

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - *Draft*
July 15, 2021

Members Present

Bill O'Brien, Chairman
Anne Bialobrzkeski
Erica De Vries
Norma Collins, Alternate

Also Present

Jim Marchese, Building Inspector

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

The Pledge of Allegiance was said.

Chairman O'Brien said two regular members of the Board were not present. Members present are Ms. Bialobrzkeski, Ms. De Vries, Ms. Collins and himself. Mr. Marchese the Building Inspector was also present. Under normal circumstances five members are present. With only four any decision must have three voting in the affirmative.

PETITION SESSION

32-21...The continued 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.

Scott Logan, Applicant came forward. Chairman O'Brien asked him if he would like to proceed with a four member Board or if he would prefer to continue next month. Mr. Logan said he wished to continue.

Moved by Ms. Bialobrzkeski, seconded by Ms. Collins, to allow Petition 32-21 to be continued next month at the request of the Applicant. This petition will be first on the Agenda.

34-21... The continued petition of Mary & Tom Murphy for property located at 13 Tuck Road seeking relief from Article(s) 4.8a for construction of a 6' wide by 32' long farmer's porch, open on 3 sides, with a porch floor of PVC decking. This property is located on Map 109, Lot 29 and in the RA Zone.

Mary and Tom Murphy, Applicants, came forward. They said they would prefer to continue.

Moved by Ms. De Vries, seconded by Ms. Collins, to allow Petition 34-21 to be continued to next month at which time it will be second on the Agenda.

Vote: 3 yes, 0 no. Motion passed unanimously.

38-21...The petition of Matthew D & Debra A Sullivan for property located at 3 Ancient Highway seeking relief from Article(s) 4.5.2 for stairs and 8' x 10' landing. This property is located on Map 152, Lot 3 and in the RA Zone.

Matthew and Debra Sullivan, Applicants, said they would prefer to wait and see if another Board member would join the meeting. Chairman O'Brien said their petition would go to the end of the Agenda.

39-21...The petition of Bradley L & Pamela Warren for property located at 787 Ocean Blvd. seeking relief from Article(s) 4.5.1 and 4.5.2 to pull a portion of the existing second floor deck forward by 4 feet (3 feet from the drip edge) along its 18-foot width to make better use of the deck by allowing some view to the South. This property is located on Map 211, Lot 7/1 and in the RA Zone.

Attorney Peter Saari, Casassa & Ryan, came forward. He said the Warrens have a substantial water problem whenever it rains. They want to replace the doors to the deck with a better design. Allowing this is typical of ocean front properties. The small enlargement of the deck would fit into the neighborhood. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. De Vries asked how the deck related to the water problem. Attorney Saari explained.

Chairman O'Brien asked how big the existing deck is. Attorney Saari said approximately 8 feet.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Ms. Bialobrzkeski said she looked at the property and the deck will project in front of the line of the houses on that block. She said she was not sure she saw a hardship. Ms. Collins and Ms. De Vries agreed.

Chairman O'Brien asked Attorney Saari if he would be willing to withdraw and have the Building Inspector look at the water problem and make a recommendation. Attorney Saari agreed to withdraw.

Moved by Ms. De Vries, seconded by Ms. Bialobrzkeski, to allow Petition 39-21 to be withdrawn.

Vote: 4 yes, 0 no. Motion passed unanimously.

40-21...The petition of Carter Plimpton for property located at 16 Mace Road seeking relief from Article(s) 4.8a to build a deck on the side of the house to gain access to pool. This property is located on Map 128, Lot 40 and in the RA Zone.

The Applicant's representative said they want to build a deck around the pool area. It will be composite decking. The representative then went through the five criteria and said he felt they have been met.

Questions from the Board

Ms. Bialobrzkeski said she did not see a lot of information. She asked how long the pool has been there. The representative said one year. Ms. Bialobrzkeski said there was no plan and there are questions about impervious surface. Ms. Bialobrzkeski said she was not comfortable with only approximate numbers provided by the Building Inspector. More specific plans are needed.

