

HAMPTON PLANNING BOARD

MINUTES

May 1, 2019 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Fran McMahon
Mark Olson
Keith Lessard
Steve Chase, Alternate
James Waddell, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: Alex Loiseau, Clerk

I. CALL TO ORDER

Chairman Emerick commenced the meeting at 7:00 p.m. by leading the Pledge of Allegiance and introducing the Planning Board members. Mr. Emerick noted that the applicant for Campbell Drive wishes to be continued to June 5, 2019.

MOVED by Mr. McMahon.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0 (Lessard absent).

MOTION PASSED.

II. ATTENDING TO BE HEARD

Change of Use: 10 Depot Square – Retail (Florist) to Business/Professional Office (Architectural and Consulting Practice)

Ted and Lisa Gupton appeared. This was the location of Seacoast Florist. They request the Planning Board's approval to convert the space from the prior use to a professional office (architect office). They retired from Fort Worth, Texas. He also does real estate consulting.

BOARD

Ms. Carnaby asked if they anticipate any more traffic around the circle. Mr. Gupton said he does not expect more traffic. It may be less. Clients will come in primarily by appointment only.

MOTION by Mr. Olson to approve the Change of Use.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

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III. NEW PUBLIC HEARINGS

19-009 95 & 97 Ocean Blvd & 4 & 25 J Street

Map: 290 Lots: 116, 117, 118 & 137

Applicant: McGuirk's Ocean View, Inc.

Owner of Record: Same & Four J Street LLC.

Site Plan: Four-story restaurant and pub on Tax Map 290, Lots 117 & 118 that attaches to the existing (McGuirk's) Restaurant with a breezeway. New building to include one residential unit, as well as an outdoor patio for the restaurant. Lots 117 & 118 will be merged. Waiver Request: Section V.E.11-Landscaping.

Mr. Lessard recused himself.

Mr. McGuirk appeared with Joseph Coronati, Jones & Beach. There is currently a restaurant there. Mr. McGuirk purchased the lot next to him. He also owns the lot behind the property. He will consolidate Lots 117 and 118 into one parcel. He is adding onto the existing restaurant with a new restaurant. The top floor of the new addition will be an apartment for the owner's use. There will be one residential unit with a restaurant.

Mr. Coronati said the parking is allocated to another parcel on J Street – further down the road. Parking spaces are already allocated to the hotel use.

It will have its own access from the front. There is an elevator to the rear. Mr. McGuirk came in to construct a new lift for handicap access. He received ZBA approval for the lift. One lift will support both buildings. They obtained variances to go lot line to lot line. The land to the north is owned by Chuck Bellemore. The buildings will eventually match at the property line. The look will be like the Sea Spray. No breaks between buildings. Mr. McGuirk already removed the buildings for this project.

Mr. Coronati discussed drainage in the front. Roof runoff will be captured. The R-tank system at the front and rear was discussed. There will be separate utilities. Sewer will come in from Ocean Boulevard. There will be underground electric and gas.

The parking lot will stay gravel.

Mr. Coronati stated they obtained variances for height and setbacks. No relief for front and rear. The waiver request is for landscaping. There is limited area for landscaping. The front of Ocean Boulevard will be pavers. The back is proposed to be eco-pavers. There will be outdoor seating in the summer months.

Mr. Coronati discussed lighting plans. Lighting is internal to the building; different floors of the building.

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TMS did the architectural plans. They will be separate restaurants, but attached. There is no parking requirement for commercial uses per Mr. Coronati.

BOARD

Mr. McMahon asked about parking for residents. They are all set. The Lot on 4 J Street – they are not building on that per Mr. McGuirk. Mr. McMahon asked about properties being tied together. The buildings will be attached. There will be no back and forth between the two buildings. Two distinct buildings. Mr. McMahon asked about elevations. They are dark and hard to see it was noted (on the paperwork). Mr. McMahon asked about noise. Will there be music was asked. Mr. McGuirk said he will have a different clientele. They are catering toward an older crowd. It is going to be a restaurant with music per Mr. McGuirk. Mr. McMahon discussed the acoustic barriers for Bernies, etc. Mr. McGuirk said that he had people out there the other day with sound systems. Mr. McGuirk does not want it loud.

Mr. Olson asked about the parking lot – top of J Street and Ocean Boulevard. What is the purpose of the corner of Ocean and J Street (on Sheet C6) was asked. It was clarified that it is Ashworth Avenue and J Street. That is the parcel deeded to this lot. Mr. Olson asked about trash receptacles. Where will they be located when they are not out there (at the curb) was asked. There are 28 receptacle bins shown. Mr. McGuirk said there is a corral that can hold 28 barrels. Mr. Olson asked about trash rooms. Everything is outside all the time. It was noted 28 cans will go out every day. Mr. McGuirk does not have 28 cans. They are looking at different ways to reduce and recycle. Mr. McGuirk said they use china and glass; not paper.

PUBLIC BOARD

Mr. McMahon asked about signage. Mr. McGuirk said it will be like they have now. He thinks probably not an animated sign. Mr. McMahon asked about the construction schedule. Mr. Coronati discussed pile driving. Mr. McMahon asked if this construction will take place after the Seafood Festival. It was noted 'yes'.

