

HAMPTON PLANNING BOARD – MINUTES
November 16, 2005 – 7:00 PM

PRESENT: Tracy Emerick, Chairman
Tom Higgins, Vice Chairman
Fran McMahon, Clerk
Cliff Pratt, Selectman
Keith Lessard
Bob Viviano
Tom Gillick
James Steffen, Town Planner

ABSENT:

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. Mr. Viviano led the Pledge of Allegiance to the flag.

CONTINUED PUBLIC HEARINGS

- 1) Pond Side LLC c/o Malcolm Smith SUB 5-01
4-lot Subdivision Review at
195 & 201 Woodland Road
Map 95 Lot 2 and Map 96 Lot 3
Owner of Record: Pond Side LLC c/o Malcolm Smith

Chairman Emerick announced that this applicant has requested continuance to the December 7th meeting.

Mr. Gillick stated he was concerned about timing, since jurisdiction was accepted. Mr. Lessard inquired as to the length of the agenda for the December 7th meeting.

MOVED by Mr. Pratt to grant the continuance to the Planning Board meeting of December 7th.

SECOND by Mr. Gillick

VOTE: 7-0-0 -

MOTION PASSED

- 2) Brian C Hayes SITE
Site Plan Review at
486 Winnacunnet Road
Map 222 Lot 82
Owner of Record: Brian C Hayes
Continued from September 21st

Stephen Ells, Attorney, presented this application. He described the project. Mr. Hayes arrived at the meeting at this time with updated plans. (Plans are required on the Friday prior to the meeting to allow time for the Board's review.) At the Board's request, Mr. Ells reviewed the current status of the application. He indicated that the status of Surf Street is the primary outstanding issue.

BOARD

Mr. Steffen indicated this was continued at the October 19th meeting, at the applicant's request. He stated that Ambit Engineering has since provided its second round of comments. Also, the Fire Department initially had concerns about the width of the private road. Since the buildings are within 25 feet of Winnacunnet Road, they could fight a fire from Winnacunnet Road. Mr. Steffen said that the Fire Department is comfortable with this arrangement. The Fire Department has indicated that an ambulance can travel the street into the property.

Issue #4 of the Fire Department's review will be a condition of approval. Fire Department access roads must have an unobstructed width of not less than 20 feet.

Another condition of approval is that the basements will not be finished or inhabited.

Mr. Gillick referenced the Planner's November 14th memo and asked if that was the Planner's current set of recommendations for this application. It is.

Mr. Pratt asked if all of Ambit Engineering's concerns have been addressed. Mr. Steffen said that if the sewer line coming in to the project was public, it would need State approval.

The date that the variances from the Zoning Ordinance were granted needs to be added to the plans.

There doesn't seem to be enough space for the white maple in the landscaping plan. Mr. Hayes said this was removed.

Selectman approval is needed for the erection of buildings accessed by a private road.

Mr. Lessard asked about parking. No guest spaces are proposed. Mr. Ells said that 10 spaces are required (2 per unit) and no guest spaces are required.

Mr. Lessard asked for confirmation that the two parking spaces for each unit are within the building. They are.

Mr. Pratt commented that the lower level floor plan was not in the application.

PUBLIC

No comment

BOARD

Mr. Pratt asked about the variances. They are on sheet SP1 Note 10 with no date or case number.

Mr. Viviano asked for a summary of the missing information.

The plan depicts a road width of 18 feet. Mr. Higgins asked why we were going away from Uniform Fire Code, which states that the road width must be 20 feet.

Mr. Gillick said there is a 65-day time limit since the date jurisdiction was accepted. Mr. Ells agreed to waive that time limit.

Mr. Viviano said everything on the Ambit Engineering review needs to be addressed.

Mr. Pratt re-iterated that a condition of approval needs to be that they need to go before the Board of Selectman for the walkway encroachments.

Mr. McMahon said that the plan needs to state clearly that the street needs to be 20 feet wide.

Chairman Emerick referenced the P.S. on Attorney Gearreald September 12th memo. The plan shows Hillsborough County rather than Rockingham County.

Mr. Lessard said once the Board has final plans the Fire Department may want no parking signs placed.

MOVED by Mr. Viviano to continue the application to the December 7th meeting of the Planning Board, subject to receipt of finalized plans by the Friday before December 7th.

SECOND by Mr. Pratt

VOTE: 7-0-0 -

MOTION PASSED

- 3) Elaine & Fred Ayotte
 Site Plan Review at
 465 Ocean Boulevard
 Map 266 Lot 31
 Owner of Record: Elaine & Fred Ayotte
Continued from September 7th

SP5-02

BOARD

Peter Saari, Attorney, and Joe Coronati, Engineer, presented this application. Mr. Ayotte was also present.

