

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – Draft
March 19, 2015

Members Present

Bryan Provencal, Chairman
Norma Collins, Clerk
Tom McGuirk
Ed St. Pierre
Matt Shaw, Alternate

Others Present

Joan Rice, Secretary

Chairman Provencal called the meeting to order at 7:10 p.m.

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

10-15...The petition of Raymond Mailloux for property located at 65 Ann's Lane seeking relief from Article 1.3 and Article 4.5.1 to install temporary access ramp for wheelchair accessibility. This property is located on Map 127, Lot 28 and in the RA Zone.

Raymond Mailloux came forward. He said his client is in a wheelchair. They will go into the setback to install the access ramp. He said this ramp is only temporary and will be removed at a later date. Right now it is a medical necessity. Mr. Mailloux said he is trying to keep his client in her own home. This will not harm or intrude on other properties in the neighborhood. This is a reasonable request. Mr. Mailloux went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if this would be a temporary variance. Mr. Mailloux said that it would.

Mr. Shaw asked how far this would be from the lot line. Mr. Mailoux said approximately 12 feet.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. McGuirk, seconded by Mr. St. Pierre, to grant Petition 10-15.

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.

11-15...The petition of Houle Realty Trust, Mary Lee Twomey, Trustee for property located at 79 Ocean Blvd. seeking relief from Article 4.8 – amount of sealed surface and Articles 1.3, 4.5.1, 4.5.2 and 4.5.3 –Setbacks for improvements of existing motel. This property is located on Map 293, Lot 24-1 and in the BS Zone.

Attorney John Springer, representing Mary Lee Twomey, came forward. Attorney Springer said this project will be an improvement of the existing Harris Sea Spray Motel. They wish to improve the two wings to the building by renovating the interior of the first floors and by adding a full second floor to the north wing and a “half” second floor to the south wing. The renovation on the first floor in the northerly wing will reduce the number of motel rooms from five to three. The renovation on the first floor in the southerly wing will reduce the number of motel rooms from five to two. The petitioner would also like to add a proposed retail unit at the front of each wing. The three story structure in the middle of the building will continue to house the same number of units. Parking requirements do not change. The reduction in sealed surface is coming about because of the removal of one small landscaped area. Attorney Springer went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman Provencal asked where the second floor on the southerly side would be. Jonathan Hally, architect, said it will be set back about 35-40 feet. Mr. McGuirk asked if there would be a deck on the second floor. Mr. Hally said there would not.

Chairman Provencal asked about the kiosks shown on the plan. Mr. Hally said those are existing kiosks that were previously approved by this board. Mr. McGuirk asked about the steps. Mr. Hally said the steps will not impede pedestrian traffic.

Mr. McGuirk said the Conservation Commission has sent a letter asking for storm infiltration systems, etc. Mr. Hally said he had not seen this letter.

Mr. St. Pierre asked if the applicant has made any attempt to find a way to infiltrate and capture any storm water. Mr. Hally said no. Mr. Hally said the site is basically impervious and he did not think they were really making any change.

Chairman Provencal said an attempt could be made to improve the impervious surface. This could make it better and allow for some sort of drainage.

Mr. Hally said they could definitely get the impervious surface down without a great hardship for the site.

Ms. Collins asked about the size of the courtyard. Attorney Springer said it is approximately 40' X 60'. Ms. Collins said she would like to see a grassy area possibly with a bench where people could sit in the sun, etc.

Mr. St. Pierre said he saw two entrances to the retail spaces on the front. He asked if this is where customers will enter. Mr. Hally said yes. Mr. St. Pierre asked if the doors will impede pedestrian traffic. Mr. Hally said the doors will be recessed back.

Mr. McGurik said he preferred having the kiosks remain because they break up open space.

Attorney Springer said they feel this is consistent with what has been done to other properties nearby. What is being proposed does not infringe on space for those passing by. There is still sufficient access.

