

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – Draft
December 18, 2014

Members Present

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

Others Present

Joan Rice, Secretary

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

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

54-14...The continued Petition of Marigold Realty Trust for property located at 2 Donna's Lane seeking relief from Article 4.1, 4.1.1, 4.2, 4.3 and 4.5.2 to remove existing commercial garage and replace with a single family, three (3) bedroom residence with garage under and 1,534 sq. ft. of living area. This property is located on Map 6 Lot 14-2 in the RAA Zone.

Geoffrey Rallis, Petitioner, and Attorney Michael McCarthy came forward. Attorney McCarthy said this was subdivided about 10 years ago. The existing structure is in disrepair. Mr. Rallis wants to use this property for residential purposes. This is a reasonable use for this property. It will look much better and will not impact the value of adjacent properties. It will also eliminate the non-conforming use. Attorney McCarthy went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Collins said when this was subdivided a second well was to be provided. Mr. Rallis said it was. Ms. Collins asked about the existing footprint. Mr. Rallis said the footprint is 40' X 40' and the footprint of the house will be 20' X 32'.

Mr. St. Pierre asked from what property this parcel was subdivided. Attorney McCarthy said it was the old police barracks. Mr. St. Pierre asked who made this decision. Attorney McCarthy said the old owner made the decision.

Mr. O'Brien asked about the sewer system. Mr. Rallis said the sewer system will go into the residence.

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 54-14.

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.

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

53-14...The continued Petition of Steven G. Shadallah, Esquire for property located at 4 Haverhill Ave. seeking relief from Article 1.3 and 4.5.1 for expansion of a non-conforming use by the addition of second and third floor living area within the setback but within the pre-existing footprint. To allow the construction of new front steps containing an additional 12 square feet within the front setback. To allow the addition of a second floor deck 2 feet 6 inches by 9 feet to be located 7 feet by 2 inches from the front setback where 20 feet is otherwise required. This property is located on Map 293, Lot 1142 in the RB Zone.

Attorney Steven Shadallah, Robert Blair and Patricia Murphy came forward.

Attorney Shadallah said there had been a concern that this project would block the view of the neighbor to the west. The step has been removed from the porch and there will be some kind of granite slab. The plans have been changed so that the neighbor's view will not be obstructed. The neighbors are now happy with the project.

Questions from the Board

Mr. O'Brien asked if the abutters have seen the new plan. Mr. Blair said they have and the contractor met with them and explained the plan. The abutters said they felt this was a good solution.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. Blair commented that this solution is better for all concerned.

Mr. St. Pierre said he felt the new plan was a good solution.

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to grant Petition 53-14 with the condition that no porches on the second and third floors can be enclosed without prior approval of the Zoning Board of Adjustment.

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.

55-14...The Petition of David Bellman & Douglas Sharek for property located at 47 Ocean Blvd. seeking relief from Article 6.3.1. Number of Parking Spaces to demolish existing single family home to construct 3-unit multifamily building with commercial retail on the first floor. The second level will contain one, 1-bedroom unit and the third level will have two, two-story, 2-bedroom townhouse style units. This property is located on Map 293, Lot 176 in the BS Zone.

David Bellman, Petitioner, and Amy Bellman, Engineer, came forward.

Ms. Bellman said there will be parking behind the building and also on-street parking. There is also a public parking lot nearby. The retail below the residential units will provide services to the public. The property is in need of major maintenance. This project will raise the value of surrounding properties.

Ms. Sanders went over the plans and elevations. The intent of the basement is for storage for the residential units. Ms. Sanders said they were asking for relief of one parking space. Ms. Sanders went through the five criteria and said she felt they had been met.

Questions from the Board

Mr. St. Pierre questioned if there was a need for relief for lot area per dwelling. Mr. O'Brien agreed that relief is needed for this (4.1.1). Chairman Provencal said Petitioner should withdraw and resubmit. Ms. Sanders said they agreed with this.

Moved by Mr. O'Brien, seconded by Ms. Collins, to allow Petition 55-14 to be withdrawn without prejudice and be resubmitted with waiver of fees except for mailing.

Vote: 5 yes 0 no. Motion passed unanimously.

56-14...The Petition of Joan DeVittori for property located at 903 Ocean Blvd. seeking relief from Article 1.3 & Article IV 4.5.2 side setback (right) to demolish 2 stories of rear seasonal covered porches, to be rebuilt in the same footprint and foundation. Use change from

seasonal porches to 4-season living space. This property is located on Map 168, Lot 45 in the RA Zone.

Joan DeVittori, Petitioner, came forward. Ms. DeVittori said she wants to increase her living space. The appearance of the property will be enhanced while remaining within the footprint. This rebuild will increase the value of the house and enhance the neighborhood. Ms. DeVittori went through the five criteria and said she felt they had been met.

Questions from the Board

Ms. Collins asked if there were any deed restrictions. Ms. DeVittori replied that the deed is on record and there are no restrictions.

Mr. St. Pierre asked if the expansion of the kitchen was important. Ms. DeVittori said that this is a main concern for her. Mr. St. Pierre said he felt this was being done in the right way.

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 56-14.

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.

BUSINESS SESSION

Approval of Minutes

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to approve the Minutes of November 20, 2014.

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

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Adjournment

Moved by Mr. St. Pierre, seconded by Ms. Collins, to adjourn the meeting at 7:51 p.m.

Respectfully submitted,

Joan Rice
Secretary