

**HAMPTON ZONING BOARD OF ADJUSTMENT  
MINUTES  
Thursday, October 16, 2008**

**Members Present**

Bill O'Brien, Acting Chairman  
John Gebhart  
Jack Lessard (Alternate)  
Vic Lessard  
Bryan Provencal

**Others Present**

Joan Rice, Secretary

Acting Chairman O'Brien called the meeting to order at 7:00 p.m.

Mr. O'Brien introduced the members of the Board.

The Pledge of Allegiance was said.

**PETITION SESSION**

45-08 The petition of Nancy Wheeler for property located at 143 Island Path seeking relief from Articles 1.3 and 4.5.2 to remove an existing non-conforming shed and add a garage to the existing dwelling, a 3 foot corner of which would encroach into the 12 foot side setback about 1.8 feet at one corner and about 3.6 feet at another corner. This property is located at Map 281, Lot 43 in a RCS zone.

Attorney Peter Saari, Cassasa & Ryan, and Nancy Wheeler came forward. Mr. Saari said they are asking for a small variance on a small lot. There is currently a shed in the area where the garage would be built. Attorney Saari went through the five criteria and said he felt they had been met.

*Questions from the Board*

There were no questions from the Board at this time.

*Comments from the Audience*

There were no comments from the audience.

*Back to the Board*

Mr. Vic Lessard said he was familiar with this property and would rather see a garage than a shed.

Mr. O'Brien said that under normal circumstances he would have no problem with the garage but he is concerned that the proposed garage, which is about 400 sq. ft. in size, would be built well within the 50 foot wetlands buffer at about 9 feet. Mr. O'Brien indicated that he would like to get an opinion on this proposed project from the Conservation Commission.

Mr. O'Brien then asked about the stairs. Attorney Saari replied that they will stay where they are and the garage will be built around the stairway.

**Moved** by Mr. Vic Lessard, seconded by Mr. Provencal, to grant Petition 45-08 subject to approval by the Conservation Commission and all other necessary boards; and subsequently obtaining State permits prior to doing any work on the site.

Mr. O'Brien 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.

46-08 The petition of David Richards for property located at 515 Winnacunnet Road, Unit 7 seeking relief from Article 1.3, Article 4 as to Footnote 12 and Article 8.2.3 to raze and remove existing condominium cottage and replace with new cottage with same footprint and complying with Town Special and D.E.S. Permits. This property is located at Map 222, Lot 18 in a RB zone.

David Richards and his contractor, Brian Heathen came forward. Mr. Richards said their intent was to demolish the existing structure and build a new structure on the existing footprint four feet above grade. They would extend the deck into a screened porch and have a gabled roof. Mr. Richards went through the five criteria and said he felt they had been met.

*Questions from the Board*

There were no questions from the Board at this time.

*Comments from the Audience*

There were no comments from the audience.

*Back to the Board*

Mr. O'Brien stated that his package did not contain a North facing view nor a top – down perspective and thus he wanted to clarify a point. Mr. O'Brien asked if the appendage on the North side would remain the same size as on the existing cottage, about 6 feet by 6 feet. Mr. Richards said yes. Mr. O'Brien asked if the appendage on the west side of the existing cottage, about 3 feet by 3 feet, was eliminated since it did not appear on the South or West views. Mr. Richards said that was an oversight on his part, the appendage would remain (it contains the water heater), and it would be built 4 feet above grade.

Mr. O'Brien asked if the petitioner was in agreement with the request for no construction between May 15<sup>th</sup> and September 15<sup>th</sup>. Mr. Richards said he was in agreement.

Mr. O'Brien said approval should be conditional upon meeting all the conditions set out in the Conservation Commission's letter of July 26, 2008.

**Moved** by Mr. Jack Lessard, seconded by Mr. Gebhart, to grant Petition 46-08 if all conditions in the Conservation Commission's letter of July 26, 2008 are met.

Mr. O'Brien 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.

47-08 The Petition of Dell-Steve Realty Trust for property located at 446 Winnacunnet Road seeking relief from Articles 8.2.3 and 8.2.6 to construct a seven-unit townhouse condominium where multi-family setback relief is needed. This property is located at Map 221, Lot 7 in a RB zone.

Attorney Peter Saari and Peter Ross came forward. Attorney Saari said when Mr. Ross purchased this property the question was what could be done with it. Mr. Ross elected to build the 7-unit condominium. Attorney Saari said there is a high water table on the property and Mr. Ross wants to avoid pumps if at all possible. As a result of that he is going to change the drainage. He will also keep all the parking inside the dwellings except for visitors parking. Attorney Saari went through the five criteria and said he felt they had been met.

*Questions from the Board*

Mr. Jack Lessard said he felt seven units was overbuilding.

*Comments from the Audience*

Terry Brunette, 40 Esker Road, was the only person who came forward. She said she had no concerns about the quality of the product. Ms. Brunette said she had recently purchased the lot behind this property. Her property sits downhill and she is concerned about drainage.

*Back to the Board*

Mr. Vic Lessard suggested chambers and said he felt holding ponds are a thing of the past.

Mr. Jack Lessard said it is very congested and he felt seven units was a lot.

Mr. O'Brien said he had no problem with the proposal except for the rear of the property where it appears the detention pond would drain to the rear of the property if it overflowed. Mr. O'Brien asked about the 10 foot setback on the East side. Mr. Ross said it was to the drip edge.

Attorney Saari said they had no objection to chambers, but there are advantages for detention ponds. Mr. Lessard said people don't take care of detention ponds. Mr. O'Brien asked Mr. Ross if he wanted to go to chambers for drainage. Mr. Ross said he would have to know more about them and what they cost. Mr. Ross agreed to come back next month after he investigates this issue.

**Moved** by Mr. Vic Lessard, seconded by Mr. Gebhart, to postpone the hearing on Petition 47-08 until the meeting on November 20, 2008 at which time the petition will be first on the agenda.

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

**BUSINESS SESSION**

**Adoption of Minutes – September 18, 2008**

**Moved** by Mr. Gebhart, seconded by Mr. Provencal, to approve the Minutes of September 18, 2008, as amended.

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

**Adoption of Minutes of Non-Public Session – September 18, 2008**

**Moved** by Mr. Gebhart, seconded by Mr. Provencal, to approve the Minutes of the Non-Public Session of September 18, 2008, as amended.

Mr. O'Brien called for a roll call vote. The vote was as follows:

O'Brien	Yes
Gebhart	Yes
Provencal	Yes
J. Lessard	Abstain
V. Lessard	Abstain

Motion passed.

There being no further business, Mr. Provencal **moved**, seconded by Mr. Jack Lessard, to adjourn the meeting.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Joan Rice  
Secretary