Mr. Coronati explained that there are two units in the front building and two cottages in back. He indicated the lot is mostly impervious. They are proposing a 5-unit building with parking underneath. He said they are working out fire protection issues with the Fire Department. They have hired a fire protection engineer to work on this.

Mr. Coronati said they were here tonight to get comments from abutters.

Mr. Higgins asked for clarification that Emmanuel Engineering is the engineer for the abutters.

He also asked for confirmation that the fire protection issues are being worked out. He asked if there is a lighting plan. There is no exterior lighting shown.

Mr. Viviano asked for clarification that the applicant has 5 feet on either side of the building.

Mr. Lessard asked how the building was entered with a vehicle, and he asked for clarification of the absence of outside lighting. Mr. Coronati stated there was a street light just outside the building in the sidewalk.

Mr. Higgins asked Mr. Coronati to confirm the height/clearance of the garage.

PUBLIC

Tom Ferrini, Attorney, spoke on behalf of the Sea Breeze condominiums. They are concerned that the plans require at least 4 variances. They have concerns regarding parking, in terms of Americans with Disabilities Act issues.

Bruce Scammon, Emmanuel Engineering, indicated he was retained by Great North as an agent for Sea Breeze condominiums to review the plans to see if Sea Breeze would be affected and if the plans meet IDAC requirements.

He presented the following issues:

- Section 8.2.6 – There should be no glare on abutting properties. Emmanuel foresees that there will be glare from all of the parking area into the first floor windows at Sea Breeze. He believed a lighting engineer needs to review plan to ensure there won't be glare into Sea Breeze condominiums. Mr. Scammon provided pictures to the Board of Sea Breeze lighting.
- He said the flood elevation on Sheet C1 is depicted as 8 feet but should be 9 feet, per FEMA. Mr. Scammon said FEMA is concerned about this flood plan issue. There are two zoning ordinance subsections that forbid fill in the flood plain. Two variances would be needed for this project.
- ADA requires a handicapped parking spot. Also Town Ordinance (11.06) requires a handicapped van spot in anything over 2 units. Mr. Coronati said he'd like to get a read from the Building Inspector on this. He thinks the requirement refers to public and not private buildings.
- Per ASCE code, roofs lower than adjacent roofs will create an additional snow load. Mr. Scammon said this comes into play with less than 20 feet. Also, the International Building Code 2000 is more restrictive than previous codes.
- There are fire safety issues with this proposed project.

- Conservation issues are storm discharge and snow storage. There will be snow drifting into the adjacent building's parking area. Snow may end up on sidewalk.
- Water discharge will be all in one spot. Treatment of water is also an issue. They are concerned that there may be a contamination problem.
- Site plan regulations require off-street parking. Deliveries etc cannot be made using onsite parking.
- There are wetlands issues. Tests need to be done to find out where the seasonal high water is. There may be infiltration of water into the storm water interceptors. The system will be full of water and have no capacity to take storm water. There is a lot of clay in the land and there is a lot of percolation. (High Intensity Soil Survey).
- When there is snow off the roof, there will be a continuous flow of water coming off the roof that will cause icing and be a safety issue.
- The utility pole between the two property lines should be pulled out now.
- Utility pole easements - all poles are on Sea Breeze's property and the utilities need easements to access them.
- They are concerns about guardrails for cars.
- As cars enter, there will be a rake across first floor windows with car headlights
- Delivery trucks will be parking in the road, which will cause a safety issue.

BOARD

Mr. Lessard asked about the power line. Sea Breeze Condominiums gets no power from the poles.

Mr. Coronati said there were no wetland buffers being impacted by this project. With respect to cars backing out, they are considering a 50-50 fence (lattice work) to prevent lights shining into the Sea Breeze units.

Mr. Lessard asked for confirmation that the applicant was choosing not to vent car fumes up through a vent. He noted that the building itself meets zoning in town.

Mr. Gillick asked why trucks couldn't go to the back of the building. Mr. Coronati said they wouldn't fit in the driveway.

Mr. McMahon asked about trash service. Mr. Coronati said it would be wheeled trash containers to be taken out to the street, unless there is a trash vehicle small enough to fit in the driveway.

Mr. McMahon asked about parking space designations and the size of vehicles contemplated, specifically at spaces #1 and #12. Mr. Coronati said one would have to back into space #1.

With regard to storm water quality, Mr. Coronati said that storm water leaving the site has to go across a 100-foot parking lot before it hits marsh. The majority of water will be roof water, which is clean and not needing treatment.

