

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
August 15, 2019**

Members Present

Bryan Provencal, Chairman
Norma Collins
Bill O'Brien,
Ed St. Pierre
Tom McGuirk
Greg Grady, Alternate

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

At this time Mr. McGuirk stepped down from the Board and Mr. Grady stepped up.

28-19...The continued petition of 142 Ashworth Ave. LLC for property located at 7 Johnson Avenue seeking relief from Article(s) 1.3, 4.5.2, 4.5.3, 6.3.1 to build a single-family home on the existing foundation. There has never been adequate parking on this lot, and we are requesting that whatever parking that previously existed remain and is deemed sufficient for this property. This property is located on Map 293 Lot 47 and in the RB Zone.

Henry Boyd, Architect, came forward. Mr. Boyd said his plan demonstrates that there was an L-shaped building that was removed without permission. It was replaced with a new rectangular foundation. A new 3-story building was partially constructed on the site when the Building Inspector asked them to remove it because it had no permits. The applicant is presently trying to get variances to rebuild that building. Parking has never been to code, but there is an adequate area on the side for parking. Mr. Boyd then went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the property owner of #9 was the same as this property. Mr. Boyd said he believed he was. Mr. Boyd said the side setback has been improved from the previous proposal by granting the easement on #9 Jonson.

Mr. O'Brien said first of all this is a self-created hardship done illegally. Mr. Fleury did not appear before this Board to get relief. Mr. O'Brien said he was not willing to grant relief for this. Mr. Boyd said he did not feel it was a good thing to leave things as they are.

Mr. Grady said he agreed with Mr. O'Brien . The petitioner is asking the Board to agree with something that was wrong. Mr. Grady said he was concerned about setting precedent for the future.

Chairman Provencal said he felt there is no hardship there. They are going to have to remove the foundation.

Mr. Boyd asked if they could continue and bring back something more palatable. Mr. O'Brien said as it stands now the Board should deny it.

Moved by Mr. O'Brien, seconded by Ms. Collins, to allow Petition 28-19 to be withdrawn.

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

At this time Mr. Grady stepped down from the Board and Mr. McGuirk stepped up to the Board.

30-19...The petition of James Withrow for property located at 321 Lafayette Road seeking relief from Article (s) V, section 5.3.1 table 2 to build a sign to the appropriate size to be visible from the roadway which is larger than 50 square feet. This property is located on Map 293 Lot 13 in the TC-S Zone.

Terry Withrow, Petitioner, came forward. She said the sign that they are proposing is possibly more than the amount that the Town allows. It as 19 letters. The present sign is hard to see from the road. Ms. Withrow went through the five criteria and said she felt they had been met.

Questions from the Board

Mr. O'Brien asked if there was a back board. Ms. Withrow said it was stripping.

Ms. Collins said she went by today and the present sign seems adequate. Mr. St. Pierre disagreed and said he would never know it was a dental office.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Ms. Collins said she just didn't understand why they could not be compliant.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to grant Petition 30-19.

Chairman Provencal 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.

31-19...The petition of Ray Auletta for property located at 14 Perkins Avenue (front) seeking relief from Article(s) 1.3 and 4.5.1 to raise house to meet or exceed FEMA regulations on to helical piles. Replace deck and porch in kind and entrance to suit and within boundary, including front stairs. This property is located on Map 293 Lot 9 and in the RB Zone.

Ray Auletta, Petitioner, came forward. Mr. Auletta said he purchased this property two years ago. He had the foundation checked and found out it is cracked. Mr. Auletta said he wanted to replace the foundation on helical piles to raise the house to meet FEMA regulations. He said he also wants to replace the deck and porch and front stairs. Mr. Auletta went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman Provencal said Mr. Auletta could put a granite step down and would not have to get a variance because granite is considered to be landscaping.

Mr. St. Pierre asked about parking. Mr. Auletta said they park on the street right in front. Mr. St. Pierre said he didn't see any other place for parking. Mr. Auletta said he had considered raising the helical piles higher to allow for parking underneath, but cost was exorbitant.

Ms. Collins asked about the cantilevered deck. Mr. Auletta said knee braces are used for this and there is no way getting around this.

Mr. O'Brien said this Board cannot give relief for building over the neighbor's property line.

Mr. O'Brien asked about the dimensions of the upper deck. Mr. Auletta said it was 9' x 22'. Mr. O'Brien asked if it could be 8' x 22' instead. Mr. Auletta said he would agree to that.

Chairman Provencal reminded the Board that the only recreational space the Petitioner has is the deck.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. O'Brien again said he would want the deck to be 8 feet.

Moved by Mr. O'Brien, seconded by Ms. Collins, to grant Petition 31-19 with the condition that the upper deck be 8 feet off the building and the first step would be granite (front stairs). The Board has no jurisdiction over rear lot line.

Chairman Provencal 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.

32-19...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 that would be one foot short of the required rear setback, and creating a total of fifteen parking spaces, two of which would be stacked. This property is located on Map 295 Lot 049-5 in the BS Zone.

Charles Hughes, Petitioner, and Attorney Peter Saari came forward. Attorney Saari said this is not a new project. There is 20% less setback and changed parking. Attorney Saari went through the five criteria and said he felt they had been met. Chairman Provencal said this Board must determine if this is different enough from the previous project which was denied. Chairman Provencal then said he felt there was a substantial change. Attorney Saari said these changes will not do any harm and are actually a big improvement.

Questions from the Board

Mr. St. Pierre said the applicant's hardship was to get proper aisle width. Attorney Saari agreed with this point.

Ms. Collins said she felt the project was an improvement for everyone. Mr. McGuirk agreed. Mr. O'Brien asked if the condo association is in agreement. Attorney Saari said Mr. Hughes has spoken to them and they are in agreement.

Comments from the Audience

Missy Lackey, 17 Witham, said she wanted to make sure additional parking doesn't cause a problem. She was told no problems would occur.

Back to the Board

Chairman Provencal said this plan for parking has to stay in the master file and be brought to the Registry of Deeds

Moved by Mr. O'Brien, seconded by Ms. Collins, to grant Petition 32-19 on the condition that the C.O. cannot be issued without proper condo documents and must be recorded at the County Registry of Deeds as shown to this Board on the application as presented at the Hampton Zoning Board of Adjustment meeting on August 15, 2019.

Chairman Provencal 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.

Adjournment

Moved by Mr. O'Brien, seconded by Ms. Collins, to adjourn the meeting at 8:51 p.m.

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

Respectfully submitted,

Joan Rice
Secretary