Mr. St. Pierre asked if the applicant came to this board with this proposal and had the same amount of impervious surface as the site has now would relief be needed from 4.8. Attorney Springer said in his opinion they would not have to ask for that variance.

Chairman Provencal asked how much was being torn down. Attorney Springer said everything except the foundations.

Comments from the Audience

Chuck Rage, 121 Ocean Blvd., said hotel rooms are very much needed at the beach. More projects like this are needed for the beach to succeed. The Twomey family has been here for 40 years. They are good neighbors and this project should be supported.

Back to the Board

Mr. Shaw said he thought it was a great looking project. He said his problem is that there is more sealed space. Mr. St. Pierre said he felt the sealed surface issue could be fixed. At this point he said he cannot agree with Criteria No. 4 regarding drainage.

Attorney Springer said he would like to propose withdrawing at this time without prejudice and then try to make the project work without increasing the sealed surface. Attorney Springer asked if they could come back if they agreed to keep the surface as it is. Chairman Provencal said he would not agree with that. Mr. St. Pierre said if they could show a reduction in sealed surface they probably could come back. Mr. Hally said the client needs to talk to the engineer about this.

Mr. St. Pierre said the applicant could investigate other options regarding sealed surface as well as the position of the two wings and then come back to the board. Chairman Provencal said he is in favor of this project. It just needs to be tweaked a bit. Attorney Springer said they would like to continue next month.

Moved by Mr. St. Pierre, seconded by Ms. Collins, to continue Petition 11-15 next month at which time it will be first on the agenda.

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

12-15...The petition of Peter C. Cary & Rita V. Cary for property located at 10 Ancient Highway seeking relief from Article I, Section 1.3; Article IV, Sections 4.5.2 (side setback) and 4.5.3 (rear setback) for substantial rebuild and expansion on existing and new foundation of single family residence. Expansion to include new third floor storage/mechanical area and deck. Proposal also includes new street front entry area (first floor) and adjacent living spaces (first and second floors). Oceanfront façade to remain intact. This property is located on Map 134, Lot 105 and in the RA Zone.

Peter and Rita Cary, Petitioners, and Attorney Robert Casassa, Casassa & Ryan, came forward. Attorney Casassa said the Carys want to renovate and rebuild on the existing foundation and also to construct an adjoining new foundation and associated new living spaces which will conform to setbacks.

Charles Hoyt, architect, presented a new plan. He said the proposal was gone over by Mr. Schultz, the Building Inspector. A height variance is not being sought. The applicants are proposing to take a property that was built in the 1970's and renovating it. They will be removing an old barbecue, softball court and several other items.

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

Questions from the Board

Mr. St. Pierre asked about height. Mr. Hoyt said 34' 6" is the highest point of the house.

Ms. Collins read a letter from Mr. and Mrs. Scott Clapp, 14 Ancient Highway who are abutters. Mr. and Mrs. Clapp stated opposition to the project because of height.

Edward and Linda Mucci, 18 Ancient Highway, also expressed opposition.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Attorney Casassa said a height variance is not being sought.

Mr. McGuirk said you have to remember that if you want ocean views, you must buy ocean front property.

Ms. Collins asked about the square footage of the property now and in the proposed project. Mr. Hoyt said the property is presently 1,953 sq. ft. and the proposed would be 3,387 sq. ft.

Mr. St. Pierre said he saw improvements to this site with this plan and did not see the neighbors' view loss as justification for denying this petition.

Ms. Collins asked if applicants would be amenable if the Board said no landscaping could be planted to block views. Mr. Cory said that would be fine. Chairman Provencal said he would not go along with any stipulation about landscaping and would leave that up to the applicants.

Moved by Mr. Shaw, seconded by Mr. McGuirk, to grant Petition 12-15.

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.

BUSINESS SESSION

Approval of Minutes

Moved by Mr. St. Pierre, seconded by Ms. Collins, to approve the Minutes of February 19, 2015 as amended.

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

Adjournment

Moved by Mr. St. Pierre, seconded by Mr. Shaw, to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Joan Rice
Secretary