

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – *Draft*
January 21, 2016

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 7:00 p.m.

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

43-15...The re-hearing of petition of Houle Realty Trust, Marylee Twomey, Trustee for property located at 2 L Street, 75 Ocean Blvd., 77-79 Ocean Blvd. seeking relief from Article 6.3.9 and Article 6.4.2 to allow the continued use of a pre-existing parking lot to accommodate off-site parking for the previously approved project 18-15 approved on May 21, 2015. These properties are located on Map 293, Lot 41; Map 293, Lot 43; Map 293, Lot 24-1 and in the BS Zone.

Marylee Twomey, Petitioner, and Joe Coronati, Jones & Beach, came forward. Mr. Coronati said Ms. Twomey has been operating her business for 40+ years. The project was approved by the ZBA and Ms. Twomey went before the Planning Board. Parking was an issue, so that is why variances are requested. This is different because it is a renovation, not a new project. Mr. Coronati went through the five criteria and said he felt they had been met. Mr. Coronati pointed out that the hardship would be not having enough parking for Ms. Twomey's motel rooms that she has renovated. The existing parking lot has been there for 40+ years.

Questions from the Board

Regarding 6.4.2, Mr. St. Pierre asked about ingress and egress. Mr. Coronati said there is a chart in the site plan regulations. Mr. St. Pierre said the aisle width is the issue. Mr. Coronati said the dimensions shown are of the striping, not the spaces.

Mr. McGuirk asked what the overhang was for Lot 77. Mr. Coronati replied that it was 2.8 feet.

Mr. O'Brien noted that there were several plans for parking and asked which one they were asking for approval. Mr. Coronati said C-2. Mr. O'Brien said in theory they could put in 9 x 18 spaces with a small aisle width, but that was not requested. Mr. McGuirk said the Zoning Board could not give a variance for aisle width. A variance can only be granted for the 9 x 18 spaces. It is important that the Planning Board understands the ZBA's intention. The ZBA is clarifying what was done previously. The parking lot has worked in the past.

Comments from the Audience

Jason Bachand, Town Planner, came forward. Mr. Bachand said this is a substantial rebuilding project. The Planning Board is looking for safe and compliant parking for this project. The current configuration does not work for this new project. The Planning Board feels this variance should not be approved by the Zoning Board and it is not in the spirit of the Beach Master Plan.

Mr. McGuirk noted that this was only a 30% change, not a completely new project. It has to be a 50% change to be a new project. Mr. Bachand said the Planning Board does support the project, but parking is the problem.

Mark Gearreald, Town Counsel, came forward. Mr. Gearreald said these are non-conforming spaces and aisle width is also small. We are faced here with a safety problem and the public interest is not met. Also, this is not grandfathered.

Brendan McNamara, Chairman of the Planning Board, came forward. Mr. McNamara said normally if parking spaces can't be met, this is taken to the Zoning Board. 75 Ocean Blvd. is not affected. 77-79 is different. With the site plan they are asking for 15 spaces. They have the ability to have that, but they say they are asking for 20 spaces. On 77-79 it is about a 70% impact of change. Mr. McGuirk said the petitioner did include 75 Ocean Blvd. in tonight's petition.

Mr. Gearreald said he did not feel the application has met the burden of showing why they need the five extra spaces. Mr. McGuirk said he defined need with the application and those spaces are absolutely needed.

Back to the Board

Mr. O'Brien said he thought the petitioner could go down to 19 spaces. What is there now needs to be tweaked a little. Mr. St. Pierre said he would rather have seen some options.

Mr. Coronati said Ms. Twomey could not have a reduction of 5 to 7 spaces and make her business work.

Keith Lessard, Planning Board, came forward. Mr. Lessard said it is important to have proper and safe parking and the petitioner should come up with some other plans. Mr. Lessard suggested that the ZBA grant relief for the parking space size and then possibly the Planning Board could work with the petitioner to come up with a parking configuration that would work. Mr. McGuirk said there should be some kind of give and take between the boards. Also, if 20 spaces are needed some can be compact spaces.

Ms. Collins said she could not understand why there can't be more flexibility to help Ms. Twomey get what she needs.

Mr. St. Pierre said if this is approved, he would not like to see this used as public parking.

Moved by Chairman Provencal, seconded by Mr. O'Brien, to grant Petition 43-15 with the stipulation that there is an attempt to get 20 parking spaces if possible, but if not, a minimum of 16 spaces.

Mr. McGuirk said he did not feel that this motion meets the needs of the applicant.

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

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

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to take a two-minute break at 9:28 p.m.

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

The meeting resumed at 9:32 p.m.

01-16...The petition of Thomas B. Power and Susan McDaniel for property located at 136 Little River Rd. seeking relief from Article 4.2 (including footnote 22) and 4.3 to grant a variance to subdivide a 1.2 acre parcel into two lots with a partially shared driveway, which driveway has been relocated from what was shown on the prior application. 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 only one of which will have the required frontage and required 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 presented plans. Attorney Saari went through the five criteria and said he felt they had been met. The driveway is 18.56' all the way to the back. In the event the fire chief wants something wider, that can be accommodated.

Questions from the Board

Ms. Collins asked if the fire chief does want something wider, could the driveway be widened to 20'. Attorney Saari said there would be no problem doing that.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. O'Brien, seconded by Ms. Collins, to grant Petition 01-16.

Chairman Provencal asked the members of 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.

02-16...The petition of Owen Carter for property located at 23 Ocean Blvd. seeking relief from Article IV as to 4.5.2 to replace the outdated restaurant vent and exhaust system with a new vertical vent up to the roof on the north side of 23 Ocean Blvd. for the Coffee Break Café. This property is located on Map 296, Lot 65 and in the BS Zone.

Owen Carter, Petitioner, came forward. Mr. Carter said the present vent and exhaust system is 20 years old. It doesn't meet current standards. The new vent and exhaust system would be completely updated. The footprint of the building will not be changed. Mr. Carter went through the five criteria and said he 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. O'Brien, seconded by Mr. St. Pierre, to grant Petition 02-16.

Chairman Provencal asked the members of 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

Motion for Re-Hearing (Petition 47-15) of James M. Potter for property located at 163 North Shore Road

Mr. O'Brien read through the Motion for Re-Hearing. It was the consensus of the Board that there was no reason to grant a re-hearing.

Moved by Mr. O'Brien, seconded by Chairman Provencal, to deny the Motion for Re-Hearing (Petition 47-15) of James M. Potter for property located at 163 North Shore Road.

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

Approval of Minutes

Moved by Ms. Collins, seconded by Mr. McGuirk, to approve the Minutes of December 17, 2016 as amended.

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

Mr. O'Brien brought up the fact that the Board is in need of Alternates.

Moved by Mr. O'Brien, seconded by Chairman Provencal, to ask the Building Department to contact Ken Lessard, Matt Shaw and James Scully to see if they are interested in serving as Alternates to the Zoning Board.

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

Adjournment

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to adjourn the meeting at 10:12 p.m.

Respectfully submitted,

Joan Rice
Secretary