Mr. Bachand discussed the variances. He noted there was a rear setback variance. The wall that will connect to the future project has a two-foot rear setback. They did get a variance for that.

Mr. Bachand discussed variances further. There was an issue with the Motion made at the ZBA meeting. The amount of 90.1 percent sealed surface was supposed to be granted for the combined two lots. It was stated they were going from 76 percent to 80 percent in the Motion. Only the lot with the new building would be 80 percent. This application is going back to the ZBA to clarify the Motion. It does not affect the Planning Board's ability to make a decision tonight.

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Mr. Bachand discussed the firewall. How it looks from the north side coming in was discussed. The flat wall – if that adjacent project does not go forward, what is the effect aesthetically. There are some false windows temporarily.

Chuck's (Bellemore) lot will be in front of the ZBA this month. The restaurant will still be seasonal. Snow storage would have to be further discussed if that changes. Mr. Bachand discussed the waiver request for landscaping. He noted CMA (Town's Engineers) would like it justified. Mr. Bachand discussed the patio area in the front.

Mr. Bachand discussed the Registry accepting and/or rejecting Site Plans. A Lot Merger plan with the easements shown plan may need to be recorded in place of the Site Plan if it is rejected. The preference is to record the Site Plan. This is discussed in Mr. Bachand's Memorandum.

MOTION by Mr. McMahon to approve the waiver.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (Lessard)

MOTION PASSED.

Ms. Carnaby asked about plantings. She would like plants at the outside area/planters.

MOTION by Mr. McMahon approve the Site Plan along with the conditions contained in the Town Planner's Memorandum dated May 1st. He wants to see false windows – it was noted they are part of the application.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (Lessard).

MOTION PASSED.

19-016 Campbell Drive

Map: 156 Lot: 1

Applicant: Geoffrey Rallis

Owner of Record: Judith M. Haufler

Site Plan: Construction of two residential (condominium) duplexes with a private driveway off the end of the cul-de-sac.

See Above – Continued to June 5, 2019

19-017 7 Charles Street

Applicant: Relihan Irrevocable Trust, Steven & Scott Relihan, Trustees

Owner of Record: Same

Wetlands Permit: Replace existing 2nd floor deck with new 10 x 10 deck and stairs. Construct 18 x 10 deck off rear of house in same footprint as existing 2nd floor deck.

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Messers Relihan appeared and discussed the project. They met with the Conservation Commission. They received the letter from the Conservation Commission and they are in agreement with the conditions.

BOARD

Mr. McMahon asked about the new 10 x 10 deck. There are two decks per Mr. Emerick. Mr. Emerick was on the site walk.

**PUBLIC
BOARD**

Mr. Bachand noted that he spoke with Ms. Dionne (Conservation Coordinator) about this project. He recommends approval along with the conditions contained in the Conservation Commission's letter dated April 29, 2019.

MOVED by Mr. Olson.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

18-062 313 & 315 Ocean Boulevard & Kentville Terrace – Lot 1 (continued from 3/6/19 and 4/3/19)

Map: 283 Lots: 1, 2 & 3

Applicant: Green & Company

Owners of Record: Kentville on the Ocean LLC (Lots 1 & 2) and Captain Morgan Inn, Inc. (Lot 3)

Site Plan: Demolish existing building and construct a 36-unit condominium building (32-one bedroom units and 4-two-bedroom units). The residential units will be located above a commercial level that also includes parking under the building.

Attorney John Bosen appeared. He handed out a short letter regarding a meeting with the NHDOT. Attorney Bosen read it aloud; it is available at the Planning Office. Michael Green is present and Jenna Green; Rick Green; Steve Pernaw is also present and Joe Coronati (Jones & Beach). The modified design of the rear of the building was discussed and shown. Mr. Green showed the new drawings. It now includes windows.

Attorney Bosen discussed future improvements at Highland Avenue. Mr. Coronati reached out to the NHDOT. They were not interested in meeting with the applicant. Mr. Emerick said he spoke with Brian Schutt (State); who spoke to higher ups. It is a private property and a State Right of Way. They are in the middle of a re-do for the project in that area. The State had no interest. The applicants are willing to work with DOT in the future, as that is one of the conditions in the Planner's Memorandum. The applicants are in agreement with the

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proposed conditions in the Planner's Memorandum. They would like approval of the Site Plan with the conditions in the Planner's Memorandum.

BOARD

Ms. Carnaby still wants the applicants to look at something for that intersection later on when the State has figured out what they are doing. Attorney Bosen said the applicants are willing to do that.

