

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - *Draft*
August 20, 2020
Teleconference Meeting

Members Present

Bryan Provencal, Chairman
Norma Collins
Anne Bialobrzeski
Tom McGuirk
Bill O'Brien,

Chairman Provencal called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

Chairman Provencal said that this meeting is being conducted electronically pursuant to the Governor's Emergency Order. A teleconference will be utilized for this meeting and the public may join in.

PETITION SESSION

18-20...The continued petition of Craig S & Amanda L Field for property located at 37 Ann's Lane seeking relief from Article(s) Article IV Table II Section 4.2 and footnote 22 and 4.3 to subdivide the 1.26 acre parcel into two lots. The existing structures are all located I the northwestern portion of the lot and the intent is to maintain 125' of frontage for the front parcel ("Parcel A"). The second parcel ("Parcel B") will be situated on the back portion (southern) of the current lot with a driveway extending down the eastern portion of the lot with a 28.46' of frontage. This subdivision plan precludes the proposed lots from meeting of the zoning requirements. This property is located on Map 127, Lot 20 and in the RA Zone.

Chairman Provencal said a letter had been received from the applicants asking to continue at the September meeting.

Moved by Ms. Collins, seconded by Mr. McGuirk, to continue Petition 18-20 to the September meeting.

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

13-20...The continued petition of J. Hunter Properties,, LLC for property located at 467 Ocean Blvd. seeking relief from Article(s) 4.5.2 to demolish the current structure and replace it with a brand-new structure. This new structure is proposed to be constructed using the existing setbacks that currently exist on the property, where 4 feet is required for a side setback. We are requesting 1.3'. This property is located on Map 266, Lot 32 and in the BS Zone.

Mr. O'Brien said the Building Inspector had been asked to contact the Applicants. He was unable to reach them after repeated tries. Mr. O'Brien said this petition should be considered abandoned at this time and if the Applicants wish they may reapply in six months.

Moved by Mr. O'Brien, seconded by Ms. Collins, that Petition 13-20, 467 Ocean Blvd., be administratively withdrawn.

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

36-20...The petition of Kyle McManus for properties located at 737 and 739 Ocean Blvd. seeking relief from Article(s) 6.3.1. This is an existing previously approved 2-unit condominium property. This property is located on Map 223, Lot 70/1, Lot 70/2 and in the RA Zone.

Kyle McManus, Applicant, said they were seeking a variance from 6.3.1 required parking. Mr. McManus went through the five criteria and said he felt they had been met.

Questions from the Board

Ms Bialobrzkeski said she felt the solution to this would be everyone giving a little and asking the owners to reserve 2 spaces shown on the plan plus the part labeled driveway for automobile parking only with motorcycles to be parked elsewhere.

Mr. McGuirk said if motorcycles were eliminated the problem would be solved.

Comments from the Audience

Greg Ramsey said he would submit that none of the five criteria have been established. There is no need for the variance because they can use the property if they comply with the 2000 plan.

Chairman Provencal asked where they would put the two other spaces. Mr. Ramsey said there is not enough space and they would be parking in the fire lane. He said he did not believe they should be entitled to change anything. Everyone else is complying. They are not.

Chairman Provencal said this Board does not have jurisdiction over fire lanes.

Chairman Provencal said this would be cleaning up a mess that has existed for 20 years. If this was a new application he would say no, but this is different.

Moved by Ms. Collins, seconded by Mr. McGuirk, to grant Petition 36-20.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had with the exception of Ms. Bialobrzkeski.

Roll Call Vote: 4 yes, 0 no, 1 abstention (Bialobrzkeski). Motion passed.

37-20...The petition of John R & Sheila C Woelfel for property located at 23 Thornton Street seeking relief from Article(s) II Section s.3.7.C.4. Section 4.9 to raze the existing 1-story house and replace with a 2-story house. The footprint remains the same except on Northwest side where it expands by 2'. This property is located on Map 303, Lot 13 and in the RA Zone.

Attorney Tim Phoenix said the applicants had decided in 2019 to add a second story. They have now decided to build a new house that will comply with code. They will expand two feet to the left. Relief is also needed for a 12 foot setback from the Wetlands Buffer. There are letters from the Conservation Commission and neighbors who are in favor of the project. A green area will also be created with the removal of concrete. Nothing has changed except that the Applicants have provided the proper notice. Attorney Phoenix then went through the five criteria and said he felt they had been met.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. O'Brien, seconded by Ms. Collins, to grant Petition 37-20.

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

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

38-20...The petition of Raymond A & Sheila A Buttarro, Trustees of Chimera Realty Trust for property located at 157 High Street seeking relief from Article(s) Art. 1, Sec. 1.3; Art. VI, Sec. 6.3.1. Art. VIII. Sec. 8.2.1, 8.2.3, 8.2.4, 8.2.5 (first sentence only) 8.2.6 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.

Raymond Buttarro, Applicant, said this was a resubmission from 2-1/2 years ago. He did not do the project. He said he would now like to take down the garage which is in bad shape and remove one apartment. The other issue is parking. These are all 1-bedroom apartments. Mr. Buttarro went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman Provencal asked if anything had changed since the last approval. Mr. Buttarro said no.

