HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
April 19, 2012

AMENDED

Members Present
Bill O'Brien, Chairman
J. Lessard (Alternate)
Vic Lessard
Tom McGuirk
Bryan Provencal
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

03-11 ... Continued rehearing of Ocean Crest Condominium Association for property located at 190 Kings Highway seeking relief from Article XVI, Sec. 2 to request a variance to allow a wireless telecommunications facility in the Business Seasonal zone. This property is located on Map 168, Lot 2 and in a BS Zone.

At this time Ed St. Pierre stepped down from the Board and Jack Lessard, Alternate, stepped up to the Board.

Thomas Hildreth, attorney for the Petitioner, and Chip Fredette came forward. Attorney Hildreth said they were applying for a variance to place a wireless telecommunications facility on the roof of the Ocean Crest Condominiums. He introduced Todd White, Construction Manager, and Kevin Mosier, Engineer, from Verizon.

Attorney Hildreth said there are four existing telecommunications facilities in Hampton. Verizon is on three of the four existing towers. None of the existing facilities are in the Town's telecommunications district. Attorney Hildreth said this would not be a tower. It will be antennas only on the roof. The only elements visible are the 12 antennas in three groups of four. They will be connected by cables that run horizontally on the roof. Verizon has leased space from the condo for equipment which will be inside the building. There will also be an emergency generator on the ground.

Attorney Hildreth showed coverage maps and pointed out the gap this facility would fill, primarily along the beach. He said there will still be a considerable gap in North Hampton when this coverage is put in.

Attorney Hildreth said this facility will operate just like the other four sites. It will be unmanned and will not generate traffic or noise. It will be passive and unobtrusive. Attorney Hildreth then showed various roads where improvement will be made. Attorney Hildreth then went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman O'Brien asked if there was any reason why the generator can't be placed on the other side of the building. Mr. Fredette said the location was preferred by Ocean Crest because it did not impede access into or out of garages. Chairman O'Brien said the application is for a BS zone and the generator is in a RB zone. The representative from Ocean Crest said they would be willing to move it to the other side.

The location of the antennas was discussed. Chairman O'Brien asked why they could not be moved half way back. Mr. Mosier said that could cause a loss of signal. Chairman O'Brien asked if a structural analysis had been done. Mr. Fredette replied that it had not. Chairman O'Brien asked why a cupola or something similar to hide the antennas had not been considered. Mr. Fredette said it did not work at this site. Chairman O'Brien said he would prefer putting in an actual tower dead center in the Hampton coverage gap area near Ice Pond.

Chairman O'Brien said the Fire Chief and Town Manager had expressed some concerns. Mr. Schultz said they need to see the charts presented at this meeting to see how the northeast portion is being addressed. Chairman O'Brien asked what Verizon's plans were to cover the gap that will still be left when this facility is operational; from Mill Road to Woodland Road. Mr. Fredette said they have no immediate plans. Mr. Provencal asked if another carrier is covering the gap that will be left. Mr. Mosier said it is being covered by another carrier.

Mr. McGuirk discussed the lack of coverage at the beach. He said it is a very real safety concern. Mr. Mosier said the Ocean Crest site will take care of this problem. Mr. Lessard asked what coverage could be guaranteed. Attorney Hildreth said the status quo is going to be better.

Comments from the Audience

Jay Diener, 206 Woodland Road, said he was conflicted about this application. He said he doesn't have coverage and this installation will not solve his problem, however, it is a step in the right direction.

Joe Pierzynski, 554 High Street and licensed appraiser, said the value of surrounding properties will decrease because of the antennas. Mr. Pierzynski said he did not believe the

Zoning Board had the authority to rule on this application. He also said he did not feel the five criteria had been met.

Chuck Rage, 121 Ocean Blvd., said he agreed with Mr. McGuirk about the coverage problem at the beach. Mr. Rage said he was in favor of this application.

June Black, abutter, said she would prefer the generator on the other side.

Christy Ianuizzo said she felt the antennas and generator should be within the courtyard.

Doug Rita, 555 High Street, said he was concerned about aesthetics.

Dave Sullivan, 190 Kings Highway, said coverage is definitely needed on the beach.

Jack McElvy, 190 Kings Highway, said the residents of Ocean Crest take enormous pride in their building and he does not believe this will be unattractive.

