

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - *Draft*
April 21, 2022

Members Present

Bill O'Brien, Chairman
Anne Bialobrzeski
Erica De Vries
Nichole Duggan
Tom McGuirk

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

The Pledge of Allegiance was said.

Chairman O'Brien introduced the Board.

Chairman O'Brien announced that Petition 13-22, 30 Boar's Head Terrace, has been withdrawn.

Moved by Ms. De Vries, seconded by Ms. Bialobrzeski, to allow Petition 13-22, 30 Boar's Head Terrace, to be withdrawn.

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

Election of Officers

Moved by Ms. Bialobrzeski, seconded by Ms. De Vries, to appoint Bill O'Brien as Chairman of the Zoning Board of Adjustment for the coming year.

Vote: 4 yes, 0 no, 1 abstention (O'Brien). Motion passed.

Moved by Chairman O'Brien, seconded by Ms. De Vries, to appoint Tom McGuirk as Vice Chairman of the Zoning Board of Adjustment for the coming year.

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

Moved by Ms. De Vries, seconded by Ms. Bialobrzkeski, to appoint Nichole Duggan as Clerk for the Zoning Board of Adjustment for the coming year.

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

PETITION SESSION

12-22... The petition of Vincent & Elizabeth Kennedy for property located at 141 Island Path seeking relief from Article(s) 2.3.G, 2.3.7C (4), 1.3 and 4.9 to build a very small addition on existing dwelling. Addition will be built over already existing impervious impact, within 50' wetland buffer. This property is on Map 281, Lot 44 and in the RCS Zone.

Henry Boyd, Millennial Engineering, and Bob Gray, Gray Construction, came forward. Mr. Boyd said they are looking for a dimensional setback. What is being proposed is very small. They will be reducing impervious surface. Mr. Gray compared existing and proposed plans. A new entry will be created. Mr. Boyd went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Bialobrzkeski asked about the existing floor elevations. Mr. Boyd said that will be addressed during the building permit phase.

Ms. Bialobrzkeski said she didn't think this was a compliant structure and the addition has to be compliant. She said they are getting into some zoning issues about the requirement for VE construction specs so additional relief might be needed. Mr. Boyd said the new structure would have to comply with the Town ordinance. Ms. Bialobrzkeski said relief might be needed from the flood regulations and all relief needed should be asked for when going to the Zoning Board. Ms. Bialobrzkeski said she saw only one point of egress when looking at the plans. Mr. Gray said there are actually three points of egress.

Ms. De Vries asked if the new structure would be built on piers. Mr. Boyd said it would.

Chairman O'Brien asked if the garage would be used for living space. Mrs. Kennedy replied that it would be for parking and storage only.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Ms. Bialobrzkeski said she didn't have enough information. The new flood maps are showing there is a wave action line that goes through the new construction. Mr. Boyd said any water would go underneath the structure. The structure is two feet above where it needs to be. Mr. McGuirk said he agreed with Mr. Boyd.

Ms. De Vries said she was concerned with flooding that happens in the area. She said she would like to see a revised plan. She said she was also concerned about going further into the Wetlands District. Ms. De Vries said she was not sure there was a hardship. Ms. Bialobrzkeski said she also did not see a hardship.

Moved by Mr. McGuirk, seconded by Ms. De Vries, to grant Petition 12-22 with the condition that the plan submitted to the Building Department has the proper elevations to the VE Standards. There must also be a positive recommendation from the Conservation Commission.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed they had with the exception of Ms. Bialobrzkeski and Ms. Duggan.

Vote: 3 yes, 2 no (Bialobrzkeski, Duggan). Motion passed.

14-22...The petition of Wayne & Minabell Bowden for property located at 10 Ash Street seeking relief from Article(s) **Lot A:** Article IV, Sections 4.1, 4.1.1, 4.2, 4.3 and 4.5.2. **Lot B:** Article I Section 1.3; Article IV Sections 4.1, 4.1.1, 4.2, 4.3, 4.5.2; **Lot C:** Article IV Sections 4.1, 4.1.1, 4.2, 4.3, 4.5.2. The Applicants propose a series of lot line adjustments which will reconfigure the lots of record and the property will be more consistent with the surrounding neighborhood. This property is on Map 222, Lot 74 and in the RB Zone.

Attorney Justin Pasay and Henry Boyd came forward.

