

ZONING BOARD OF ADJUSTMENT

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes August 5, 2026

A meeting of the Zoning Board of Adjustment was held on Wednesday, August 8, 2026, at the Hampstead Town Hall, 11 Main Street, Hampstead, NH.

PRESENT: Kevin Hastings (Chairman), Dale Blaine, Neil Reardon, Jaye Dimando, Rick McQuesten and alternates Pam Sheedy, and Daniel MacDonald. Kris Emerson, Code Enforcement was also present.

Pledge of Allegiance

Chairman's Remarks

Next Public Hearing Date September 2, 2026

- 1. Map 17 Lot 080 aka 156 Central Street - Variance to the terms of Article II Section 1:1 of the Zoning Ordinance to permit two lots to be created; one lot at 43,097 square feet and the other lot at 35,481 square feet where 45,000 square feet is required for "minimum lot size".**

Chairman Hastings read the variance request into the record. Ryan Lavelle, Lavelle & Associates was present to represent the applicant. The property owners were also in attendance. Lavelle stated the lot is 1.80 acres with 586 feet of frontage on Central Street; the lots require relief since they are less than 45,000 sq. ft. There are no new uses on the property as the new lot will contain a single-family home with an individual well and septic.

Reardon asked why he is not before the Planning Board (PB). Lavelle explained that if he applied to the PB first he would receive a letter from the town engineer stating a variance is needed for relief. Lavelle gave the example of Danville Road which the ZBA approved last month and is before the PB this month.

Dimando asked about well and septic requirements. Lavelle explained that the 75' well radius is within property as well as the 4K receiving area for a septic system. The same is true for the existing house lot.

Chairman Hastings announced that he had letters from three residences that were not able to attend tonight's meeting. Reardon asked about the letters in opposition if they are not in attendance. Hastings commented if they are not in attendance then the board is not able to ask them questions. Soucy responded to the comment made by the resident of 3 Pitman Road not receiving notice and Soucy advised that they are not defined as an abutter per State RSA. Chairman Hastings read the letters into the record.

*Julie & Robert Herron – 25 Pitman Road
Danielle Graham – 3 Pitman Road*

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Erin & Daniel Milone – 144 Central Street

Each of the letters contained concerns about wells and water availability. Milone also stated a potential impact on privacy as well as property's value.

Lavelle responded to the comment about clearing of lots; you can see the edge of woods and a lot of the area is already lawn. Lavelle responded to the issue of lot size and commented that there are a handful of lots in the area smaller in size. Lavelle stated he can't imagine one house makes a difference to everyone's house in a neighborhood. Lavelle commented there may be an effect if they were presenting a condominium community that needed water.

Reardon asked if there has been a history of dry wells on Central Street. Emerson commented that since the water well Zoning Ordinance was adopted there have been 30-40 decent wells drilled in town. Emerson stated he is not aware of recent development in the area with an issue. Emerson commented the old Martel property was recently subdivided and they did not have an issue.

Chairman Hastings asked for public comment.

Kris & Sam Chaganis – 15 Pitman Road – has lived on property for 25 years. They oppose the variance; they purchased home for privacy and felt new homes could not be built since they needed at least an acre. 45,000 sq. ft. is the required minimum lot size, new home lot only 35,000 sq. ft. a full ¼ acre less than allowed. Chaganis stated they have concerns about damage to wells; several neighbors have had significant well water issues with their own well running low in May. Chaganis stated that new wells will affect neighbors; if the well goes dry is there any recourse. Chaganis stated they are diminishing privacy. If trees are removed, it could cause excess flooding. If the variance is approved, it may set a precedent for other lots.

Chaganis continued, she reviewed the paperwork submitted to the board and has concerns. The application states they will not diminish value of properties and they disagree. They reference lots less than an acre and these houses were built in 1900's. Chaganis stated that in 1988 they built on 144 Central Street and 3 Pitman needed a new well.

Chaganis stated the applicant needs to meet the variance criteria and referenced the unique long narrow parcel. Chaganis stated they do not have enough land to subdivide. They need to prove unnecessary hardship and the lot being too small is not hardship it is greed.

