

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – Draft
October 17, 2019

Members Present

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

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

35-19...The continued petition of Walter & Tamara Tate for property located at 16 Boars Head Terrace seeking relief from Article(s) 4.5.1, 4.5.2 and 4.5.3 for construction of new dwelling requesting relief in rear to 3.5' overhang 4.0' to structure requesting 3.69' to overhang 4.19' to structure on left side, also 7.25' to deck 9.0' to structure on right already granted. This property is located on Map 266, Lot 44 in the RA Zone.

At this time Mr. St. Pierre stepped down from the Board and Mr. Lessard stepped up to the Board.

Walter and Tamara Tate, applicants, came forward. Mr. Tate said they want to construct a new home on the site. The lot is very small and the setbacks do not allow for construction of a home. Mr. Tate said there will be no changes to the foundation. There will not be a deck on the second floor. Mr. Tate went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Grady asked if the setbacks were less than in the original project. Mr. Tate said the structure that was originally approved had the deck on the second floor.

Mr. Grady asked if the deck would be enclosed. Mr. Tate said it would be enclosed to provide more living space. Ms. Collins asked if there would be a parking space on the right side. Mr. Tate said yes.

Mr. O'Brien said the new plan has gone to just a basic rectangle. He said he would like the applicants to abandon the approval from May. Mr. Tate said he would agree to do that. Mr. O'Brien said the new plan shows 9.03' on the west side, but that is on top of the rocks. He asked if they could have a 9' x 18' and still be able to get into the garage. Mr. Tate said they plan to smooth out the wall and smooth it down. Chairman Provencal said the space by the rock wall really doesn't count.

Mr. O'Brien said everything is rectangular on the plan and asked if they had accounted for the overhangs in this request. He said he did not see any overhangs on the plot plan. Mr. O'Brien asked how close they would be to the property line. Mr. Tate said 3 feet in the front.

Mr. Lessard asked how far the overhang was from the nearest house.. Chairman Provencal said it would be 6 feet. Mr. O'Brien said he would rather give them the 3 feet out front. Mr. Tate said he would be happy to do that.

Comments from the Audience

There were no comments from the Audience. Chairman Provencal asked if anyone in the Audience was opposed to moving the house forward. There were no objections.

Back to the Board

Mr. O'Brien said he would prefer to flip the 2nd and 3rd floors from the front to the back of the property. Chairman Provencal said an awning on the back steps would be fine. Mr. O'Brien said these plans should be redone.

Moved by Mr. O'Brien, seconded by Mr. Lessard, to grant Petition 35-19 with the conditions that the cantilevered 2nd and 3rd floors be shifted from the rear to the front, the front parking spot to be moved to the east side, the previous variance be abandoned in writing, there would be a small awning over the back door.

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.

At this time Mr. St. Pierre stepped up to the Board and Mr. Lessard stepped down.

37-19...The petition of Valerie Cunningham and Robert Breig for property located at 10 Dumas Avenue seeking relief from Article(s) I, 1.3 and Article IV 4.5.2 for expansion of front deck and addition of side stairs from driveway. This property is located on Map 256, Lot 12 in the RA Zone.

Mr. Breig said they plan on expanding the deck 4 feet and changing the egress to driveway side. The proposed changes will upgrade the property in a manner not unlike what others have done in the area. Mr. Breig went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Grady asked if parking would be affected. Mr. Breig said it would not.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. O'Brien asked if the closest approach would be about 15 feet from the property line. Ms. Cunningham said that was correct.

Mr. St. Pierre said 15 feet is reasonable.

Moved by Mr. St. Pierre, seconded by Mr. Grady, to grant Petition 37-19.

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

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

39-19...The petition of James Provost for property located at 31 Ocean Drive seeking relief from Article(s) 1.3 and 4.5.1 (front setback) to change wall height and roof line in second floor master bedroom creating more head room for better floor layout. This property is located on Map 305, Lot 36 in the RA Zone.

James Provost came forward and said he was representing the owners of the property.. Chairman Provencal asked if the owners were present. Mr. Provost said they were not.. Chairman Provencal said if the owner is not in the audience, a letter stating that you are authorized to represent them is needed.. Mr. Provost agreed to postpone the hearing of the petition until next month.

