

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – *Draft*
June 17, 2021

Members Present

Bryan Provencal, Chairman
Anne Bialobrzkeski
Erica De Vries
Tom McGuirk

Chairman Provencal called the meeting to order at 7:00 p.m. He then introduced the Board.

Election of Officers

Moved by Ms. Bialobrzkeski, seconded by Ms. De Vries, to appoint Bill O’Brien as Chairman for the coming year.

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

Mr. O’Brien then stepped up as Chairman.

Moved by Chairman O’Brien, seconded by Mr. McGuirk, to appoint Bryan Provencal as Vice Chairman for the coming year.

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

Moved by Mr. Provencal, seconded by Mr. McGuirk, to appoint Erica De Vries as Clerk for the coming year.

Ms. De Vries said her acceptance was contingent upon the ability to attend the meeting remotely if variants pick up.

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

PETITION SESSION

Chairman O’Brien said that Petition 37-21, 787 Ocean Blvd., has asked to be withdrawn. They had incorrect articles of relief.

Moved by Chairman O’Brien, seconded by Mr. Provencal, to allow Petition 37-21, 787 Ocean Blvd. to be withdrawn.

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

Regarding continued Petition 32-21 Mr. Provencal said it was the Board's understanding that Aquarian is not on the abutter's list and has not been notified. Mr. Logan, Applicant, said he had not notified Aquarian. Mr. Provencal said legally the Board cannot hear this petition because all abutters were not notified.

Moved by Mr. Provencal, seconded by Mr. McGuirk, to continue Petition 32-21 next month at which time it will be first on the Agenda.

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

28-21...The continued petition of Estate of John Dabriskas for property located at 12 Auburn Avenue Extension seeking relief from Article(s) 4.5.1, 4.5.2, 4.5.3 and 4.8 to rebuild, on a smaller footprint, a prior house that was demolished by the Town on account of being uninhabitable. This property is located on Map 293, Lot 4 and in the RB Zone.

Attorney Peter Saari said the house is gone from this lot, but there is debt left. He said he is looking for the Board's opinion on what they would like to see done.

Questions from the Board

Mr. Provencal asked about a site plan. Ms. Bialobrzkeski said he needs proof that he has a buildable lot. Mr. Provencal said it is a buildable lot of record.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. McGuirk said more information is needed. The Five Criteria need to be addressed. Ms. Bialobrzkeski said she felt it should be put on the market and the buyers can tell the Board what they want and ask for needed variances.

Henry Boyd Millennial Engineering, said relief may also be needed for sealed surface. Ms. Bialobrzski said there is not a complete survey of the lot.

It was decided to continue next month.

Moved by Mr. Provencal, seconded by Ms. De Vries to continue Petition 28-21 next month at which time it will be second on the Agenda.

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

33-21...The petition of Raymond A. & Sheila A Buttaro, Trustees of Chimera Realty Trust for property located at 157 High Street seeking relief from Article(s) II, Section 2.7.D.5.b (lot area per dwelling unit) to remove existing garage and replace with new four (4) bay garage with two (2) apartments above. Currently existing eight (8) units in main structure, a basement unit to be removed leaving a total of nine (9) units for this site. This property is located on Map 162, Lot 40 and in the POR Zone.

Henry Boyd said the applicants are only asking for area per unit. Mr. Boyd went through the five criteria and said he felt they had been met.

Questions from the Board.

Ms. Bialobrzski said this condition was just a housekeeping amendment.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Ms. Bialobreski, seconded by Ms. De Vries, to grant Petition 33-21 based on the acceptance of the criteria.

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.

34-21...The petition of Mary & Tom Murphy for property located at 13 Tuck Road seeking relief from Article(s) 4.8a for construction of a 6' wide by 32' long farmer's porch, open on 3 sides, with a porch floor of PVC decking. This property is located on Map 109, Lot 29 and in the RA Zone.

Mary and Tom Murphy came forward. Mr. Murphy said they want a farmer's porch in front of their home. This will improve the appearance of the home and provide utilization. Mr. Murphy went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. De Vries asked how much impervious surface is present now and how much would be there after completion of the project. Mr. Murphy said he did not know, but the Building Inspector said they were fine.

Chairman O'Brien said the Murphys have 10,000 s.f. and are asking for only 60 s.f. more.

Comments from the Audience

Jay Diener, 206 Woodland Road, said his comments apply to all 3 petitions now in the Aquafir Zone. Mr. Diener said he was concerned about so much relief being given. If it continues, he fears harm to the Town's water resources.

Back to the Board

Ms. Bialobrzkeski said she drove along Tuck Road and she did not see any farmer's porches. She said if the porch were 6' x 23' instead of 6' x 32' the applicants could probably get a building permit without any relief. Ms. Biablobrzkeski said she did not see a hardship.

Mr. Provencal said he disagreed. The Applicants are already over so they would still need relief.

Ms. De Vries said that to make an informed decision she would have to see numbers. Ms. Bialobrzkeski said she could grant relief if they did not increase the impervious.

