

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - Draft
May 20, 2021
Teleconference Meeting

Members Present

Bill O'Brien, Acting Chairman
Anne Bialobrzkeski
Erica De Vries
Tom McGuirk
Ken Lessard, Alternate

Chairman O'Brien called the meeting to order at 7:00 p.m.

Chairman O'Brien said that this meeting is being conducted electronically pursuant to the Governor's Emergency Order. A teleconference will be utilized for this meeting and the public may join in.

PETITION SESSION

28-21...The petition of Estate of John Dabriskas for property located at 12 Auburn Avenue Extension seeking relief from Article(s) 4.5.1, 4.5.2, 4.5.3 and 4.8 to rebuild, on a smaller footprint, a prior house that was demolished by the Town on account of being uninhabitable. This property is located on Map 293, Lot 4 and in the RB Zone.

Attorney Peter Saari came forward. Chairman O'Brien said he had not received any elevation plans for this proposal. Attorney Saari said the Town wanted more flexibility for what would be done on this property.

Mr. McGuirk said this property was dilapidated, condemned, etc. There was no one to maintain it. The Town assisted by taking the property down at Town expense.

Ms. Bialobrzkeski said she understood there is a right to build something on this property, but she did not think the Board can give a variance for nothing.

Chairman O'Brien said the applicant is asking for 4 feet on the side, 10 feet on the other side, 5 feet from the front and 5-1/2 feet from the rear. Chairman O'Brien said he felt that was reasonable, but they would have to come back with a plan.

Ms. Bialobrzkeski said if a house were to be built it would have to be elevated and parking could be underneath. Ms. DeVries asked if it would be possible for the buyer to extend an offer contingent upon whatever Board approval is necessary. She said she felt a contingent

offer would be the way to go. Mr. McGuirk said someone might buy this just for parking. Ms. Bialobrzkeski noted that a survey has not been provided.

Ms. Bialobreski said that she felt the Board has declared this a buildable lot. Chairman O'Brien said they had acknowledged that this is a buildable lot, but the Board cannot take this into consideration until a reasonable plan is brought in.

Moved by Ms. Bialobrzkeski, seconded by Mr. McGuirk, to continue Petition 28-21 to next month's meeting.

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

29-21...The petition of Casemo Realty, LLC for property located at 137 Landing Road seeking relief from Article(s) 3.1 to allow the construction of an accessory building for use as a 4-bay garage which would be in addition to the existing accessory buildings. This property is located on Map 239, Lot 6 and in the RA Zone.

Attorney Peter Saari and the Applicant came forward.

Questions from the Board

Chairman O'Brien asked about elevation plans. The Applicant said the elevation plan would be the garage with a room above it.

Chairman O'Brien said he was worried that this could be turned into a residence of some sort.

Ms. Bialobrzrski said she thought the request for relief was very specific. They are looking for an extra accessory building for a single family property. Attorney Saari said that was correct.

Ms. Bialobrzkeski asked the Applicant if he was aware of a letter the Board received from Peter Tilton who also had concerns about this being made into a dwelling unit. The Applicant said he was aware of this.

Ms. Bialobrzkeski asked if there would be plumbing in this unit. The Applicant said they would put in sewer and water.

Chairman O'Brien asked if trees would be planted behind the building. The Applicant said trees would be planted.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Lessard, seconded by Ms. Bialobrzkeski, to approve Petition 29-21 with the conditions that the property will never become a residential or dwelling unit of any kind, and will not be used for any commercial purpose. Also shrubbery will be added to the rear of the building.

Chairman O'Brien 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.

30-21...The petition of John & Sheila Woelfel for property located at 23 Thornton Street seeking relief from Article(s) IV, Table II, Section 4.5.2 to add generator to left side of home approximately 7.0' from side lot line. This property is located on Map 303, Lot 13 and in the RA Zone.

Attorney Monica Kaiser said the Woelfels had been before the Board previously regarding the house. The house is almost complete. Since the house is in a flood zone a generator would have to be in an elevated position and 3 feet above the ground. Neighbors on the west and also across the street have submitted letters in favor of this petition. Attorney Kaiser went through the five criteria and said she 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 Ms. Bialobrzkeski, seconded by Ms. De Vries, to grant Petition 30-21.

