

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES - Draft
November 21, 2019

Members Present

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

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

39-19...The continued 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, Applicant, said he wants to change the roof line to create a better use of space on the second floor. The side entry will add a needed means of egress. This will be in keeping with the character of the neighborhood. Mr. Provost went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien asked Mr. Provost if he had talked to the neighbor on the north side. Mr. Provost said that he had. Mr. O'Brien said the existing shed has to be on Mr. Provost's property.

Mr. O'Brien said this was advertised incorrectly. 4.5.1 is the front and applicant is asking for 4.5.2 which is side relief. This has to be re-advertised and notification has to be made to the abutters. Mr. Provost said he would not be opposed to going forward without side stairs and come back later if side stairs are wanted.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. O'Brien said again that the shed must be on the applicant's property. Mr. Provost said he would make that happen.

Moved by Mr. O'Brien, seconded by Mr. Rice, to grant Petition 39-19, 4.5.1 only as noticed. However, this must be re-advertised if applicant desires to put in stairs. Also the shed must be completely on the applicant's property.

Mr. O'Brien said he felt it would be better to come back with the entire request. Mr. Provost said he would rather go for relief for 4.5.1 and come back later for the stairs.

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. O'Brien stepped down from the Board and Mr. Lessard stepped up to the Board.

44-19...The petition of Saldi Family Realty Trust for property located at 3 Twelfth Street seeking relief from Article(s) 4.5.2 (side setback) to install a whole house generator on the east side of the house. Generator will be approximately 4' from line and will be used during emergency situations when power is lost. This property is located on Map 197, Lot 3 in the RA Zone.

Jack Saldi, Applicant, came forward. He said the generator is small in size and quiet when running. He said he feels the generator is necessary in case of a power outage. There is only one abutter and they have said they have no objection. Mr. Saldi went through the five criteria and said he felt they had been met.

Questions from the Board

Ms. Collins asked if the applicant also had an air conditioning unit. Mr. Saldi said he did. Mr. St. Pierre said he felt the generator would not look out of place. Mr. Rice said Mr. Saldi is someone planning for the future and the only person impacted is the neighbor who is in favor of this petition. Mr. Lessard said he saw no problem with this.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Ms. Collins, seconded by Mr. Lessard, to grant Petition 44-19.

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.

At this time Mr. O'Brien stepped up to the Board and Mr. Lessard stepped down.

45-19...The petition of Dustin and Shannon Willard for property located at 159 Kings Highway seeking relief from Article(s) 1.3, 4.5.1 (front setback), 4.5.2 (side setback). Existing two story 24 x 36 dwelling with a proposal for a 3rd floor addition. The setbacks to remain the same. This property is located on Map 168, Lot 81 in the RA Zone.

Dustin Willard, Applicant, said this expanded space is necessary for their growing family. He said surrounding properties will not be impacted and the house will match the standards of the houses in the area. Mr. Willard went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman Provencal asked if decks would be added. Mr. Willard said the deck would be within the house.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. Rice, to grant Petition 45-19.

Mr. O'Brien asked what the height of the house would be. Mr. Willard said it would be 33'6" tall.

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.

46-19...The petition of Shannon Alther for property located at 66 Brown Avenue seeking relief from Article(s) 1.3 and 4.5.2 (side setback), requesting 4.4' where 7' is required. The existing building foundation and first floor level is to be utilized in the new project scope. The existing roof will be removed and a new second floor and accompanying roof system are to be added onto the existing building to create a 2.5 story residence. This property is located on Map 282, Lot 188 in the RB Zone.

Shannon Alther, TMS Architects, came forward. Mr. O'Brien asked if the owner was present. Mr. Alther said the owner is Mr. Don Davis and he was present in the audience. Mr. Alther showed renderings of what is presently there and what the proposed project would be. Mr. Alther said this project will create increased square footage without increasing the house footprint on the north side. Mr. Alther went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre said the aesthetics compliment the house next door.

Mr. O'Brien asked if this would actually be attic space. Mr. Alther said it would but it will be a large area with a high ceiling in the middle. Mr. O'Brien asked about the height of the proposed building. Mr. Alther said it would be 35' at the lightning rod.

Mr. O'Brien said he would like to see where two cars could park on this lot. Mr. Alther pointed out two spaces. Mr. O'Brien said that is stacked parking and does not meet the condition.

Chairman Provencal suggested a entry in the fence and make that lot a parking space. A gate could be installed.

Comments from the Audience

Janet McClain, 15 Diane Lane, said she was happy the applicants were making this change. Ms. McClain said she wanted to be certain there would not be too many cars. Chairman Provencal said the applicant has adequate parking.

