

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - Amended
January 17, 2019

Members Present

Bryan Provencal, Chairman
Norma Collins, Clerk
Tom McGuirk
Bill O'Brien,
Ed St. Pierre
Greg Grady, Alternate

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

54-18...The continued petition of Peter J and Eileen M Burkly for property located at 8 Willow Lane seeking relief from Article IV, Sections 4.5.2 ad 4.5.3; Article II, Sec. 2.3.7.C4 to raise existing single family residence at 8 Willow Lane and construct new home. This property is located on Map 133, Lot 49 and in the RB Zone.

No applicant appeared for this petition. Chairman Provencal suggested moving this petition to the end of the meeting.

Moved by Mr. St. Pierre, seconded by Ms. Collins, to move the hearing of Petition 54-18 to the end of the meeting.

Vote: 5 yes, 0 no. Motion passed unanimously.

01-19...The petition of Donik Corporation for property located at 535 and 537 Ocean Blvd. seeking relief from Article(s) 4.1.1, 4.4, 2.3.4 (B)*, 2.3.7 (C) (2)** , 6.4.2 and 8.2.5*** to merge Lots 8 and 9 on Tax Map 255, remove all existing structures, and construct a 36 unit condominium having a ground floor to roof height of 56 feet (with living space at 52 feet) with parking both under and at the front of the building. This property is located on Map 255, Lots 8 and 9 and in the BS Zone.

** only for structure, impervious surface and parking, **except for the last sentence, ***only as to the apparent 28' entrance shown on Appendix D of the Site Plan Regulations and if the entry is considered a driveway.*

At this time Mr. McGuirk stepped down from the Board and Mr. Grady stepped up.

Attorney Peter Saari and Joe Coronati, Jones & Beach, came forward. Attorney Saari said the big issue the previous time they were before the Board was the height of the building. There has now been a very substantial redesign of the building. The height has been reduced. It is about 10 feet lower than before. Occupied height is about 52 feet from the ground to the roof. Above the living space is another 4 feet for mechanicals, etc. Attorney Saari said the site is partially in the wetlands. The present building is very old. This will get rid of an old building and bring in a first class building with much less impact and certainly be in the public interest. Sealed surface will go from 91% to less than 70%.

Mr. Coronati said they had met with Jay Diener of the Conservation Commission. Mr. Coronati said more details would be added to the back of the building. In place of the retaining wall there will be lots of great vegetation. Everything was pushed forward to get as much green space as possible behind the building. The building will be at Elevation 10 above the flood plain. Mr. Coronati said they tried to increase as much of the snow storage as possible in the front. There is the addition of a sloped roof and the reduction of one floor. There are now 10 units per floor as opposed to eight.

Questions from the Board

Chairman Provencal asked if the parking area would fill up in the event of a big storm. Mr. Coronati said DOT is working on that.

Mr. St. Pierre asked if the override is included. Mr. Coronati said it was. Mr. O'Brien asked if there was anything above the slope of the roof. Mr. Coronati said there was not.

Mr. O'Brien said the fact that the sealed surface is below what is required is a good thing. He then said that previously there was 80 feet of depth on the right hand side of the building and now it is 70 feet. He asked what the difference was. Mr. Coronati said it was the result of losing a floor.. Mr. O'Brien asked if there were still two parking spaces per unit. Mr. Coronati said yes. Ms. Collins asked about snow storage. Mr. Coronati said they made more area for that. Ms. Collins asked if they would receive the wetlands permit at the next meeting with the Planning Board. Mr. Coronati said that it would be a preliminary meeting with no application at that time.

Ms. Collins asked if a service vehicle could get around the whole property. Mr. Coronati said no, but the units are front to back and there are emergency stairs in back of the building and decks in the front.

Mr. Grady asked about the size of the units. Mr. Coronati said they go from 1,250 s.f. to 1,800 s.f. Mr. Grady asked about storage. Mr. Coronati said that is in front of parking in the garage.