Reardon commented that when you buy properties you depend on zoning to protect you. Dimando commented that she lost her well four days after buying her house and there was no new construction. Sheedy asked if they had a dug well. Chaganis was not sure.

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Chairman Hastings commented that there is a reason the State has well radius; it is what they determined is a safe zone, the well radius is contained within their property. Chairman Hastings commented that the board can only go by the State requirements. Hastings explained the reason the applicant is here tonight is that they are requesting relief, it is the board's job to decide if they can move forward.

Hastings commented that in Recreation Zone B they are 100 x 50 lots that all have well and septic. Dimando commented this new lot does not meet size but does meet all required setbacks. Reardon commented that he liked Chaganis presentation except the greedy comment.

Dave Driggers – 151 Central Street – stated his well went dry shortly after he moved in, he added his well is 12 feet from Central Street. Driggers asked if the Town of Hampstead paid for a well for a neighbor. Driggers commented do not pretend there is not a water problem on Central Street. Driggers stated they depend on the board to use best judgement. Driggers stated he is concerned about his well, wells are running dry and have been replaced a few times.

Dimando commented that she is not a well person but knows you can hit a vein and get more water, it could be a matter of inches or feet. Driggers asked if builders on the board get contracts and Hastings responded absolutely not. Dimando asked Driggers if he would want someone qualified deliberating on the board. Blaine asked Driggers how many gallons per minute on his well, Driggers commented 5 gallons. Blaine commented that is nothing. Blaine commented that he fracked his well and got more water.

Chairman Hastings thanked Driggers for his comments.

Lisa Duperrault – 76 Pitman Road – she lives at the end of the cul-de-sac. Up until 2023 she never had a problem, they built Hadley Road, then a flash flood in 2023 that flooded her basement with two and a half feet of water. In July 2023 it flash flooded again.

Chairman Hastings commented that the board reviews applications on a case by case basis. Hastings commented that the well and septic radius are met for this application. Hastings commented that there is a building crisis in NH and the board has seen very respectful developments going on in town.

Dimando stated that she recalls the storms in 2023, many culverts were destroyed due to the tremendous rain. Reardon commented that he does not feel that abnormal rain and flooding effects wells, he feels the two are not related.

Monica & Joseph McGillicuddy – 156 Central Street – stated they have lived in Hampstead since 1973 and her children grew up playing in the abutter's back yards; change happens; there was the Pitman subdivision. McGillicuddy stated her yard is loaded with bittersweet and they hired goats to come and clear the property. With

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regard to the neighbors losing privacy, she felt the same way when their development was built. McGillicuddy stated that taxes are high and they are going to sell the house or the lot. She stated she doesn't think her lot would impact anyone, they have well issues whether they subdivide or not. McGillicuddy stated they have never had a problem with their well, however he understands the neighbors concerns. McGillicuddy stated that she and her husband have been in real estate for 40 years and this will not decrease property values. They meet the well and septic and are a little shy on the lot.

Chairman Hastings asked the board if they had any questions for McGillicuddy's and there was none.

Reardon commented that he might have a conflict voting on this case and stepped down from his spot on the board. Chairman Hastings commented that Pam Sheedy would be voting on this case.

Lavelle read the variance criteria for the board.

1. Granting the Variance Will Not Be Contrary to the Public Interest

Granting the requested variances will not be contrary to the public interest. The proposed subdivision will create two residential lots that are both capable of supporting individual well and septic systems in accordance with applicable New Hampshire Department of Environmental Services requirements. The proposal does not introduce a new use, increase residential density beyond what is proposed, or adversely impact neighboring properties. The subdivision simply separates an existing residence from a proposed building lot while maintaining the residential character of the neighborhood.

2. The Spirit of the Ordinance is Observed

The spirit of the Zoning Ordinance is to ensure that residential lots are of sufficient size to safely support development while protecting the public health, safety, and welfare. Although both proposed lots require dimensional relief from the minimum lot area requirements, the property is well suited for residential use. The site contains favorable soils, relatively flat topography, and ample area for private wells and septic systems. The existing dwelling lot satisfies the Town's HISS lot loading requirements, and the proposed lot will satisfy applicable New Hampshire DES septic design standards. Granting the requested variances therefore preserves the intent of the ordinance while allowing a reasonable subdivision of the property.

