

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – *Draft*
May 21, 2015

Members Present

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

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

Chairman Provencal called the meeting to order at 7:02 p.m.

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

18-15...The petition of Houle Realty Trust, Mary Lee Twomey, Trustee for property located at 79 Ocean Blvd. seeking relief from Article 1.3 – expansion and alteration of a non-conforming structure, Articles 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.

Mary Lee Twomey, Attorney John Springer, and Joe Coronati, Jones & Beach, came forward. Attorney Springer said they had a hearing in March about this project and they withdrew to make some significant changes.

Attorney Springer said they are seeking to improve the two wings to the building by reconstructing the first floors and adding a full second floor to the north wing. They will also add a second floor to the south wing consisting of a single unit. Attorney Springer said they are also asking permission to put retail units at the end of each wing. The foundations will be widened for both wings. A pool will be put in for which relief is not needed. One of the big changes is the amount of impervious surface which has been substantially reduced. Attorney Springer discussed the requested variances for setbacks.

Attorney Springer presented a letter from the Hampton Beach Area Commission in support of this project.

Attorney Springer said they are proposing two 10' X 10' kiosks. These will be first class kiosks. Ms. Twomey said the kiosks will be a means of display and they will be very attractive.

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

Questions from the Board

Mr. Schultz said this is a case of improving a non-conforming building.

Mr. O'Brien asked what the hardship was for not meeting the 4 foot setback in the front. Attorney Springer replied that they need room for a reasonable amount of retail space. Mr. O'Brien said he did not see a hardship for one foot and the 4 foot setback should be met.

Quentin Jones, architect, said there is a potential of reducing this to comply with the 4 foot setback. Attorney Springer said they would agree to pull it back to 4 feet.

Mr. O'Brien discussed parking spaces. Attorney Springer said they do have the required 11 spaces. Mr. O'Brien said the spaces on Lot 41 are not 9' X 18' slots. Chairman Provencal said they are existing non-conforming spaces. Mr. O'Brien said Lot 41 has not been tied to Lot 24. Therefore Lot 41 could be sold and the parking would be lost. Mr. O'Brien suggested that 11 of the spaces on Lot 41 be designated by deed and approved by the Town Attorney as allocated to the motel.

Mr. McGuirk said he did not like deed restrictions that the Town has to lift. Parking can be designated in a different location if necessary.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to grant Petition 18-15 with the conditions that the building conform to the four foot setback across the entire front including the kiosks. A roof overhang can be one foot and an awning can be one foot. The 11 parking spaces on Lot 41 will be identified as solely devoted to Lot 24. The applicant can, with a letter to the Building Inspector, change the location of the 11 parking spaces. Also, the kiosks will not exceed 200 feet.

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.

19-15...The petition of George & Laurie Attar for property located at 12 Beach Plum Way seeking relief from Article IV, Section 4.5.1 (front setback) 4.5.2 (side setback) and Article I,

Section 1.3 to completely rebuild existing single-family home; proposed new structure shall have three bedrooms and it shall be attached to the existing garage. This property is located on Map 134, Lot 90 and in the RA Zone.

George and Laurie Attar, applicants, Attorney Stephen Ells and Henry Boyd, Millennium Engineering came forward.

Attorney Ells said this property is almost 100 years old and in need of improvements. It currently encroaches into the public right-of-way. The applicants have decided it would make better economic sense to completely rebuild and resituate the home so it is out of the street.

Mr. Boyd said there will be a nine foot improvement to the setback with this new plan. The new home will be directly in the center of the lot. All setbacks will be met or improved. There is also a 5% reduction in sealed surface.

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

Questions from the Board

Mr. St. Pierre said the applicants looked at the deed restrictions and are honoring them.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. McGuirk, seconded by Mr. O'Brien, to grant Petition 19-15 with the front setback going from 10 feet to 9-1/4 feet to allow for roof overhang.

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.

