

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
November 15, 2012**

Members Present

Bill O'Brien, Chairman
Vic Lessard
Jack Lessard
Bryan Provencal
Ed St. Pierre

Others Present

Joan Rice, Secretary

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

The Pledge of Allegiance was said.

Board members were introduced.

PETITION SESSION

46-12...The petition of John & Anne Maratta through Michael Veltsos for property located at 66 Kings Highway, Unit 7 seeking relief from Articles 8.2.3 and 4.5.2 and 4.5 Footnote #12 to request the demolition of existing structure, new construction on same "footprint" of existing structure with added second floor. This property is located on Map 210, Map 25 and in a RB Zone.

John Maratta, Michael Veltsos and Attorney Valhouli came forward. Attorney Valhouli said the petitioner seeks to construct a new two-story residential structure on the same footprint. The new home will be two feet larger. The new structure will be similar in character to all other structures within the complex and has been approved by the association. Attorney Valhouli went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the front deck would move into the common area. Attorney Valhouli replied that the end of the deck would remain the same; however, the house will be two feet closer to the common area.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Chairman O'Brien asked why they couldn't move the structure 1-1/4 feet to the north. This would be more in line with the rear of most of the other units. Attorney Valhouli said this could be an issue with the association. Chairman O'Brien said if it is moved 1-1/4 feet the side setback would be met; and according to the submitted plot plan there is ample room to the north. Attorney Valhouli said in that case a variance would not be needed. The petitioner agreed to do this and therefore, they would not be asking for relief from 4.5.2.

Moved by Mr. V. Lessard and seconded by Mr. Provencal to approve Petition 46-12 for relief from 8.2.3 and 4.5 Footnote #12; relief from 4.5.2 is not granted.

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

Vote: 5 yes, 0 no. Motion passed unanimously.

47-12...The petition of James Trainor for property located at 15 O Street seeking relief from Article 1.3, 4.5.2, and 8.2.3 to re-configure a first floor living room and expand two 2nd floor bedrooms by combining them with two existing 7 foot wide bedrooms and building over an existing roof area where the building is non-conforming and does not meet setbacks. This property is located on Map 293, Lot 170, and in a BS Zone.

James Trainor, Petitioner, and Attorney Peter Saari, Cassasa & Ryan, came forward. Attorney Saari said Mr. Trainor's contractors have been working on the property in preparation of work. This property is in poor shape.

Mr. V. Lessard said he had looked at the property and it is unsafe in its present condition. It should be torn down and a new structure built which would also result in more parking. Mr. Trainor agreed.

Chairman O'Brien asked the petitioner if he would like to withdraw and submit a new petition. Attorney Saari said they would agree to do this.

Moved by Mr. St. Pierre and seconded by Mr. Provencal, to allow Petition 47-12 to be withdrawn without prejudice. Petitioner will submit a new petition for the next meeting on December 20, 2012 and be first on the Agenda.

Vote: 5 yes, 0 no. Motion passed unanimously.

48-12...The petition of Patricia Duquette through Brian Kent of R.N.B. Builders, LLC for property located at 17 J Street seeking relief from Article 1.3 and Article 4.5.1 Front Setback to request a deck extension 2nd Floor left side over the lower deck space. This property is located on Map 290, Lot 140 and in a BS Zone.

Brian Kent, Builder, came forward. Mr. Kent said they would like a deck extension on the 2nd floor on the left. This would create usable space above the existing area and would enhance the look. Mr. Kent went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman O'Brien asked if they would be going from the front post to just beyond the window going backwards (9-1/2 feet). Mr. Kent said that was correct. Mr. V. Lessard asked if the electrical would be relocated. Mr. Kent said it would.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Provencal and seconded by Mr. J. Lessard, to approve Petition 48-12.

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

Vote: 5 yes, 0 no. Motion passed unanimously.

49-12...The petition of John F. Krizanek for property located at 359 Ocean Boulevard, Units 22-24 seeking relief from Article 1.3 and Article VIII, Section 8.2.3 to allow for a dormer to the third floor and add approximately 3-1/2 feet to structure height, allowing for additional insulation and roof weight load rating. Addition will be within existing structure footprint. This property is located on Map 275, Lot 048 and in a BS Zone.

