

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - amended
August 15, 2013**

Members Present

Vic Lessard, Chairman
Bryan Provencal, Vice Chairman
Ed St. Pierre, Clerk
Tom McGuirk
Bill O'Brien

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

Chairman Lessard called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

PETITION SESSION

Chairman Lessard said there was a very full agenda and any petitions not heard by 9:45 p.m. will be rescheduled to next Thursday, August 22, 2013.

25-13...The petition of Samir Shaikh c/o Hampton Harbor Hotel for property located at 210 Ashworth Ave. seeking relief from Article 1.3 and Article 4.5.2 to construct a new egress stair to make the existing structure/occupancy more conforming than it currently is. The requirements of the new egress stair and location are based on multiple Fire Engineer and Town of Hampton NH Fire Department reviews. The addition of the new stair system is within 4' of the property line and eliminates an existing covered parking spot. Based on the existing units and parking requirements there are 23 spots required and 23 spots provided. There are 24 parking spots prior to the proposed stair addition, the reduction due to the new stair does not render the property more non-conforming. This property is located on Map 295, Lot 127 and in a BS Zone.

Samir Shaikh, Petitioner, and Shannon Elder, architect, came forward. Mr. Elder said they are asking for a parking variance.

Questions from the Board

Mr. O'Brien said he had no problem with the project. His recommendation would be to have 9' x 18' spaces around the rental office. The plan should be updated to show this.

Mr. O'Brien also noted that for the second time, this property is advertised as being on Map 295. Mr. Schultz said this was okay as you have to put 295 and 296 together.

Comments from the Audience

There were no comments from the audience.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. Provencal, to grant Petition 25-13 with the condition that the map be revised to show 9' x 18' parking spaces around the rental office.

Chairman Lessard asked the Board if they felt the five criteria has been met. All members agreed that they had.

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

26-13...The petition of Seacoast Crossroads Realty Company, LLC for property located at 298 Exeter Rd. seeking relief from Article III as to Section 3.8; Article IV as to Section 4.7; and Article VI as to Sections 6.1 and 6.3.1 to construct six multi-family buildings, each with 25 one and two-bedroom units, where variances are needed for use, number of units per building, and parking. This property is located on Map 067, Lot 001 and in an I Zone.

Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said this is one of the most unique properties in town. It is basically an island. It is zoned industrial. There are extensive wetlands and it is heavily wooded. There will be a 40' buffer all around the site. Variances are needed for use, number of units and parking.

Joseph Valle, The Valle Group, said this land was used for a company retreat at one time, but has not been used for the past 12 years. It is part of the Liberty Lane holdings. Many people have said there is a need for more residential so they have teamed up with Northland Residential who has a lot of experience.

Corey Colwell, MSC Civil Engineers, discussed the site plan. He said there are three pockets of wetlands, but they are isolated. There is a cemetery and there is a 25' buffer from that. The owners also want to save as many trees as possible. This project would have six buildings and contain a total of 150 units. The buildings will be close to 50' in height and there would be three floors. A pedestrian sidewalk would be in front of each building. They are proposing 268 parking spaces. This is a ratio of 1.78 per unit. It is possible to go to 335 spaces, but this would interfere with the buffer. All utilities are readily available. Storm water will be handled with rain gardens and pervious pavement.

James Gove, Gove Environmental, discussed the wetlands. He said they are seasonal and very shallow. There are 26,000 square feet of wetlands and some will have to be impacted. Mr. St. Pierre asked if the Conservation Commission had been consulted. Mr. Gove said they have not yet done that.

Jack Dawley, Northland Residential, said parking ratios of 1.5 to 1.75 are what they usually work with. Normally 25% of residents are single people and there is never 100% occupancy at any given time.

Attorney Saari went through the five criteria and said he felt they had been met.

Back to the Board

Chairman Lessard asked who would be in control of the property. Attorney Saari said it would be the Montrone family.

Comments from the Audience

Patty Robinson, St. Cyr, said she felt this project would have a negative impact on the town because of traffic on Exeter and Lafayette Roads, impact on schools, water and sewer, etc. She said she did not understand how this petition made it this far. Mr. O'Brien replied that this Board had not seen these plans until a few days ago. Mr. Provencal noted that traffic is a Planning Board issue. Mr. McGuirk said residents of this project will also be going to 101 and I95. Mr. Valle said that when they looked at uses for this site, residential would have the least impact.

