

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
July 18, 2019**

Members Present

Bryan Provencal, Chairman
Norma Collins
Bill O'Brien,
Ed St. Pierre
Tom McGuirk
Fred Rice, Alternate

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

25=19...The petition of Stephen Tilton for property located at 161 Little River Road seeking relief from Article(s) 4.2 (including footnote 22) and 4.3 to subdivide a 1.9 acre parcel into two lots. Each lot will have frontage on Little River Road and have sufficient size to satisfy the area requirements of both the RA Zone and Aquifer Protective District, but only one will have the required frontage. Lot 1 will be .52 acres with 181' of frontage while Lot 2 will be 1.38 acres with 25' of frontage on Little River Road. This property is located on Map 164 Lot 7 and in the RA Zone.

Stephen Tilton, Applicant, said he wants to divide the subject parcel into two lots. Mr. Tilton went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the lot out back had water and sewer. Mr. Tilton said that it did. Chairman Provencal asked if Mr. Tilton would be willing to change the frontage of the lots. Mr. Tilton said he would be willing to do that.

Mr. St. Pierre said the Board would like to see at least one conforming lot. Mr. St. Pierre said he had a problem with the small frontage.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. O'Brien asked if Mr. Tilton would be okay with 125' for one lot and the other one at 80'.

Ann Bilogresky, the surveyor, said she did not know if 125' would work

Chairman Provencal said the Board does not feel there is a hardship to make a pork chop shaped lot.

Mr. O'Brien said Lot 2 would have to have a 50' frontage and the front lot line will have to move in a little.

Moved by Ms. Collins, seconded by Mr. O'Brien, to grant Petition 25-19 with the conditions that Lot 2 have 50' of frontage and Lot 1 will have the rear setback adjusted to have the same area. The front lot can go bigger, but not smaller.

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. Rice stepped up to the Board.=

26-19...The petition of Donik Corporation for property located at 533., 535 and 537 Ocean Boulevard seeking relief from Article(s) 2.3.7 (C) except for the last sentence, 4.4 and 6.4.2 to merge Lots 8, 9 and 13 to construct a high end 30-unit condominium in place of all of the buildings now on the lots. This property is located on Map 255, Lots 8, 9 and 13 and in the BS Zone.

Will Soucy, Applicant, and Attorney Peter Saari, Casassa & Ryan, and Joe Coronati, Jones & Beach, came forward. Mr. Coronati said a lot of changes have been made in the plans for this project. A third lot has been added which gives another 40 feet of frontage. 19,000 sq. ft. of impervious surface will be removed and that area will be planted with shrubs and bushes. Number of units has been reduced from 36 to 30. There will be 10 3-bedroom and 20 2-bedroom units. The parking garage is the same. Parking requirements are met. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien asked if any of the prior variances are coming forward. Mr. Coronati said previously they received six variances. Mr. O'Brien said he felt they did not need 4.1.1. Mr. O'Brien asked if there was a deck on the roof. Mr. Coronati said there was not. Mr. O'Brien

said he would like the Applicant to consider putting some fake texture on the back of the building to give it some character.

Mr. Rice said he liked this project. There are fewer units which are larger. This ups the value. The parking looks good. Mr. Rice said he would really like to see texture on the back of the building.

Ms. Collins asked if there would still be landscaping in front since the building will come forward. Mr. Coronati said there will be a little less landscaping.

Chairman Provencal asked if there would be a berm to keep the water back. Mr. Coronati said yes and also in the back.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. St. Pierre said the first time this came in he was a little concerned about the buffers. Now he said he really likes the project. Mr. St. Pierre said he likes how the back of the building will look and the entire building is very nice.

Mr. O'Brien said the term "roof deck" should be changed to "roof". Also, if there are any changes, the Applicant would need to come back for this Board's approval.

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to grant Petition 26-19 with the conditions that the term "roof deck" be changed to "roof" and if there are any changes, the Applicant would need to come back for this Board's approval.

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

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

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

27-19...The petition of Bonnie & Peter May for property located at 69 Acorn Rd. seeking relief from Article(s) VII 8.2.3 to demolish present structure and re-build on same footprint. Raise ceiling height to standard 8 feet from present 5'9" to 6'5". This property is located on Map 134, Lot 80 and in the RB Zone.

Peter and Bonnie May, Applicants, came forward. Mr. May said they had lived in this house for 35 years. The present structure does not meet many codes, etc. This proposal stays within the present footprint. This will be an upgrade for the neighborhood.