John Krizanek, petitioner, and his daughter Lori Brown came forward. Ms. Brown said this would allow greater use of the property and would be within the existing height ordinance limits and would be consistent with area properties. Ms. Brown went through the five criteria and said she 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

Chairman O'Brien asked how many units are in the structure. Ms. Brown replied that there are three units now and it would remain at three units after the upgrades.

Moved by Mr. V. Lessard and seconded by Mr. J. Lessard, to grant Petition 49-12.

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

Vote: 5 yes, 0 no. Motion passed unanimously.

50-12...The petition of William and Ann Nutter for property located at 10 James Street seeking relief from Articles 1.3, 4.5.1 and 4.5.2 to allow for removal of existing third floor dormer and porch and replace with full third floor and porch and removal of second floor porch and installation of covered entryway over existing front steps. This property is located on Map 134, Lot 96 and in a RA Zone.

William Nutter, petitioner, and Attorney Robert Casassa, Casassa & Ryan, came forward. Attorney Casassa said the petitioner would be building upon the existing footprint and removing non-conforming structures and replacing with structures more conforming to the front setback while only minimally increasing the side set setback nonconformity. Attorney Casassa said Mr. Nutter has spoken to both abutters. The abutter to the east has no problems, but the abutter to the west has some concerns regarding her view being compromised. Attorney Casassa 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

Norma Collins, 6 James Street, came forward. She said she is the abutter to the west of this property. Ms. Collins said she commends Mr. Nutter on what he is trying to do. However, the roof over the porch has posts that will significantly impact her view. She said she would also object to the roof line if it obstructs her view. Ms. Collins cited an incident in May, 2010 where the Board denied a petition that would obstruct the view of an abutter.

Chairman O'Brien said that decisions made by the Board on one property have no carry-over to decisions on another property.

Mr. V. Lessard asked if there was a way to compromise so that Ms. Collins' view is not impacted. Mr. Nutter said he believed her problem is with the posts that supported the roof over the entrance way. They are using the posts to give the house a more attractive look. Attorney Casassa said there were probably ways to compromise, but the look would not be the same.

Back to the Board

Mr. V. Lessard said he would like to see something worked out that would satisfy Ms. Collins.

Chairman O'Brien said when driving past the property he saw an air conditioning unit on the right side. He asked if it would be put at the rear of the house since it does not appear on the plot plan. Mr. Nutter said it would be at the rear.

Chairman O'Brien asked about the two sheds. Only one is allowed. None are shown on the revised plot plan submitted yesterday and dated November 12, 2012. Attorney Casassa said that was an error by Mr. Cote. Chairman O'Brien said if Mr. Nutter chooses to keep one legal shed, the plot plan must be corrected and the one that does not meet setbacks must be removed from the site.

Chairman O'Brien asked if it was worth having Mr. Nutter speak again with Ms. Collins. Attorney Casassa said they had met for an hour today so the answer is no.

Mr. St. Pierre said if the porch roof line was raised it might be a compromise. Chairman O'Brien asked if the same support structure that supports the second floor deck could be used for coverage over the stairs. Mr. Provencal said if the roof was brought out 2-1/2 feet without the posts it would not be unattractive; four feet would look bad. Mr. St. Pierre said he thought it was a great project, but some compromise is called for. Mr. V. Lessard said he would be in accord if they built without the posts. Ms. Collins said she would then agree.

Moved by Mr. Provencal and seconded by Mr. St. Pierre, to grant Petition 50-12 with the stipulation that petitioner works either within the second floor deck minus the posts or the roof can be cantilevered with no posts. There must be only one shed, the shed in the northeast corner must be removed; the air conditioner moved to the rear portion of the house; and a new plot plan created.

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

Vote: 5 yes, 0 no. Motion passed unanimously.

51-12...The petition of 230 Exeter Road, LLC for property located on 230 Exeter Road seeking relief from Articles 2.3.7 (c) (1), 4.2 (including Footnote 22) and 4.3 to subdivide a greater than 13.6 acre tract of land into three house lots, each having access on Exeter Road and with more than the required lot area but with less than the required frontage, lot width and upland, with the remaining land, which is roughly half wetland and half upland, placed under a Conservation Easement. This property is located on Map 68, Lot 7.2 and in a RA and G Zones.

