

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
Thursday, August 21, 2008**

Members Present

Tom McGuirk, Chairman
John Gebhart
Bryan Provencal
Bill O'Brien
Ed St. Pierre (Alternate)

Others Present

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.

Chairman McGuirk said he had a discussion with the Town Attorney today. There is a legal matter that the Board must discuss in a non-public session and which requires a roll call vote. Chairman McGuirk said the Board would adjourn for a short non-public session at this time.

Returning from the non-public session, Chairman McGuirk said he would like to read a statement. It is as follows:

“The Board regrets having veered away from the subject of 16 James Street that was on last month’s agenda and focusing upon the different property across the street at 15 James Street, whose files were not before the Board. Building Department records not then before the Board indicate that the existing hot tub and the recently renovated building at 15 James Street are not in fact on Town property, although a portion of the existing deck appears to be. The house was recently renovated with approvals from the Building Department, and with variances granted by this Board. The Board in the future will make every effort to stick to the subject at hand.”

PETITION SESSION

43-08 The petition of Scott & Jessica Hampoian for property located at 47 Ocean Drive seeking relief from Articles 4.1.1 and 4.5.2 for (2) air conditioners and a 4x12 deck platform and steps. This property is located at Map 305, Lot 48 in a RA zone.

Scott Hampoian and Roy Holmes (builder) came forward. Mr. Holmes went through the five criteria for relief from Article 4.1.1 and said he felt they had been met. He then went through the five criteria for relief from Article 4.5.2 and said he felt they had been met.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

There were no comments from the audience.

Back to the Board

Mr. O'Brien said he was looking at the north and south elevations and would expect the decks to be a mirror image and that the stairs on the north elevation from the second floor deck are not consistent with the lower level plans. Mr. Holmes said that the plans Mr. O'Brien was referring to were the plans submitted to the Board and not the final plans.

Regarding the third floor plan, Mr. O'Brien asked if the bow on the upper level was encroaching on the 10 foot setback. Mr. Holmes replied that it was not. Mr. O'Brien asked about parking. Mr. Hampoian said there would be five parking spots in front of the building.

Mr. St. Pierre inquired about the location of the shower. Mr. Holmes said they were changing sides and it would be within the setback area. Mr. O'Brien asked if this is going to be a single family home. Mr. Holmes said it was.

Moved by Mr. O'Brien, seconded by Mr. Provencal, to grant Petition 43-08.

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

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

44-08 The petition of Norma Collins for property located at 6 James Street seeking relief from Article 4.5.2 to construct an 8x11 room with small deck to rear. This property is located at Map 134, Lot 95 in a RA zone.

Norma Collins came forward. Ms. Collins went through the five criteria and said she felt they had been met. Ms. Collins explained that the granting of this petition would allow her to expand her dining area which now is very small.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

There were no comments from the audience.

Back to the Board

Mr. St. Pierre said that Ms. Collins' dining area was very tight and that he believed she should be granted this variance.

Moved by Mr. Gephart, seconded by Mr. Provencal, to grant Petition 44-08.

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

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

31-08 The continued petition of Al Lindquist & Matthew Croteau for property located at 18 Riverview Terrace seeking relief from Article 6.3.10 to allow condominium conversion of two existing buildings, one of which has a 9x18 parking space and the other which has a parking space that has a variable width between 8 feet and 8.6 feet and a length of 18 feet. This property is located at Map 292, Lot 30 in a RB zone.

Matthew Croteau and Attorney Peter Saari, Cassasa & Ryan, came forward. Attorney Saari said this petition was heard last month and there was concern over the parking space between the two buildings and accessibility. Attorney Saari said he left that meeting knowing he had to convince the Board that it is possible to get into that space. He said Mr. Croteau did videos of two different vehicles entering the site. Mr. Croteau then showed videos of a small truck and a small car parking in the space. During the

video presentation, Mr. Croteau stated that he would have a hard time parking in the space.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

There were no comments from the audience.

Back to the Board

Mr. Gephart said his concern was exiting off the porch in back. Somebody trying to get off that porch would have a difficult time if a vehicle was parked there. Mr. Croteau said there would be about 3-1/2 feet clearance.

Regarding videos, Mr. O'Brien asked if the car and truck were then backed out of the space. Mr. Croteau said they were. Mr. O'Brien said he was still very concerned.

Moved by Mr. St. Pierre, seconded by Mr. Gephart, to deny Petition 31-08.

Chairman McGuirk asked if the Board if they felt the five criteria had been met. All members said no with the exception of Chairman McGuirk who said he felt the criteria had been met.

Mr. O'Brien said it is required to have satisfactory ingress and egress and that he had requested that a person who was vacationing next door to park in the spot and he could not make the turn.

VOTE: 3-2 (McGuirk, Provencal) – 0. Motion passed.

BUSINESS SESSION

Adoption of Minutes - August 21, 2008

Moved by Mr. O'Brien, seconded by Mr. Provencal, to approve the Minutes of August 21, 2008.

VOTE: 4-0-1(St. Pierre). Motion passed.

Regarding Petition 37-08, Chairman McGuirk said the Board last month granted relief subject to the condition that the rear deck setback was in line with the adjacent, southerly house deck. This contingency was not met and therefore the Article 4.5.3 variance is not granted; however, Articles 4.1.1, 4.5.2 are granted. Attorney Peter Saari submitted revised drawings indicating that the rear setback is now met.

707 Ocean Boulevard

Tim Hosmer representing the owner came forward. He said he wanted to make sure the Board was aware of some alterations to the previously approved design. He said a story is being eliminated. By doing this the total area is being reduced by approximately 1,600 square feet. They are reducing by one unit and reducing the number of parking spaces to four instead of eight. They are still maintaining the setbacks.

Mr. O'Brien asked if everything else was the same. Mr. Hosmer replied in the affirmative. Chairman McGuirk said they have now met all zone requirements and this is just an update on the status saying the variances they were granted before are no longer needed.

747 Ocean Blvd./5 Third Street

Attorney Saari said he just wanted to make the Board aware that what is proposed at this time is a two-story rather than a three-story building. He showed three drawings, one of the building as it was, one of what the Board approved in December, 2006, and one of what is proposed.

Mr. O'Brien noted that the side setbacks previously granted were to seven feet and the proposed drawing now indicates about five to six feet side setbacks. Mr. O'Brien stated that he believed the petitioner should be required to seek approval from the board for this change. Mr. O'Brien asked if there was a deed restriction since the proposed drawing shows less than 7 feet at the drip edge. Attorney Saari said there was a deed restriction. Mr. O'Brien reminded Mr. Saari that it would be necessary to go to the Town Meeting to get approval because of the encroachment.

Chairman McGuirk asked the Board if they felt there were significant changes. The members said they did. Chairman McGuirk asked that if the side setbacks were brought back to 7 feet, would it be okay. The members said they did.

There being no further business before the meeting, Mr. O'Brien **moved**, seconded by Mr. Provencal, that the meeting be adjourned. The motion passed by unanimous vote.

The meeting was adjourned at 8:30 p.m.

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Respectfully submitted,

Joan Rice
Secretary