

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – Amended
September 21, 2017

Members Present

Bill O'Brien, Chairman
Norma Collins, Clerk
Tom McGuirk
Ed St. Pierre
Ken Lessard (Alternate)

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

The Pledge of Allegiance was said.

Chairman O'Brien introduced the members of the Board.

PETITION SESSION

26-17...The petition of Albert & Linda Seranton, Constance Jangel & Wendy Jangel, Trustees of the Jangel Revocable Trust for property located at 21 Riverview Terrace seeking relief from Article 6.3.10 to convert the two buildings on the site to condominium form of ownership and at the same time combine the lot with adjacent Lots 32 and 33 shown on the Tax Map. This property is located on Map 292, Lot 34 and in the RB Zone.

There were no applicants present for this petition.

Moved by Mr. St. Pierre, seconded by Mr. Lessard, to move this petition to the end of the Agenda for this meeting.

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

28-17...The petition of Richard J. Higgins for property located at 120 Kings Highway seeking relief from Article VIII 8.2.3, Article I, sec. 1.3 to replace existing decks, enlarging three (3) upper decks from 6' to 8'; reducing three (3) lower decks from 10' to 8'. This property is located on Map 183, Lot 51/1,2,3,4,5,6 and in the RB Zone.

At this time Chairman O'Brien stepped down from the Board and Mr. McGuirk stepped up as Acting Chairman. Mr. Lessard said he has done work for one of the owners of the condos and asked the applicant if this was a problem. Mr. Higgins said it was fine.

Mr. Higgins, Applicant, said they were seeking relief for a non-conforming setback. They want to replace the existing six decks using low-maintenance materials. The footprint will

be decreased. There will be no view obstructions. Mr. Higgins went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the front deck was being replaced. Mr. Higgins said it would be replaced but the dimensions would remain the same. Mr. St. Pierre said it appeared that relief would be necessary because of the addition of two feet and front setback relief is not noted in the petition.

Acting Chairman McGuirk asked Mr. O'Brien for technical detail on this issue. Mr. O'Brien said that is encompassed in the petition under 8.2.3 so it is okay to proceed.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. St. Pierre said he liked the decrease of 10' to 8'. This also decreases the impervious surface of this property. This will actually be an improvement.

Moved by Mr. St. Pierre, seconded by Ms. Collins, to grant Petition 28-17.

Acting Chairman McGuirk 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.

At this time Chairman O'Brien stepped up to the Board and Mr. McGuirk stepped down from the Board.

29-17...The 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.

Fred and Penny Gillis, Applicants, and Henry Boyd of Millennial Engineering came forward. Mr. Boyd said the existing house will come down and be replaced with a new structure. No relief is needed for this. Mr. Boyd said the applicants were here because there are three other legal units on the lot now and they will be getting rid of two of those units in back.

They are asking for a variance to have 3 stacked parking spaces where 4 legal spaces are required. Currently the lot contains 4 units which would require 8 spaces. The applicant is asking that 3 stacked spaces be allowed because it would be a practical use of the property. The parking as it is now actually works. Mr. Boyd went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked how many levels would be in the new house. Mr. Gillis said there would be two floors and an attic. Mr. St. Pierre asked why there could not be parking underneath. Mr. Gillis said stairs would be needed. Mr. Lessard asked how much less the width of the new house would be. Mr. Gillis said two feet. Mr. Lessard asked if they were moving the house. Mr. Gillis said no. They were shrinking it.

Ms. Collins asked how the 3-unit would be considered 1-unit. Mr. Gillis said they will remove the kitchens, etc.

Chairman O'Brien said he did not like stacked parking. One option would be underneath parking. Also, he said he saw no reason the house could not be moved to the other side of the lot.

Ms. Collins asked about the width of the driveway. Mr. Boyd said it is 15 or 16 feet wide.

Comments from the Audience

Tom McGuirk, 95 Ocean Blvd. and 4 J Street, said 4 J Street is a working parking lot. Pushing the house into a working parking lot actually adds more problems.

At this time Mr. Boyd asked to continue the hearing of this petition next month after they review more options.

Moved by Mr. St. Pierre, seconded by Mr. Lessard, to continue Petition 29-17 at the October meeting at which time it will be first on the Agenda.

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

At this time Mr. McGuirk stepped up to the Board.

30-17...The petition of Mikaela Stanley for property located at 56 Esker Rd. seeking relief from Article 1.3, 4.5.1, 4.5.2 – the proposed project includes the removal of existing single car garage and replacing it with a two car garage. Above the two car garage will be an in-law apartment. Directly behind the two car garage and in-law apartment will be a great room on the first floor. Above the great room on the second floor will be a new master

bedroom with a master bathroom. This property is located on Map 209, Lot 41 and in the RB Zone.

Mikaela Stanley and Kay Cameron, Applicants, came forward. Ms. Stanley explained that Ms. Cameron was her mother and this was her home. Ms. Stanley said she and her family live with her mother in the house and it is very crowded. Ms. Stanley said her mother is the original owner of the house and her family has grown up there. Ms. Cameron would like to continue this, but more room is needed. Ms. Stanley went through the five criteria and said she felt they had been met.

Questions from the Board

Ms. Collins asked about parking. Ms. Stanley said there are three 9-foot spaces and a two car garage. A parking space will actually be added.

