

**HAMPTON ZONING BOARD OF ADJUSTMENT**  
**MINUTES - Amended**  
**January 15, 2015**

**Members Present**

Bryan Provencal, Chairman  
Bill O'Brien, Vice Chairman  
Norma Collins, Clerk  
Ed St. Pierre  
Ken Lessard, Alternate

**Others Present**

Joan Rice, Secretary

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

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

**PETITION SESSION**

**01-15...**The petition of Thomas B. Power and Susan McDaniel for property located at 136 Little River Road seeking relief from Article 4.2 (including footnote 22) and 4.3 to subdivide a 1.2 acre parcel into two lots, with a common driveway. Each lot would have frontage on Little River Road and have sufficient size to satisfy the area requirements of both the RA Zone and the Aquifer Protection District but not the required frontage and lot width. This property is located on Map 147, Lot 29 and in the RA Zone.

Thomas Power and Susan McDaniel, Petitioners, and Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said the petitioners have owned this lot for 20 years. They want to carve a second lot. One lot will not meet frontage requirements and the other will not meet lot width requirements. There are many similar properties in the area. The hardship of the property is that it has more depth than width. There will be one curb cut with a common driveway. This is the only difference between this and other properties in the area. Attorney Saari went through the five criteria and said he felt they had been met.

*Questions from the Board*

Ms. Collins said her only concern was the shared driveway. Mr. St. Pierre said there is a bow in the lot line. He asked what this accomplishes. Mr. Power said they want to protect a large pine tree. This tree provides privacy for the front lot. However, if necessary the lot line could be straightened.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

Mr. St. Pierre said his main concern here is the creation of two non-conforming lots where presently there is one non-conforming lot.

Mr. O'Brien said he would rather the petitioners straighten the lot line and have a deed restriction. Mr. Lessard and Chairman Provencal agreed. Mr. Power said he had no problem doing that for the tree.

**Moved** by Mr. O'Brien, seconded by Mr. Lessard, to grant Petition 02-15 on the condition that the lots be divided 21 feet and 125 feet, that a common driveway be used and that the 21 foot line be a straight line. A revised plot plan should also be provided to the Board.

Chairman Provencal 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.

**02-15...**The petition of Jerome D. & Karen L. Prevost for property located at 3 Perkins Avenue seeking relief from Article IV, Section 4.5.2 (side setback) to construct exterior stairs to the east and the west of the existing building where the side setbacks cannot be met. This property is located on Map 293, Lot 29 and in the RB Zone.

At this time Mr. Lessard stepped down from the Board.

Chairman Provencal asked the petitioners if they wished to proceed with only four members on the Board. Petitioners agreed to proceed.

Jerome and Karen Prevost, Petitioners, and Attorney Stephen Ells came forward. Attorney Ells said the three-unit structure is almost complete. During the construction it was discovered that because of the flood plain elevation they were instructed by the Building Department to raise the building up by 18 inches. No one considered how this building would be used and accessed. It was decided that a couple of sets of stairs would be needed. Without the variances the petitioners cannot enter their building. Attorney Ells went through the five criteria and said he felt they had been met.

*Questions from the Board*

Mr. O'Brien said he thought an agreement had been reached on the re-arrangement of the parking out front and the plot plan does not show that. Attorney Ells said perhaps their plot plan is flawed and a correct plan needs to be submitted. Attorney Ells said they would

like to continue this petition next month. Ms. Collins pointed out the need for a rear setback according to the plan before the Board tonight.

**Moved** by Mr. St. Pierre, seconded by Mr. O'Brien, to allow Petition 02-15 to be continued at the February meeting at which time it will be first on the Agenda, unless circumstances make it necessary to re-submit.

**Vote:** 4 yes, 0 no. Motion passed unanimously.

**03-15...**The petition of Donik Corp. for property located at 128 Ashworth Avenue seeking relief from Article 4.8, to construct a 32 unit condominium having ground level parking and three residential levels above, the first having 16 one-bedroom rooms and the second and third levels having 16 2-level 3 -bedroom units needing a variance for impervious surface in addition to variances previously granted. This property is located on Map 290, Lot 150 and in the BS Zone.

Attorney Peter Saari, Joe Coronati, Jones & Beach, and Michael Keane, architect, came forward. Attorney Saari said after meeting with the Planning Board it was found that the impervious surfaces were not correct. The impervious surface is now 89.9% It is not possible to get to 75%. Attorney Saari said at the Planning Board it was noted that a sidewalk should be around the building. This takes away from impervious surface and brings it to 84.5%. Attorney Saari went through the five criteria and said he felt they had been met.

#### *Questions from the Board*

Chairman Provencal asked about the drainage system. Mr. Coronati gave an overview. Mr. St. Pierre asked about the building height. Mr. Keane said height is at 49 feet. Mr. St. Pierre asked if they had given consideration to shrinking the building. Mr. Keane said that would not be feasible.

Chairman Provencal said this project will be great for the beach.

#### *Comments from the Audience*

Ken Lessard said from his experience he feels that putting sidewalks into this project is a very important thing to do. Some of the neighbors have asked for sidewalks.

#### *Back to the Board*

**Moved** by Mr. O'Brien, seconded by Ms. Collins, to grant Petition 03-15 on the condition that the maximum sealed service does not exceed 85%.

