

**HAMPTON ZONING BOARD OF ADJUSTMENT**  
**MINUTES – Amended**  
**March 21, 2019**

**Members Present**

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

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

**Election of Officers**

**Moved** by Mr. McGuirk, seconded by Mr. O'Brien, to appoint Bryan Provencal as Chairman of the Hampton Zoning Board of Adjustment for the coming year.

**Vote:** 4 yes, 0 no, 1 abstention (Provencal).

**Moved** by Chairman Provencal, seconded by Mr. O'Brien, to appoint Ed St. Pierre as Vice Chairman of the Hampton Zoning Board of Adjustment for the coming year.

**Vote:** 4 yes, 0 no, 1 abstention (St. Pierre).

**Moved** by Mr. McGuirk, seconded by Mr. St. Pierre, to appoint Norma Collins as Clerk of the Hampton Zoning Board of Adjustment for the coming year.

**Vote:** 4 yes, 0 no, 1 abstention (Collins).

**PETITION SESSION**

Chairman Provencal announced that the Applicants for Petition 05-19, Green & Co. for property located at 313 & 315 Ocean Blvd. have asked to withdraw without prejudice.

**Moved** by Mr. O'Brien, seconded by Mr. McGuirk, to allow Petition 05-19 to be withdrawn without prejudice.

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

Chairman Provencal announced that the Applicants for Petition 13-19, Chinburg Properties for property located at Mary Batchelder Rd./Timber Swamp Rd. have asked to be continued next month.

**Moved** by Mr. O'Brien, seconded by Mr. St. Pierre, to continue Petition 13-19 next month at which time it will be first on the Agenda.

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

**09-19...**The petition of Thomas J and Judith Doyle for property located at 2.5 Dumas Ave. seeking relief from Article (s) 4.5.1,4.5.2 and 4.5.3 to demolish and rep 8.2.3 and Footnote #12 to convert three (3) season cottage to year round home, to include 2<sup>nd</sup> story. This property is located on Map 223, Lot 44 and in the RB Zone.

Mary Doyle, daughter of the Applicants, and Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said this is a very small lot, It is also very narrow. He said Ms. Doyle has spent a great deal of time with a designer to get to a building that will fit within the lot. Attorney Saari went through the five criteria and said he felt they had been met.

#### *Questions from the Board*

Ms. Collins asked what was the depth of the overhang. Attorney Saari replied that it was 1-1/2 inches.

Mr. O'Brien asked if the third floor is a mirror image of the first and second floors. Attorney Saari said it was only the second floor that was a mirror image..

#### *Comments from the Audience*

Della Thibeault , 2 Dumas Ave., said she opposes this project because it will be too close to her property.

Dorothy Chicaderis, 2 Dumas Ave., said right now she can look from her kitchen into the bedroom of the Doyle property. She said she opposes it because of the closeness to her property.

Jean Liboroni, 11 Dumas Drive, said she was in favor of the project. It will be an improvement to the neighborhood.

#### *Back to the Board*

Mr. O'Brien asked if there would be air conditioning in the house. Ms. Doyle said there would not.

Mr. St. Pierre said he did not feel this was an unreasonable request and the lot certainly carries a hardship.

**Moved** by Mr. St. Pierre, seconded by Mr. McGuirk, to grant Petition 09-19. Chairman Provencal asked the Board if they felt the five criteria had been met. All members except Ms. Collins agreed that they had.

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

**10-19...**The petition of Linda Brandt for property located at 46 Kings Hwy. seeking relief from Article(s) 1.3 Article IV 4.5.1 (front), 4.5.2 (side) and Article VIII 8.2.3 and Footnote #12 to convert three (3) season cottage to year round home, to include 2<sup>nd</sup> story. This property is located on Map 223, Lot 44 and in the RB Zone.

Linda Brandt, Applicant, came forward. She said she is a lifelong resident of Hampton Beach. Ms. Brandt said her goal was to renovate her 3-season cottage and make it a year round home. Ms. Brandt went through the five criteria and said she felt they had been met.

#### *Questions from the Board*

Mr. St. Pierre asked if the existing structure would be torn down. Ms. Brandt said it would not. Mr. St. Pierre then asked if they would be building on to the existing first floor. Ms. Brandt said that was correct. Mr. St. Pierre asked if they would be staying within the footprint. Ms. Brandt said that was correct.

Mr. St. Pierre said the Applicant might have to deal with some extra fire codes.

Chairman Provencal said Applicant was parking on Town property, so another parking space is needed. He said perhaps another place for the stairs could be found. Ms. Brandt said they could do that. Ms. Brandt said there is also parking out back.

#### *Comments from the Audience*

Ms. Joyal, 49 Kings Highway, said she felt it was a nice addition and will add to surrounding property values.

#### *Back to the Board*

**Moved** by Mr. O'Brien, seconded by Ms. Collins, to grant Petition 10-19.

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.

At this time Mr. McGuirk stepped down from the Board and Mr. Grady stepped up.

**11-19...**The petition of McGuirk's Ocean View Inc. for property located at 95 Ocean Blvd. and 25 J Street seeking relief from Article(s) 1.3 and 4.5.2 (side setback) requesting 3' where 4' is required for new ADA access lift and enclosure at south side of the property along J Street. This new addition will also allow for ADA access to the main dining level where none currently exists. Existing concrete walls and stairs to be renovated to create this new element. New addition is 76 sq. ft.+/- and will create no new impervious Sq. Ft. area. This property is located on Map 290, Lots 118 & 137 and in the BS Zone.

