

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, March 28, 2024 – 7:00 PM REVISED 03/25/2024

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 for minutes, meeting agendas, videos, & more information.

A. CALL TO ORDER

B. ROLL CALL

C. REORGANIZATION OF THE BOARD:

- 1) Nomination and Election of Chairman
- 2) Nomination and Election of Vice-Chairman
- 3) 2024 Zoning Board of Adjustment members' Listing, please confirm contact info.

D. PUBLIC HEARINGS:

- 1) **Case #24-01:** Continuance of Rehearing from January 25, 2024, from Justin Pasay/Al Fleury regarding Case #23-08 from **3 Weare Road LLC**, for a **Variance** to the terms of **Article III, Section 1**, to permit a light commercial storage and vehicle maintenance use at the Property in addition to the existing single-family residential use, in Zone A/R, Agricultural Residential, at property located at **3 Weare Road, Map 1, Lot 21**.
- 2) **Case # 24-03:** Application from **JTC NH LLC**, for **8 Variances** from the Hampton Falls Zoning Ordinance to the terms of:

1. Art. III, Sec. 5 – Table of Dimensional Requirements, max. building height, to allow for the construction of a building up to 42 ft in height where 35 ft is allowed in the BDS district.
2. 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 31,300-sqft, where 25,000-sqft is allowed in the BDS district.
3. Art. III, Sec. 8.5.2, to allow building and construction to take place within the wetland setback.
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 9.6% where 5% is allowed.
5. Art. III, Sec. 11.4.5 max. allowable density for elderly housing development, to allow for 26.9 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 150 parking spaces where 220 are required. The required parking ratio is 2.5 spaces/dwelling unit. The project requests a ratio of 1.7 spaces/dwelling-unit to be allowed.

The next meeting of the Zoning Board of Adjustment is scheduled for Thursday, April 25, 2024 at 7:00 PM.
Copy: ZBA, PB, Selectmen, Conservation Commission, Town Website, Town Hall, Library, Post Office 03/18/2024

- 7. Art. III, Sec. 11.5.3 max. number of bedrooms in an elderly housing building, to allow for 111 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 31,300-sqft where 10,000-sqft is allowed.

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: 02/22/2024

E. OTHER BUSINESS

F. COMMUNICATIONS TO BOARD

G. ADJOURN

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.