Questions from the Board

Chairman O'Brien said he did not feel the Applicants were ready to come before this Board at this time. The plot plan is not signed. There is too much information on the plot plan. There are no existing and proposed plans. Applicants are claiming there are five lots there. Chairman O'Brien said he was looking at a house that sits on three lots. The Town has the whole thing as one lot. New lots are being made and proper relief is not being requested. Mr. Boyd said the lot lines have already been taken away. Chairman O'Brien said the Town needs to rectify all of this.

Ms. Bialobrzkeski said she agreed 100% with Chairman O'Brien. She then went over the history of the lots.

Ms. De Vries said the Board should stay in line on this request. Mr. McGuirk said he would like to have the Assessor look at this.

Comments from the Audience

Ms. Waldon, 21 Thorwall Avenue, said she felt there are too many houses there. There is almost no parking and snow causes a problem.

Back to the Board

Attorney Pasay agreed to withdraw.

Moved by Ms. Bialobrzkeski, seconded by Ms. Duggan, to allow Petition 14-22 to be withdrawn without prejudice.

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

15-22...The petition of Michael & Francine Carroll for property located at 12 Concord Avenue seeking relief from Article(s) 4.5.1 and 1.3. The Applicant currently has two residential dwelling units on the property and is seeking to build a new home upon the same area that the front dwelling unit currently sits on. The back unit will remain unchanged. The stairway for the front porch for the new front dwelling unit will be within one foot of the northerly boundary and the roof overhang of the front porch will be within 3 ft. 8 inches of the northerly boundary. This property is on Map 296, Lot 115 and in the RB Zone.

Attorney Eugene Geary and Henry Boyd came forward. Attorney Geary said they are asking for front setback relief on the porch. The old house actually encroached on to the public street. Sealed surface will be reduced from 71% to 54.4%. No views will be obstructed. Attorney Geary went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman O'Brien said it would be easier to go from the old plan that was approved. He also said that with the old plan the Applicants were taking care of the neighbors. He said he felt this was not being done here. The view of the neighbor on the right will be taken away. Chairman O'Brien said he did not see a hardship. They should be 20 feet back. Attorney Geary said the Applicants don't believe they are obstructing anyone's view. Chairman O'Brien said when the old building was torn down the Applicants would then have to comply with the new zoning regulations.

Comments from the Audience

Mark Russell, 10 Concord Avenue, said he was not happy with the old building and the proposed one is even more imposing.

Back to the Board

Attorney Geary asked to continue and come back with revised plans. Chairman O'Brien said they should be back 20 feet and they were previously granted 10 feet which was generous. Chairman O'Brien said he was not willing to continue. He said he would deny this petition as there is no hardship. Attorney Geary then asked to withdraw.

Moved by Ms. Bialobrzkeski, seconded by Ms. Duggan, to allow Petition 15-22 to be withdrawn without prejudice.

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

BUSINESS SESSION

Approval of Minutes

Moved by Ms. Bialobrzkeski, seconded by Ms. Duggan, to approve the Minutes of March 17, 2022.

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

Committees

Chairman O'Brien opened a discussion on Committees. There is the Master Plan Committee which is being handled by Ms. De Vries.

Chairman O'Brien discussed the Prepper Committee. He said he was concerned this committee would rewrite some of the zoning ordinances. Ms. Bialobrzkeski said she has been working very hard on flood issues. Ms. Bialobrzkeski will continue work on this with Mr. McGuirk as backup.

Ms. Duggan will be assigned to CHAT.

Ms. De Vries said there is a lot of conversation about legislation on money for affordable housing. She said she felt the ZBA should meet with the Planning Board. Mr. McGuirk said this would have to be a public meeting. Ms. De Vries said the purpose of the meeting would be to develop a better working relationship with the Planning Board so that when there are opportunities to do more strategic planning work can be done together.

Ms. Bialobrzkeski said she would like to ask legal counsel if the Zoning Board can condition their relief to allow for undersized lot areas and if the ZBA could condition that on not allowing an ADU, Ms. Bialobrzkeski said she felt this Board should be more strict on these things. Mr. McGuirk said this could only apply to new lots.

Ms. De Vries said people are always complaining about zoning being an issue in preventing density and affordable housing. She said she did not want to prevent affordable housing. These issues should be addressed, but not to diminish housing in Hampton.

Adjournment

Moved by Ms. Bialobrzkeski, seconded by Mr. McGuirk, to adjourn the meeting at 9:24 p.m.

Respectfully submitted,

Joan Rice
Secretary