

**MINUTES
HAMPTON ZONING BOARD OF ADJUSTMENT
THURSDAY, December 15, 2005**

MEMBERS PRESENT: Robert V. Lessard, Chairman
Jack Lessard (sitting in for Tom McGuirk)
Jennifer Truesdale
Bill O'Brien

OTHERS PRESENT: Kevin Schultz, Building Inspector
Shirley Doheny, Recording Secretary

Vic Lessard introduced the Board and announced that Petition 77-05 has been withdrawn. Jack Lessard led the Pledge of Allegiance.

78-05 The petition of Barbara Stone & James Davies for property located at 971 Ocean Boulevard, Unit 6 seeking relief from Article 1.3 as our dwelling was rendered non-conforming when area was rezoned to RB from BS in 2003. This property is located at Map 152, Lot 13 in a RB zone.

Barbara Stone and James Davies came forward. They are looking to put a laundry room on the existing deck. Mr. Davies went through the criteria as presented in the petition. Mr. Davies has the condominium approval to go forward with this project.

Questions from the Board

Bill O'Brien confirmed they are putting it next to sliding door.

Comments from the audience

None

Back to Board

Jack Lessard motioned to accept. Jennifer Truesdale seconded. Vic Lessard polled the Board regarding the five criteria.

Vote: 4-0

Petition Granted

79-05 The petition of Susan C. DeMarco for property located off Ward Lane seeking relief from Articles 4.2, Footnote 22, 4.3 and 4.52 to allow 35 feet of frontage to access rear lot (conforming) in the amount of 37,118 square feet. This property is located at Map 164, Lot 13 in a RA zone.

Petition 79-05 withdrawn

80-05 The petition of Public Service of New Hampshire for property located at 70 Timber Swamp Road for a Special Exception to expand a public utility, the PSNH Timber Swamp Road Substation Site, which is within the 100 year flood plain, within the 50 foot wetland buffer and may encroach on wetlands. This property is located at Map 102, Lot 2 in a RAA zone.

Vic Lessard stated that he is an abutter to this property. He will step down if necessary. Charles Christensen and Dave Manugian came forward. Mr. Manugian gave an overview of the project. Two areas of corridor space will be created. An additional Pad (gravel base fenced area for equipment) will be created. They will be rerouting the lines. There are wetlands in the area, they will be going to the Planning Board and will be seeking wetlands review. Adequate off street parking is provided. They propose no additional egress because they do not anticipate increased traffic. They estimate ten to twelve months of construction with additional traffic.

Questions from the Board

Bill O'Brien asked about the triangle in the front, whether it is owned by them or not. They do not own it, and will be seeking an easement. Mr. O'Brien asked how much closer to the road they will be coming and if they thought about going back. Mr. Manugian advised that it is wet going back.

Comments from the audience

Mr. Tom Sharpe of 96 Timber Swamp Road came forward. He asked how close to the road they would be. He also asked about the drainage. They will be keeping the existing drainage pattern. Mr. Sharp asked about the crossover. They will not be cutting into the dirt. They will be cutting the trees and maintain a right of way buffer. There will be construction traffic for about 12 months and will then return to the current traffic levels.

Back to Board

Bill O'Brien asked about clearing on the left side. He wondered why they couldn't put a line there instead. There is a long term proposal to build another line in that area. Vic Lessard polled the Board regarding the five criteria Bill motioned to accept seconded by Jack Lessard.

Vote: 3-0-1 (Vic Lessard)

Petition Granted

81-05 The petition of Keith Crowley for property located at 105-107-` 07A King's Highway seeking relief from Articles 1.3, 4.5.1, 4.5.2 and 8.2.3 to replace existing roofs on both dwellings due to wear and disrepair caused by very low pitch. Existing roofs will e replaced with new gable roofs having a 12 pitch to blend in and conform to the surrounding properties. This property is located at Map 197, Lot 20 in a RA zone.

Mr. O'Brien stated that prior to being on the Board; he had spoken on a petition regarding this property. He stated he would step down if the Mr. Crowley would like him to. Mr. Crowley stated that he had no problem with Mr. O'Brien hearing the petition. Mr. Crowley is seeking to make the property livable again.

Questions from the Board

None

Comments from the audience

Jack of 12th Street came forward. He is not an abutter but does have some concerns. He doesn't believe the property can support three units. There is not enough parking for three. He asked about the front building and if they are adding additional livable space. Mr. Crowley advised they are only trying to correct the pitch. On the right hand side they fall within the seven foot deed restriction. There will be no livable space in there. The foundation is not being raised. He expressed concern about the two units in the rear building. Mr. Crowley stated he is not looking to create a change in the amount of units. Jack stated the town map doesn't show two units in

the rear building. He wouldn't have a problem with two units. Mr. Schultz stated there have been three units since he has been here. They have certificates of occupancy.

Paul Anastasi came forward representing 111 and 109 Kings Highway. He has no objection with the renovations. His concern is the three units. He doesn't believe that the small unit in the back was ever meant to be a third unit. He expressed concern about the parking. Mr. Crowley bought the property with the understanding he had three legal units. It was legally three units and he never intended using it for less than three units. Vic Lessard doesn't understand how they switched the rear building from a garage to a house to three units on the property.

Catherine Keriazes of 1 Twelfth Street came forward on behalf of her brother William Kanteres and his wife of 8 Tenth Street. She read a letter expressing their views which had been submitted to the Board. Their first issue was number of units on the property. They also expressed concern about putting new roofs on when they believe if carefully inspected they would be condemned. They object to the petition.

