

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - Draft
June 20, 2019

Members Present

Bryan Provencal, Chairman
Bill O'Brien,
Ed St. Pierre
Ken Lessard, Alternate
Fred Rice, Alternate

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

Chairman Provencal announced that Petition 23-19 has withdrawn.

Moved by Mr. O'Brien, seconded by Chairman Provencal, to allow Petition 23-19 to be withdrawn.

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

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

22-19...The Shannon Builders, LLC for property located at 6 Ina Avenue seeking an Equitable Waiver of Dimensional Requirement from Article(s) 4.5.2 (7' side setback). A door overhang was inadvertently built within the 7' setback on the left side of the structure. This is the new construction of a home. This property is located on Map 280 Lot 15 and in the RCS Zone.

June Kulakowski, owner, and Henry Boyd, Millennium Engineering, came forward. Mr. Boyd said there is a roof overhang which is for protection over a door in the rear of the parcel. It slightly encroaches on the 7' setback. Relief is needed for 1.4 feet. Applicant is requesting an Equitable Waiver for Dimensional Requirements. Mr. Boyd said the neighbors are in support of leaving the overhang where it is.

Questions from the Board

Mr. Rice said this seems to mirror image the property adjacent and it would look odd if the overhang was removed.

Mr. O'Brien said the driveway seems to be up. He asked if the Applicant was planning to have stairs coming out. Mr. Boyd said the plan is to have a granite step. Mr. Boyd also noted that there are many arbor vitae screening this property from the neighbors.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. Rice, to grant Petition 22-19.

Chairman Provencal asked the Board if they felt the four criteria had been met. All members agreed that they had.

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

At this time Mr. St. Pierre stepped up to the Board.

24-19...The petition of Charles Hughes for property located at 204 Ashworth Avenue seeking relief from Article(s) 1.3, 4.5.2 and 6.3.1 to demolish Unit 5 of the Bye the Buoy Condominium and replace with a new building to allow for more open space and additional parking space. This property is located on Map 295 Lot 049 and in the BS Zone.

Attorney Peter Saari came forward. He said this is not a luxury condo. Mr. Hughes is the owner and acting architect. He is hoping to demolish Unit #5 and build something in place of that which is more livable. This would improve the parking situation. Now each unit has one parking space. By shrinking the footprint they will be able to create three more parking spaces. Attorney Saari then went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the proposed building is single family. Attorney Saari said that it was. Mr. St. Pierre said he did not see an existing site plan in the package. He also asked if the applicant had permission through the condo association. Chairman Provencal said that was up to the Building Department, not the Zoning Board.

Mr. O'Brien said he didn't like the 2 feet from the property line. It should be 4 feet.

Mr. Rice said if they could look at the existing site plan it would show everything. They are opening up three other spaces. However, the owner of Units 2 and 3 does not want to see anyone acquiring more parking spaces. Mr. O'Brien said this is a condo problem, not a zoning problem.

Comments from the Audience

Sheila Dubrawski, owner of Unit 7, said she felt the other condo owners will want to do this in the future. She said there are additional spaces if there is parking in tandem. Mr. O'Brien said parking in tandem does not count. Mr. St. Pierre asked what the owners do when there are visitors. Ms. Dubrawski said they manage.

Back to the Board

Mr; Lessard said he would like to see the building two feet further from the lot line.

Mr. St. Pierre asked what the hardship was for not going back four feet. Mr. Hughes said it is difficult to build a 10 foot wide 3-story structure.

Chairman Provencal asked if they could move the building a little to the right. Mr. Hughes said they could. Mr. St. Pierre said this project could be much better.

Mr. O'Brien said he was against this petition and asked if the applicant would like to withdraw. Attorney Saari said possibly they could elongate to allow two more spaces. Mr. O'Brien again asked if they would like to withdraw.

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to deny Petition 24-19.

Chairman Provencal asked the Board if the five criteria had been met. Chairman Provencal and Mr. Lessard said they had. Mr. O'Brien, Mr. Rice and Mr. St. Pierre said they had not. Mr. O'Brien said he was concerned with the distance from the setback. Also they are required to have two parking spaces for this unit.

Vote: 3 yes, 2 no (Lessard, Provencal). Motion passed and petition denied.

BUSINESS SESSION

Approval of Minutes

Moved by Mr. O'Brien, seconded by Chairman Provencal, to approve the Minutes of May 16, 2019 as amended.

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

Moved by Mr. St. Pierre, seconded by Mr. O'Brien, to approve the Minutes of May 23, 2019 as amended.

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

Adjournment

Moved by Mr. Rice, seconded by Mr. St. Pierre, to adjourn the meeting at 8:15 p.m.

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

Respectfully submitted,

Joan Rice
Secretary