

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
Thursday, March 20, 2008**

Members Present

Tom McGuirk, Chairman
John Gebhart
Vic Lessard
Bryan Provencal
Henry Stonie

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

Chairman McGuirk called the meeting to order at 7:00 p.m.

Chairman McGuirk introduced the members of the Board.

The Pledge of Allegiance was said.

Mr. Lessard asked for a moment of silence for Ken Malcolm, former State Representative, who passed away last week.

PETITION SESSION

12-08 The petition of Laurence & Sally Lambert for property located at 19 Concord Avenue seeking relief from Article 1.6 Definitions (parking space) and Article VI as to 6.1 and 6.3.1 to allow the continued use of narrower than required parking spaces on each side of the altered front building on the property. This property is located at Map 296, Lot 97 in a RB zone.

Laurence & Sally Lambert and Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said the application was to rebuild the property and the issue is whether or not the parking is suitable. The parking has worked in the past and it is certainly wide enough to accommodate cars on each side of the building.

Ms. Lambert said her neighbors have no problem with their plans.

Questions from the Board

Mr. Stonie asked if both buildings were year-round residences. Ms. Lambert replied they were not, but they plan on making the front building year-round.

Chairman McGuirk asked if this would limit any type of change of owner. Attorney Saari said he did not believe so.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Lessard, seconded by Mr. Provencal, to grant Petition 12-08.

VOTE: 5-0-0. Motion passed unanimously.

13-08 The Petition of John & Ann Hangen, thru Ezra Real Estate LLC, for property located at 165 Island Path seeking relief from Article 2.3.7 (C) to subdivide the lot into two lots and build a duplex on the new lot which will meet all of the front, side and rear setbacks, and height requirements, but where the property is in the wetlands buffer and subject to "special provisions" requiring at least 9,000 square feet of land outside of the buffer. This property is located at Map 280, Lot 22 in the RCS zone.

Attorney Peter Saari, Aaron Brown and Jim Gove came forward. Attorney Saari said this is a difficult lot. It is large on both sides. Mr. Hangen has had a residence there for a long time. It is necessary to have a variance because of the wetland buffer. Extensive work needs to be done at the site. All work will be performed by the petitioner.

Mr. Gove said that they have followed recommendations by the Conservation Commission. There will be a planting plan for an area of restoration including 20 trees, 93 shrubs and also grass mix. Plastic and stone will be removed and replaced with grass. In addition pavement will be removed and will become pervious surface.

Mr. Saari said all of these improvements makes the situation better than it is now even with the new construction. It is also within the spirit of the ordinance. There is really nothing else that can be done with this site.

Questions from the Board

Mr. Stonie asked what the distance is between the proposed house and the abutters on the right. Mr. Gove replied that it is a cantered lot and is 10.64 feet at the front and 8.3 feet at the back corner.

Mr. Gebhart asked if the driveway would be wide enough. Attorney Saari said two cars can be accommodated.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Chairman McGuirk read a letter from Bryan Belanger. Mr. Belanger asked that the petition be denied. His reasons were that the height is unacceptable and there could be drainage issues.

Mr. Gebhart said considering the requirement is 9,000 feet for two units and where here there is only 3,800 feet seems like a definite stretch. Mr. Gebhart said he felt it would be much more acceptable if it was a single family unit.

Mr. Stonie asked what the Conservation Commission's stance was on this. Chairman McGuirk replied that they have recommended approval.

Mr. Lessard said he had spoken with Ellen Goethels, Chairman of the Conservation Commission, and she highly recommends this petition be granted.

Attorney Saari said the drainage has been addressed.

Moved by Mr. Provencal, seconded by Mr. Lessard, to grant Petition 13-08.

VOTE: 4-1 (Gebhart)-0. Motion passed.

15-08 The petition of Terrence Griffin for property located at 173 Kings Highway seeking relief from Articles 1.3 and Article IV as to 4.5.1, 4.5.2 and 4.5.3 to raise the house to add another living level underneath. This property is located at Map 68, Lot 44 in a RA zone.

Colleen Griffin Hancock came forward. She said they want to raise the property and add a level underneath. This will improve the property. There have been past problems with utilities and plumbing which will be remedied with this construction. Ms. Hancock said they were asked to remove the stairs and they have done so.

Questions from the Board

Mr. Lessard asked if this was a single-family residence. Ms. Hancock replied that it was. Mr. Schulz said there is nothing in the restrictions in the deed that would preclude this construction.