Questions from the Board

Mr. St. Pierre asked if this would be one level. Mr. May said that was correct.

Ms. Collins said the improvements look great.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. McGuirk, seconded by Mr. St. Pierre, to grant Petition 27-19.

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

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

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

28-19...The petition of 142 Ashworth Ave. LLC for property located at 7 Johnson Avenue seeking relief from Article(s) 1.3, 4.5.2, 4.5.3, 6.3.1 to build a single-family home on the existing foundation. There has never been adequate parking on this lot, and we are requesting that whatever parking that previously existed remain and is deemed sufficient for this property. This property is located on Map 293 Lot 47 and in the RB Zone.

Attorney Terry Scully, representing the Applicant, came forward. He said the owners want to build a new structure. This will be good for the neighborhood and will increase property values. Attorney Scully went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre said the Applicant owns the property next door so it must work for parking.

Mr. O'Brien asked if there was a basement. Attorney Scully said there was not.

Regarding parking, Attorney Scully said they would have stacked parking. Mr. O'Brien said he was opposed to this. Stacked parking is not grandfathered if the structure has been torn down. Mr. O'Brien said there is no building there now so it is required to have two parking spaces and stacked parking is not allowed.

Mr. Rice said the Applicant is now trying to improve the neighborhood.

Mr. St. Pierre said perhaps the Applicant should look into getting an easement.

Mr. O'Brien said he would like an explanation from Kevin Schultz regarding the demolishing of the old building.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. Rice said he felt the Applicant needed to do more homework.

Attorney Scully requested a continuance.

Moved by Mr. St. Pierre, seconded by Mr. Rice, to continue the hearing of Petition 28-19 next month at which time it will be first on the Agenda unless the request for variance changes.

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

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

29-19...The petition of John R and Sheila C Woelfel for property located at 23 Thornton Street seeking relief from Article(s) 1.3, 2.4.9,-A1, 4.5.1, 4.5.2 to add second floor living space, remove all lower (basement) level living space, move mechanicals to first or second floor, flood proof basement. This property is located on Map 303 Lot 13 and in the RA Zone.

John and Sheila Woelfel, Applicants, and Attorney Tim Phoenix came forward. Attorney Phoenix said this is a 5,000 square foot lot. The Applicants intend to add another floor on top of the existing foundation. Front and side setback relief is needed because of overhangs
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extending into the setbacks. They will take everything out of the basement. At the present time they meet the FEMA requirements but not the Zoning Board requirement. They will

flood safe the basement at 16' 9". Attorney Phoenix went through the five criteria and said he felt they had been met,.

Questions from the Board

Ms. Collins asked if the cupola was within the average grade. Attorney Phoenix said that it was. The architect for this project said they are planning to reduce the pervious surface. This will be addressed.

Mr. O'Brien asked how they would get to the 16'9" number. Attorney Phoenix said it is two feet over the highest adjacent grade.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. St. Pierre, seconded by Mr. O'Brien, to grant Petition 29-19 with the stipulation that the basement level bedroom, bathroom, laundry and mechanicals will be removed from the basement level.

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

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

BUSINESS SESSION

Approval of Minutes

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to approve the Minutes of June 20, 2019 as amended.

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

Adjournment

Moved by Mr. St. Pierre, seconded by Ms. Collins, to adjourn the meeting at 9:23 p.m.

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

Tom McGuirk - Cabana

Mr. McGuirk wished to advise the Board of a minor temporary architectural change at his project next to his restaurant on Ocean Blvd. Mr. McGuirk said the plan has been to build in September. The buildings were taken down and the neighbor was asked if he wanted to have a parking lot for the summer, He said he did not. A fence was built and a cabana was built. The plan was to pave the cabana and take it out in September. It was not possible to pave this area. Kevin Schultz was okay with the wood cabana deck and said it did not need a variance now, but the deck should have been torn back four feet on the north side. Mr. McGuirk said they did not pull it back on the north side. The error was inadvertent and was not caught even after all three building inspectors had looked at the site. Mr. McGuirk said this cabana is temporary although they might have a cabana when they build permanently. This type of change would require approval of the total plan by the ZBA.

Chairman Provencal said as long as everybody is okay with this, the temporary deck is okay. Also, after two years an extension can be requested for one year.

Respectfully submitted,

Joan Rice
Secretary