Chairman O'Brien said the instructions for the application need to be followed. He then asked the representative if he would like to continue next month. It was agreed to do so.

Moved by Ms. Bialobrzkeski, seconded by Ms. De Vries, to allow Petition 40-21 to be continued next month at which time it will be third on the Agenda.

Vote: 4 yes, 0 no. Motion passed unanimously.

41-21...The petition of John & Victoria Wjjeysinghe for property located at 37 Naves Road seeking relief from Article(s) 4.8a (maximum impervious coverage 25%) to construct a 16 x 24 deck on back side of house. This property is located on Map 147, Lot 16 and in the RA Zone and Aquifer Protection District.

Ms. Wijeyesinghe said they want to put a deck on the back side of their home. They did not know they were in the Aquifer zone. She said their home was already at 25% and the deck will bring it to 31%. The neighbors have no objections that they know of. She went through the five criteria and said she felt they had been met.

Questions from the Board

Chairman O'Brien asked if the home behind was landlocked. Mr. Marchese said it was not.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Ms. Bialobrzkeski said a 16 x 24 is a big deck. She said if the Board is going to be consistent it is necessary to ask for accurate impervious calculations. She said she felt they should continue. The Applicants agreed to continue.

Moved by Ms. Bialobrzkeski, seconded by Ms. De Vries, to allow Petition 41-21 to be continued next month at which time it will be fourth on the Agenda.

Vote: 4 yes, 0 no. Motion passed unanimously.

42-21...The petition 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 with better setbacks on the north, east and west sides of a prior house that was demolished by the Town on account as being uninhabitable, and to be able to offer any persons looking for housing opportunity to build a new home with the most likely needed variances being pre-approved. This property is located on Map 293, Lot 4 and in the RB Zone.

Attorney Peter Saari said they were here in May. This is a follow-up on what the Board required. The Board required two parking spaces. The solution was to make the building wider. Attorney Saari showed a picture of what could be built. This changes the setbacks from what was presented in May. The shape of the lot is not a rectangle. The driveway now takes care of that. The Town is losing a lot of money on this property. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman O'Brien said this has to be taken care of at this meeting. It is costing the Town too much money.

Ms. Bialobrzkeski said a 23 x 29 building on that lot is very large. This doesn't change anything from last time. She said if he was given a building envelope of 23.5 feet and 27.5 she felt she could do that. It must be conditioned to grant relief for 4 foot side setbacks and 5 foot setbacks front and rear with the understanding on two parking spaces being provided on the lot.

Moved by Ms. Bialobrzkeski, seconded by Ms. De Vries, to grant Petition 42-21 on the condition that side setbacks be four feet and front and rear setbacks be five feet. Also required are two parking spaces on the lot.

Comments from the Audience

David Plaza representing Marguerite Dannon said Ms. Dannon shares a driveway with this lot. He said he wanted to make sure dimensions are correct. Mr. Plaza said the main concern was flooding and if this could be made worse.

Ms. Bialobrzkeski said lower levels are not required to be raised. This is a new FEMA regulation.

Back to the Board

Chairman O'Brien addressed the motion that had been made. He asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 4 yes, 0 no. Motion passed unanimously.

43-21...The petition of Craig S & Amanda L Field for property located at 37 Ann's Lane seeking relief from Article(s) IV Table II Section 4.2 and Section 4.2 footnote 22 and 4.3 to subdivide the property into 2 lots which requires certain variance relief relative to frontage and lot width/shape. This property is located on Map 127, Lot 20 and in the RA Zone.

Attorney Derek Dervin representing the Applicants said he would request to continue before a full Board next month.

Chairman O'Brien asked what the impervious surface on the two lots would be if this petition is approved.. Attorney Dervin said it would be 21.6% on lot 20-1 and 21.8% on lot 20-2.

