

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
Thursday, April 17, 2008**

Members Present

Tom McGuirk, Chairman
John Gebhart
Vic Lessard
Bryan Provencal
Bill O'Brien

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.

Election of Officers

Chairman McGuirk asked for nominations for the position of Chairman.

Moved by Mr. O'Brien, seconded by Mr. Lessard, to appoint Tom McGuirk Chairman for the coming year.

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

Chairman McGuirk then asked for nominations for the position of Vice-Chairman.

Moved by Mr. Provencal, seconded by Mr. Gebhart, to appoint Bill O'Brien Vice-Chairman for the coming year.

VOTE: 4-0-1 (O'Brien). Motion passed.

Chairman McGuirk asked for nominations for the position of Clerk.

Moved by Mr. Provencal, seconded by Mr. Lessard, to appoint John Gebhart Clerk for the coming year.

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

Chairman McGuirk then asked for nominations for Alternates. He said Jack Lessard is already an Alternate until 2009.

Moved by Mr. Lessard, seconded by Mr. O'Brien, to re-appoint Henry Stonie as an Alternate for the coming year.

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

Mr. Lessard said he felt there should be a third Alternate. He suggested John Woodward. Chairman McGuirk said the Board would accept letters of interest for this position. The letters should be submitted to the Building Department prior to the May 15th meeting.

PETITION SESSION

17-08 The petition of Thomas Cicale for property located at 18 Kings Highway seeking relief from Articles 1.3 and 4.5.1 to roof and enclose deck to make a three-season area. This property is located at Map 223, Lot 132 in a RB zone.

Brian Kent of RB Builders came forward. Mr. Kent said he was representing the petitioner who is presently in Florida. Mr. Kent went through the five criteria and stated he felt they had been met.

Questions from the Board

Mr. O'Brien asked how much property the petitioner owns on the north side. Mr. Kent replied that he owns the next property on the north side and they share a common driveway. Mr. O'Brien said that the proposed plot drawing does not show stairs on the south side and that he was concerned there may be a need for variances to the side setback.

Mr. Schultz suggested the possibility of the petitioner's coming back with an alternate plan on the stairs or proceeding with the petition now without the stairs and then re-evaluating the stairs at a later date.

Mr. Kent said he would agree to ignore the stairs for now. Mr. Lessard said that the increased assessment for hardship would have to be taken out of the criteria justification.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. Lessard, to grant Petition 17-08 except that there will be no stairs or door added to the south side of the structure until petitioner comes back to the Board asking relief from 4.5.2. The increased assessment for hardship must also be removed from the criteria justification.

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

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

18-08 The petition of William Hurteau for property located at 51-53 Island Path seeking relief from Articles 1.3 and 4.5.3 to relocate existing utility shed so it will be closer to conforming to the specified articles and more accessible and to reconstruct existing rear landing and steps for better and safer access to the shed as well as house and rear yard area. This property is located at Map 282, Lot 70 in a RB zone.

Mr. William Hurteau came forward. Mr. Hurteau read the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien asked Mr. Schultz if there was a fire safety issue with the relocation of the shed next to the house. Mr. Schultz said he had discussed, with the petitioner, how the shed should be physically attached to the house, so there would be no issue.

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 18-08.

Chairman McGuirk asked the Board if they felt the five criteria had been met. They agreed that they had.

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

03-08 Rehearing of the petition of Michael Paolino for property located at 2 Fifth Street seeking relief from Articles 1.3 as to 4.5.1 to allow a second floor deck at the front of the building to remain and to relocate the nonconforming staircase on the west side of the building to the east side of the building to conform to the side setback requirements and remove a set of steps encroaching into the setback on the west side of the property. This property is located at Map 210, Lot 22 in a RA zone.

Michael Paolino came forward. Mr. Paolino said he was seeking relief on the front setback on the deck and to move the stairs to the east side of the house.

Questions from the Board

Mr. Lessard asked Mr. Schultz if he now had all needed information. Mr. Schultz said that he did.

Comments from the Audience

There were no comments from the audience.

Back to the Board

Mr. Paolino was asked to go through the five criteria. Mr. Paolino then said he felt the criteria had been met.