Mark Robinson, St. Cyr, said he was concerned about the impact on Falcone Circle. This is zoned industrial and jobs are needed.

Mark Gorayeb, St. Cyr, said the most fundamental issue is that the zoning master plan is in the public interest. This petition is in opposition to this master plan. Industrial would be a positive and residential would be a negative. This will also impact property values. Since this project changes the master plan it should go before the Town for a vote. They have not met the five criteria.

Sunny Kravitz, St. Cyr, said the biggest concern is traffic on Exeter Road.

Diana Hayes, 237 Exeter Road, said her concern was the number of units. Even a one-bedroom unit can have two cars.

Attorney Saari said there are 10 acres of land which could be used for many things that could cause much more traffic, including trucks, than having a residential development.

Back to the Board

Mr. McGuirk said the town is in need of rental units. It is the Zoning Board's job to give a variance, but not to write the zoning. Mr. McGuirk said he feels it is a great project and this

property has been vacant for a number of years. Mr. McGuirk said he would abstain because this should go to the Town for a vote.

Mr. O'Brien said he agreed with Mr. McGuirk and felt the petitioner should withdraw and consider being on the ballot to rezone. Mr. O'Brien said he would not vote to grant this petition at this time.

Mr. St. Pierre said he was not sure this was conducive to residential and would vote against it. He said he would encourage the petitioner to go to the voters.

Mr. Provencal said he would like to see at least two parking spaces per unit. What is being proposed is not enough.

Attorney Saari agreed that they would withdraw without prejudice.

Moved by Mr. Provencal, seconded by Mr. O'Brien, to allow the applicant for Petition 26-13 to withdraw without prejudice.

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

27-13...The petition of Grigor & Juela Qirjazi for property located at 445 Lafayette Rd. seeking relief from Dimensional yard variance Article 1.3 and 4.5.2 to add concrete pad to install 6' x 14' walk-in refrigeration unit. This property is located on Map 160, Lot 013 and in an RB Zone.

Grigor Qirjazi, Petitioner, came forward. Mr. Qirjazi 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

John Nyhan, Experience Hampton, said he would support this petition. Greg's Pizza has done a lot for our community and it is a great business. Mr. Nyhan asked for the Board's approval.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. Provencal, to grant Petition 27-13.

Chairman Lessard asked the Board if they felt the five criteria has been met. All members agreed that they had.

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

28-13...The petition of Living Trust – Christopher Corsones Trustee through William Reddy for property located at 458 Winnacunnet Rd. seeking relief from Article 4.11 and 4.2 to make existing two-family legal. This property is located on Map 222, Lot 76 and in an RB Zone.

William Reddy, Petitioner, came forward. He said he bought this property one month ago. It is an existing two-family and he would like to make it legal. They would not be changing the footprint of the existing building and there are two-family homes and apartments in the surrounding neighborhood. Mr. Reddy said there would be new siding, deck and landscaping and this would enhance the property. Mr. Reddy went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Schultz said the previous owners got permits to add a second kitchen to this property and they agreed that it would stay a one-family. This could easily be a two-family. Mr. Reddy was told when he purchased the property that he would need variances to make it legal as a two-family.

Mr. O'Brien asked if everything was up to code. Mr. Schultz replied that it was.

Mr. St. Pierre asked if it was Mr. Reddy's intention to keep this as a rental property. Mr. Reddy said it was.

Mr. O'Brien said there was not an assessor's map showing parking. Mr. Provencal said the Board needs to see a parking plan in order to vote.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. McGuirk, seconded by Mr. Provencal, to postpone the hearing on Petition 28-13 and have the applicant submit a site plan showing parking. This petition will be heard on September 19, 2013 and will be first on the Agenda.

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

At this time the Board took a five minute break.

29-13...The petition of Peter D. Ross for property located at 580 Winnacunnet Rd. seeking relief from Articles 4.1.1, 4.4, 8.2.1, 8.2.3, 8.2.4 and 8.2.6 to completely demolish the existing motel and construct 12 one-bedroom and 11 two-bedroom garden style condominium units which will require variances for recreation area, height, setbacks, and number of units. This property is located on Map 235, Lot 007 and in a BS Zone.