Mr. St. Pierre asked about the existing front setback. He said it appears to be 10.5 feet. Ms. Stanley said the proposed front setback would be approximately 9.65 feet. The front of the house will not be changed. Mr. St. Pierre said the side setback is 10.3 feet and the proposed is 5.38 feet. Some is being lost on the side. Chairman O'Brien asked how much the garage would be extended. Ms. Stanley said it would be extended four feet.

Comments from the Audience

Gina Cox, 58-60 Esker Rd., said she was in favor of this petition.

Back to the Board

Moved by Mr. Lessard, seconded by Mr. McGuirk, to grant Petition 30-17.

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.

31-17...The petition of Marc & Jennifer Marois for property located at 27 Pearl Street seeking relief from Article 4.5.1 for demolition and reconstruction of a 24' x 48' single family dwelling with improvements more nearly conforming. This property is located on Map 223, Lot 19 and in the RB Zone.

Marc and Jennifer Marois, Applicants, came forward. Ms. Marois said this property has been vacant for a long time. It is overgrown and is visually unappealing and also a safety concern. They wish to demolish this house and build a new one which will remain within

the existing footprint, maintain the current use and there will be no increase in non-conformity. Ms. Marois went through the five criteria and said she felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the front setback would be improved with the new dwelling. Ms. Marois said that it would. Mr. St. Pierre asked if they would be using the same foundation. Mr. Marois said that they would have a new foundation.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. St. Pierre said the new home will be a great improvement. Mr. McGuirk and Ms. Collins agreed.

Moved by Mr. St. Pierre, seconded by Ms. Collins, to grant Petition 31-17.

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.

32-17...The petition of Douglas & Suzane Bennett for property located at 471 Winnacunnet Rd. seeking relief from Article 1.3 and 4.5.1 to add farmer's porch and shed roof to front of 471 Winnacunnet Rd. This property is located on Map 183, Lot 104 and in the RB Zone.

Douglas Bennett, Applicant, came forward. Mr. Bennett said this project would improve aesthetics and increase the value of the property. There will also be better access to the upstairs apartment. There will be no negative impact. Mr. Bennett went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Collins asked about the increase in setback. Mr. Bennett said he was only asking for 2-1/2 inches. Ms. Collins asked about parking. Mr. Bennett said there are six spaces.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. St. Pierre, seconded by Mr. Lessard, to grant Petition 32-17.

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.

33-17...The petition of Amber Dagata for property located at 356 Lafayette Rd. seeking relief from Article 2.8 (F) Note 1 to place a day care center for dogs within the easterly end of the building where Rite Aid is located at 356 Lafayette Rd. This property is located on Map 175, Lot 1 and in the TC-S Zone.

Amber Dagata, Applicant, and Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said the applicant would like to lease the part of this building which is now vacant and place a day care center for dogs there. Ms. Dagata explained how she would set up the center with separation of various types of dogs. This center would provide a needed service to working couples or singles who have dogs but no way to provide for them during the day. This use would provide supervised care and feeding in a safe environment for their pets. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. McGuirk said this would help meet the Town Plan for bringing more people downtown every day on a regular basis. It would be beneficial to other businesses in the area.

Ms. Collins questioned whether this use was allowed as child care centers are not and there are already dog day care centers in the area. Mr. McGuirk said there was no problem as dog day care centers are not prohibited.

Mr. St. Pierre asked if there would be other services such as grooming or veterinary service. Ms. Dagata said no. There would not be any overnight boarding. Hours would be 7 AM to 6 PM Monday through Friday.

Comments from the Audience

Katie Maderos, Greenland, said she was in support of this project. It is a perfect location.

Back to the Board

Moved by Mr. Lessard, seconded by Mr. McGuirk, to grant Petition 33-17 with the condition that there be no overnight boarding and business may be conducted between 6 AM and 9 PM.

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.

At this time there were still no applicants present for Petition 26-17. Attorney Saari said he had sent a letter requesting to continue this petition at the October meeting. Chairman O'Brien said they were not in receipt of this letter.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to continue Petition 26-17 at the October meeting at which time it will be second on the Agenda.

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

BUSINESS SESSION

Approval of Minutes

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to approve the Minutes of June 15, 2017.

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

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to approve the Minutes of July 20, 2017 as amended.

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

Moved by Chairman O'Brien, seconded by Mr. St. Pierre, to approve the Minutes of August 17, 2017 as amended.

Vote: 2 yes, 0 no, 3 abstentions (Collins, Lessard, McGuirk). Motion passed.

Other

Chairman O'Brien said Greg Grady has expressed interest in serving as an Alternate for the Zoning Board of Adjustment.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to appoint Greg Grady as an Alternate for the Zoning Board of Adjustment.

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

Chairman O'Brien said at this time this Board charges \$8.00 for certified mailings. The Planning Board charges \$10.00. The Building Department thinks this Board should charge \$10.00 as well.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to amend the Rules of Procedure dated July 20, 2017 to increase the cost for certified mailings to \$10.00 per abutter to cover fees and administrative costs.

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

Chairman O'Brien said the Planning Board also requires all applicants to provide mailing labels. The Building Department suggested this Board do the same. Mr. McGuirk said he was opposed to this because there would be a lot of mistakes made if this was done. Mr. St. Pierre said there could be a problem with accuracy. Chairman O'Brien said he would speak to the Building Inspector about this.

Chairman O'Brien thanked Channel 22.

Adjournment

Moved by Mr. St. Pierre, seconded by Ms. Collins, to adjourn the meeting at 9:19 p.m.

Respectfully submitted,

Joan Rice
Secretary