Back to the Board

Mr. McGuirk said he agreed with Mr. Diener that this is a step in the right direction. Mr. J. Lessard said he agreed.

Moved by Mr. Provencal and seconded by Mr. McGuirk, to grant Petition 03-11 as submitted with the stipulation that the generator be moved to the BS section and that there be no more than three antenna locations consisting of four antennas and not enclosed in a structure.

Chairman O'Brien asked the Board if they felt the five criteria had been met. Members agreed that they had with the exception of Chairman O'Brien who said he felt the antennas should be enclosed in a stealth structure.

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

At this time Mr. J. Lessard stepped down from the Board and Mr. St. Pierre stepped up to the Board.

16-12 ... The petition of John D. Lovetere for property located at 382 Exeter Road seeking relief from Article IV, Section 4.2 (including footnote 22) and 4.3 to subdivide the tract into three lots of 1.69, 2.93 and 4.13 acres served by a common driveway with less than the required frontage, square size and lot width and where driveway does not meet all of the Town's road specifications. This property is located on Map 51, Lot 8 and in a RAA Zone.

At this time Mr. V. Lessard stepped down from the Board and Mr. J. Lessard, Alternate, stepped up to the Board.

Attorney Peter Saari, Casassa & Ryan, and Joe Coronati, Jones & Beach, came forward. Attorney Saari said this is a fairly large tract of land on Exeter Road west of I95. The petitioner is proposing three lots and three houses. This will have a private road. They are not looking for any variances regarding the wetlands as that will be decided by the Planning Board and Conservation Commission. A common driveway will service all three lots. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman O'Brien asked about access to the area which is conservation land. Attorney Saari said this would be worked out with the Conservation Commission. Chairman O'Brien asked about the width of the driveway. Mr. Coronati said it could be widened enough to allow two cars to pass.

Comments from the Audience

Mr. V. Lessard said he was in favor of this application.

Skip Batchelder, 400 Exeter Road, said he was opposed to this project. It is moving in on open space and many others could do the same.

Back to the Board

Mr. St. Pierre said he did not like the layout and private road. Chairman O'Brien said he would prefer the road be a regular road even though it would be the Town's responsibility.

Mr. McGuirk said there is a project like this in North Hampton. It is very nice and contributes substantially to the tax base. Chairman O'Brien asked if the petitioner would follow through with the Conservation Commission. Attorney Saari said they would.

Moved by Mr. McGuirk and seconded by Mr. Provencal, to grant Petition 16-12.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had with the exception of Mr. St. Pierre who had reservations about the layout and road.

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

At this time Mr. V. Lessard and Mr. Provencal stepped down from the Board and Mr. J. Lessard, Alternate, stepped up to the Board.

17-12... The petition of Albert R. Fleury for property located at 6 Johnson Avenue seeking relief from Article III, Sections 3.26(a) to remove existing dwellings and create parking area on parcel. Parcel abuts existing parking area for patrons of Wally's Pub. This property is located on Map 293, Lot 65, and in a RB Zone.

Albert Fleury and Attorney Ted Morris came forward. Attorney Morris said they want to create a parking area which will be surrounded by a high quality fence. He said they have met with the Hampton Beach Area Commission who is fully in support of this project. Attorney Morris went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman O'Brien said he was concerned about Lot 72 even though this petition is only for Lot 65. Mr. St. Pierre said he questions whether the abutters to Lot 72 should have been noticed.

Mr. McGuirk asked if this was being done in conjunction with the remodeling of Wally's. Attorney Morris replied that it was. Mr. McGuirk expressed concern about sound issues. Attorney Morris said the sound area will be fully insulated and the fence will buffer sound. Mr. McGuirk asked about lighting. Mr. Fleury said there will be all new motion and flood lights.

Due to the 11:00 p.m. time constraint, it was the consensus of the Board to hear Petitions 18-12 and 19-12 on Thursday, April 26, 2012 at 7:00 p.m. in the Selectmen's Meeting Room. It was also decided to continue the hearing on Petition 17-12 at next month's meeting on Thursday, May 17, 2012 at which time it will be first on the agenda.

Mr. St. Pierre said he felt the petitioners for Petition 17-12 should re-notice their application to include Lot 72. Chairman O'Brien said that is their decision.

Continuation

At 11:00 p.m., the hearing was continued to Thursday, April 26, 2012 at 7:00 p.m.

Respectfully submitted,

Joan Rice
Secretary