



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, June 27, 2017 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: Mark Janos, Vice Chair; Members Jonathan Pinette and David Buchanan; Alternate member Robin Reid; and Recording Secretary Rick Milner.

I. Preliminary Matters.

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

Ms. Reid was seated for Mr. Bernardo.

Mr. Janos presented the minutes of the March 28, 2017 meeting.

Ms. Reid moved that the ZBA accept the minutes of the March 28, 2017 meeting as written. Second by Mr. Pinette. The vote was unanimous in favor of the motion (4-0).

All potential witnesses for Case #17:01 were sworn in.

II. New Business.

- 1. Case #17:01 – Applicant: Kimberley J. Daly, 4 Alden Avenue, 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: The Kimberley J. Daly Revocable Trust, 4 Alden Avenue, North Hampton, NH 03862; Property Location: 4 Alden Avenue; M/L: 007-132-000; Zoning District: R-1 High Density District.

In attendance for this application:

Kimberly Daly, applicant; Bernard Pelech, attorney for applicant; Rick Becksted, Sr., building contractor for applicant.

Mr. Janos announced that the Board consisted of only four members. He offered the applicant the option of postponing the case until a later date when a full five member Board was present or proceeding with the case at the present time.

Mr. Pelech stated that the applicant wished to proceed with the case at the present time.

Mr. Pelech addressed the Board. Mr. Pelech stated that, due to previous faulty construction, stormwater run-off was infiltrating the home foundation. The best solution to resolve this problem was to construct a porch with roof and other features to divert stormwater away from the basement. The proposed porch construction would encroach 28 inches upon the front yard setback from the road. The applicant

was requesting a variance from Zoning Ordinance Section 406.1 to allow a front yard setback of 27 feet, 8 inches where 30 feet is required.

Mr. Pelech addressed the five criteria for granting a variance identified in the State of NH RSA's. Mr. Pelech noted that, in addition to the stormwater run-off problem, water infiltration as the result of ice dams which form on the roof of the home also create a hardship for the applicant during the winter months. Due to the special conditions associated with this home, no meaningful addition could be constructed to resolve the water problems without the granting of a variance. Mr. Pelech further stated that he believes that the proposed variance request meets all five criteria identified in the State of NH RSA's.

Ms. Daly addressed the Board. Ms. Daly explained how the water run-off problem created by the previous improper construction has resulted in basement flooding and electrical system problems.

Ms. Reid asked for clarification regarding how the entrances to the home are affected by the water problems.

Ms. Daly explained how the primary front entrance to the home is not useable on many occasions due to large icicles hanging from the roof or heavy rain run-off.

Mr. Janos opened the public hearing at 7:00pm.

Hope Miller addressed the Board. Ms. Miller asked what direction the water will flow off of the proposed porch roof.

Mr. Becksted stated that the topography of the 4 Alden Avenue property slopes toward the street. Water will flow toward the street. There will be no increase in water flow onto Ms. Miller's property.

Jeff Hillier addressed the Board. Mr. Hillier stated that water problems are a nuisance throughout the adjoining neighborhood. Mr. Hillier is in favor of allowing the variance as long as water does not run-off onto other properties.

Mr. Buchanan stated that he agrees with Mr. Becksted's opinion that the property's layout will direct water toward the street, not abutting properties.

Mr. Janos closed the public hearing at 7:05. The Board began deliberation of the case.

Mr. Pinette stated that he is in favor of the variance request due to the safety problems that must be resolved. The proposed addition is aesthetically pleasing and in character with the surrounding neighborhood.

Ms. Reid stated that she is in favor of the variance request due to the safety issue with the primary entrance to the home being unsafe for children to enter or exit the home.

Mr. Buchanan stated that he agrees with the other Board members. The neighborhood will be better served with the proposed porch addition.

Mr. Janos stated that he is in favor of the variance request based on the representation of the building contractor that the proposed addition will divert water run-off away from the home's foundation and not direct the run-off toward neighbor properties.

Mr. Pinette 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 with a front yard setback depth of 27 feet, 8 inches as represented in the application for Case #17:01 presented to the Board. Second by Ms. Reid. The vote was unanimous in favor of the motion (4-0).

III. Other Business

1. Town of North Hampton, NH review of Zoning Board of Adjustment Rules of Procedure.

Mr. Milner presented revisions to the ZBA Rules of Procedure manual intended to eliminate conflicts with current State of NH RSA's and streamline the document.

The Board reviewed the proposed revisions. No objections or suggested further revisions were made.

Mr. Pinette moved that the ZBA accept the proposed revisions to the ZBA Rules of Procedure as presented at the June 27, 2017 meeting. Second by Mr. Buchanan. The vote was unanimous in favor of the motion (4-0).

Ms. Reid moved to adjourn the meeting at 7:20pm. Second by Mr. Buchanan. The vote was unanimous in favor of the motion (4-0).

Respectfully submitted,

Rick Milner
Recording Secretary