Attorney Peter Saari and Joe Coronati, Jones & Beach, came forward. Attorney Saari said the petitioner's intent is to protect the wetlands. They decided to do three lots in the front and leave the entire back section under Conservation management. Frontage and lot width are not met. This is the least impacting and most reasonable layout possible. Mr. Coronati gave an overview of the area.

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.

Comments from the Audience

Ken Hubbard, 19 Langdale Drive, came forward. Mr. Hubbard said this would be a 50% reduction in the zoning requirements for single family dwellings. This creates an "almost condo" density with the frontage. Mr. Hubbard said reduction in the permeable surface will result in water problems. This project is unreasonable because the best and highest use would be to have one single family dwelling. There could also be a significant traffic impact.

Diandra Sanphy, 34 Langdale Drive, came forward. Ms. Sanphy also expressed concerns with water drainage. She said she is not in favor of this project.

Ann Hubbard, 19 Langdale Drive, came forward. Ms. Hubbard said the neighbors' hardship would be considerable if water problems occur. The variances the petitioner is looking for would be detrimental to the abutters.

Justin Wilcox, 15 Langdale Drive came forward. Mr. Wilcox said he agreed with Mr. Hubbard. Mr. Wilcox said it doesn't make sense to build three more houses when there are so many for sale in Hampton, some of which are in foreclosure. There will also be a lot of traffic issues.

Steve Barbieri, 23 Langdale Drive, came forward. Mr. Barbieri said he agrees with the prior speakers and is opposed to this proposal.

Corrine Baker, 244 Exeter Road, came forward. Ms. Baker said this is really an attempt to put three houses on a single conforming lot. This will negatively affect the value of surrounding homes.

Seth McNally, 226 Exeter Road, came forward. Mr. McNally said traffic congestion is a big issue. Residents on St. Cyr will also be affected. Mr. McNally said he would like to see a traffic study.

Jean Mohan, 27 Langdale Drive, came forward. Ms. Mohan requested that the Board deny this petition based on the previous comments.

Claire Ross, 246 Exeter Road, came forward. Ms. Ross said she is part of a family owned company buying this property and is also an abutter. Ms. Ross said they are a company that wants to build three homes that will enhance the neighborhood and includes a gift to the Town of Hampton of 10 acres.

Darcy Wilcox, 15 Langdale Drive, came forward. Ms. Wilcox said she is strongly opposed to the petition. The neighborhood will not in any way receive benefit. It also jeopardizes fresh water wetlands.

Joanne Hernon, 11 Langdale Drive, came forward. Ms. Hernon said when they bought their home they were told that this land would not be developed. Ms. Hernon said her main concern is water coming into her home.

Back to the Board

Attorney Saari said right now there is no Conservation easement. A hotel or condos could be built. This proposal protects the wetlands and the abutters will not be affected.

Mr. Coronati said all yards on Langdale drain onto the petitioner's property. The three homes would drain into the wetlands, not onto Langdale.

Mr. St. Pierre asked if the petitioner was confident they could get access to the uplands in the center. Mr. Coronati said yes and granting all this property to the Town is the only way to protect it.

Mr. Provencal said he did not think there is enough frontage for each of the three houses. Two might be a possibility, but not three.

Mr. V. Lessard said he felt the lots are much too small regarding frontage. Mr. J. Lessard agreed that the three lots were way too small. Chairman O'Brien said he felt the spirit of the ordinance was not being met by putting three house lots with 72 feet of frontage along Exeter Road and also believed it was contrary to the public interest.

Moved by Mr. V. Lessard and seconded by Mr. Provencal, to deny Petition 51-12.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had not been met.

Vote: 5 yes, 0 no. Motion to deny the application was passed unanimously.

BUSINESS SESSION

Adoption of Minutes

Moved by Mr. V. Lessard and seconded by Mr. Provencal, to approve the Minutes of September 20, 2012, as amended.

Vote: 4 yes, 0 no, 1 abstention (Provencal). Motion passed.

Moved by Mr. V. Lessard and seconded by Mr. St. Pierre, to approve the Minutes of October 18, 2012.

Vote: 4 yes, 0 no, 1 abstention (Provencal). Motion passed.

Adjournment

Moved by Mr. V. Lessard and seconded by Mr. J. Lessard, to adjourn the meeting at 10:15 p.m.

Vote: 5 yes, 0 no. Motion passed unanimously.

Respectfully submitted,

Joan Rice
Secretary