Moved by Mr. St. Pierre, seconded by Mr. O'Brien to postpone the hearing of Petition 39-19 until next month at which time it will be first on the Agenda.

Mr. O'Brien said the shed must go. Chairman Provençal said the plot plan needs to be cleaned up.

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

40-19...The petition of Ralph & Lisa Feole for property located at 781 Ocean Blvd. seeking relief from Article(s) 1.3 and 4.5.1 to construct a second floor deck on the front of the existing building. This property is located on Map 211, Lot 9/1 in the RA Zone.

Ralph and Lisa Feole, Applicants, and Attorney Peter Saari, Cassa & Ryan, came forward. Attorney Saari said the scope of work will be keeping with the character of the neighborhood and the value of the property will increase. Attorney Saari said the Applicants want to be able to walk out of their kitchen on to the deck. There are no blocked views and there will be no increase in traffic. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if there were stairs in the front. Attorney Saari said no. Mr. St. Pierre asked if the patio was staying. Attorney Saari said it was. Mr. O'Brien asked if the rock wall would be moved. Mr. Feole said it would not be moved. Ms. Collins asked if the deck would be straight out and not curved. Mr. Feole said it would be straight out.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. St. Pierre said the fact that the corners have been taken out has merit.

Moved by Mr. O'Brien, seconded by Ms. Collins, to grant Petition 40-19.

Chairman Provençal 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.

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41-19...The petition of Brian Tabor for property located at 34 Glen Road seeking relief from Article(s) 1.3 and 4.5.1, 4.5.2 for removal of current roof, add living space for bedrooms and a $\frac{3}{4}$ bathroom above second floor. This will add roughly 7 feet of height to the existing structure. The footprint of the home will not change, only the height. This property is located on Map 150, Lot 7 in the RB Zone.

Brian Tabor, Applicant, came forward. Mr. Tabor went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Grady asked if anyone's view would be blocked. Mr. Tabor said this would not happen. Mr. Grady said he felt this would fit into the neighborhood. Ms. Collins said she agreed with Mr. Grady that this would fit into the neighborhood without any issues.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. St. Pierre said he had no issues with this project.

Moved by Mr. Grady, seconded by Ms. Collins to grant Petition 9-41.

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.

42-19...The petition of Gilbert f & Beverly A Bartone, Trustees of the Beverly A Bartone Revocable Trust for property located at 7 Eighth Street seeking relief from Article(s) 3,1, 4.1.1 and 4.7 to renovate and convert the existing structure onto two condominium units without expanding either the height or the footprint of the building. This property is located on Map 210, Lot 1 in the RB Zone.

Gilbert Bartone, Applicant, and Attorney Peter Saari came forward. Attorney Saari said this is a very large building This would improve the appearance very much. Attorney Saari went through the five criteria and said he felt they had been met.

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Questions from the Board

Mr. St. Pierre asked how many square feet would be in the proposed second unit. Mr. Bartone said approximately 1,500 s.f.

Mr. O'Brien noted that this is in a single-family zone. Mr. O'Brien then said that he would be absolutely against this. This is two units in a single-family zone. Mr. O'Brien said the Applicant is surrounded by single-family homes. Nothing has changed since Mr. Bartone purchased the home.. You could have an accessory dwelling unit. If this is done, it would be illegal to sell one or both units. Mr. O'Brien said he did not see a hardship. It is contrary to the public interest and there is not substantial justice. Mr. O'Brien said Mr. Bartone should have thought of this when purchasing the home.

Chairman Provencal said this is a single-family dwelling unit and the Board has never granted a petition like this.

Mr. Grady said he also lives in North Beach and does not want to see this happen.

Comments from the Audience.

There were no comments from the Audience.

Back to the Board

Attorney Saari said he would like to withdraw this petition,

Moved by Mr. St. Pierre, seconded by Mr. Grady, to allow Petition 42-19 to be withdrawn.

Vote: 3 yes, 0 no (O'Brien, Collins). Motion passed,

BUSINESS SESSION

Approval of Minutes

Moved by Mr. O'Brien, seconded by Ms. Collins, to approve the Minutes of September 19, 2019 as amended.

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

Adjournment

Moved by Mr. O'Brien, seconded by Ms. Collins, to adjourn the meeting at 8:43 p;m;

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

Respectfully submitted,

Joan Rice
Secretary