3. Substantial Justice is Done

Granting the requested variances will do substantial justice by allowing the owner to make reasonable use of a uniquely configured parcel without causing harm to neighboring properties or the public. Denial of the request would unnecessarily prevent

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the reasonable subdivision of a property that is physically capable of supporting two residential lots while providing little or no corresponding public benefit.

4. The Values of Surrounding Properties Will Not Be Diminished

The proposed subdivision is compatible with the surrounding neighborhood and will not diminish the value of surrounding properties. The surrounding area contains numerous residential lots that are smaller than the current 45,000-square-foot minimum lot size. The proposed subdivision is therefore consistent with the established pattern of development within this portion of Hampstead. Both proposed lots will be developed in a manner consistent with the surrounding residential neighborhood.

5. Literal Enforcement of the Ordinance Results in an Unnecessary Hardship

Literal enforcement of the ordinance results in an unnecessary hardship due to the unique characteristics of this property. The parcel contains approximately **586 feet of frontage** along Central Street, greatly exceeding the **150-foot minimum frontage** required within the Zone A District. Rather than being constrained by inadequate frontage, the property is uniquely characterized as a long, narrow parcel.

The location of the existing residence, combined with the property's elongated configuration, limits where a practical subdivision line can reasonably be established. Additional land cannot be allocated to the proposed lot without adversely impacting the existing residence and its associated improvements. Furthermore, even if the lot line were shifted, it would not be possible to create two fully conforming lots meeting the **45,000-square-foot minimum lot area requirement**.

The proposed building lot contains favorable soils, relatively level topography, and sufficient area to accommodate an individual well and septic system meeting New Hampshire DES requirements. The requested variances therefore represent the minimum relief necessary to permit a reasonable subdivision of a property uniquely affected by its configuration and the location of the existing dwelling.

6. The Special Conditions of the Property Distinguish It From Other Properties

This property possesses unique characteristics not generally found on surrounding parcels. While most residential lots within the neighborhood are more conventionally shaped, this parcel contains approximately **586 feet of frontage** and extends in a long, narrow configuration. The location of the existing dwelling further limits the ability to establish a subdivision line that would result in two conforming lots. These conditions are unique to the property itself and are not the result of any action by the applicant.

7. The Requested Variances Represent the Minimum Relief Necessary

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The requested variances represent the minimum relief necessary to permit the reasonable subdivision of the property. Due to the existing dwelling location, lot geometry, and overall configuration of the parcel, there is no practical alternative that would produce two conforming lots. The proposed subdivision has been designed to maximize compliance with the Zoning Ordinance while allowing both resulting lots to function as safe and suitable residential building lots.

Chairman Hastings announced the board would take a minute to complete their worksheets with the findings of facts.

MOTION: Dimando made a motion to approve a variance to the terms of Article II Section 1:1 of the Zoning Ordinance to permit two lots to be created; one lot at 43,097 square feet and the other lot at 35,481 square feet where 45,000 square feet is required for “minimum lot size” for property located at Map 17 Lot 080 aka 156 Central Street.

SECOND: Hastings

VOTE: 4-1 (McQuesten)

Findings of Fact:

- Meet well radius within lot.
- Meet septic radius within lot.
- Meets all other setbacks.
- Read letters from abutters in opposition.
- Other lots in area are smaller.
- Lots under 45,000 sq. ft.
- Plenty of frontage for second lot.
- Neighbors fear negative affect on their wells.
- Neighbors do not like clearing of property.
- Represented by Ryan Lavelle, Lavelle & Associates.

Chairman Hastings announced the 30-day appeal period.

2. Review/Approve 7/8/2026 minutes

Reardon returned to his spot on the board.

MOTION: Hastings made a motion to approve the 7/8/2026 minutes as presented

SECOND: Dimando

VOTE: 5-0

3. Member Comments

4. Adjourn

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MOTION: Hastings made a motion to adjourn at 8:15 P.M.

SECOND: Dimando

VOTE: 5-0

Minutes prepared by Debbie Soucy, Secretary