Chairman O'Brien suggested that the applicants come back next month with the completed form showing the numbers. The applicants agreed to this.

Moved by Mr. Provencal, seconded by Ms. De Vries, to continue Petition 34-21 to next month's meeting at which time it will be third on the Agenda.

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

Ms. Bialobrzkeski reminded the applicants that Aquarian must be notified.

35-21...The petition of Vernon & Assunta Lanphier for property located at 21 Philbrook Terrace seeking relief from Article(s) 4.8a to simply add a 10' x 10' shed. This property is located on Map 127, Lot 56 and in the RA Zone.

Henry Boyd discussed the survey. He said it shows all impervious area. Existing is 25.4% sealed surface. The applicant is asking for 1%. Mr. Boyd went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Provencal said if it includes pavers it is fine. Ms. Bialobrzkeski asked if the abutters are fine with this project. Mr. Boyd said they were.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Provencal, seconded by Ms. Bialobrzkeski, to grant Petition 35-21.

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.

36.21...The petition of Frederick Schuler & Elizabeth Mercuri for property located at 21 N Street seeking relief from Article(s) 6.3.1 to raze existing dwelling and replace with new dwelling, request is to allow for stacked parking to accommodate 2 required parking spaces. This property is located on Map 293, Lot 131 and in the BS Zone.

Henry Boyd said this project would make the size of the structure more compliant. There has been stacked parking there for years. Doing parking any other way would not be cost effective.

Wendy Welken discussed the proposed new dwelling and went through floor plans, etc. She said this is a reasonable house that gets along with its neighbors.

Questions from the Board

Mr. Provencal said he has always been a stickler with stacked parking at the beach, but always gives away when it is a single unit.

Ms. Bialobrzkeski asked why they were spending so much time talking about the building when they are only asking for parking relief. She also said they should have asked for 6.3.1.1. which would allow this to be counted as two legal spaces. Chairman O'Brien said 6.3.1 also includes 6.3.1.1.

At this time Mr. Boyd went through the five criteria and said he felt they had been met.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. McGuirk said he was surprised that this was such a small house. This was a pleasant surprise. Mr. McGuirk said when you say “stacked parking” it can be confusing. He felt it should be changed to “tandem” parking.

Ms. De Vries said she felt this was a lovely design.

Moved by Mr. Provencal, seconded by Ms. Bialobrzkeski, to grant Petition 36-21.

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.

BUSINESS SESSION

General Flooding Issues

Jay Diener, Conservation Commission, and Jason Bachand, Planning, came forward. Mr. Diener said they need the Zoning Board’s help. They are seeing more and more flooding issues in Hampton. The flooding projections are accurate.

Flooding issues and possible solutions were discussed.

Mr. Bachand said a grant has been received to look at the NH coastal risk. There will be an audit of land use regulations. There will also be public meetings.

Mr. Diener said all three Boards (Zoning, Planning & Conservation) need to understand the risks associated with various projects.

Coastal Hazards Adaptation Team

Ms. Bialobrzkeski was appointed to be the Zoning Board rep to the Coastal Hazards Adaptation Team and Mr. Provencal was appointed to be the Alternate.

Alternate Appointment

Mr. Provencal said he received a letter from Norma Collins offering to be an alternate to the Zoning Board.

Moved by Mr. McGuirk, seconded by Mr. Provencal, to appoint Norma Collins as an Alternate to the Zoning Board for the following 3 years.

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

Approval of Minutes

Moved by Mr. Provencal, seconded by Ms. De Vries, to approve the Minutes of April 15, 2021 as amended.

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

An amendment for the Minutes of May 20, 2021 was discussed. However no vote was taken.

Petition for Relief

Chairman O'Brien said the only change he knew of was that Paula Hamel would like the abutters list attached. The other Board members had no other changes.

Moved by Chairman O'Brien, seconded by Mr. Provencal, to approve the Petition for Relief as amended.

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

Rules of Procedure

Chairman O'Brien discussed several changes to be made to the Rules.

Ms. Bialobrzkeski said an addition should be made saying that a Board member can participate remotely if there is a reason. Chairman O'Brien said this would have to be an emergency situation. Otherwise an Alternate would be utilized. Ms. De Vries said this shouldn't affect anyone's ability to participate. This would be a courtesy.

Much discussion followed regarding remote participation. Ms. De Vries and Ms. Bialobrzkeski expressed concerns about Covid. The Board decided that for the next three months a Board member can participate remotely for Covid related reasons. The Chairman must be notified as soon as possible.

Hampton Zoning Board of Adjustment
June 17, 2021
Page 8

Moved by Chairman O'Brien, seconded by Mr. Provencal, to accept the recommended changes to the Rules of Procedure.

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

Adjournment

Moved by Ms. Bialobrzkeski, seconded by Mr. Provencal, to adjourn the meeting at 9:42 p.m.

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

Respectfully submitted,

Joan Rice
Secretary