

MINUTES
HAMPTON ZONING BOARD OF ADJUSTMENT
THURSDAY, November 17, 2005

MEMBERS PRESENT: Robert V. Lessard, Chairman
 Tom McGuirk
 Jennifer Truesdale
 Bill O'Brien
 Matt Shaw

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

Vic Lessard introduced the Board and announced that Petition 77-05 has been withdrawn.

64-05 The continued petition of Robert & Susan Jamieson for property located at 35 Thornton Street seeking relief from Articles 1.3, 4.1, 4.1.1, 4.2, 4.3, 4.5.1 and 4.5.2 to expand existing second floor plan by adding full height exterior walls, add third story/attic with new roof and add front entrance stair structure. This property is located at Map 304, Lot 2 in a RA zone.

Rich Correll came forward for the Jamiesons. He went through the criteria as submitted in the petition. He presented drawings and explained what they were proposing to do. Mr. Correll stated that last time he was before the Board there was a question of whether it was a three or four story. He spoke with the Mr. Schultz and they went through the regulations and is in agreement that it is a three story building.

Questions from the Board

Bill O'Brien asked about the overhang. Mr. Correll advised that the only place he is increasing the footprint is in the front of the building. He is building a larger overhang than exists now. Mr. O'Brien advised that the definition of footprint includes the overhang. Mr. O'Brien stated that he is only increasing the footprint by the overhang. Mr. O'Brien stated that he would be closer than four feet of the property line.

Comments from the audience

John Anzalone of 12 Campton Street came forward. He stated that any extension of this building affects nine or ten houses across the street. He enjoys seeing the boats coming in and out of the harbor. They lose view with any extension. He also stated that there are already water problems in the area. His main concern is the loss of view.

Mary Ann Elchook of 8 Campton Street, She recently put a deck on her home and any expansion will affect her view. She opposes this petition.

Vincent Scrima came forward. His concern is the run off issue.

Joseph Boucher who lives directly across the street came forward. He is against anything that exceeds the current boundary of the town. Kevin explained how the average grade is determined. Ernie Cote determined that the average grade is at five feet, therefore, from the first floor he can go up 30 feet and he is going 28 feet.

Back to Board

Bill O'Brien is concerned about changing the roofline. At some points the overhang is 3.5 feet from the property line. Tom McGuirk asked if there is any way to correct the additional overhang. The area for runoff has not changed. Tom agrees with Bill that it should go up direct from what exists rather than going out.

Bill O'Brien motioned that they go up not exceeding current setbacks as defined by the Board which would be to the drip edge. Mr. Schultz wanted to confirm the measurements based on the existing site plan by Ernie Cote. This plan shows 5.5 to the drip edge towards the ocean and on the front 6.9 to the drip edge.

Bill O'Brien restated the motion that the east side overhang to include the drip edge would be no closer than 5.5 feet, Mr. Schultz stated that this project will require permits through the wetlands and review from conservation because of the proximity to the high tide; they have to be able to retain their own run off on their own property. Mr. Lessard stated that he won't be shedding any more than he was. Mr. O'Brien stated the motion one more time for clarification. The motion is that the petition be granted with the stipulations that the east side would have an overhang no closer than it currently is which is 5.5 feet, he gets approval from the conservation committee, and that he retains all water on site and sheds none onto any other property. The motion was seconded by Tom McGuirk. Mr. Scrima asked about the roofline. Mr. Lessard advised that they have not asked for a height variance. Bill O'Brien stated the footprint doesn't include air conditioners he believes therefore it cannot be within the 5.5 feet. Vic Lessard polled the Board regarding the five criteria.

Vote: 5-0

Petition Granted

Mr. O'Brien asked if they could hear 69-05 and 74-05 because they concern the same property. Mr. O'Brien read both petitions.

69-05 The continued petition of Sojourn Property Management, LLC for property located at 750 Exeter Road seeking relief from Articles 1.3 and 4.5.2 to renovate office building with addition of pitched roof over front portion of building. This property is located at Map 6, Lot 14 in a RAA zone.

and

74-05 The petition of Sojourn Property Management, LLC for property located at 750 Exeter Road seeking relief from Article 4.5.3 to renovate office building with addition of pitched roof over front portion of building. This property is located at Map 6, Lot 14 in a RAA zone.

Atty. Ells came forward with Mr. Dumont. Mr. Lessard asked if the parking would be striped. Atty. Ells asked to submit a plan which is a final plan. Atty. Ells also stated that after the last meeting he realized that they also need a variance from 4.5.3 as stated therefore he filed petition 74-05. Atty. Ells stated that the upstairs will not be occupied. They realize any access to the door would require additional variance. The missing boundary marker has been returned. The parking spaces will be striped pursuant to subdivision plan. Atty. Ells stated that he didn't observe any drainage issue during a recent rain storm. Atty. Ells went through the five criteria as submitted in the petitions. The criteria are the same for both 69-05 and 74-05.

Questions from the Board

None

Comments from the audience

Jeff Rallis came forward to say that the roofline is a nice addition. He is concerned about water run off. Jeff stated that there is a dip in the parking lot which is causing water to run off to his property. Atty. Ells believes that landscaping will also help. Vic Lessard believes that there has been run off for years but the water must be kept on site.