Mr. Coronati wants closure from the Building Inspector on the ADA issue. Mr. Steffen said he talked with the Building Inspector, who believed one space would be needed.

PUBLIC

Attorney Ferrini asked for due consideration of the issues.

BOARD

Mr. Viviano asked about Conservation Commission concerns and whether they are being addressed.

Mr. Higgins asked about the logistics of snow removal. He also recommended that the plan be reviewed by the Hampton Beach Area Commission for their comments.

Chairman Emerick asked for clarification of the elevations, in terms of geographical siting of the building on the lot.

Chairman Emerick said the Board would consult the Building Inspector for the ADA issue. A lighting plan is needed. Mr. Lessard is concerned about drainage. He also asked about sight distance because of the location of the trees.

Mr. Steffen suggested this application be continued to the Planning Board meeting of December 21st. It will be noted on the agenda when jurisdiction is accepted.

The Board stated that the Planning Board Agenda needs to reflect the date jurisdiction is accepted, rather than dates applications are continued from.

Mr. Lessard said he is concerned about people walking the full length of the building to find out that occupants are not home.

MOVED by Mr. Viviano to continue this application to the Planning Board meeting of December 21st.

SECOND by Mr. Gillick

VOTE: 7-0-0 -

MOTION PASSED

- 2) Frederick & Elaine Ayotte
 Condominium Conversion at
 8 Highland Avenue
 Map 282 Lot 63
 Waiver from Site Plan Regulations Section V.E (Detailed Plans)
 Owner of Record: Frederick & Elaine Ayotte
Continued from November 2nd

CC5-37

Joe Coronati, Engineer, and Peter Saari, Attorney, presented this application.

Mr. Coronati reviewed the parking situation. He described an experiment conducted with trucks, indicating that the parking appears to work and has for ten or so years.

Mr. Higgins stated the concern is if the abutter builds a fence. In that case, it will not be possible to open car doors. He stated it appears that parking will work as long as there is no fence.

Fred Ayotte joined the discussion and indicated that he had owned the property for 8 years and he had paved the driveway. The paved driveway encroaches on the abutter's land.

Mr. Lessard asked Mr. Ayotte how long the property had been three units.

PUBLIC

No Comments

BOARD

MOVED by Mr. Gillick to grant waiver from Site Plan Regulations Section V.E (Detailed Plans) at 8 Highland Avenue, Map 282 Lot 63

SECOND by Mr. Viviano

VOTE: 7-0-0 -

MOTION PASSED

MOVED by Mr. Gillick to grant the condominium conversion at 8 Highland Avenue, Map 282 Lot 63, subject to conditions as stated in the Planner's memo of November 16th.

SECOND by Mr. Lessard subject to marking of the parking spaces on the Mylar recorded at the registry.

VOTE: 7-0-0 -

MOTION PASSED

III. CONSIDERATION OF MINUTES of November 2, 2005

Page 9 – change “plowing” to “parking”. Add “adverse effect on the neighborhood” to the motion language.

Page 10 – change “18 feet” to “16 feet”.

MOVED by Mr. Lessard to accept the minutes as amended.

SECOND by Mr. Viviano

VOTE: 6-0-1 -

MOTION PASSED

IV. CORRESPONDENCE

V. OTHER BUSINESS

- Rockingham Planning Commission had agreed to provide assistance to the Planning Board with 1) definitions, and 2). Zoning Ordinance review. The cost is \$20,000.

There is a 50% grant. It is already in the budget. Mr. Gillick said this was important. There is a move toward uniformity of definitions from town to town. This is a technical assistance grant.

MOVED by Mr. Higgins to modify the definition of frontage in the Zoning Ordinance, and to put this change on the March ballot.

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

- Chairman Emerick announced that the next Planning Board meeting would begin at 6:00 PM for a work session to discuss zoning ordinance changes.
- Digital aerial photography is available from the Sanborn Map Company through the Rockingham Planning Commission. It is excellent resolution and can be of great value to the Board.

Mr. Gillick said the Estuaries Project is having a flyover. Photography will depict all impervious surfaces on the Seacoast in fine definition photography. That data will be available to the Board. There is a web site that also has photography. Mr. Lessard asked the medium. Mr. Steffen said the Planning Department has 2003 now and will get 2005 on CD. Mr. Steffen said the Fire and Police Departments are also interested. The photos can be printed out on the plotter in the Assessor's office.

- Jamie noted that population estimates have just been released. He recited the changes indicated for Hampton.

MOVED by Mr. Lessard to adjourn

SECOND by Mr. Pratt

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 8:55 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Secretary