

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – Draft
December 17, 2015

Members Present

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

Others Present

Joan Rice, Secretary

Chairman Provencal called the meeting to order at 7:16 p.m.

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

49-15...The continued petition of BZ Dock, LLC for property located at 207 Mill Rd. seeking relief from Article 4.2 (including Footnote 22) and 4.3 to subdivide an existing tract of land into 2 lots with a shared driveway, each to have a single family home, each lot meeting all of the dimensional requirements except as listed above. This property is located on Map 91 Lot 17 and in the RA Zone.

The petitioner, Attorney Peter Saari, Casassa & Ryan, and Joe Coronati, Jones & Beach came forward. Attorney Saari said Mr. Coronati met with the abutters to discuss their concerns about visibility, how close the houses would be to their properties, and where grass clippings would be disposed of. Restrictions were added on the lots. A 20-foot strip was added along the back of the lots. A buffer would be created. Trees have been added to the previous plan. Some abutters liked the barn, so it was agreed to put a lot of trees along this section. Some did not want trees along their property line, so the trees will be moved to the petitioner's property. The houses were also rotated to be further from abutters. There is a longer common driveway which splits to the two houses. Mr. Coronati said he felt the abutters' concerns have been addressed.

Questions from the Board

Mr. O'Brien asked if this property has already been purchased. Attorney Saari said it has not.

Comments from the Audience

Andrew Hart, 211 Mill Road, said he was opposed to this non-conforming pork chop lot. This development would adversely affect the value of surrounding homes. Mr. Hart expressed concern that there would be more traffic. This neighborhood is not high density. It is quasi-rural and is home to many old and historic farms that have been parceled off and maintained in the manner intended. Mr. Hart asked that the Board deny this petition.

Gail Blake Garrigan, 96 Barbour Road, said Blakesville, as this area is called, is one of the oldest parts of Hampton. It is not right to keep building in this area. This project would affect many families. Ms. Garrigan said she was very much opposed to this project.

Jack Gosselin, 210 Mill Road, said he was opposed to this petition. He said it was important to maintain the historic value of the properties in this area.

Back to the Board

Chairman Provencal said he had an issue with deed restrictions and would not vote for anything with such restrictions.

Mr. St. Pierre said neither lot is conforming. He said the Board is being asked to take a non-conforming lot and make two non-conforming lots. Mr. St. Pierre said he was against this proposal.

Mr. O'Brien said this is a pork chop lot and he agreed with Mr. St. Pierre.

Mr. McGuirk said he did not see as much of a problem with this proposal. He said he had never heard of Blakesville. If the neighbors want to preserve this, the Zoning Board is not the place. This should be addressed at the Planning Board. The Zoning Board deals with zoning ordinances and there is nothing in the ordinances that protects Blakesville.

Ms. Collins said she agreed with Mr. St. Pierre about pork chop lots.

Moved by Mr. St. Pierre, seconded by Mr. O'Brien, to deny Petition 49-15.

Vote: 3 yes, 0 no, 2 abstentions (McGuirk, Provencal). Motion passed.

52-15...The petition of Thomas Morgenstern for property located at 18-20 Cutler Ave. seeking relief from Article 3.8 (permitted used and Article 4.7 (Max. # of dwelling units per structure). The applicant to seeking approval for a third dwelling unit on his property which is located within the RCS Zoning District. The property is classified by the Hampton Tax Assessor's office as a two-family dwelling, but was constructed as and was used from approximately 1999 until recently as a 3-family dwelling unit. The residential structure

extends across two deeded parcels. This property is located on Map 265 Lot 44 and in the RCS Zone.

Thomas Morgenstern, petitioner, and Attorney Derek Durbin came forward.

Mr. St. Pierre said he felt this was noticed incorrectly. The variances are not correct.

Mr. O'Brien said there was a permanent mandatory injunction by the court preventing this going to three dwelling units. Attorney Durbin said that was true but it could be changed if the Zoning Board granted variances. Mr. O'Brien said the application stated this, but it is not in the court paper. Chairman Provencal said they did have the right to seek the variances. However, being noticed incorrectly is the issue. Mr. St. Pierre said this has to be renoticed. 4.1 and terms of Article 8 also apply.

Mr. McGuirk said he would like to see a survey.

Mr. O'Brien said he was still concerned that the court's decision does not say "unless variances are granted by the Zoning Board."

Attorney Durbin said they would like to withdraw without prejudice at this time.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, that Petition 52-15 be withdrawn without prejudice.

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

Approval of Minutes

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to approve the Minutes of November 19, 2015 as amended.

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

It was announced that Jay Diener and Rayann Dione of the Conservation Commission would give a presentation on proposed zoning amendments after the meeting.

Adjournment

There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Joan Rice
Secretary