Back to Board

Kevin asked about the pin and if it could be long enough so that it doesn't get displaced. He also asked if it has been confirmed if the water main from the well is on his property. Kevin asked that it be backfilled as soon as possible.

Vic Lessard polled the Board regarding the criteria on 69-05. Matt Shaw motioned to accept with stipulation that when landscaping is complete run off will stay on his on property. Bill O'Brien seconded.

Motion on 69-05

Vote: 5-0 Motion granted

Motion on 74-05 Matt Shaw motioned to accept, Bill O'Brien seconded.

Vote: 5-0 Motion granted

72-05 The petition of David & Marsha Skogland for property located at 271 Winnacunnet Road seeking relief from Articles 4.2, 4.3 and Footnote 22 to create a second building lot with frontage of 30.83 feet at 271 Winnacunnet Road. This property is located at Map 206, Lot 38 in a RA zone.

Vic Lessard stated that the selectmen were told that this project was not a good project. Mr. Pratt said that the Board doesn't listen to them anyway. Vic is upset about it. This Board tries to listen to everyone and they vote the way they believe they should.

Tom McGuirk watched the meeting also, his concern is that when Mr. Barrington gives these directives he doesn't give any explanation what the concerns are. Kevin stated that whenever the Town is an abutter, Kevin notifies the Manager. The Town is concerned because it abuts a Town park. Tom McGuirk wished they would give more information as to what there concerns are.

Atty. Ells came forward with Mr. Skogland. Their lot is 72,400 square foot. They would like to put a retirement home on the rear of the proposed lot. The proposed lot does not have sufficient frontage. Vic Lessard stepped down because he had spoken with the Town Manager. Jennifer Truesdale took over as Chair. Henry Stonie came forward as alternate. You can put a 100 foot square within the boundary of the lot but it does not meet that requirement. Atty. Ells went through the criteria as submitted in the petition. The nice part of this proposal is that the front home will remain the same. He also heard the Selectmen the other night. The only thing he heard was that a buyer may not like the noise of the park.

Questions from the Board

Mr. McGuirk asked where they came up with the 30.83 feet for driveway. Atty. Ells stated that 20 feet minimum is required for access. Rev. Stonie asked about the hardship. Atty. Ells stated that the lot is large for the requirements of that zone. The only way the applicant can make a reasonable use is to get relief from dimensional requirements. The only other way to achieve this end is to put in a little street at a substantial cost. The Town would have another street to plow. Matt Shaw asked about variances requested. They are missing the square and the frontage and the width. Atty. Ells believes this proposal is a better plan.

Comments from the audience

None

Back to the Board

Bill O'Brien asked Mr. Shaw how he rectifies the thirty feet on the property across the street. Mr. Shaw said because it is such a big lot and even though the Town is an abutter it is a park not another house. Bill O'Brien is against this because of the small frontage. Matt Shaw thinks the way it is proposed is the best use of the property. Tom McGuirk agrees that it could be done differently if they wanted to. Rev. Stonie asked about footnote 22. He wondered what the reason might have been. He expressed concern about hidden properties not on the street.

Matt Shaw motioned to approve Tom McGuirk seconded. Jennifer Truesdale polled the Board regarding the criteria. Rev. Stonie asked if the motion could be amended that the number of the rear lot be visible in a prominent place by the road. Matt added the amendment to his motion.

Vote 4-1 (Bill O'Brien)

Petition Granted

Vic Lessard returned to the Board for the next petition.

73-05 The petition of Lawrence & Rita Manley for property located at 23 Moulton Road seeking relief from Article 4.5.2 to add room above garage and change the roof configuration, the existing side setback is 7 feet where 10 feet is required. This property is located at Map 191, Lot 19 in a RA zone.

Mr. and Mrs. Manley came forward. Mr. Manley went through the criteria as submitted in the petition. The building was built wrong. The wall is slanting into the building causing rot and rust where the corners meet. Matt Shaw asked why it wouldn't diminish the value of surrounding properties. Mr. Manley stated it will not diminish the value of abutting properties because it is an improvement and is in keeping to what is happening in the neighborhood.

Questions from the Board

None

Comments from the audience

None

Back to Board

Tom McGuirk motioned to approve. Jennifer Truesdale seconded. Vic Lessard polled the Board regarding the five criteria. The Board agreed as revised.

Vote: 5-0

Petition Granted

75-05 The petition of Demetrios Galanis for property located at 3 Concord Avenue seeking relief from Articles 1.3, 4.1.1, 4.5.1, 8.2.1, 8.2.2, 8.2.3, 8.2.4 and 8.2.6 to tear down existing two family and replace with new two-family building with 2 parking spaces per unit and 2 parking spaces for rear unit. This property is located at Map 296, Lot 90 in a RB zone.

Ernest Cote came forward with Georgia Galanis. He referenced three sets of plans that the Board had been given. He described what they are proposing to do. The side yard would be increased from existing 6.3 feet to 10 feet on the first floor on each side and 8 feet on the second and third floors. The front setback which is now 7.9 feet would become 8 feet. Parking for the rear would be accessible from the left side.

