

**HAMPTON ZONING BOARD OF ADJUSTMENT  
MINUTES  
September 19, 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 7:02 p.m.

The Pledge of Allegiance was said.

Board members were introduced.

**PETITION SESSION**

**28-13...**The continued petition of Living Trust – Christopher Corsones Trustee through William Reddy for property located at 458 Winnacunnet Rd. seeking relief from Article 4.1.1 and 4.2 to make existing two-family legal. This property is located on Map 222, Lot 76 and in an RB Zone.

No one came forward for this petition. Mr. Schultz said the petitioner was supposed to get site and parking plans to him, but did not. Chairman Lessard said he would call this petition again at the end of the meeting.

**36-13...**The petition of Carolyn M. Fluke for property located at 27 Diane Lane seeking relief from Article 1.3 and 4.5.1 to expand existing 3' x 4' front landing with stairs to a 6' wide x 14' long deck with stairs. Seeking relief from 20' setback limit. This property is located on Map 281, Lot 68 and in an RB Zone.

Carolyn Fluke, Petitioner, came forward. She said the proposed deck does not intrude on anyone's view and is still well within the boundary of her fenced yard. This deck would provide a shaded area where she could sit and enjoy the weather. Ms. Fluke 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*

**Moved** by Mr. McGuirk, seconded by Mr. Provencal, to grant Petition 36-13.

Chairman Lessard 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.

**37-13...**The petition of Max E, LLC; Thomas P. Levesque II for property located at 19 I Street seeking relief from Articles 1.3, 4.5.1 and 8.2.3 to remove and replace the existing front stairs and balconies with new. New front balconies will be smaller in size and more conforming. Remove all of the existing balconies on the East & West sides of the structure and remove the existing rear stairs and porches and rebuild with new stairs and porches to the third floor creating second means of egress for the second and third floor apartments. This property is located on Map 290, Lot 101 and in a BS Zone.

Tom Levesque came forward. Mr. Levesque said these improvements to the property would make it more conforming and much safer by providing a second means of egress for the second and third floor apartments. Mr. Levesque went through the five criteria and said he felt they had been met.

*Questions from the Board*

Mr. O'Brien asked how many units were in the building. Mr. Levesque replied that there are 10 units. Mr. O'Brien asked about the number of parking spaces. Mr. Levesque said there are more spaces than units. Mr. O'Brien asked if the stairs would remain the same distance from the property line. Mr. Levesque said they would.

Mr. Provencal asked if the steps would be 1.8' from the property line. Mr. Schultz said the existing is right on the property line. Mr. Levesque said the new decks will be closer to the building than the ones that exist now. Mr. St. Pierre said he felt this work would be an improvement to the property. Mr. O'Brien asked how wide the existing deck is. Mr. Levesque said it is 6 feet wide and would go to 4 feet. Mr. O'Brien said he would want the closest deck to be no closer to the property line than 1.5 feet.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

**Moved** by Mr. Provencal, seconded by Mr. St. Pierre, to grant Petition 37-13 subject to no portion being closer than 1.5 feet from the property line in the front of the building.

Chairman Lessard 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.

**38-13...**The petition of Constance Leima for property located at 887 Ocean Blvd. seeking relief from Article 1.3 and Article 4.5.2 to extend existing South Side for a mud room, aligning with existing 7' setback of the house. Add a second story deck and stairs to allow for a second emergency exit from second floor. This property is located on Map 168, Lot 79 and in a RA Zone.

Constance Leima, Petitioner, came forward. She said the extension of this property greatly enhances the continuous lines of this home. There is also a concern for safety and the added stairs will give a secondary exit from the second floor. Ms. Leima went through the five criteria and said she felt they had been met.

*Questions from the Board*

Mr. St. Pierre asked if the deck would be on the south side. Ms. Leima said it would be.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

Mr. O'Brien asked Ms. Leima if she was getting rid of the eave overhang. Mr. Schultz said the overhang will be gone.

**Moved** by Mr. Provencal, seconded by Mr. St. Pierre, to grant Petition 38-13.

Chairman Lessard 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.

**39-13...**The petition of Charles Rage for property located at 119 Ocean Blvd. & 6 I Street seeking relief from Articles 6.3.1, 6.3.2 and 6.3.9 to remove older building that was constructed in 1910 and construct a new three story building with 7 hotel suites and 2 retail spaces. There is currently no parking at the site so the proposal includes off-site parking at 6 I Street. This property is located on Map 290, Lots 22 & 81 and in a BS Zone.

Charles Rage, Petitioner, and Alex Ross, Ross Engineering, came forward. Mr. Ross said this site has no on-site parking, so parking will be at a remote location on I Street. Mr. Ross said last month the Board gave them recommendations as to how to lease this parking lot. This was done. Mr. Ross went through the five criteria and said he felt they had been met.

#### *Questions from the Board*

Mr. O'Brien said his concern is that this would set a precedent. Mr. O'Brien said there needs to be a deed restriction. He asked Mr. Rage if he would be willing to do a deed restriction. Mr. Rage said he would be willing to do so. Mr. O'Brien said the Town Attorney should also review. Mr. Rage agreed to this.

Mr. St. Pierre said he really liked the project.

#### *Comments from the Audience*

There were no comments from the Audience.

#### *Back to the Board*

**Moved** by Mr. Provencal, seconded by Mr. McGuirk, to grant Petition 39-13 with the stipulation that there be a deed restriction imposed on 6 I Street and 119 Ocean Blvd. to show a tie-in between parking and hotel and that it be reviewed by the Town Attorney.

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

**Vote:** 4 yes, 0 no, 1 abstention (O'Brien). Motion passed.

Chairman Lessard then called Petition 28-13. No one came forward.

Mr. McGuirk said he felt the Board had given the petitioner ample opportunity to answer questions from two months ago. Also the petitioner has not brought anything requested to the Building Department. He is an experienced property owner in the Town and has been

through this process many times. This would indicate that he does not want to move forward. Mr. St. Pierre said he agreed with Mr. McGuirk.

**Moved** by Mr. McGuirk, seconded by Mr. St. Pierre, to deny Petition 28-13.

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

### **BUSINESS SESSION**

Chairman Lessard said there is an Appeal on Decision for Petition 33-13 – Petitioner WDK Realty Trust, Warren Kelly, Trustee.

It was decided by the Board to hear this Appeal on Thursday, October 3, 2013 at 7:00 p.m. in the Selectmen’s Meeting Room.

### **Adjournment**

There being no further business, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Joan Rice  
Secretary