Jack Gale of 11 Ninth Street came forward. He objects to the petition. He doesn't believe there should be three units. He reminded the Board of a petition presented earlier opposing three units on the property. The square footage for each unit is too small. A 900 square foot structure is too small for two units. He gave history of how they came to be three units. This section is zoned for single family homes. At one of the 2004 meetings, a Board member stated that: a. the original setup was a summer cottage in front and a garage in the rear. b. Someone later put beds and equipment in the rear garage and started using it as second unit. c. At another unknown date, someone subdivided the rear garage and created a third unit and d. In the Board member's opinion, this property should never have been allowed to exist as a three unit arrangement. The neighboring taxpayers do not want their property values degraded by putting multiple units in an area zoned for single family homes. He asked that the Board reject this proposal.

Fred Schaake of 100 Kings Highway came forward. He is in favor of renovation but thinks three units are too many.

Sheila Francoeur of 88 Kings Highway came forward. She believes that three units are too many. Two units would be acceptable. She expressed concern about the parking and density of the property. She has no objection to two units.

Back to Board

Mr. Crowley appreciates everybody's concerns. He purchased the property as three legal units. It has been his intention to keep three units all along. It is only cost effective if it is three units. Mr. Crowley went through the criteria as presented in the petition. Jack Lessard stated he believes it is too small for three units and parking is a problem. He could not vote for this. Mr. Crowley is not looking to change the use. He is only looking to renovate and improve the property. Jennifer Truesdale agrees that two units would be nice but there are three units and they have certificates of occupancy for the three units. Bill O'Brien asked why he wouldn't consider putting two units. Mr. O'Brien stated that in 1999 Mr. Sullivan only asked for two occupancy permits. Mr. Schultz tried to remember the history. He believes it was two units and the one that the owner occupied and later converted that into a rental occupancy. The ordinance reads that owner occupied units didn't need an occupancy unit. Later an inspection was performed to bring the third unit into a certificate of rental. Mr. O'Brien would like to see the renovations but to two units. He believes he could rent two units as effectively as three. Mr. Crowley stated that two units on the property don't make sense for him. If that was the case he would have walked away from the deal. Mr. O'Brien stated that the previous owner was going to fix these places up but didn't have to come before the Board because he was going to repair in kind and decided not to do so. Kevin Schultz stated that Mr. Crowley has secured permits to do the same. Vic Lessard asked the neighbors about the previous owner's niece that would stay in the rear unit. Vic Lessard stated that he doesn't believe there were ever three units. Vic Lessard

stated he cannot go along with this. Mr. Crowley stated that the previous owner stated he had permits in place to renovate the existing units that were on the property. He believes the roofline changes would make the property look better, which would benefit the neighborhood. He doesn't understand why he can't continue with what was already in progress. Vic Lessard stated that it didn't meet the zoning.

Jack Lessard motioned to deny the petition. Mr. Lessard polled the Board regarding the criteria. Jack Lessard disagreed, Jennifer Truesdale agrees with the criteria, Bill O'Brien doesn't agree, Vic Lessard doesn't agree because he disagrees that this will blend in with properties in the area. Bill O'Brien seconded

Vote: 3-1 (Jennifer Truesdale) Petition Denied

Mr. O'Brien asked that the next two petitions be taken together.

82-05 The petition of Diane Gordon for property located at 18 Huckleberry Lane, seeking relief from Articles 1.3, 4.1, 4.1.1, 4.2, 4.3 to allow for a lot line adjustment that would correct a setback violation of the existing structure, resulting in the existing structure meeting all current setback requirements in an RA zone. This property is located at Map 98, Lot 41 in an RA zone.

and

83.05 The petition of Diane Gordon for property located at 20 Huckleberry Lane, seeking relief from Articles 1.3, 4.1, 4.1.1, 4.2, 4.3 to allow for a lot line adjustment that would result in the new lot having a small decrease in frontage and area but allow more area and frontage to the abutting lot, bringing that structure into setback compliance. This property is located at Map 115, Lot 7 in an RA zone.

Bernard Christopher representing Diane Gordon and Diane Gordon came forward. He is building a new home next to her home and discovered that her current home was nonconforming. He went through the criteria as presented in the petition.

Questions from the Board

None

Comments from the audience

None

Back to Board

Jack Lessard motioned to accept both petitions, Bill O'Brien seconded.

Vote: 4-0 Petitions granted

Motion for Rehearing of Petition 60-05

Vic Lessard stated that he spoke to Atty. Gearreald regarding what the Board should do because the Board was not polled regarding the five criteria. Atty. Gearreald agreed with Mr. Lessard that they should rehear the petition.

Bill O'Brien motioned to rehear the petition, seconded by Jack Lessard.

Vote: 3-0-1 (Jennifer Truesdale) Motion for rehearing granted

Bill O'Brien motioned to accept the Minutes of October 20th as corrected, seconded by Jennifer Truesdale

Vote: 3-0-1 (Jack Lessard)

Motion accepted

Jennifer O'Brien motioned to accept the Minutes of November 17th seconded by Bill O'Brien.

Vote: 4-0

Motion accepted

September minutes have not been approved yet.

Jennifer Truesdale motioned to adjourn, Jack Lessard seconded.

Vote: 4-0

Motion accepted

Meeting adjourned 9:05 p.m.

Hampton Zoning Board of Adjustment
Robert (Vic) Lessard, Chairman