

# TOWN OF HAMPTON FALLS

TOWN OFFICES, 1 DRINKWATER ROAD 603-926-4618



NEW HAMPSHIRE 03844

## HAMPTON FALLS ZONING BOARD OF ADJUSTMENT AGENDA

### PUBLIC HEARING AND BUSINESS MEETING

TOWN HALL - Thursday, October 26, 2023 – 7:00 PM

Applications not called & in progress by 10:00 p.m. will be continued to the Board's next meeting. *Please refrain from cell phone use during this meeting and note that meetings of the Zoning Board are being recorded.* Meeting Minutes are maintained on file at the Town Clerk's office, Town Hall, 1 Drinkwater Road, Hampton Falls, NH. Meeting Notices are posted on bulletin boards at the Town Hall, Library, Hampton Falls Post Office, and the Town website at: [www.hamptonfalls.org](http://www.hamptonfalls.org) for minutes, meeting agendas, videos, & more information.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PUBLIC HEARING:

I.) **Case # 23-09:** Application from **Frank Perry**, for a Variance from the Hampton Falls Zoning Ordinance to the terms of: Art. III, Sec. 7.7.1 from the required fifty-ft (50') setback from all lot lines; Art. III, Sec. 8.5.1.2 setback from the one-hundred-ft (100') Prime Wetland buffer setback (RSA 482-A); Art. III, Sec. 8.5.2 setback and buffer requirements for wetlands and surface waters; and from the Building Code, Art. 7.1.1.1.a natural soil depth of four feet (minimum) to bedrock for Septic Reserve Area (SRA); Building Code, Art. 7.1.1.1.f encroachment by the SRA upon the protective well radius; and asks that said terms be waived to permit the construction of a 2,233 sq. ft home. Existing horse barn to remain as detached structure, at property located at **63 Drinkwater Rd, Map 4, Lot 70-2, in Zone A/R, Agricultural Residential.**

II.) **Case # 23-10:** Application from **JTC NH LLC**, for **8 Variances** from the Hampton Falls Zoning Ordinance to the terms of:

- 1) Art. III, Sec. 4 – Table of Uses for Hampton Falls Zoning Districts, #8 Mixed-Use Development, to allow residential uses to exceed 40% of the first floor in a mixed-use development and to allow residential uses to face the street;
- 2) Art. III, Sec. 5 – Table of Dimensional Requirements, max. building height, to allow for the construction of a building up to 58-ft in height where 35-ft is allowed in the BDS district;
- 3) Art. III, Sec. 5 – Table of Dimensional Requirements, max. building footprint, to allow for the construction of a building with a footprint of up to 58,000-sqft, where 25,000-sqft is allowed in the BDS district;
- 4) Art. III, Sec. 11.4.1 max. number of dwelling units relative to the existing number of dwelling units in Town, to allow for approximately 14.4% where 5% is allowed;

The next meeting of the Zoning Board of Adjustment is scheduled for Thursday, November 16, 2023 at 7:00 PM.

Copy: ZBA, PB, Selectmen, Conservation Commission, Town Website, Town Hall, Library, Post Office 10/17/2023

**HAMPTON FALLS ZONING BOARD OF ADJUSTMENT AGENDA; PUBLIC HEARING & BUSINESS MEETING TOWN HALL - Thursday, October 26, 2023 – 7:00 PM**

- 5) Art. III, Sec. 11.4.5 max. allowable density for elderly housing development, to allow for 44.3 bedrooms/ac. where 8 bedrooms/ac. are allowed in the EMFH overlay district;
- 6) Art. III, Sec. 11.5.1 number of required parking spaces for elderly housing developments, to allow for 158 parking spaces where 330 are required. The required parking ratio is 2.5 spaces/dwelling-unit. The project requests a ratio of 1.2 spaces/dwelling-unit to be allowed;
- 7) Art. III, Sec. 11.5.3 max. number of bedrooms in an elderly housing building, to allow for 257 bedrooms where 24 are allowed;
- 8) Art. III, Sec. 11.5.5 max. building footprint for elderly housing buildings, to allow for a footprint of up to 58,000-sqft where 10,000-sqft is allowed; and asks that said terms be waived to permit the construction of a mixed-use project that includes a 132-unit age-restricted multi-family development and approximately 6,000 sqft of retail space at property located at 12 Lafayette Road, Map 7, Lot 50 and Lot 51, in Zone BDS-Business District South.

**D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: 09/28/2023**

**E. OTHER BUSINESS**

**F. COMMUNICATIONS TO BOARD MEMBERS**

**G. ADJOURN**

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**Five Requirements for Granting a Variance (1/1/10)**

- 1. The variance will not be contrary to the public interest;**
- 2. The spirit of the ordinance is observed;**
- 3. Substantial justice is done;**
- 4. The values of surrounding properties are not diminished; and**
- 5. Literal enforcement of the provision of the ordinance would result in an unnecessary hardship.**

**(A)** For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (ii) The proposed use is a reasonable one.

**(B)** If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

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