Chairman O'Brien 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.

31-21... The petition of SCM Family Trust – Edward McGrath Trustee for property located at 61 Hobson Avenue seeking relief from Article(s) 1.3, 4.5.1, 4.5.2 and 4.5.3 to raise the existing one-story cottage and construct a new first floor 2-car garage under with walk-out to rear patio and extend the existing front porch and construct a set of stairs to grade. This property is located on Map 289, Lot 15 and in the RB Zone.

Ms. Bialobrzkeski asked if the applicant wished her to recuse herself because she sits on the Planning Board. Norman Carpentier, representing the applicant, said he had no problem with Ms. Bialobrzkeski continuing on this Board for this petition.

Mr. Carpentier said there will be no change to the use of the property and the house will be FEMA compliant.

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. McGuirk, seconded by Ms. De Vries, to grant Petition 31-21.

Chairman O'Brien 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.

32-21...The Petition of Scott Logan for property located at 816 Lafayette Road seeking relief from Article(s) 4.8b to add a 12' x 26' deck on front right side of building for outdoor seating. This property is located on Map 90, Lot 26 and in the B Zone.

Chairman O'Brien told Mr. Logan that there was no plot plan with the proposal. Chairman O'Brien said he would ask to continue because it is necessary to see a plot plan.

Ms. Bialobrzkeski said Mr. Logan is not the owner of the property and the owner has to sign the application or authorize him to ask for this. Mr. Logan said he was told a letter had been written by the owner. Ms. Bialobrzkeski said the Board does not have a letter. She said the abutters' list is also incorrect. It is in the aquifer so Aquarian would have to be notified. There are also questions about the property line, setbacks and parking among other things.

Mr. Logan agreed to continue next month.

Moved by Mr. Lessard, seconded by Mr. McGuirk, to continue Petition 32-21 next month.

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

23-21...The continued petition of John Anthony Simmons Revocable Living Trust; John Anthony & Amy Simmons Trustees for property located at 886 Lafayette Road seeking relief from Article(s) 2.3.2A.8; 2.3.4.B; 3.37; 4.5.2; 1.3 and 6.3.3 to demolish existing structure and construct a new office and attached dwelling unit. Applicant is also seeking to add a parking area in the rear of the lot. This property is located on Map 71, Lot 3, and in the B Zone.

Henry Boyd, Millennial Engineering, said they were before the Board last month and there were some concerns. They have re-worked the proposal. The building has been placed to the rear of the lot. This takes care of the setback issue. Relief is needed only for the apartment. Also because the apartment would require two parking spaces relief is needed for one space.

Ms. Bialobrzkeski asked what articles are the requested relief. Chairman O'Brien said 1.3, 3.37 and 6.33.

Mr. Boyd then went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Bialobrzkeski said she was not sure if 1.3 applies. She said she was concerned about lot size. This exceeds the lot size per dwelling unit requirement. She said she doesn't see the hardship. Ms. Bialobrzkeski also questioned egress requirements. Mr. Boyd said they will have to do some adjustments in that regard.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Ms. De Vries, seconded by Ms. Bialobrzkeski, to deny Petition 23-21.

Chairman O'Brien asked Mr. Boyd if they would prefer to withdraw rather than having a denial. Mr. Boyd said they would prefer to withdraw.

Moved by Mr. McGuirk, seconded by Mr. Lessard, to allow Petition 23-21 to be withdrawn

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

BUSINESS SESSION

Approval of Minutes

Moved by Ms. De Vries, seconded by Mr. McGuirk, to approve the Minutes of March 18, 2021 as amended.

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

The Minutes of April 15, 2021 were addressed and amended, but no vote was taken.

Other Items

Ms. Bialobrzkeski asked about the Building Permit Advisory Letter. Mr. McGuirk explained that you cannot put in a foundation and then later ask for variances for something you want to build. This cannot be considered a hardship.

The Master Plan Steering Committee was discussed. It was decided that Ms. De Vries would be the Zoning Board representative and Mr. McGuirk would be the Alternate.

Adjournment

Moved by Mr. McGuirk, seconded by Ms. Bialobrzkeski, to adjourn the meeting at 9:18 p.m.

Respectfully submitted,

Joan Rice
Secretary