

**HAMPTON ZONING BOARD OF ADJUSTMENT**  
**MINUTES – Draft**  
**August 18, 2016**

**Members Present**

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

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**

**23-16...**The petition of Brad & Jennifer Rodgers for property located at 29 Walnut Ave. seeking relief from Article 1.3 and 4.5.1 to replace front stairs with a new front porch/stair. This property is located on Map223, Lot 13 and in the RB Zone.

Brad and Jennifer Rodgers, Petitioners, came forward. Ms. Rodgers said their front steps which lead to the road are deteriorating. There would also be a simple five foot porch which is a reduction of what is presently there. Ms. Rodgers went through the five criteria and said she felt they had been met.

*Questions from the Board*

Mr. St. Pierre said the proposal is further from the road. Mr. St. Pierre asked if the 21.4' measurement to the house was to the drip edge or the foundation. Mr. Rodgers said it was to the foundation. Mr. St. Pierre suggested the updating of the drawing.

Ms. Collins asked how large the platform is when you open the front door. Ms. Bradford said it was just over five feet. Ms. Collins noted that this would be safer.

*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 23-16.

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.

**24-16...**The petition of Peter C. and Rita V. Cary for property located at 10 Ancient Highway seeking relief from I, Section 1.3; Article IV, Sections 4.5.2 (side setback) and 4.5.3 (rear setback) to rebuild oceanfront façade on existing foundation of single-family residence. Variances previously secured on March 19, 2015 for other planned construction. Deed restriction applicable to oceanfront construction released by vote of Town on March 8, 2016. This property is located on Map 134, Lot 105 and in the RA Zone.

Rita Cary, petitioner, and Attorney Robert Casassa, Casassa & Ryan, came forward. Attorney Casassa said in March 2015 petitioners received a variance relative to all but the first seven feet. There was a deed restriction in place at that time. The property owner then went to the voters to have the deed restriction removed and was successful in March 2016. Attorney Casassa went through the five criteria and said he felt they had been met.

#### *Questions from the Board*

Mr. O'Brien asked if any portion of the plan previously approved had been changed. Attorney Casassa said a portion of the front entryway has a different configuration than what was shown in March 2015. This will have to be brought to the attention of the Building Inspector. It is a conforming element only.

Mr. O'Brien asked what will look different from today. Attorney Casassa said there will be a small exterior deck on the west side and the roof line will be a little flatter.

Mr. O'Brien asked if the abutter to the east had any problem. Attorney Casassa said no.

Mr. St. Pierre said he felt the petitioners have done the right thing. They went through the Town Meeting. Mr. St. Pierre said he would not stand in the way of this petition.

#### *Comments from the Audience*

There were no comments from the Audience.

#### *Back to the Board*

**Moved** by Mr. St. Pierre, seconded by Mr. O'Brien, to grant Petition 24-16 subject to a lease/purchase agreement with the Town that addresses the encroachment and that

includes not only the 18 inches, but also the staircase and that there are no other changes than what was already discussed with the Zoning Board of Adjustment.

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 Rehearing – Appeal of the Planning Board approval of Special Permit for properties 175, 165, 155 Island Path, Map 280, Lots 22-1, 22-2, & 22.3**

Mr. St. Pierre questioned the Zoning Board's jurisdiction in this matter. Mr. O'Brien cited RSA 677:15 which does not allow this to fall within the jurisdiction of the Zoning Board of Adjustment. It can be appealed with the Superior Court.

Ms. Collins and Chairman Provencal agreed as to lack of jurisdiction.

**Moved** by Mr. St. Pierre, seconded by Mr. McGuirk, to deny the Motion for Rehearing for 175, 165, and 155 Island Path due to lack of jurisdiction.

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

### **Approval of Minutes**

The Minutes of June 16, 2016 and July 21, 2016 will be reviewed at the September meeting.

### **Adjournment**

**Moved** by Mr. McGuirk, seconded by Mr. St. Pierre, to adjourn the meeting at 7:40 p.m.

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

Respectfully submitted,

Joan Rice  
Secretary