Tom McGuirk, Applicant, Attorney James Stone and Architect Shannon Alther came forward. Attorney Stone said they are looking for relief for the side setback which will be 3', but 4' is required. The Applicant is trying to create an ADA access and enclosure. Attorney Stone went through the five criteria and said he felt they had been met.

#### *Questions from the Board*

Chairman Provencal asked if they would get rid of the stairs that are there now. Mr. Alther said the existing stairs will be removed.

Ms. Collins asked if this would impact the curb. Mr. McGuirk said it would not.

Mr. O'Brien said people will not enter the building the way it is now. They would come down from Ocean Blvd. and there will be two ways to get in. Mr Alther said that was correct.

#### *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 11-19.

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.

At this time Mr. Grady stepped down from the Board and Mr. McGuirk stepped up to the Board.

**12-19...**The petition of Hampton River Marina, LLC for property located at 55 Harbor Rd. seeking relief from Article(s) 2.3.4(B), 2.3.7(c) and 4.4 to amend the previously approved application to construct a 24 unit and two unit in place of the considerably larger project that was approved as well as doing a complete overhaul of the entire site. This property is located on Map295, Lot 1 and in the BS Zone.

The Applicant, Attorney Peter Saari and Joe Coronati, Jones & Beach, came forward. Attorney Saari said the marina has been a long time feature of the beach but little attention has been given to its infrastructure in recent years. The new owner is proposing to upgrade the entire site, providing accommodations for both boat owners and non-boat owners. Defined parking spaces will be provided. Permeable surface will be increased and this will be transformed into a high-end marina. Attorney Saari went through the five criteria and said he felt they had been met.

*Questions from the Board*

Mr. O'Brien said the current Town Planner said the 44-unit project was vested and in November 2017 he said to go ahead and proceed with this as an amended plan.

Mr. O'Brien asked what was granted previously. Mr. Coronati said a total of 44 units were approved. Mr. O'Brien said he would like to know what this Board did 15 years ago such as what variances were granted. Mr. Coronati said the variances were for 8.2.2, 8.2.3,, 8.2.4 and 8.2.6. Attorney Saari said he believed one of the issues was the height of the building.

Mr. Coronati said they have to obtain a wetlands permit. As for parking, there are two spaces per unit and the necessary visitor spaces. 118 slips could be rented.

Mr. O'Brien asked what the hardship was for going over 50 feet. Attorney Saari said it was because of the garage.

Ms. Collins asked what the ceiling height was in the condos. Mr. Coronati said the ceiling height was nine feet.

Chairman Provencal said he did not think the height of this project was outrageous.

*Comments from the Audience*

John McNamara, 24 Fellows Ave., expressed concern about an increase in traffic. Chairman Provencal said that is for the Planning Board to address. This Board is addressing height.

Pam Oleck, 20 Harris Ave., said she was representing the Board of Daniels Landing Condominium and they are in opposition to this project. She said they like that there is only one building and they worry that their property values will diminish. They would prefer one story less.

Jason Bachand, Town Planner, said this project was vested in 2011.

Rayann Dionne, Conservation Coordinator, said she felt the Conservation Commission needed more time to review this project.

*Back to the Board*

**Moved** by Mr. O'Brien, seconded by Chairman Provencal, to grant Petition 12-19 on the condition that the height of the building be no more than 56'8" + parapets of 2'10" which is 59'5" and that variances granted be 2.3.4(B) and 2.3.7(C-2) and that the Applicant successfully obtains a wetlands permit from the Town of Hampton.

Mr. St. Pierre said he was against granting any height variances in this section of the beach.

Mr. McGuirk said he was glad there would be a working marina. Chairman Provencal said there is no other place for boats in Hampton.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed they had with the exception of Mr. St. Pierre who abstained.

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

## **BUSINESS SESSION**

### **Old Business**

Mr. St. Pierre said he was Acting Chairman last month. A question came up as to whether there was a quorum. Mr. St. Pierre said his interpretation is that it is necessary to have three positive votes in order to have an approval and our alternates who are sitting are considered members for that vote. Mr. St. Pierre said he appointed Mr. O'Brien as Acting Chairman for a petition because alternates cannot hold an elected position.

Mr. St. Pierre said he would like to reaffirm the vote of the December Minutes as amended.

**Vote:** 3 yes, 0 no, 2 abstentions (Collins, St. Pierre). Motion passed.

**Appointment of Alternates**

**Moved** by Mr. St. Pierre, seconded by Chairman Provencal, to appoint Fred Rice as an Alternate for 2 more years (2021).

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

**Moved** by Mr. St. Pierre, seconded by Mr. O'Brien, to appoint Ken Lessard as Alternate for 3 more years (2022).

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

**Approval of Minutes**

**Moved** by Mr. O'Brien, seconded by Ms. Collins, to approve the Minutes of February 21, 2019 as amended.

**Vote:** 3 yes, 0 no, 2 abstentions (McGuirk, Provencal). Motion passed.

**Adjournment**

There being no further business, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Joan Rice  
Secretary