

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - Draft
September 19, 2019

Members Present

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

The Pledge of Allegiance was said.

It was noted that it has been requested to withdraw Petition 34-19, 1 Ocean Blvd.

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to allow Petition 34-19 to be withdrawn without prejudice.

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

PETITION SESSION

33-19...The petition of Timothy Bowman for property located at 67 Hobson Avenue seeking relief from Article(s) IV Table II Footnote (12), Article IV Table II Footnote (28) and 4.5.2 and 4.5.3 to build a 8' x 10' shed on the Southwest corner of the property per the attached survey drawing and proposed shed location. This property is located on Map 289, Lot 11-5 in the RB Zone.

Timothy Bowman, Applicant, came forward. He said he wanted to build a shed on his property in order to create more storage space. Mr. Bowman said other properties in the neighborhood also have sheds. There will be no electrical power or combustible tools that would increase fire risk. Mr. Bowman went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Collins asked about the size of the shed and if that size was necessary. This shed would be larger than others on the street. Mr. Bowman said he was asking for 80 square feet. Ms. Collins asked if a Wetlands Permit had been obtained. Mr. Bowman said that is the next step.

Mr. St. Pierre said if the shed were turned 90 degrees, two more feet from the house would be available. Mr. St. Pierre said this Board can't grant relief from the State fire code. There

is a 7-foot requirement for firefighters to be able to get around the building. Mr. McGuirk also said relief cannot be granted for something that would put firefighters in danger.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. McGuirk said there is zero setback on the west and south sides. There are different ways to get through this process which would be better.

Chairman Provencal said it would be better if the shed were smaller, perhaps 6' x 8'. Mr. Bowman said he would agree to that.

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to grant Petition 33-19 to put a shed which is 6' x 8' on the property and approval must be obtained from the Conservation Commission. A Wetlands Permit must also be obtained.

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

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

At this time Mr. St. Pierre stepped down from the Board.

35-19...The petition of Walter & Tamara Tate for property located at 16 Boars Head Terrace seeking relief from Article(s) 4.5.1, 4.5.2 and 4.5.3 for construction of new dwelling requesting relief in rear to 3.5' to overhang 4.0' to structure, requesting 3.69' to overhang 4.19' to structure on left side, also 7.25' to deck 9.0' to structure on right already granted. This property is located on Map 266, Lot 44 in the RA Zone.

Walter & Tamara Tate, Applicants, and Henry Boyd, Millennial Engineering, came forward. Mr. Boyd said this project came before the Board in May. The Applicants would like to extend two feet to the rear on the 2nd and 3rd floors. They will be adding an elevator for Mrs. Tate's mother. Mr. Boyd went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien said there was a 3rd floor deck and now a 2nd floor deck is being added. Mr. Boyd said that was correct. The applicants plan to use the 2nd floor deck as a living space

and it will be enclosed. Mr. O'Brien said that is not what is being shown on the plans tonight. If living space is wanted it would be necessary to come before the Board for that.

Chairman Provencal said that if relief is granted for that deck, the Board cannot keep the Applicants from enclosing it. Mr. O'Brien said he would like the Applicants to come back so what they plan can be seen on paper.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. O'Brien said that what goes in the file has to be correct. He suggested continuance of this petition.

Moved by Mr. O'Brien, seconded by Chairman Provencal, to continue Petition 35-19 until next month at which time it will be first on the Agenda.

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

At this time Chairman Provencal stepped down from the Board and Mr. St. Pierre stepped back up to the Board as Acting Chairman

36-19...The petition of Linda Fields for property located at 199-201 Ashworth Ave. seeking relief from Article(s) 1.3, 4.5.1 and 4.5.2 to remove top floors and roofs and replace with more conforming structure. This property is located on Map 296, Lot 104 and in the BS Zone.

Bryan Provencal, General Contractor for this project, and Henry Boyd, Millennial Engineering, came forward. Mr. Provencal said the roof is failing on this property. Plans are to take the top floor and reconstruct with a more pleasing building. They will be adding only aesthetic pieces and maybe a little more square footage. Mr. Boyd said there are actually two structures. Mr. Provencal is speaking about the front one. Mr. Boyd went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien asked how many units there would be. Mr. Provencal said there are two units. Mr. O'Brien asked if the units were connected. Mr. Provencal said there was one continuous foundation, Mr. O'Brien noted that there were no floor plans. Mr. Provencal said they don't know where walls will go until they take things apart. He said the top floor

will be bigger and there will be three bedrooms per unit. Mr. O'Brien said they would be going from 1,500 s.f. to 3,000 s.f. Mr. Provencal said it would be more like 2,500 s.f.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. McGuirk said this will be an improvement over what is there now.

Moved by Mr. McGuirk, seconded by Ms. Collins, to grant Petition 36-19 with the condition that the front façade will come out and be replaced.

Acting Chairman St. Pieere 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.

At this time Mr. Provencal stepped back up to the Board.

BUSINESS SESSION

Modifications to 431-435 Ocean Blvd.

Joe Coronati, Jones & Beach, and Attorney Bernie Pelech came forward. Attorney Pelech said they were before the Board in May. Since then Mr. Coronati went to the Conservation Commission and they suggested several changes and he then went on to the Planning Board. Suggested changes do not affect height or density. The distance to the wetlands is actually increased. The building is four feet closer to the street. Attorney Pelech said they were at the meeting to make the Board aware of these changes. Nothing requires more variances.

Mr. Coronati said they have pulled the building forward. The pool has been eliminated. Parking has been pulled forward closer to the building. Both the Conservation Commission and the Planning Board approved this.

Chairman Provencal said with the pool and amenities gone this is just a cookie cutter condo. Chairman Provencal asked if anything changed aesthetic wise. Mr. Coronati said no. Chairman Provencal said he was not in favor of these changes. Mr. Coronati said if they push the building back they won't get approval from the Conservation Commission or Planning Board. Mr. Provencal said he felt the amenities are very important.

Mr. St. Pierre said he felt this project was a hard sell at the beginning. Now it is changed. Mr. O'Brien agreed and said the height of the building was over the norm and moving it back made it more palatable.

Attorney Pelech said they could go back to the Conservation Commission and Planning Board

Chairman Provencal said they have a ZBA approved plan and he is standing by it. This is a project that was approved, but now he doesn't see anything good about the new plan.

Mr. St. Pierre said that originally the Board wanted the building with one less floor, but agreed after applicants agreed to move the building back.

Chairman Provencal said the applicants can refile with the new plan and come back to the Board for approval or take the first plan and start over.

Approval of Minutes

Moved by Mr. St. Pierre, seconded by Mr. O'Brien, to approve the Minutes of July 18, 2019 as amended.

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

Moved by Mr. O'Brien, seconded by Mr. McGuirk, to approve the Minutes of August 15, 2019 as amended.

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

Adjournment

There being no further business, the meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Joan Rice
Secretary