

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – Draft
September 15, 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

25-16...The petition of Thomas & Marion J Lyons for property located at 653 and 663 Exeter Road seeking relief from Article 1.3, 4.1.1 to merge two lots and subdivide into 9 lots two of which would contain existing dwellings (one a single family and the other having 4 1-bedroom units) where the lot with four units would have fewer than the required four acres. This property is located on Map 134, Lots 12 & 11 and in the RAA Zone.

Thomas Lyons, Petitioner, and Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said these were two fairly large parcels of land. One has a house and the other a house and a barn. The petitioner wishes to align the two pieces of land and subdivide into 9 lots. There will be 12 units in the subdivision. The problem is the house next to the barn. This lot needs more acreage. The spirit of 4.1.1 is to prevent overcrowding. In this case the density is well less than what is required. The other units are very small. It is in the interest of the public to preserve the old buildings. Granting this variance will not bring harm to anyone. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the existing lot has septic systems. Attorney Saari said yes. Mr. O'Brien asked if there were two septic tanks on lot 11. Attorney Saari said that was correct.

Mr. O'Brien asked if the petitioner has a Certificate of Occupancy for all units. Mr. Lyons said that he did.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. O'Brien said he wanted it to be clear that the exit to Exeter Road would be eliminated.

Moved by Mr. McGuirk, seconded by Mr. O'Brien, to grant Petition 25-16.

Chairman Provencal asked the Board if they felt the five criteria had been met. Chairman Provencal, Ms. Collins, Mr. O'Brien and Mr. McGuirk agreed that they had. Mr. St. Pierre said he did not feel that Criteria #1 had been met.

Vote: 4 yes, 1 no (St. Pierre). Motion passed.

26-16...The petition of Hannaford Bros. Co., LLC/J M Lord for property located at 630 Lafayette Rd. seeking relief from Article V, Table II to replace existing free standing sign with new free standing sign utilizing new Hannaford Branding and logo. This property is located on Map 126, Lot 12 and in the RB Zone.

J.M. Lord came forward. He said Hannaford is updating their logo. There will be a new free-standing sign. They will keep it at 17-1/2 feet. The new sign will make it clear that there are groceries and a pharmacy. This will be a more pleasing sign than what is currently there. Mr. Lord went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. McGuirk asked if a study had been done to see about line of sight. Mr. Lord said there will be no visual impairment.

Ms. Collins asked if it would be a two-sided sign. Mr. Lord said it would be.

Mr. St. Pierre said this was a request for a variance from the allowable square footage. Other signs in the area exceed that.

Mr. O'Brien said the volume of the sign is larger than the typical one. He said he went to Hannaford in Exeter. They have the same kind of sign but it has columns.

Mr. O'Brien said if the sign were put on a post he would be fine with it. Chairman Provencal agreed. Mr. Lord said that would be fine. Chairman Provencal also said that the shrubbery should be trimmed.

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 26-16 with the condition that the lower part of the sign start at 8 feet with two columns and that the bushes are trimmed.

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.

There were no petitioners present for Petition 27-16.

Moved by Mr. O'Brien, seconded by Chairman Provencal, to move the hearing for Petition 27-16 to the October meeting.

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

28-16...The petition of Kimberly Wescott for property located at 499 Winnacunnet Rd. seeking relief from Article VIII 8.2.3 to build deck off the back for the top floor apartment. This property is located on Map 222, Lot 116 and in the RB Zone.

Kimberly Wescott, Petitioner, came forward. Ms. Wescott said there are new sliders and it would be safer to have a deck off of the sliders. She said every property in the area has a deck and without one a diminished quality of life is imminent. Ms. Wescott went through the five criteria and said she felt they had been met.

Questions from the Board

Ms. Collins said that if sliders have been put in that go to nothing, it is very dangerous. Ms. Wescott said she had the permit to put in the sliders.

Mr. St. Pierre asked why relief from 1.3 was not being sought. She is asking for relief for a non-conforming structure. Mr. O'Brien said 1.3 should be there.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to grant Petition 28-16.

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.

29-16...The petition of Mark & Merry Ann Deteso for property located at 15 Red Coat Lane, seeking relief from Article I, Section 1.3 (expansion of a non-conforming structure), Article IV Section 4.5.1 (front setback), Article 4.5.2 (side setback) to remodel and add an addition to an existing single family residence (second floor remodel), add on a new third floor (all work on existing footprint and within existing setbacks). This property is located on Map 99, Lot 1/1 and in the RA Zone.

Mark and Merry Deteso, Petitioners, and Bob Gray of Gray Construction came forward. Mr. Gray gave a description of the project. Mr. Gray said the existing house is a two-story colonial. There are small balcony decks off the back. The petitioners are proposing to add more space in order to be more functional. This would become the new master bedroom. Mr. Gray went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked about a sealed surface calculation for the proposed project. Mr. Gray said it would be the same as it is now – around 60%.