Ms. Bialobrzkeski said she was concerned they were not asking for all the relief they need.

Chairman O'Brien asked Ms. Bialobrzkeski to address her concerns.

Ms. Bialobrzkeski said this is in the Aquifer Protection District. As the structures exist now the lot up front does not meet the lot size requirement for a lot with two dwelling units in the Aquifer zone. There are vague comments saying that someone wants to convert the second unit to an accessory dwelling unit. She said she was not sure that changes the lot size requirement. The RSA says you can have an accessory dwelling unit regardless of lot size, but she was not sure that means you can create a new lot that does not meet the zoning requirements for lot size.

Moved by Ms. Bialobrzkeski, seconded by Ms. Collins, to continue Petition 43-21 until next month's meeting at which time it will be fifth on the Agenda.

Vote: 4 yes, 0 no. Motion passed unanimously.

38-21...(Continued from earlier in the meeting)

Questions from the Board

Chairman O'Brien said the Board did not have a survey of their lot. He said he was willing to hear the petition without the survey assuming everything is correct. However, it will be required to have a survey before a Building Permit can be granted.

Ms. Sullivan said it would cost \$5,000 for a survey.

Chairman O'Brien said it almost looks like the fence is on Town property. Ms. Sullivan said they replaced the fence and moved the location back.

Ms. Bialobrzkeski said they did not have an idea of where the property lines are.

Chairman O'Brien said he could not vote for this without knowing where the property lines are.

Ms. Bialobrzkeski said she felt the Applicants could get a survey for less money. She said Place Cove is a difficult area.

Ms. Sullivan said people from the Town came to check the placement of the fence and said it was fine.

Mr. Marchese said a survey is definitely required to get a building permit.

At this time the Applicants asked to continue.

Moved by Ms. Bialobrzkeski, seconded by Ms. Collins, to allow Petition 38-21 to be continued to next month at which time it will be sixth on the Agenda.

Vote: 4 yes, 0 no. Motion passed unanimously.

BUSINESS SESSION

Formal Clarification - Petition 21-21 - 15 Battcock

Chairman O'Brien said he had a letter from Stephen and Patricia Reichle. Their petition was approved on April 15th. At that time they wanted to raze a house and put a first floor underneath. Now they want to knock the entire building down and have new construction. Chairman O'Brien said he wanted to make sure the Board was comfortable with the Reichles reconstructing to the same plan they gave us but with new construction.

Ms. Bialobrzkeski said she was not comfortable with this.

Mr. Marchese said the structure there is now a camp. They are now asking to build something that meets current building standards. This will be better and safer.

Ms. Bizlobrzkeski said she was concerned about FEMA rules.

Mr. Marchese said he is the Flood Plan Administrator and he believes this meets the rules.

Ms. De Vries said she believed there may be other considerations.

Mr. Marchese said they are in the elevation 9 flood zone and they are at 10.5 and are meeting the FEMA requirements.

Chairman O'Brien said they should think about moving the structure back. Mr. Marchese said that would require a new application.

Approval of Minutes

Moved by Ms. De Vries, seconded by Ms. Bialobrzkeski, to approve the Minutes of May 20, 2021 as amended.

Vote: 3 yes, 0 no, 1 abstention (Collins). Motion passed.

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Moved by Ms. De Vries, seconded by Ms. Bialobrzkeski, to approve the Minutes of June 17, 2021 as amended.

Vote: 3 yes, 0 no, 1 abstention (Collins). Motion passed.

Rules of Procedure

Chairman O'Brien asked the Board if they were okay with the Rules of Procedure. All members said they were.

New Petition for Relief

Chairman O'Brien asked the Board if they were okay with the new Petition for Relief. All members said they were.

Chairman O'Brien said the new Petition for Relief will go into effect on July 27th. The cost will also go up to \$200.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Joan Rice
Secretary