Comments from the Audience

There were no comments from the audience.

Back to the Board

Moved by Mr. Gebhart, seconded by Mr. Lessard, to grant Petition 15-08.

VOTE: 5-0-0. Motion passed unanimously.

14-08 The petition of Dean Koravos for property located at 1048 Ocean Boulevard seeking relief from Article 4.5.2 to construct single family residence with 7-foot side setbacks where 10-foot side setbacks are required. This property is located at Map 116, Lot 4 in a RA zone.

At this point Mr. Stonie stepped down from the Board and Mr. Jack Lessard joined the Board.

Dean Koravos, Attorney Stephen Ells, Holmes & Ells, and Lisa Stephano, Architect, came forward.

Attorney Ells said this is a typical proposal. The petitioner would like to demolish it and construct a new home on the site. Ms. Stephano said their challenge has been lot size and width and meeting building codes. Ms. Stephano presented the floor plan. The house is two-story and similar to others in the area.

Attorney Ells went through the five criteria and stated he felt they had been met.

Questions from the Board

Chairman McGuirk asked how wide the eaves are. Ms. Stephano replied one and a half feet.

Attorney Ells said the petitioner would not do any work until the fall due to respect for his neighbors.

Comments from the Audience

Attorney John Besson, Dory Inn Condo Association, came forward. He said he felt the proposed house was too much for the lot. Attorney Besson also said he could see no unnecessary hardship for the petitioner if this is not approved. This construction would also have a negative impact for the Dory Inn in terms of light, view, etc. He also mentioned safety concerns such as emergency equipment being able to gain access.

Mike Sapupo came forward. He said he owns one of the units in the Dory Inn. He said his concerns were fire safety and rescue. The access will be very narrow. He said he felt this was in nonconformance with the Shoreland Protection Act.

Chairman McGuirk said that this Board cannot give relief on that.

Mary Jo Stonie, 1050 Ocean Blvd., came forward. She said she was in opposition to the petition. She said sunlight and view were a concern for those who live at the Dory Inn. Another major concern is wash from storms.

John Stonie, 1050 Ocean Blvd., came forward. He said he also opposes this petition. Sunlight is a concern. View is a concern and view affects value. Mr. Stonie said he felt the abutters would be subjected to hardship under this proposal.

Attorney Ells said that he agrees that narrowing can be a problem, but if you look at the existing plan the slab is 3.4 feet from the Dory Inn and with the proposal it will be 8 feet. Attorney Ells said this new structure will not impact anyone's view.

Mr. Koravos said that all of the asphalt, concrete patios and decks will be taken out. He will create a larger corridor for the ocean. Everything will be an improvement over what exists today.

Ms. Stonie said this proposal builds the house four feet closer to the ocean and will ruin Mr. Sapupo's view.

Back to the Board

Mr. Lessard asked Ms. Stonie if she would agree if the building came back four feet. Ms. Stonie said that would be fine.

Chairman McGuirk said that it would be good to bring it four feet back, but there is no requirement to do so. Mr. Koravos said he would take this into consideration.

Moved by Mr. Jack Lessard, seconded by Mr. Gebhart, to grant Petition 14-08.

Hampton Zoning Board of Adjustment
March 20, 2008
Page 6

Chairman McGuirk asked the Board if the five criteria had been met. The members agreed that they had.

VOTE: 3-0-2 (V. Lessard, Provencal). Motion passed.

The Petition Session ended at 9:20 p.m.

BUSINESS SESSION

Motion for Rehearing re Petition 03-08 – 2 Fifth Street

Chairman McGuirk said the applicant came in previously and didn't have correct dimensions. His variance was denied because of the stairs. He has now employed an architect to correct the problem with the stairs.

Mr. Schultz said the petitioner should come back before the Board.

Moved by Mr. Vic Lessard, seconded by Mr. Provencal, to grant a rehearing on Petition 03-08.

VOTE: 5-0-0. Motion passed unanimously.

Adoption of Minutes – February 21, 2008

Moved by Mr. Lessard, seconded by Mr. Provencal, to adopt the Minutes of February 21, 2008.

VOTE: 4-0-1 (Gebhart). Motion passed.

The Business Session was adjourned at 9:55 p.m.

Respectfully submitted,

Joan Rice
Secretary