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

**Vote:** 4 yes, 0 no. Motion passed unanimously.

**Moved** by Mr. O'Brien, seconded by Mr. St. Pierre, to take a five-minute break at 8:30 p.m.

**Vote:** 4 yes, 0 no. Motion passed unanimously.

The meeting reconvened at 8:35 p.m.

At this time Mr. Lessard stepped up to the Board.

**04-15...**The petition of David Bellman & Douglas Sharek for property located at 47 Ocean Blvd. seeking relief from Article 4.1.1 (Min. Lot Area/Dwelling) & 6.3.1, Number of Parking Spaces to demolish existing single family home to construct 3-unit multifamily building with commercial retail on the first floor. The second level will contain one 1-bedroom unit and the third level will have two, two-story, 2-bedroom townhouse style units. This property is located on Map 293, Lot 176 in the BS Zone.

David Bellman, Petitioner, and Amy Sanders, Engineer, came forward. Ms. Sanders said they followed up with Mr. Schultz, the Building Inspector, and he agreed that 4.1.1 did not apply. Mr. Bellman also hired an attorney who agreed. Ms. Sanders said that they are now asking for 6.3.1 which refers to a parking space. Ms. Sanders went through the five criteria and said she felt they had been met.

#### *Questions from the Board*

Mr. St. Pierre asked if they had looked at other parking configurations out back. Ms. Sanders said they had tried everything. Mr. O'Brien asked if a van could go through the entrances in the back. Ms. Sanders said that would not be a problem.

Mr. Lessard said this property is very close to State parking. He said he could not see where parking would be an issue.

#### *Comments from the Audience*

There were no comments from the Audience.

#### *Back to the Board*

Mr. St. Pierre said he saw no reason why this Board should not grant the one parking space.

**Moved** by Mr. Lessard, seconded by Ms. Collins, to grant Petition 04-15.

Chairman Provencal 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.

**05-15...**The petition of Thomas & Lauren Grandmaison for property located at 67 Plymouth Street seeking relief from Article(s) 1.3, 4.5.1 front setback & 4.5.2 side setback, to finish attic space into living space. Entire existing roof structure will be removed. New staircase will be constructed as access to second floor. New living space, staircase and roof will be on existing footprint. Remove existing asphalt and construct permeable deck in its place. Deck will be smaller than existing asphalt patio. This property is located on Map 305, Lot 6 and in the RA Zone.

Thomas Grandmaison and Attorney Kevin Roy came forward. Mr. Roy said petitioners want to add dormers which fall within the setbacks. They want to make the overhang a foot bigger than it is now. The structure itself is not changing. Petitioners want to build a deck which will be half the size of the present asphalt patio which will be removed. Mr. Roy went through the five criteria and said he felt they had been met.

#### *Questions from the Board*

Mr. St. Pierre asked if the side setback relief was for the proposed deck. Mr. Roy said it was for the overhang. Mr. St. Pierre asked if the deck could be built with a four foot setback on both sides. Mr. O'Brien discussed the difference between the plot plan and the renderings.

#### *Comments from the Audience*

There were no comments from the Audience.

#### *Back to the Board*

Mr. St. Pierre said this project would be an improvement for the neighborhood.

**Moved** by Mr. O'Brien, seconded by Mr. St. Pierre, to grant Petition 05-15 on the condition the overhang will be no greater than 18 inches, the foundation will remain as shown and that no part of the proposed deck will be closer than 4 feet to the property line including stairs. Nothing will be added to the first two floors and the outside of the building.

Chairman Provencal 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.

**06-15...**The petition of Meadow Pond Farm Corporation for property located at 1 Ice House Lane seeking relief from Article 8.2.3 to allow a new home to be constructed at 1 Ice House Lane within 40 feet of the condominium's rear property line. This property is located on Map 195, Lot 13 6-1 in the RB Zone.

Peter Olney, Petitioner, and Attorney Craig Soloman came forward. Attorney Soloman said Meadow Pond Farm is a development that has been built over 30 years. Tonight we are talking about Lot 1. There are seven other homes on Ice House Lane and they are closer together than 40 feet. This proposal is to build a house on Lot 1. The Homeowners' Association has approved the plan but does want some trees planted. Attorney Soloman went through the five criteria and said he felt they had been met.

*Questions from the Board*

Mr. St. Pierre said there is a conservation area adjacent to this property and asked if it belongs to the Homeowners' Association. Attorney Soloman said that it does.

*Comments from the Audience*

Peter Ryan, President of the Ice House Association, said they are in total agreement with this proposal as it has been brought to the Board. It will be very good for the neighborhood.

*Back to the Board*

Mr. O'Brien said that the proposed house looks bigger than others on the street. Ross Hogan, realtor, said that is because of the garage. The other homes have drive under garages.

Mr. O'Brien asked about the trees. Attorney Soloman said the cost of the trees will be divided among the homeowners' association, the broker for Meadow Pond and the Muses.

**Moved** by Mr. Lessard, seconded by Mr. St. Pierre, to grant Petition 06-15 on the condition that the trees are planted before a Certificate of Occupancy is issued.

Chairman Provencal 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.

**BUSINESS SESSION**

**Approval of Minutes**

**Moved** by Mr. St. Pierre, seconded by Mr. O'Brien, to approve the Minutes of December 18, 2014 as amended.

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

**Adjournment**

**Moved** by Mr. O'Brien, seconded by Chairman Provencal, to adjourn the meeting at 9:52 p.m.

Respectfully submitted,

Joan Rice  
Secretary