

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
September 29, 2011**

Members Present

Bill O'Brien, Chairman
Jack Lessard (Alternate)
Vic Lessard
Tom McGuirk
Ed St. Pierre

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

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

Chairman O'Brien introduced the members of the Board.

The Pledge of Allegiance was said.

PETITION SESSION

30-11 The petition of John Flood for property located at 969 Ocean Boulevard seeking relief from Articles 1.3, 4.5.3 and 4.5.2 and Article VIII 8.2.3 to remodel existing grandfathered three-unit apartment which revealed extensive damage due to rot. Applicant requests permission to remove everything except the roof and to rebuild on the same footprint. The property is located on Map 152, Lot 016 in a RB zone.

John Flood, Petitioner, and Roger Brown, who completed construction drawings for the project, came forward. Mr. Flood said this property was built in 1940 and he purchased it in 1983. A remodel was done at that time. The property is now badly in need of redoing. Mr. Brown said nothing will change with the footprint and the roof will remain the same. Many problems were found with rot. Mr. Brown said they want to pick up the pieces and restore the property to what it was previously. Mr. Flood said his neighbors have been very supportive. Mr. Brown went through the five criteria and said he felt they had been met.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

Mr. Stew Fanning, 4 Smith Avenue, came forward. Mr. Fanning said he was very much in favor of this project. He said it will improve the neighborhood.

Back to the Board

Mr. V. Lessard said he had no objections to this petition. Mr. St. Pierre said he thought it would be an improvement to the neighborhood as long as it stays within the original footprint.

Chairman O'Brien said many letters of support from neighbors and abutters have been received.

Moved by Mr. V. Lessard and seconded by Mr. McGuirk, to grant Petition 30-11.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

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

BUSINESS SESSION

Adoption of the Minutes

Moved by Mr. J. Lessard and seconded by Mr. St. Pierre, to approve the Minutes of September 15, 2011.

VOTE: 4-0-1 (V. Lessard). Motion passed.

Motion for rehearing of Petition 18-11 for property located at 135 Little River Road

Chairman O'Brien said the Petition for Rehearing was received by the Board within the proper time frame. He said the Board is also in possession of two subsequent letters, one from the attorney for the original petitioner and another from the individual who asked for the rehearing. Chairman O'Brien said only the appeal for a rehearing letter would be considered at this meeting.

The Board members then reviewed the appeal letter.

Mr. McGuirk said he did not see anything new in the appeal letter or anything that would suggest Board error. Mr. V. Lessard said he saw nothing new. Chairman O'Brien said he reviewed it from the perspective of looking for an oversight or error by the Board and he saw none. Chairman O'Brien also stated that the content of each paragraph in the appeal letter was discussed at the second meeting in August. He saw nothing new in the appeal letter that would make him believe that a rehearing should be held.

Mr. Schultz said this petition has already been submitted to the Planning Board and will be discussed at their next meeting. This was approved with the condition of maintaining the existing fir tree buffer and the addition of a vegetation buffer further along the remaining north side of the property. It is important to make sure that the condition and the description is shown on the plan.

Moved by Mr. McGuirk and seconded by Mr. St. Pierre, to deny the appeal for rehearing on Petition 18-11.

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

Discussion on McKeon Property (Surf Motel)

Mr. John McKeon and Attorney Peter Saari, Casassa & Ryan, came forward. Mr. McKeon said variances have already been granted for this project and they are only looking for input from the Board. The original plan was to build a five-story building having retail on the ground level. However, the economics have become bad and show no sign of improving in the near future. Therefore, the plans have been revised to contain only the retail level with no residential and no underground parking as a first phase. At a later date, the rest of the project would be started.

Doorways were discussed. Chairman O'Brien said the original approval was granted with the understanding that all doorway entrances must be like the doorway depicted in the far left retail unit. That is, the doorways must swing out according to code, but not encroach on the pedestrian walkway. Therefore all doorways would have to be recessed into the building since the east wall will be sitting on the property line rather than the normal 4 feet setback. Mr. McKeon said they agree to do this.

Chairman O'Brien said he had no problem with what the McKeons are doing. Mr. St. Pierre asked about substantial completion. Mr. Schultz said he would consider the construction of the retail level as substantial completion underway and the variances are secured for the plan originally approved by the Board. Mr. St. Pierre said this is a good start and fits into the master plan. Chairman O'Brien asked that the change in the doorways be noted on the plan before submission of the new plan to the Planning Board.

Adjournment

Moved by Mr. McGuirk and seconded by Mr. V. Lessard, to adjourn the meeting at 7:53 p.m.

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

Respectfully submitted,

Joan Rice, Secretary