Comments from the Audience

Chuck Rage representing the Hampton Beach Area Commission and the Hampton Beach Village District came forward. He said they have reviewed the project and their conclusion is that this project meets the Hampton Beach Master Plan. The project will lessen the amount of traffic and there is adequate parking in this area. He said he felt the project was a very good one.

Rayann Dionne, Conservation Coordinator, said she and Jay Diener met to discuss this plan. The Conservation Commission as a whole has not had an opportunity to review this. They will do so next week. She said her preference would be for the Board to hold off until then. The Board could then receive a positive recommendation from the Conservation Commission for each of the wetland conservation district variance requests.

Bob Preston said the Hampton Beach Area Commission reviewed this with Nancy Stiles, Bob Ladd and Chuck Rage. They all agreed that this is a big improvement for Hampton Beach and will be beneficial for the Town. Mr. Preston also said it is not good to have too many boxy structures.

Back to the Board

Mr. St. Pierre said he had no problem with allowing a little extra to the roof line for appearances. He said his concern was relative to the 2.34 and 2.37 variances. Mr. St. Pierre said he was okay with all other changes. He said it is a nice building and he did not think the height is out of character with some of the other variances the Board has given.

Mr. O'Brien said he would be comfortable with approving subject to securing a positive vote from the Conservation Commission. If anything changes they should come back to the Board.

Chairman Provencal said this is a tremendous improvement. They have done a great job doing what they were asked to do. He said he is comfortable granting this. The applicant does have a hardship and the Conservation Commission's concerns have been addressed.

Moved by Mr. O'Brien, seconded by Chairman Provencal, to grant Petition 01-19 subject to the condition that 2.34(B) and 2.37 (C) (2) receive a positive recommendation from the Conservation Commission for each of the two wetlands requests. If any changes, positive or negative, the applicant will come back to the Zoning Board of Adjustment.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

At this time Mr. Grady stepped down from the Board and Mr. McGuirk stepped up to the Board.

02-19...The petition of Phyllis & Dennis Toomey for property located at 8 Elm Drive seeking relief from Article(s) IV, Table II 4.5.2 (side setback) and 4.8a (sealed surfaces) the Toomey's plan to replace an existing 12' x 16' shed with a 20' x 22' garage at a location 8' setback from the side property line where 15' is required and the replacement of impervious surfaces with lawn in order to reduce the sealed surface percentage from 36.3% to 32.8% (540 s.f. difference) where 25% is allowed. This property is located on Map 89, Lot 60-4 and in the RA Zone.

Dennis Toomey, Applicant, and Cory Caldwell, MSC, came forward. Mr. Caldwell said the Toomeys own a single family home at 8 Elm Drive. Mr. Caldwell pointed out Sheet 1 which referred to the property as it is now and Sheet 2 which showed the proposed project. The front, rear and right side setbacks are okay. A variance is needed for the left side.

Mr. Caldwell said the Toomeys would like to replace the existing shed with a 20' x 22' one-car garage. This will be 8 feet from the property line where 15 feet is required. The abutting home is 9 feet from the property line. Existing impervious surface is 36.3% where 25% is required. This project would reduce impervious surface to 32.8%. Mr. Caldwell said they are requesting two variances, one for the 8 foot setback and another for impervious surface. Abutting property owners are in favor of the project. Mr. Caldwell went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the concrete pavers to the left of the proposed garage were pervious. Mr. Caldwell said they were not. Mr. St. Pierre asked if the garage were shifted two feet and the setback changed to 10 feet if it would it be a problem. Mr. Caldwell said they did not do that because that two feet does not provide enough turnaround space.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. St. Pierre, seconded by Chairman Provencal, to grant Petition 02-19.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

Petition 54-18

Noting that no one had appeared for Petition 54-18, it was decided that the petition would be withdrawn without prejudice.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to allow Petition 54-18 to be withdrawn without prejudice.

Vote: 5 yes, 0 no. Motion passed unanimously.

BUSINESS SESSION

Approval of Minutes

Minutes will be reviewed at the next meeting.

Adjournment

Moved by Mr. St. Pierre, seconded by Ms. Collins, to adjourn the meeting at 8:24 p.m.

Respectfully submitted,

Joan Rice
Secretary