Attorney Peter Saari and Joe Coronati, Jones & Beach, came forward. Mr. O'Brien said this was denied before and an explanation is needed of what is different.

Attorney Saari said they tried to find some more parking spaces, but could not. Now the number of units has been decreased and parking is being shown underneath. This eliminated the need for parking variances. The height has also been decreased.

Moved by Mr. McGuirk, seconded by Mr. St. Pierre, that the application on Petition 29-13 is different than application submitted previously.

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

Mr. Coronati discussed the plan. The first floor is entirely a parking garage. A retaining wall has been added which will help abutters with snow. A dumpster has been moved out of the view of abutters. There is one less elevator in the structure and walkways have been simplified.

Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked for dimensions of height of building and also the cupola. Mr. Coronati said the roofline is 52.4 feet and the cupola 61.6 feet.

Comments from the Audience

Alan Brucatto, 520 Ocean Blvd., asked about parking. Mr. Coronati said there will be two spaces per unit.

Doug, Bennett, Winnacunnet Road, said he felt this project would be good for the neighborhood.

Back to the Board

Mr. McGuirk said parking was a huge issue before. Mr. McGuirk said this was a favorite of his design wise.

Mr. O'Brien said the pool is being moved into the buffer zone. The Conservation Commission needs to approve this. Otherwise parking had been his only problem.

Mr. St. Pierre said he felt the building is very attractive.

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to grant Petition 39-13 with the condition that the moving of the pool onto the 50' buffer zone be left to the discretion of the Conservation Commission.

Chairman Lessard asked the Board if they felt the five criteria has been met. All members agreed that they had.

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

30-13...The petition of Charles Rage MBR Segar LLC for property located at 119 Ocean Blvd. seeking relief from Article 6.3.9 to seek variance for off-site parking, to be located at 6 I Street. This property is located on Map 290, Lot 022 and in a BS Zone.

Charles Rage and Alex Ross, Ross Engineering, came forward. Mr. Ross said this project involved the removal of an older building and the construction of a new building. Currently this has no on-site parking. Parking will be provided at a remote location on I Street. The Planning Board has approved the plans. Mr. Ross went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the building contained hotel rooms. Mr. Rage said yes and that as a hotel owner he is aware that there is a huge need for more hotel rooms in the area. Mr. St. Pierre asked if these would be turned into condos. Mr. Rage said they have no intention of doing so. Mr. McGuirk agreed that more hotel rooms are needed.

Mr. O'Brien asked if there was access to the roof from both sides. Mr. Ross said there was. Mr. O'Brien said he felt there was not enough parking on I Street and perhaps easements are needed. Mr. Rage said two lots are leased from the Town and, therefore, easements cannot be granted.

Mr. Schultz said Mr. Rage should come back to the Board for the number of parking spaces he needs. Mr. Rage agreed to withdraw without prejudice.

Moved by Mr. O'Brien, seconded by Mr. Provencal, to allow the petitioner for Petition 30-13 to withdraw without prejudice and return to the September 19, 2013 meeting requesting correct parking variances.

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

31-13...The petition of Charles Rage for property located at 119 Ocean Blvd. seeking relief from Article 11.5A to seek variance for portable display of parasail brochures in a 4 ft. Tiki Style Cart. This property is located on Map 290, Lot 022 and in a BS Zone.

Charles Rage, Petitioner, requested to withdraw without prejudice.

Moved by Mr. McGuirk, seconded by Mr. St. Pierre, to allow the petitioner for Petition 31-13 to withdraw without prejudice and return to the September 19, 2013 meeting.

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

At this time Chairman Lessard announced that Petitions 32-13, 33-13 and 34-13 would be continued until Thursday, August 22, 2013.

BUSINESS SESSION

Adoption of Minutes

Moved by Mr. O'Brien, seconded by Mr. Provencal, to approve the Minutes of July 18, 2013 as amended.

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

Adjournment

There being no further business, the meeting was adjourned at 10:17 p.m.

Respectfully submitted,

Joan Rice
Secretary