Moved by Mr. Lessard, seconded by Mr. Gebhart, to grant Petition 03-08 subject to the original stairs going back where they were and a new set of stairs will be on the east side of the property as shown. A set of plans will be given to the Building Inspector prior to proceeding.

Chairman McGuirk asked the Board if the five criteria had been met. They agreed that they had, Mr. O'Brien abstained

VOTE: 4-0-1(O'Brien). Motion passed.

19-08 The petition of Sheryl Wookey for property located at 3 Hedman Avenue seeking relief from Article 3.25a to convert non-functioning indoor/abandoned pool area into an area for an in-house acupuncture therapy practice that will have a separate

19-09

ADA compliant entrance. This property is located at Map 180, Lot 7 in a RA zone.

Sheryl Wookey came forward. Ms. Wookey went through the five criteria and said she felt they had been met. She said all abutters had indicated their support. Only one person on Alexander Drive did not support her. She said any traffic impact on Alexander Drive would be minimal.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

Sandra Sears, 5 Hedman Avenue, came forward. Ms. Sears said she is a neighbor of Ms. Wookey. Ms. Sears said she was excited to get diversity in the neighborhood and she supports Ms. Wookey's petition.

Back to the Board

Mr. O'Brien said that Ms. Wookey did not provide a plot plan. He expressed concern that there may not be enough room for parking. Two parking spaces would be needed for the house and four more for the office. Mr. O'Brien said, absent a plot plan showing 6 parking spaces, variances would be needed to resolve the parking issue.

Mr. Lessard said that number of cars would make it definitely commercial and he would be against that. Mr. Lessard suggested that Ms. Wookey should go back and speak to Mr. Schultz and see what she really does need and come back next month. Mr. O'Brien agreed with Mr. Lessard's suggestion.

Mr. Schultz said Ms. Wookey could withdraw or she could have the Board move on what is before them and then come back for the second variance. Mr. O'Brien said he felt everything should be done at one time.

Chairman McGuirk said he would not like to see this petition approved and then the variance for the parking denied. From a personal perspective, he said that if he lived on Alexander Drive and businesses were encroaching on the area, he would be upset. When you buy in an RA zone that is what you expect it to be.

Mr. Provencal said he was more concerned about the businesses that might come after Ms. Wookey's on this property. This runs with the land.

Mr. Lessard again suggested that Ms. Wookey withdraw at this time. Ms. Wookey agreed to do so.

Moved by Mr. Lessard, seconded by Mr. Provencal, to allow Sheryl Wookey, petitioner for Petition 19-08, to withdraw without prejudice.

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

The Petition Session concluded at 8:35 p.m.

BUSINESS SESSION

Adoption of Minutes – March 20, 2008

Moved by Mr. Lessard, seconded by Mr. Provencal, to adopt the Minutes of March 20, 2008.

VOTE: 4-0-1 (O'Brien). Motion passed.

Rules of Procedure

The Rules of Procedure were discussed. Mr. O'Brien recommended some suggested changes to the Rules.

Moved by Mr. Provencal, seconded by Mr. Gebhart, to accept the Rules of Procedure incorporating changes recommended by Mr. O'Brien.

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

Motion for Rehearing – 95 Exeter Road – Petition 08-08

Chairman McGuirk distributed a letter from Attorney Peter Loughlin.

Mr. O'Brien said he was very concerned that the board was never provided a copy of the formal complaint at the original hearing. Mr. Schultz said that a complaint was filed. Mr. O'Brien stated that apparently another son of the elderly person filed the complaint and indicated a concern about whether the additional apartment recently built in the 3 car garage is safe to inhabit and meets all codes. Mr. O'Brien said this Board could make the Town liable if something happened within the garage to the complainant's elderly mother since the conversion to an apartment was completed without a building permit and thus never inspected. Mr. O'Brien said that the Board was never provided the official complaint and that is his major concern. Mr. O'Brien said there should be a rehearing.

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Moved by Mr. O'Brien, seconded by Mr. Lessard, to grant a rehearing on Petition 08-08.

VOTE: 3-1 (Provencal) – 1 (Gebhart). Motion passed.

The Business Session was adjourned at 9:25 p.m.

Respectfully submitted,

Joan Rice
Secretary