**PUBLIC
BOARD**

Mr. Bachand spoke about items in his memo that were not already discussed. He discussed the ZBA approval. One member of the ZBA mentioned the building design and how it was approved in July. He looked back at the meeting video to determine if there was anything requiring them to go back (to the ZBA). Mr. Bachand discussed the crown (presented to the ZBA) and the pitched roof (Planning Board change). He said the setback of the screen wall was discussed at the ZBA. Mr. Green said the roof pitch is now the screen wall. Mr. Bachand is including a condition that says if it they are pulled back (to the ZBA) and there are design changes, it has to potentially come back to the Planning Board. Mr. Coronati asked if he can discuss the changes with Mr. Schultz (Building) before they go back. Mr. Bachand said however they are required to do it is fine, but it needs to be addressed before anything goes on record. Mr. Bachand discussed pedestrian improvements, perhaps a bench in the front. These improvements should be made to the extent feasible.

Mr. Bachand said there may not be recording problems on this project because it is a condominium site plan. Pre-approval of the mylar by the Registry was discussed and will be required. If the Board is satisfied and comfortable with approving this evening, his recommendation is for the approval to be with the conditions in his revised May 1, 2019 Memorandum.

MOTION by Mr. Waddell to approve the Site Plan along with the conditions contained in the Town Planner's Memorandum dated May 1, 2019.

SECOND by Ms. Carnaby.

VOTE: 5 – 0 – 2 (Lessard & Olson).

MOTION PASSED.

V. CONSIDERATION OF MINUTES of April 17, 2019

MOVED by Mr. McMahon.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (Chase)

MOTION PASSED.

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VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **Registry of Deeds – Recording Issues and Proposed Revision to Recording Fee Schedule**

Mr. Bachand discussed issues with the Registry accepting certain plans for recording. They used to accept various plans including grading and drainage plans and any site plans. They will only accept surveyed plans with metes and bounds - basic subdivision plans, easement plans. They may accept certain site plans if they show metes and bounds for the entire property. The Planning Office was told the Registry is having storage issues. We will need to have plans on file at the Planning Office as a result.

Mr. Lessard said this will be putting a burden on people.

Mr. Waddell said we should invite the County Commissioners to come in and discuss this with the Planning Board. Mr. Bachand said according to the RSA's, he believes they do not have to accept all the plans they had been accepting. This may be a question for Attorney Gearreald. It was noted that there should have at least been a warning that changes like this were going to be requested.

It could cloud people in getting a mortgage. Mr. Lessard stated he believed this is what the Registry is for. Isn't it the purpose of the Registry to register anything you want registered – an agreement between two people, mortgages, anything you bring they are supposed to take it, charge you for it, and make it a permanent State record. Mr. Bachand agrees that is how it should be. This Board says it wants to record certain plans and documents after a thorough review, so there is a reason for it. It a challenge for us per Mr. Bachand. Mr. Emerick would like a letter. Mr. Lessard asked if they have a right to refuse any document we want recorded. Mr. Olson likes Mr. Waddell's idea, i.e. have someone come in to discuss this. It was noted the Area Commissioner should come to bat for us.

Mr. Bachand discussed how strict they are. Mr. Bachand said we need to know what we can do.

Mr. Chase suggested talking to other Towns to see what they are up against.

Mr. Emerick said there is a State Land Use Office.

Mr. Bachand discussed the current recording fee schedule. A proposal that the Planning Office would like to make is to change the current language "highly recommending" pre-approval of plans from the Registry to a "required" pre-approval on the Recording Fees notice.

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Mr. Lessard asked if we should hold off on this. Fees were discussed. Scan and create a database for things to go up there, so people are not asking everyone for everything. We may have to buy a scanning machine or pay for labor to do it. A searchable place was discussed.

Mr. Bachand said the Board can make this change for now, or he can just include it in conditions from now on. We could do this smaller update first.

MOTION by Mr. Olson to make the change to ‘required’ pre-approval of plans at the Registry.
SECOND by Mr. Chase.

VOTE: 7 – 0 - 0

MOTION PASSED.

• **Coastal Hazards and Adaptation Team (CHAT) – Progress Report**

Mr. Bachand stated that he and Mr. Olson are attending the meetings for CHAT. There have been a few meetings. A progress report on the group was handed out. CHAT deals with flood vulnerability. Rules and procedures have been established. Objectives are detailed in the handout. Flooding presentations have been given. The Tides to Storms assessment have been reviewed. Draft maps of existing and future flood conditions are being developed at this time. What support can be given to the Board by CHAT was asked. We can share this with them on May 21st. Mr. Bachand asked the Board to email thoughts/ideas to him or to Mr. Olson.

Mr. Olson discussed sea level rise and the forecast for 2030; 2050. A dramatic change is happening. The back side of Ashworth and North Beach were discussed. Sea level rise is not where the waves crash. It comes from the west. The marsh is overwhelmed. It is creeping over property. It is eye opening. Models are available and forecast the future. Mr. Chase sees it rising and he has only been here for two years. He notices it is rising a few inches here and there. It is definitely coming up. Mr. Olson said they (the group) are committed.

Mr. Bachand said if there are any comments, please give them to him and he will pass them along at the next CHAT meeting.

VIII. ADJOURNMENT

MOTION by Mr. McMahon to adjourn.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:04 p.m.

Respectfully submitted,

Laurie Olivier, Office Manager/Planning

****PLEASE NOTE****

ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.

MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING