application for Case #16:04 presented to the Board, including, but not limited to, side and rear yard setbacks, structure footprint, and construction specifications. Second by Mr. Janos. The vote was unanimous in favor of the motion (4-0).

III. New Business.

1. **Case #16:05 – Applicant: Kara Phillips, 9 Post Road, North Hampton, NH 03862.** The Applicant requests a variance from Section 406 – Yard and Lot Requirements of the Town of North Hampton Zoning Ordinance to allow construction of a building addition within the structure setback. Property Owners: Taylor and Kara Phillips, 9 Post Road, North Hampton, NH 03862; Property Location: 9 Post Road; M/L: 004-001-000; Zoning District: R-1 High Density District.

In attendance for this application:

Taylor Phillips, applicant.

Michelle Shields, consultant for the applicant.

Mr. Lagassa joined the Board. Ms. Reid was seated for Mr. Pinette.

Mr. Phillips and Ms. Shields were sworn in.

Ms. Shields stated that the applicant intended to create storage space, add a family room, increase the size of the dining room, and add a second floor bedroom and bathroom. This addition was made

necessary by a larger family. Ms. Shields presented architectural drawings and a site plan which indicated the following:

- a. The closest point of the proposed building addition will be 16' - 2" from the lot line. The closest point of the existing home is 15' - 5" from the lot line.
- b. The positioning of the proposed building addition on the back of the existing home presents a minimal visual impact on the surrounding neighborhood.

Mr. Lagassa asked if any abutters had expressed concerns about the proposal.

Mr. Milner stated that no communications had been received from abutters.

The Board began deliberation of the variance application at 7:12 pm.

Mr. Fullerton stated that the proposed addition is located in a logical position and does not extend any further into the setback than the existing home currently does.

Mr. Gordon noted that the addition intrudes into the setback considerably less than the existing home.

Ms. Reid stated that, in her opinion, the addition is not visually obtrusive as seen from the road.

Mr. Janos stated that the design and position of the addition is appropriate taking into account the positions of the leach field and well.

Mr. Janos moved that the ZBA grant a variance from Section 406 – Yard and Lot Requirements of the Town of North Hampton Zoning Ordinance to allow construction of a building addition within the structure side yard setback as represented in the application for Case # 16:05 presented to the Board. Second by Mr. Lagassa. The vote was unanimous in favor of the motion (5-0).

- 2. Case #16:06 – Applicant: Charles Hugo, P.O. Box 263, South Berwick, ME 03908.** The Applicant requests a variance from Section 406 – Yard and Lot Requirements of the Town of North Hampton Zoning Ordinance to allow construction of a building addition within the structure setback. Property Owners: Ryan and Deborah Stafford, Trustees, Stafford Family Revocable Trust, 236 Holmes Avenue, Clarendon Hills, IL 60514; Property Location: 30 Maple Road; M/L: 006-059-000; Zoning District: R-2 Medium Density District.

In attendance for this application:

Charles Hugo, contractor for the property owner.

Mr. Lagassa stated for the record that he lived two lots down the road from the 30 Maple Road property.

Mr. Hugo was sworn in. Mr. Hugo stated that the existing home was built in the late 1800's to early 1900's prior to zoning regulations and lies within the current zoning setback requirements. The existing home is 16' – 1 7/8" from the westerly lot line. The proposed building addition on the same side of the home will be 16' – 3 1/4" from the lot line.

Mr. Hugo presented an architectural drawing which showed a stairway egress from the back of the proposed addition not shown on the materials presented with the application. Mr. Janos asked that Mr.

Milner sign the drawing and that the drawing be used as an officially submitted document for the purpose of rendering a decision on this application.

Mr. Gordon noted that the proposed addition is slightly less intruding on the setback area than the existing home.

Ms. Reid asked if the administrator's office had received any abutter comments regarding this proposal. Mr. Milner stated that no communications had been received from abutters.

Mr. Hugo stated that the proposed addition was located at distance anywhere between 100 to 300 feet removed from abutters.

Mr. Gordon asked if there were any public comments. No comments were made.
The Board began deliberation of the variance application at 7:28 pm.

Mr. Janos stated that the home was built prior to zoning requirements. The proposed addition does not increase any existing non-conformance to any substantial degree.

Mr. Janos moved that the ZBA grant a variance from Section 406 – Yard and Lot Requirements of the Town of North Hampton Zoning Ordinance to allow construction of a building addition within the structure side yard setback as presented on plan submitted to the Board at the December 8, 2016 meeting and signed by the Planning and Zoning Administrator. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (5-0).

IV. Other Business

1. **Town of North Hampton, NH** review of Zoning Board of Adjustment vacant Board member positions.

Ms. Reid stepped down from the Board.

Mr. Gordon announced that he submitted a letter of resignation to the administrator's office. His resignation as a ZBA member is effective December 9, 2016. Mr. Gordon suggested that the Board consider appointing an alternate member to fill his position on the Board until the March elections when his term expires. If the Board wished to appoint an alternate member at the current time, the 21 day noticing requirement for vacant positions included in the ZBA Rules and Procedures would need to be waived by a super majority (4 members) vote.

Mr. Lagassa moved that the ZBA waive the posting requirement for Charles Gordon's vacant Board member position pursuant to Rules of Procedure Section 9 Amendments/Waivers. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (4-0).

Mr. Janos stated that both alternate members, Ms. Reid and Mr. Williams, were good candidates for the position.

The Board discussed the proper method to select an alternate to fill the vacant position.

Mr. Milner suggested that, since only two meeting dates remained prior to the March elections, each alternate member be appointed to fill the position for one of the meeting dates.

189 **Mr. Fullerton moved that the ZBA appoint Robin Reid as an Interim Primary Board Member for the**
190 **January 2017 meeting date and Dennis Williams as an Interim Primary Board Member for the**
191 **February 2017 meeting date. Second by Mr. Lagassa. The vote was 3-0-1 in favor of the motion with**
192 **Mr. Gordon abstaining.**

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194 Mr. Gordon suggested that the Board Chair vacant position be discussed. The Board discussed the
195 availability of members to conduct the duties of the Board Chair position.

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197 **Mr. Gordon moved that Mr. Lagassa be appointed as the Acting ZBA Chair for the January 2017**
198 **meeting date and Mr. Janos be appointed as the Acting ZBA Chair for the February 2017 meeting date.**
199 **Second by Mr. Fullerton. The vote was 2-0-2 in favor of the motion with Mr. Lagassa and Mr. Janos**
200 **abstaining.**

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202 Ms. Reid thanked Mr. Gordon for his many years of service to the Town of North Hampton and wise
203 counsel to the Zoning Board of Adjustment.

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205 **Mr. Janos moved to adjourn the meeting at 7:47 pm. Second by Mr. Gordon. The vote was unanimous**
206 **in favor of the motion (4-0).**

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208 Respectfully submitted,

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212 Rick Milner
213 Recording Secretary