

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES –Amended
October 19, 2017

Members Present

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

Chairman O'Brien called the meeting to order at 7:02 p.m.

The Pledge of Allegiance was said.

Chairman O'Brien introduced the members of the Board.

PETITION SESSION

Attorney Peter Saari, Casassa & Ryan, came forward. He said the applicants for Petition 26-17 would like to continue this petition at a later date. Chairman O'Brien said he would like them to withdraw without prejudice based on the letter submitted by Attorney Saari.

Moved by Mr. Provencal, seconded by Mr. St. Pierre, to allow the applicants for Petition 26-17, 21 Riverview Terrace, to withdraw without prejudice.

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

29-17...The continued petition of Frederick J. Gillis, JR located at 8-10 J Street seeking relief from Article VI Parking Section 6.1 & 6.3.1 (one single family, one 3-unit) to remove existing single family dwelling and rebuild. Existing 3-unit building to be considered 1 unit. Proposal to allow 3 stacked parking spaces where 4 legal spaces are required. This property is located on Map 296, Lot 115 and in the BS Zone.

No applicants appeared for this petition.

Moved by Mr. Provencal, seconded by Ms. Collins, to allow the applicants for Petition 29-17, 8-10 J Street, to withdraw without prejudice.

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

34-17...The petition of Harry E. Ogden and Jeffrey E. Ogden for property located at 15 Epping Ave. seeking relief from Article 1.3, 4.5.1 and 4.5.2 to completely rehab the 77 year-old front cottage, all within the existing foot print, in accordance with the attached floor plans for a single family home. This property is located on Map 299, Lot 4 and in the RB Zone.

Harry Ogden, applicant, and Attorney Peter Saari came forward. Attorney Saari said this property was purchased by the applicant two years ago. It needs a lot of work. This proposal will benefit the neighborhood. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. McGuirk asked what would happen if it becomes necessary to tear the entire building down. Mr. Ogden said they may be able to keep it on the existing foundation. It is in total code violation at this time.

Mr. McGuirk asked if they would be doing anything to the other two units. Mr. Ogden said they have been painted and cabinets and floors have been redone.

Chairman O'Brien asked how they would park six cars. Discussion followed regarding parking.

Chairman O'Brien requested that the applicant come back with a parking plan.

Moved by Mr. St. Pierre, seconded by Ms. Collins, that Petition 34-17 be continued to next month with a clarification on parking. This petition will be first on the Agenda.

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

35-17...The petition of Michael White for property located at 1 Huckleberry Lane seeking relief from Article 1.3 and 4.5.2 to replace an existing, sagging, poorly-built deck at the rear of 1 Huckleberry Lane. The new deck would be larger and built to present day code with state-of-the-art materials. State and Town wetlands permits have already been granted. This property is located on Map 98, Lot 4 and in the RA Zone.

Michael White, applicant, came forward. Mr. White said the variance would allow him to have a somewhat larger and safer deck and would improve drainage to the wetlands while maintaining 10 feet of setback. Abutters are in favor of the project. Mr. White went through the five criteria and said he felt they had been met.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Provencal, seconded by Ms. Collins, to grant Petition 35-17.

Chairman O'Brien 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.

36-17...The petition of Richard Devine for property located at 64 Brown Ave. seeking relief from Article 1.3 and 4.5.1, 4.5.2 and 4.5.3 to remove existing roof and add second story, 2 bedrooms and a half bath. This property is located on Map 282, Lot 179 and in the RB Zone.

Richard Devine, applicant, came forward. Mr. Devine said this project would raise the value of his property and of other properties in the neighborhood. Mr. Devine went through the five criteria and said he felt they had been met.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

All Board members expressed approval of this project.

Moved by Mr. Provencal, seconded by Mr. McGuirk, to grant Petition 36-17.

Chairman O'Brien 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.

37-17...The petition of Ralph & Jean Pynn for property located at 2 Tide Mill Rd. seeking relief from Article IV 4.5.2 (including footnote 22) and 4.5.3 to subdivide an existing one and half acre tract into two lots, one which would be 30,000 square feet and the other would be 38,860 square feet, the latter having less than the required frontage. This property is located on Map 218, Lot 22 and in the RA Zone.

Attorney Saari came forward. He asked to continue this petition. There are some wetlands issues that need to be addressed.

Moved by Mr. St. Pierre, seconded by Mr. Provencal, to continue Petition 37-17 to the December meeting.

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

38-17...The petition of Gerald J. & Joellen C. Flynn for property located at 779 Ocean Blvd. seeking relief from Article 1.3, 4.5.1 and 4.5.2 to raise the height of the existing garage by approximately two feet and re-construct the front porch and balcony in conjunction with repair of damage and destruction caused by a motor vehicle tearing through the patio and slamming into the front of the home. This property is located on Map 210, Lot 18 and in the RA Zone.

Joellen Flynn, applicant, and Attorney Peter Saari came forward. Attorney Saari said this is a nice single family home. Recently a motor vehicle crashed into the home and caused damage. The proposed project would repair damage and also raise the height of the garage to accommodate the applicant's truck. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked what the finished top elevation of the garage would be. Attorney Saari said 15 feet. Mr. St. Pierre said he was aware of a letter from a neighbor being concerned about her view.

Mr. Provencal suggested using glass for the second floor deck.

Comments from the Audience

Rick Griffin, 529 Ocean Blvd., said he came to speak for Kathleen McElhinney. Ms. McElhinney is very much opposed to this project. When she bought her property she was told they could not raise their garage. The deck on top of the garage does affect her view.

Back to the Board

Mr. St. Pierre said the hardship was the fact that the applicant cannot get a truck in the current garage. Ms. Collins said she was concerned about this not meeting the setback and interfering with someone's view.

Mr. McGuirk asked if this lot has deed restrictions. Attorney Saari said it does have them, but there is nothing regarding setbacks. Chairman O'Brien said he felt the deck should meet the setback. Mr. Provencal suggested bringing the deck in a foot. Ms. Collins said she felt using glass for the deck was the best option.

Attorney Saari said they would agree to making the increase in elevation for the garage no greater than 2-1/2 feet.

Moved by Mr. Provencal, seconded by Mr. McGuirk, to grant Petition 38-17 with the stipulation that the deck above the garage be pulled in one foot and be made of glass panel construction and be no closer than 7 feet to the property line. The rise in elevation of the garage to be kept close to 2 feet, but no greater than 2-1/2 feet.

Chairman O'Brien asked the Board if they felt the five criteria had been met. Ms. Collins, Mr. McGuirk, Mr. Provencal and Mr. St. Pierre agreed that they had. Chairman O'Brien did not feel they had because he did not feel accommodation for the truck in the garage constituted a hardship.

Vote: 4 yes, 1 no (O'Brien). Motion passed.

BUSINESS SESSION

Approval of Minutes

Moved by Mr. St. Pierre, seconded by Ms. Collins, to approve the Minutes of September 21, 2017 as amended.

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

Chairman O'Brien thanked Channel 22.

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Adjournment

Moved by Mr. St. Pierre, seconded by Mr. St. Pierre, to adjourn the meeting at 8:44 p.m.

Respectfully submitted,

Joan Rice
Secretary