

**HAMPTON ZONING BOARD OF ADJUSTMENT**  
**MINUTES - Draft**  
**November 18, 2021**

**Members Present**

Bill O'Brien, Chairman  
Anne Bialobrzkeski  
Erica De Vries  
Brian Provencal  
Norma Collins (Alternate)

**Also Present**

Jim Marchese, Building Inspector

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**

**55-21**...The continued petition of Evan G. and Karen J. Carrara for property located at 18 Sapphire Avenue seeking relief from Article(s) 4.5.1 (front setback), 4.5.2 (side setback), 4.5.3 (rear setback) to raise the existing structure in order to install a new garage at-grade. The existing building footprint shall remain the same in the proposed condition. This property is located on Map 223, Lot 83 and in the RB Zone.

Evan and Karen Carrara, Applicants, came forward. Mr. Carrara said the Board had questions last month regarding a site plan. The Board also wanted to see elevation plans. They have met with the engineer and the elevation plans won't be available until after Thanksgiving. Due to this they would like to request a continuance to next month.

**Moved** by Mr. Provencal, seconded by Ms. De Vries, to continue Petition 55-21 to next month's meeting at which time it will be first on the Agenda.

*Comments from the Audience*

Nancy Walker Key, 14 Sapphire Avenue, said she was concerned about the impact on her property. There is very little land between 14 and 18 Sapphire Ave. and she doesn't understand how heavy equipment can be brought in safely. She said the only thing she

would ask is that if something is going to occur and access to her property is needed that she would be notified.

Ms. De Vries asked if there was no impact to her land would she have an issue with the raising of the building. Ms. Keay said no and she felt it would add value.

Mr. Carrara said they would not be going anywhere near her property. He said he understands her concerns and has no issues.

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

**57-21**...The petition of C&R Partnership, LLC for property located at the "Expressway" seeking relief from Article(s) III, Section 3.1, Article IV Sections 4.2 and 4.5.1 for construction of a residential accessory barn in the Industrial Zone without the required minimum frontage and front setback. This property is located on Map 8, Lot 2 and in the I Zone.

Robert Graham, representing C&R Partners, and Attorney John Ratigan came forward. Mr. Graham said there are two parcels of land, one in North Hampton and one in Hampton. The Applicant wants to build a barn on the Hampton portion where it is not allowed due to being in the Industrial Zone. They have been through a process in North Hampton to build a residential dwelling on that parcel. Attorney Ratigan went through the five criteria and said he felt they had been met.

#### *Questions from the Board*

Chairman O'Brien said the drawing presented is different than the one presented to North Hampton. The driveway is different in width. Attorney Ratigan said the engineer had not given any thought to what would happen on the Hampton side until approval was received from the Planning Board in Hampton. This will be shown in a revision.

Ms. De Vries asked if it was correct that there would never be an apartment in the barn. Attorney Ratigan said it was correct.

Ms. De Vries asked about public safety. Attorney Ratigan said there was no problem with that and the access road was in North Hampton. Ms. Bialobrzkeski said she felt the Fire Chiefs might not agree in terms of liability. She then said wetlands delineation is also a concern. She then asked why the barn can't be in North Hampton. Mr. Graham said his client wants to put the barn on land he owns and pays taxes on. Ms. Bialobrzkeski said they need to prove hardship.

Ms. Bialobrzkeski said the wetlands delineation is not shown well enough. Mr. Provencal said his concern is the wetlands.

**Moved** by Mr. Provencal, seconded by Ms. De Vries to grant Petition 57-21 with the following stipulations:

1. Provide an updated delineation of the wetlands to be approved by the Hampton Building Inspector. Barring approval, applicant must go to the Conservation Commission for approval.
2. There will be no habitation on the Hampton parcel whatsoever.
3. Applicant to go back to the North Hampton Building Inspector with an updated plan. Any changes to this plan must come back to the Hampton Zoning Board.

Ms. Bialobrzkeski said she had a problem with the fact that they are calling this an accessory use with a barn that is four times the size of the house. Also too much going back and forth between Hampton and North Hampton.

Mr. Provencal said the frontage being in North Hampton is the hardship. Ms. De Vries said that she did see the hardship.

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

**Vote:** 4 yes, 1 no (Bialobrzkeski). Motion passed.

## **BUSINESS SESSION**

### **Approval of Minutes**

**Moved** by Ms. De Vries, seconded by Mr. Provencal, to approve the Minutes of October 21, 2021.

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

### **Adjournment**

**Moved** by Mr. Provencal, seconded by Ms. De Vries, to adjourn the meeting at 8:14 p.m.

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

Respectfully submitted,

Joan Rice  
Secretary