



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

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

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

14
15 **I. Preliminary Matters.**

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

17 Mr. Janos seated for Mr. Stanton.

18
19 Ms. Reid presented the minutes of the March 22, 2022 meeting.

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

22
23 **II. New Business.**

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

30
31 In attendance for this application:

32 Allen Frechette, property owner.

33
34 Ms. Reid swore in Mr. Frechette. Mr. Frechette addressed the Board. Mr. Frechette presented a site
35 plan for the property at 53 Post Road which included the following:

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

40
41 Mr. Frechette explained that, due to the small size of the home, he desired to increase the living area of
42 the home with a small addition on the southerly side of the home and conversion of the existing garage
43 space on the northerly side of the home into living area as well. A proposed two car garage and storage
44 space on the front of the home will replace the existing garage. He is requesting a variance to allow the
45 proposed home addition to be built three to four feet into the structure setback from the southerly lot

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.

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

48

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

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

54

55 2. The spirit of the ordinance is observed in that the application proposes a modest 240 square foot
56 increase in the size of the home along with a conversion of the existing garage to obtain a reasonable
57 1,248 square foot single story living area centered on the property. The proposed addition only extends
58 three to four feet into the structure setback area and is well over 50 feet from the closest abutting
59 home.

60

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

64

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

68

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

74

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

77

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

80

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

83

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

86

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

89

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

92

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

June 28, 2022

ZBA Meeting Minutes

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

95

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

98

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

100

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

104

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

106

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

111

112 III. Other Business.

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

116

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

121

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

126

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

129

130 Respectfully submitted,

131

132

133

134 Rick Milner

135 Recording Secretary