

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – *Draft*
March 18, 2021
Teleconference Meeting

Members Present

Bryan Provencal, Chairman
Anne Bialobrzkeski (via teleconference)
Erica De Vries (via teleconference)
Tom McGuirk
Bill O'Brien

Chairman Provencal called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

Chairman Provencal 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.

Chairman Provencal introduced the members of the Board.

Ms. Bialobrzkeski asked about election of officers. Chairman Provencal said that must be delayed until all members are together in person.

PETITION SESSION

Chairman Provencal said there were two petitions where the applicants have asked for continuance that need to be addressed.

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to allow Petition 06-21, 11 Redman Street, to be continued next month at which time it will be first on the Agenda.

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

Moved by Mr. McGuirk, seconded by Ms. Bialobrzkeski, to allow Petition 16-21, 1 Dumas Avenue, to be continued next month at which time it will be second on the Agenda.

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

68-20...The continued petition of Saviet Living Trust, Mark & Patricia Saviet, Trustees for property located at 42 Kings Highway seeking relief from Article(s) IV Sec. 4.5.2 & 4.5.3 (side and rear yard requirements) to raze the existing two dwellings and construct a new flood compliant single-family home incorporating a garage underneath. This property is located on Map 223, Lot 48 and in the RB Zone.

Attorney Monica Kaiser said they were before the Board last month. The Board had some concerns which have been addressed. They no longer need the rear setback relief. The request for this has been withdrawn. The project is now more conforming. Attorney Kaiser went through the five criteria and said she felt they had been met.

Questions from the Board

Ms. De Vries said she had questions about the hardship. Attorney Kaiser said you can see this lot is 50 feet wide. To meet setback requirements the building area would be compressed and it could affect parking in front. The applicants have moved the building forward 12 feet to correct the rear situation. Previously relief was asked for an air conditioning unit. That has also been changed and moved to the rear. Ms. De Vries said they are replacing a 1-story building with a 3-story building. Attorney Kaiser said they do not need relief for height.

Mr. O'Brien pointed out that in the original application the stairs were closer to the lot line and those have now been moved in.

Chairman Provencal said he felt they did a good job addressing the Board's concerns.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to grant Petition 68-20.

Chairman Provencal asked the Board if they felt the five criteria had been met. Chairman Provencal, Mr. O'Brien and Mr. McGuirk said that they had. Ms. Bialobrzkeski and Ms. De Vries said they had not.

Roll Call Vote: 4 yes, 1 no (De Vries). Motion passed.

14-21...The petition of Richard & Ann Akins for property located at 253 Drakeside Rd., Unit 1 seeking relief from Article(s) VIII as to 8.2.3 to construct a 14 x 14.5 sunroom addition in

place of an already existing 12 x 14.5 rear deck allowing for an additional 203 sq. ft. of living area for the new sunroom. This property is located on Map 157, Lot 10 and in the G Zone.

Richard Akins, Applicant, said they want to build a sunroom on the back of their home. It would replace a section of their deck. More living space is needed. Mr. Akins went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. McGuirk asked about those names on the abutters list that are highlighted Mr. Akins said this is a condo and he is the president of the condo association and everyone was notified and in favor of the project.

Mr. O'Brien asked if 2 feet would be going into the setback. Mr. Akins said that was correct.

Ms. De Vries asked why a smaller sunroom would not be an option. Mr. Akins said it would not look good and they want the extra space.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Ms. Bialobrzkeski said she didn't see a hardship. Also the original condo site plan had a condition of Planning Board approval. Ms. Bialobrzkeski said she felt granting this would be a violation of the original Planning Board conditions.

Mr. McGurik and Ms. De Vries said they agreed.

Chairman Provencal said the applicant could stay with 12 feet and it would conform. Norman Carpentier, Construction, said then it would be too small with no room for furniture. With the way the house is constructed now it would not look attractive. Doing 14 feet makes it a good project.

Chairman Provencal said the Board is having a hard time seeing a hardship. Ms. Bialobrzkeski said there is still the Planning Board approval issue.

At this time Mr. Akins said they would like to withdraw without prejudice.

Moved by Mr. McGuirk, seconded by Mr. O'Brien, to allow Petition 14-21 to be withdrawn without prejudice.

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

15-21...The petition of Eli Sokorelis for property located at 40 Ocean Drive seeking relief from Article(s) 1.3; 4.5.1 to remove existing ramp and construct a modestly designed deck off of the front of his home. This deck will encroach into the front setback. This property is located on Map 305, Lot 37 and in the RA Zone.

Attorney James Scully said this property is on the southerly side of the Hampton bridge. There is a ramp that encroaches into front and side setbacks. The applicant wants to completely remove the ramp and build a modest deck. There will be less encroachment into setbacks and an improvement in sealed surface. Attorney Scully went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Bialobrzkeski asked about the age of the ramp. Attorney Scully said he did not know.

Issues regarding frontage were discussed.

Ms. De Vries asked if they were classifying the correct side setback in the RA Zone is 10 feet. Chairman Provencal said that was correct. Ms. De Vries asked if the ramp exists today. Mr. Sokorelis, applicant, said that it does.

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 15-21.