20-15...The petition of The 377 Ocean Blvd., LLC for property located at 377 Ocean Blvd. seeking relief from Article 4.5.2, 4.1.1, 4.4 to construct a single five-story 17-unit condominium with a pass-through to a rear area of sufficient size to accommodate a four-car garage, pool and the required number of parking spaces, where relief is needed for 3 small eave encroachments, density and height. This property is located on Map 265, Lot 20 and in the BS Zone.

Attorney Peter Saari and the applicant came forward. Attorney Saari said they have decided to go back to the two-building idea with no drive through. The Fire Chief was not in favor of the former plan. Another floor would be added and the cottages in the back would stay.

Mr. Schultz said what has been presented at this meeting would need to be withdrawn. It would be necessary to come before the Board again with changes.

Mr. O'Brien said more parking would be needed if a floor is added.

Attorney Saari said they would like to withdraw at this time.

Moved by Mr. St. Pierre, seconded by Ms. Collins, to allow Petition 20-15 to be withdrawn without prejudice.

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

21-15...The petition of Stephen Ammon for property located at 16 Cutler Ave. seeking relief from Article 4.5.2, 4.5.3 to remove existing 12' X 19' foot structure (formerly garage) and replace with 12' X 20' garage. This property is located on Map 265, Lot 51 and in the RCS Zone.

Stephen Ammon, applicant, came forward. Mr. Ammon said this would replace a structure which is currently unusable as a garage. The current structure is dilapidated and serves no purpose. The new garage will be built to current building codes, will match the architectural style of the house and add value to the property as a usable garage. Mr. Ammon went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if there was plumbing in the structure. Mr. Ammon replied that there had been, but he will be getting rid of it.

Mr. O'Brien asked if the structure could be brought in a bit from the lot line. Mr. Ammon said that would be difficult.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. St. Pierre and Ms. Collins both expressed agreement with Mr. O'Brien on a small increase in setbacks. Mr. O'Brien said he would agree to setbacks of two feet on the west and south sides.

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to grant Petition 21-15 with the condition that there be setbacks of two feet to the foundation on the west and south sides.

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.

22-15...The petition of Paul & Sheila Reitano for property located at 6 Fellows Ave. seeking relief from Article 1.3 and 4.5.1 to replace an existing 4.2' X 14' front deck and its step with a smaller 4.2' X 8' covered entry with a landing and steps partially within the front setback but maintaining the existing setback distance. This property is located on Map 296, Lot 2 and in the RB Zone.

Paul and Sheila Reitano, applicants, and Attorney Peter Saari came forward. Attorney Saari said the footprint of the entryway and steps would actually be smaller than the existing deck. This will result in a much more attractive building. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien said he would want to make sure that the post is nine feet from the property line.

Comments from the Audience

Walter Kivlan, 10 Fellows Ave., spoke in support of the project and said that the neighbors are very happy with it.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to grant Petition 22-15 with the condition that the post at the bottom of the stairs be no closer than nine feet to the property line. The drawing should also be updated.

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.

23-15...The petition of One Home Builders II, LLC for property located at 23 Falcone Circle seeking relief from Article II, Section 2.3.7.C.4 to allow construction of a portion of the building within the 12 ft. setback from the Wetland Conservation District. This property is located on Map 40, Lot 4 and in the RA Zone.

Frank Catapano and Attorney John Ratigan came forward. Attorney Ratigan said this lot is approved for a single-family residence, but would be much smaller than surrounding residences. They have a drainage plan approved by the Town. Attorney Ratigan went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre said the applicant had said if this variance was denied, it would be unbuildable. Attorney Ratigan said it would be uneconomical to do anything else than what is being proposed. Mr. St. Pierre asked if they had worked with the Conservation Commission. Attorney Ratigan said they had not. Mr. St. Pierre said meeting with the Conservation Commission would be necessary before a variance could be granted.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to continue Petition 23-15 to the June meeting at which time it will be first on the Agenda unless there is a change in the plan.

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

BUSINESS SESSION

Approval of Minutes

Moved by Ms. Collins, seconded by Mr. O'Brien, to approve the Minutes of April 16, 2015 as amended.

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

Adjournment

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to adjourn the meeting at 9:42 p.m.

Respectfully submitted,

Joan Rice
Secretary