

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - Draft
May 19, 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.

PETITION SESSION

17-22... The petition of Summer Wind Properties, LLC, Agent Alex Dobiecki for property located at 27 Highland Avenue (rear unit) seeking relief from Article(s) 4.5.3, rear setback for the installation of (2) mini-split outdoor units for the rear building at 27 Highland Ave. This property is on Map 274, Lot 127 and in the BS Zone.

Alex Dobiecki, Applicant, said he and his wife purchased this property last December. He said they are looking to install 2 mini-split outdoor AC units for the rear building. This will be in back of the property. There will be no change to the character of the neighborhood and no harm to the public. The abutter in the rear has built a 6 foot high PBC fence and plans to plant arbor vitae along that area. Mr. Dobiecki went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Duggan said she felt the drawing was kind of vague. She said she would like to see some real measurements in a site survey.

Chairman O'Brien said the focus should be on where the units will be.

Ms. De Vries asked how loud the units would be. Mr. Dobiecki replied that they would not be as loud as a normal air conditioner. Ms. De Vries asked Mr. Dobiecki if he has talked to

the neighbors about this. Mr. Dobiecki said he has contacted them and there are no objections.

Ms. Bialobrzkeski said she was concerned about the flood zone. Mr. Dobiecki said the units would be well above that. Ms. Bialobreski asked Mr. Dobiecki if he has an elevation certificate. Mr. Dobiecki replied that he did. Ms. Bialobrzkeski said by scale there is not enough to get a foot of clearance from the property line. The recorded plan does not have a lot of information.

Chairman O'Brien said his only concern would be that all is above the flood plain.

Comments from the Audience

Richard Reniere, 29 Highland Avenue, said he is an abutter. He said he has seen the excellent job Mr. Dobiecki has done with this property. Mr. Reniere said he is in favor of the granting of this petition.

Back to the Board

Ms. Bialobrzkeski said she feels the Board would be in danger of granting relief to go over the property line in this instance.

Ms. De Vries said she would be inclined to vote for this, but does not want to overstep the boundary of the Board.

Chairman O'Brien suggested that the Applicant continue next month. Both pins need to be found. Someone from the Building Inspector's office should look at it and there should be a blow-up of detailed measurements. An elevation plan should also be provided.

Mr. Dobiecki agreed to continue.

Moved by Mr. McGuirk, seconded by Ms. Bialobrzkeski, to continue Petition 17-22 at next month's meeting at which time it will be first on the Agenda.

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

18-22...The petition of Sweet Nectar, LLC/Michael Kettenbach for property located at 28 Nor'East Lane seeking relief from Article(s) 1.3 Expansion of Nonconforming Use, 4.5.1 Front Setback, 4.5.3 Rear Setback, 4.8 Impervious Coverage, 4.9 Structure Setback, 2.3 IG.I Wetland Buffer, 3.A DADU in existing structure to raze the existing home, garage and virtually all other improvement in favor of a new 4-bedroom home on the easterly area. A new 20 x 24.4 (488 sq. ft.) garage with a Detached Accessory Dwelling Unit (DADU) room above the westerly area. This property is on Map 99, Lot 40 and in the RB Zone.

Michael Kettenbach, Applicant, Henry Boyd, Millenium Engineering, and Attorney Monica Pierce came forward. Mr. Boyd went over the plans. He said this is a unique project. Mr. Boyd first discussed the existing condition sheet. He said the project is in the 50 feet and the 62 feet of the 50 plus 12. Setbacks are invaded everywhere. Mr. Boyd then addressed the second sheet. He said the structure is being pushed back from the tide line and the deck will be removed. Mr. Boyd talked about the rotation of the garage. Mr. Boyd said there would be a 19% reduction in sealed surface in the 50 foot buffer. Attorney Pierce went through the five criteria and said she felt they had been met.

Questions from the Board

Ms. De Vries asked about who would be occupying the ADU. Mr. Kettenbach said it was for his in-laws. Ms. De Vries asked if there would be a kitchen in the ADU. Mr. Kettenbach said there would be a kitchen.

Mr. McGuirk said he had a problem with egress from the ADU. Mr. Boyd said that is being worked on.

Ms. Bialobrzkeski asked how the Board could know if the pervious pavers would be maintained. Mr. Boyd said there is new technology that will help this problem.

Attorney Pierce said the neighbors all support this project.