Back to the Board

Moved by Mr. O'Brien, seconded by Ms. Collins, to grant Petition 46-19 with the condition that there be a movable fence to allow access for a vehicle to park.

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.

47-19...The petition of Brent 16175 Parking Trust, Exchange Authority LLC, TTEE for property located at 6 Vrylena's Way seeking relief from Article(s) 4.5.1 to construct a single family dwelling on this parcel of land. This land is heavily impacted by wetland buffers and after consultation with the Conservation Commission, we are attempting to lessen the impact on the wetlands by moving the house further from the 50' buffer, but closer to the street. Where 20' is required, we are asking for 12.3'. This property is located on Map 209, Lot 112 in the RB Zone.

Attorney Jerry Scully and Henry Boyd, Millennium Engineering, came forward. Mr. Boyd said the Conservation Commission had asked for a few more changes in what they were presenting. They said they were opposed to having any part of this building in the buffer. The Planning Board suggested that this be brought to the Zoning Board. Mr. Boyd said the unique setting in this environment establishes hardship. At this time the Conservation Commission has made suggestions but has not approved this. Mr. Boyd went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if they would be improving this buffer if approved. Mr. Boyd said yes. He said they would be improving the buffer by eradicating an invasive growth of a non-native species. Mr. Rice said the project would make the lot more attractive.

Ms. Collins asked how many square feet there are in the buffer. Mr. Boyd said there were 454 s.f.

Mr. Boyd said the owner has some issues and needs the house to be laid out this way.

Mr. St. Pierre said he felt this was a reasonable request.

Comments from the Audience

Rayann Dionne, Conservation Coordinator, said the Conservation Commission has reviewed this. She said she agreed that all wetlands are not created equal.

Peter Olney, 8 Ice House Lane, said this is a beautiful lot with a nice view. It is a good choice.

Back to the Board

Mr. St. Pierre said he thought this is a reasonable request. The wetlands will get a little better. Chairman Provencal said he had no problem with this request.

Moved by Mr. St. Pierre, seconded by Chairman Provencal, to grant Petition 47-19.

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.

49-19...The petition of Ralph J & Lisa A Feole for property located at 781 Ocean Boulevard 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 Feole, Applicant, and Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said the applicant wants to build a deck on the second floor. This would not increase traffic or block anyone's view. It would not be out of the character of the neighborhood. This application is in effect an amendment to the application that was approved by the Board at its last meeting. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien said that last month the Board approved 10 feet in front. Looking down the street the applicant is coming out four feet. Mr. O'Brien said he supported 10 feet last month, but this should actually be 20 feet back.

Attorney Saari asked if they could have 12 feet. Mr. O'Brien said they could relinquish the 10 feet previously granted and try to get approval for 12 feet. Attorney Saari said they would not want to do that.

Mr. Rice said after looking at Google Maps this house is substantially further back than others on the street.

Attorney Saari said the three abutters were okay with 14 feet.

Mr. Rice said they could withdraw without prejudice, do some homework, and come back with some pictures.

Mr. O'Brien said he would rather make a motion to deny.

Comments from the Audience

Jerry Flynn, 779 Ocean Blvd., said the Feoles are terrific neighbors.

Aden Lang, contractor, said all neighbors thought 14 feet was fine.

Back to the Board

Mr. St. Pierre asked what the hardship was. What was granted last month is reasonable.

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to deny Petition 49-19.

Attorney Saari said they would like to withdraw without prejudice.

Mr. O'Brien withdrew his motion and Mr. St Pierre withdrew his second.

Moved by Mr. Rice, seconded by Chairman Provencal, to allow Petition 49-19 to be withdrawn without prejudice.

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

BUSINESS SESSION

Proposed Zoning Warrant Articles

Jason Bachand, Town Planner, presented the following proposed Zoning Warrant Articles:

1. Use Changes
2. Amendment to Flood Plain Ordinance
3. Modification to the Existing No Shadow Rules
4. RB Zone Side Setback Requirement

Rayanne Dionne, Conservation Coordinator, presented the following proposed Warrant Articles:

1. Amendment to Zoning Ordinance
2. Amendment to Mitigation
3. Amendment to Permitted Uses
4. Amendment to Prohibited Uses
5. Streamlining of Permitted Uses

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Approval of Minutes

The approval of the Minutes of October 17, 2019 is postponed until the December meeting.

Adjournment

There being no further business, the meeting was adjourned at 9:51 p.m.

Respectfully submitted,

Joan Rice
Secretary