Mr. O'Brien asked if this would be a single-family home. Ms. Deteso said that it would. Mr. O'Brien said he had no problem if this is single-family.

Comments from the Audience

Neil McGarren said he is an abutter and has an objection to this project. He said this house only has 11 feet to the property line. The parking for this house is in front of the property. With only 11 feet of frontage this does not satisfy the parking regulations of the Town.

Mr. McGuirk said there is still two-car parking available on the lot. That is all that is required.

Mr. McGarren said this still does not meet the Town requirements. Chairman Provencal said the Zoning Board has no jurisdiction over this. Mr. St. Pierre said all this Board needs to know is that two cars can be parked on the property.

Back to the Board

Mr. St. Pierre said it is clear that the applicant would have more harm done if they could not do this project.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to grant Petition 29-16 with the conditions that they build within the footprint and that the drawing be redone to show two 9' x 18" legal parking slots.

Chairman Provencal asked the Board if they felt the five criteria had been met. Chairman Provencal, Mr. St. Pierre, Mr. O'Brien and Mr. McGuirk agreed that they had. Ms. Collins said she did not feel that Criteria #3 had been met.

Vote: 4 yes, 1 no (Collins). Motion passed.

30-16...The petition of 1088 Ocean Boulevard, LLC for property located at 1088 Ocean Boulevard seeking relief from Article 1.3, 4.1, 4.1.1, 4.2 (including Footnote22), 4.3, 4.5.2 to separate a portion of the Sea Squire Condominium for the purpose of replacing the existing building located on that portion with a new single-family home more in conformity with the zoning requirement. This property is located on Map 99, Lot 1/1 and in the RA Zone.

Tony Jalbert, Petitioner, and Attorney Peter Saari came forward. Attorney Saari said this is the Sea Squire Motel property. There is a large house on the property owned by the petitioner. The house is in terrible condition and is out of place. Mr. Jalbert wants to get rid of the house because it is unattractive, too big and in violation of the zoning. He wants a single-family home that is more conforming. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Collins noted that all the deeds say the property cannot be subdivided. Attorney Saari said as long as everybody agrees it is okay.

Mr. O'Brien asked if all other condo owners had been surveyed. Mr. Jalbert said they are all in favor of this project.

Comments from the Audience

Richard Heim, 16 Little Pine Lane, said he is the Vice President of the condo association. He said a meeting was held with all association members and all agreed to this project.

Mark Padfield, 1063 Union Street, said he is a direct abutter. The present huge house overlooks his unit. It is unattractive and scary and he is in favor of getting rid of it.

Back to the Board

Mr. O'Brien said if this is granted the house must be torn down.

Mr. St. Pierre said he had a problem because more than 10% of the land would be removed.

Moved by Mr. McGuirk, seconded by Mr. O'Brien, to grant Petition 30-16 with the condition that the old house is torn down concurrently with the subdivision and that a new home will be built within the building envelope shown on the subdivision map dated 7/13/16.

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.

31-16...The petition of Jon and Judith Savage for property located at 7 Reddington Landing seeking relief from Article IV 4.8a sealed surface 25% for an addition to the existing house on the westerly side of 25' x 20' for a master bedroom and bath. This would bring the sealed surface area to 30.2%. This property is located on Map 57, Lot 44-1 and in the RA Zone.

Jon and Judith Savage, Petitioners, came forward. Mr. Savage said they want to put on an addition for a master bedroom and bath. As an abutter to the air space to the Hampton Airfield they are limited to height restrictions which prevent them from building above the current structure. There have been problems with flooding which prevent them from finishing the basement. Mr. Savage went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien asked why they could not take some of the paved driveway and convert into pervious pavers. Chairman Provencal said that would be more of a hardship because of the expense.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. O'Brien said he felt they needed to do the pavers to address the sealed surface issue.

Moved by Mr. McGuirk, seconded by Chairman Provencal, to grant Petition 31-16.

Chairman Provencal asked the Board if they felt the five criteria has been met. Chairman Provencal, Mr. McGuirk and Mr. St. Pierre said that they had. Mr. O'Brien and Ms. Collins said they had not.

Vote: 3 yes, 2 no (Collins, O'Brien). Motion passed.

BUSINESS SESSION

Approval of Minutes

Moved by Mr. St. Pierre, seconded by Mr. O'Brien, to approve the Minutes of June 16, 2016 as amended.

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

Moved by Mr. O'Brien, seconded by Chairman Provencal, to approve the Minutes of July 21, 2016 as amended.

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

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to approve the Minutes of August 18, 2016.

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

Adjournment

There being no further business the meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Joan Rice
Secretary