Ms. Bialobrzkeski said this is leased land and there are deed restrictions and this does not comply with all of them. Mr. Boyd said this is being addressed. Ms. Bialobrzkeski said this should be completed before coming before the Zoning Board.

Chairman O'Brien said the Applicant is asking for 2.3.1.G.1 when what is needed is 2.3.1.G.2. This application will have to be re-noticed. Another error is asking for 3-A DADU. This is not needed if there is Town sewer. Chairman O'Brien also said the application says it is the same location and footprint. It is the same location, but not the same footprint.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Ms. De Vries, seconded by Ms. Duggan, to allow Petition 18-22 to be withdrawn without prejudice.

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

At this time a 2-minute break was taken.

The meeting reconvened.

19-22...The petition of Edward Milville for property located at 67 Mooring Drive seeking relief from Article(s) 1.3 Expansion, 2.3.4.B.3 Prohibited Uses, 2.3.4.B.2 Structural Setback from Wetlands Buffer, 2.3.7.C.4 Dwelling Setback from Wetlands Buffer, 2.4.9A.1 Structural Requirements to raise house for flood compliance. Add deck. Replace impervious driveway with pervious. This property is on Map 289, Lot 40 and in the RB Zone.

Attorney Monica Pierce and Cory Caldwell, Technical Engineer, came forward. Attorney Pierce said the Applicant wants to raise the structure to comply with FEMA and will be putting a garage underneath. He is asking for expansion and relief under the Wetlands buffer requirement. Attorney Pierce said she was not sure if relief was needed for 2.4.9A.1. The Conservation Commission has reviewed. Attorney Pierce went through the five criteria and said she felt they had been met.

Mr. Caldwell said when FEMA redid the maps in 2021 this property went to an AE with a base field elevation of 9. The elevation is 5, 6, 7. In addition an additional foot of freeboard is needed. This brings the elevation to a minimum of 10. The purpose of the new foundation is to create room for a garage. A deck will also be added. The paved driveway will be replaced with a pervious driveway and there will be a 9% reduction in impervious surface.

Questions from the Board

Ms. Bialobrzkeski said the Town requirement is that you have to build to specs and be on piles.

A discussion followed regarding how much money can be put into a property and the assessed value. Mr. Caldwell said they were relying on assessed value. He said he did not think the raising of this structure and adding a garage would exceed 50% of value.

Ms. De Vries asked if this petition could be approved with the condition "pending FEMA approval".

Mr. Caldwell said the Building Inspector said his interpretation was correct. Ms. Bialobrzkeski said the Building Inspector is wrong. Ms. Bialobrzkeski said she would like to ask the Applicant to continue in order to get a handle on this and figure it out.

Mr. McGuirk said he would like to see how they are building the foundation.

Attorney Pierce said they would like to withdraw and come back and also ask for front setback relief and having all issues resolved..

Moved by Mr. McGuirk, seconded by Ms. Duggan, to allow Petition 19-22 to be withdrawn without prejudice.

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

20-22...The petition of Mary T. Mulligan Living Trust for property located at 64 Mooring Drive seeking relief from Article(s) 1.3 Expansion, 2.3.4.B.3 Prohibited Uses, 2.3.4.B.2 Structural Setback from Wetlands Buffer, 2.3.7.C.4 Structural setback from Wetlands Buffer, 4.5.2 Minimum Setbacks, Side to remove and replace stairs. Remove asphalt drive, replace with pervious pavers. Add 17.6' x 8' deck to rear. This property is located on Map 289, Lot 33 and in the RB Zone.

Attorney Monica Pierce and Cory Caldwell came forward. Attorney Pierce said this project is going up 1.65 feet and going to Elevation 10. The front stairs will be removed and replaced with a landing and new steps. The driveway will be removed and replaced with permeable pavers. A deck will be on the back. This has gone to the Conservation Commission and was approved with conditions.

Questions from the Board

Ms. Bialobrzkeski said this petition has the same issues as Petition 19-22.

Chairman O'Brien said the Applicant did not ask for front setback relief and would have to withdraw.

Moved by Ms. Bialobrzkeski, seconded by Ms. Duggan, to allow Petition 20-22 to be withdrawn without prejudice.

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

BUSINESS SESSION

Approval of Minutes

Amendments were made to the Minutes of April 21, 2022, but there was no motion to approve.

Hampton Zoning Board of Adjustment
May 19, 2022
Page 6

Adjournment

There being no further business, the meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Joan Rice
Secretary