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

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

17-21...The petition of Shawn Allyn for property located at 105 Kings Highway seeking relief from Article(s) 4.5.1 (front setback); 4.5.2 (side setback) to remove existing 4' by 4' deck and stairs and build a 16' by 6' composite deck with a pressure treated frame, stairs to grade on north side. This property is located on Map 197, Lot 20 and in the RA Zone.

Shawn Allyn, Applicant, said they were before the Board in December and withdrew because the Board felt this was too big and wanted a better plot plan. He said they are now requesting a smaller deck.

Steve Kowski, contractor, said they had originally requested a 16' by 8' deck and have now reduced it to 16' by 6'. They got a survey and included a certified plot plan. Mr. Allyn went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Bialobrzkeski asked if there were deed restrictions. Chairman Provencal said this Board does not deal with deed restrictions. Mr. Allyn said to his knowledge there were no deed restrictions.

Ms. De Vries said the home already is set very far into the setback and this is adding more. She said she felt this would be going farther than the abutters. Chairman Provencal said it would be 15 feet from the road.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Chairman Provencal said this really cannot be made smaller. There is a definite hardship.

Moved by Mr. McGuirk, seconded by Mr. O'Brien, to grant Petition 17-21 with the stipulation that the deck would be 2.5 feet from the property line.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members said that they had with the exception of Ms. Bialobrzkeski.

Roll Call Vote: 4 yes, 1 no (Bialobrzkeski). Motion passed.

18-21...The petition of Macguire Family Revocable Trust & Eddy & Kathleen Clemente for property located at 132 Kings Highway seeking relief from Article(s) IV Dimensional Requirements Table II Section 4.5.2 side setback to permit an addition to an existing structure which is located within the side building setbacks. The existing building encroaches the side setback by 3 ft. on the south side and 4 ft. on the north side. The proposed addition on the dwelling includes adding a third story and replacing the existing rear deck with an enclosed sunroom addition. The subject parcel located at 132 Kings Highway (183=030A) is an existing developed residential lot located in the Residential B "RB" zoning district. The 1.58-acre property has one existing duplex dwelling with

supporting infrastructure. This property is located on Map 183, Lot 30A and in the RB Zone.

Mr. Doug Macguire said the improvements brought by this project will conform to all other ordinances. This will add value to the neighborhood. The hardship is related to the shape of the property. Mr. Macguire went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Bialobrzkeski said she had many questions such as who was the surveyor?, where are the stamps?, are you aware you need a Wetlands Permit? Ms. Bialobrzkeski said she was not sure the lower floors are compliant. She said she felt there was not sufficient information to make a decision on this petition. Mr. Macguire said most of this will be answered by the Planning Board. They will also meet with the Conservation Commission.

Ms. Bialobrzkeski said she could not vote for something when she doesn't know what she is voting for.

Mr. McGuirk said if they need relief for anything else they will have to come back. Chairman Provencal said the Board has to look at what they are asking for in this petition.

Ms. De Vries asked if the required setbacks are 10 feet. Chairman Provencal said yes and this is the hardship.

All requirements were met in 1962 for this lot, but calculations have changed.

Mr. O'Brien noted that Witch Island Way has the same kind of frontage which is rounded out.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Ms. De Vries said she was not sure she was convinced of the hardship. Mr. McGuirk said the lot width does not meet what it should be in that zone. However, it is pre-existing.

Moved by Mr. McGuirk, seconded by Mr. O'Brien, to grant Petition 18-21 with the condition that the applicant appear before the Planning Board and the Conservation Commission, get a Wetlands permit and all other permits as required.

Chairman Provencal asked the Board if they felt the five criteria had been met. All agreed that they had with the exception of Ms. Bialobrzkeski who did not because she felt this petition did not meet the spirit of the ordinance.

Roll Call Vote: 4 yes, 1 no (Bialobrzkeski). Motion passed.

19-21...The petition of Robert E. & Madelyn S. Gearhart, Trustees of The Gearheart Revocable Living Trust for property located at 8 Cutler Avenue seeking relief from Article(s) 1.3 and 4.5.2 to renovate and modernize the existing home which is now over a hundred years old, as well as removing the existing nonconforming rear building to make room for an attached garage for direct access to the house and to supplement the two outside parking spaces. This property is located on Map 275, Lot 21 and in the RCS Zone.

Attorney Peter Saari said they were before the Board in January and it was made clear that the Board wanted something smaller on the third floor. Henry Boyd, Millennial Engineering, made substantial changes. The size has been reduced. Side and rear setbacks are also met. A lot of effort was put into this. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. McGuirk said he really liked this project as it is now proposed.

Mr. O'Brien asked if the third floor would now be conforming to all setbacks. Attorney Saari said that was correct. Mr. O'Brien said therefore the only relief needed is on the south side. Attorney Saari said yes.

Ms. Bialobrzkeski said a successful effort was made on this project.

Ms. De Vries asked if the building at the end of the driveway would go away. Attorney Saari said that it would go away. Ms. De Vries said this is a vast improvement.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. McGuirk said this looks fantastic.

Moved by Ms. De Vries, seconded by Ms. Bialobrzkeski, to grant Petition 19-21.

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

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

BUSINESS SESSION

Approval of Minutes

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to approve the Minutes of February 18, 2021 as amended.

Roll Call Vote: 3 yes, 0 no, 2 abstentions (De Vries, McGuirk). Motion passed.

Adjournment

There being no further business the meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Joan Rice
Secretary