Questions from the Board

Bill O'Brien stated that the footprint is not a footprint by Town's definition because it doesn't include the drip edge. Mr. Cote agreed there should be another line. Bill O'Brien confirmed that it will be 34 feet in height. Kevin Schultz stated that when he reviewed this with the applicant the question was brought up and that the 8 feet is to the drip edge.

Comments from the audience

None

Back to Board

Tom McGuirk is concerned that this is in the island section of the beach. Parking is one issue, and condex problems with neighbors fighting neighbor is another. He would like it better if the back unit was taken down. His concern is a condo conversion. Mr. Galanis came forward. He stated that they recently remodeled the back building which cost over \$25,000. They are making the parking better. Vic Lessard referenced the deed of the property. Ms. Galanis went through the five criteria as submitted in the petition. Kevin stated that what is being proposed doesn't violate any deed restrictions as far as he knows. Matt thinks it is a great upgrade of the property. Jennifer agrees that it is an improvement. Tom McGuirk motioned to accept with a stipulation that the side boundary is 8 foot to the drip edge and the height is 34 foot. Bill O'Brien seconded. Vic Lessard polled the Board regarding the five criteria.

Vote: 5-0

Petition granted

76-05 The petition of Paul & Kathy Perkins for property located at 470 Winnacunnet Road, Unit 2 seeking relief from Articles 1.3, 4.5.3, 8.2.3 and 8.2.6 to raze and remove the existing cottage and replace with a new 2 story cottage within the same footprint. This property is located at Map 222, Lot 59 in a RB zone.

Vic Lessard believes these cottage condo projects should come in with a plan by the Association in the future.

Mr. Perkins submitted a letter to the Board for the record. He stated that they were forced to withdraw their petition last month due to a technicality. He asked the Board to consider that the plan submitted had been approved by the Board in 2001, but they failed to meet the deadline for construction. Mr. Perkins went through the five criteria as submitted in the petition and the addendum attached to the submitted letter.

Questions from the Board

Bill O'Brien stated that a plot plan is supposed to be provided. Referencing the plan that was submitted, Mr. O'Brien stated that it shows a 7.66 foot setback from the fence. Mr. Perkins stated he will meet that requirement. The width of the cabin is 16.3 feet. The existing cabin is 16.4. The jog is the furthest point back. In the rear it will be 5.66 from the drip edge.

Comments from the audience

Randall Radkay of North Shore Road came forward. He is not for or against this petition. He would suggest that the overall project should present a master plan with overall redevelopment plan for these cottage condo projects.

Back to Board

Matt Shaw motioned to accept with stipulation that the rear setback will not be closer than 5.66 feet from the overhang of the roof. Jennifer Truesdale seconded. Vic Lessard polled the Board regarding the criteria.

Vote: 5-0

Petition granted

78-05 The petition of Ken Linseman for property located at 1070 Ocean Boulevard seeking relief from Articles 1.3 and 4.5.2 for relief of a 1 ft. 8 inch encroachment in to the new side setback. When I built the house originally 7' was the side setback which has now been changed to 10'. I would like to build an 10'x22' addition. The property line on the left/north side is 8' 4" to the new addition. This property is located at Map 98, Lot 16 in a RA zone.

Ken Linesman came forward. He went through the five criteria as submitted in the petition.

Questions from the Board

None

Comments from the audience

None

Back to Board

Bill O'Brien read a letter to Mr. Linesman from Mr. Saltmarsh. Mr. Linesman would request that the information in it be verified and if it is correct he has no problem with them. He just wants to make sure their surveys are in agreement. Matt Shaw motioned to accept, Jennifer Truesdale seconded. Vic Lessard polled the Board regarding the criteria.

Vote: 5-0

Motion granted

BUSINESS SESSION

Vic Lessard stated that he had talked with the Planner, Chairman of the Planning Board, Kevin Schultz and Fred Rice. Mr. Rice would like the Beach Master Plan Committee to be able to see the plans before they come to the Zoning Board. He realizes they don't have any jurisdiction but they could make suggestions. Mr. Lessard as one member thought it might be possible but was concerned that it would take extra time. They also talked about one parking space for every change over. Vic Lessard believes they shouldn't delay the developers. They said that it could be done. Vic Lessard suggested that the Board think about the idea and come back and have a joint meeting to discuss their ideas. Tom McGuirk stated that if the advisory board is going to do anything positive, the zoning ordinances have to be changed in order to make sense. Kevin stated that the changes that need to be made will require more than just a couple of people. Jack Lessard came forward to sit on the rehearing.

Motion for Rehearing of Petition 56-05

Bill O'Brien motioned to postpone this vote until next month to check with counsel and to listen to the tape to see if the Board was polled. Jack Lessard seconded.

Bill O'Brien asked to have a business meeting regarding proposal suggested by Randy Radkay. He also has a suggestion regarding foundations.

Matt Shaw motioned to adjourn. Jack Lessard seconded.

Meeting adjourned 11:30 p.m.

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