Mr. O'Brien said on the plan it looks like a doorway is in the middle of nowhere. Mr. Buttarro said that is the entrance to the apartments.

Mr. Buttarro said he would like to get final drawings and see what options there are.

Chairman Provencal said the applicant has 18.8' from one side and 17.7' from the rear setback and if he wanted to change that he would need to come back with a different plan. Mr. Buttarro agreed to that.

Mr. O'Brien said he was concerned that cars would be above the storage. Mr. McGuirk said it would be behind the storage.

Ms. Bialobrzkeski asked if it was the applicant's intention to move the building back. Mr. Buttarro said he would like to move it back to make a buffer.

Chairman Provencal said if that is the applicant's intention it would be necessary to come back with a different plot plan.

Ms. Bialobrzkeski said she had a concern that if the building is moved back it will be 10 feet away from a very steep slope to the middle school. This might be a problem.

Moved by Mr. McGuirk, seconded by Ms. Collins to continue Petition 38-20 at the September meeting.

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

39-20...The petition of Jeff & Michaela Scott for property located at 12 Bradstreet Road seeking relief from Article(s) 4.5.2 Article 4 – Table 2 Setback to construct farmer’s porch with roof on front of house. Porch 7’ x 29’ (9’ x 29’ drip edge to foundation). This property is located on Map 193, Lot 25 and in the RA Zone.

Mr. O’Brien said if you look at the plan it looks like the Applicants have asked for the wrong relief. The plot plan shows that they encroach into the 20 foot front setback and they asked for side setback which is 4.5.2.

Chairman Provencal told Ms. Scott that they asked for the wrong setback. Ms. Scott replied that this was the article they were advised to put in the petition. Chairman Provencal said 4.5.1 is what should have been asked for. It will be necessary to resubmit.

Ms. Bialobrzkeski said impervious surface is also an issue. This might be over 25% which is the Aquifer pervious limit.

Mr. McGuirk said 2.5.4B might also be necessary.

Chairman Provencal advised the Applicants to make an appointment with the Building Inspector and seek his advice.

Moved by Mr. O’Brien, seconded by Ms. Collins, to allow Petition 39-20 to be withdrawn without prejudice. When they resubmit the application fee will be waived, but Applicants will pay for notifications.

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

40-20...The petition of David Grzybowski & Diana Daniels for property located at 237 Mill Road seeking relief from Article(s) 4.2 (for both “Lot 1 and Lot 2”). The Applicant intends on subdividing the lot located at 237 Mill Road into two lots labeled on the Plan as “Lot 1” and “Lot 2”. Both lots require frontage relief as they do not meet Zoning Ordinance Article 4.2 for the RA Zone. This property is located on Map 72, Lot 27 and in the RA Zone.

Attorney James Scully said the Applicant is planning on building his home on the back lot Attorney Scully then went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman Provencal said the Board had letters from Aquarian, the Conservation Commission and Planner Jason Bachand regarding use.

Attorney Scully said Aquarian is opposed because of proximity to Well 9. He said he did not know why this well was put there. Attorney Scully said he has done research and nowhere does it show Aquarian has any sort of right to the Applicant's land.

Mr. O'Brien said in the Aquarian letter it says Well 9 is one of the largest serving Hampton. Ms. Bialobrzkeski said #9 is one of the oldest wells in Hampton. If this is not in the public interest it should not be granted. Also the Board does not know if there are wetlands issues. The Conservation Commission says it does not have enough information.

Henry Boyd, Millennium Engineering, said Lots 1 and 2 need variances for frontage. No survey has been done. That would have to be addressed by the Planning Board. Mr. Boyd said his advice was to go for the variances first. There is certainly an adequate area that is outside the wetlands buffer. We believe a single family could be designed without causing harm.

Chairman Provencal asked Attorney Scully if they would like to continue at the next meeting. Attorney Scully said they would.

Moved by Ms. Collins, seconded by Mr. McGuirk, to continue Petition 40-20 at next month's meeting.

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

BUSINESS SESSION

Approval of Minutes

Moved by Ms. Collins, seconded by Mr. O'Brien, to approve the Minutes of February 20, 2020 as amended.

Roll Call Vote: 4 yes, 0 no, 1 abstention (Bialobrzkeski). Motion passed.

Moved by Ms. Collins, seconded by Mr. McGuirk, to approve the Minutes of February 27, 2020 as amended.

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

Moved by Ms. Bialobrzski, seconded by Mr. McGuirk, to approve the Minutes of March 19, 2020.

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

Moved by Ms. Collins, seconded by Mr. O'Brien, to approve the Minutes of May 27, 2020 as amended.

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

The Minutes of June 18, 2020 will be addressed at the next meeting.

Moved by Mr. O'Brien, seconded by Ms. Collins, to approve the Minutes of July 16, 2020 as amended.

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

Adjournment

Moved by Ms. Collins, seconded by Mr. McGuirk, to adjourn the meeting at 9:41 p.m.

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

Respectfully submitted,

Joan Rice
Secretary