

HAMPTON PLANNING BOARD – MINUTES
July 19, 2006 – 7:00 PM

PRESENT: Tracy Emerick, Chairman
Bob Viviano, Vice Chairman
Fran McMahon, Clerk
Jim Workman, Selectman
Tom Gillick
Tom Higgins
Bill Bilodeau, Alternate
James Steffen, Town Planner

ABSENT: Keith Lessard

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. The Pledge of Allegiance to the flag was recited.

1. WITHDRAWALS AND POSTPONEMENTS

6-69) Barry M Weymouth
Change of Use from Take-out Restaurant
to Real Estate Office at
100 Ashworth Avenue
Map 290 Lot 66
Owner of Record: Barry M Weymouth

This application was withdrawn at the applicant's request, with the understanding that reapplication would be necessary.

II. CONTINUED PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

6-42) Brian Hayes
Site Plan Review to construct six (6) condominiums at
426 Winnacunnet Road
Map 208 Lot 48
Owner of Record: Brian Colsia, MAK Investments, LLC
JURISDICTION ACCEPTED: MAY 3, 2006

Joe Coronati, Jones & Beach Engineers, represented the applicant for this application. Mr. Hayes was also present. Mr. Coronati stated that they are going through the review process with the Town's engineer. Drainage features have been added and parking spaces have been rearranged. The detention pond is still near the neighbor with a 10-foot buffer provided. The storm water treatment has been added to the island.

One of the Conservation Commission's concerns was that the detention pond would turn into a wetland. Measures will be taken to prevent this.

BOARD

There was discussion of the Conservation Commission's concerns with this project. There was discussion of the effect of the driveway on the neighboring lot and its impact on drainage.

The Board indicated that the applicant has addressed its concerns regarding storm water runoff.

Mr. Coronati added that the Special Permit process gives the Board the ability to review changes.

Mr. Steffen reviewed the comments of the Town Engineer on the subject.

Mr. Gillick stated that the Town's engineer has reviewed the applicant's revisions and has agreed with them with respect to drainage and the detention pond.

Mr. McMahon asked Mr. Coronati to review the drainage plan. He did so.

Mr. Higgins asked Mr. Coronati to review the sidewalk plan. He did so.

Mr. McMahon asked Mr. Coronati to review the water flow/drainage in terms of respective elevations and pitch of the property, the sidewalk and the road.

Mr. Higgins asked if the applicant had seen the comments from the Highway Safety Committee. They have recommended a Stop sign at the entrance to Winnacunnet Road. They have also recommended a stop line on the pavement at that location.

PUBLIC

No comments

BOARD

Mr. Gillick referenced the Planner's memo with five conditions recommended if the application is approved. There are now six conditions with the inclusion of the Highway Safety Committee's recommendations.

MOVED by Mr. Gillick to approve the Site Plan Review at 426 Winnacunnet Road, Map 208 Lot 48, subject to the conditions in the Planner's memo of July 17th and the recommendations in the Highway Safety Committee's review.

SECOND by Mr. McMahon

There was discussion of the applicability of the School Impact Fee. The site now has seasonal cabins, which will become year-round dwelling units.

Mr. Gillick amended his motion to add that the School Impact Fee may apply if it is determined to be applicable by the Building Inspector and Town Counsel.

VOTE: 5-2-0 (Higgins + Workman)

MOTION PASSED

6-52) Keith Crowley/NTC Real Estate Development LLC
Site Plan Review to construct a 31-unit hotel condominium at
31-33 Ocean Boulevard
Map 296 Lots 20, 32 and 33
Owner of Record: Keith Crowley/NTC Real Estate Development LLC
JURISDICTION ACCEPTED: JUNE 7, 2006

Mr. Higgins recused himself from this application and left the premises.

Joe Coronati, Jones & Beach Engineers, and Keith Crowley, Applicant, presented this application. Mr. Coronati described the changes to the plans subsequent to review by the Town's engineer. There will be additional shrubs and trees on the property. The Fire Department had concerns about the rear stairway. To respond to their concerns an eco-paver walkway was added to the side of the building. The sidewalk proposed for Ocean Boulevard and P Streets will be all concrete to blend into the work done in conjunction with the infrastructure project.

BOARD

Mr. Gillick asked if a notation with respect to accepting jurisdiction would be added to the agenda description of the application. Jurisdiction was accepted June 7th, 2006.

PUBLIC

Walter Suprey – 30 Ocean Boulevard – said that there is no definition of a condominium hotel. He would like to have the Board/Town Counsel determine whether these will be permanent dwelling units. If so, the requirements for this project would be different. He then showed a diagram of the area and described the existing structures in the area. He feels that this proposed structure would change the character of the neighborhood and be a nuisance to the neighbors.

He asked about the parking bump-out in the rear. Mr. Coronati said that has been removed. He then asked if the overhangs over Ocean Boulevard consider the setbacks. Mr. Coronati described the plan depictions and said that the building does meet all setbacks.

Mr. Suprey stated that the rendering of the building in the application is not an accurate depiction of what might be built. Chairman Emerick explained that this was a facsimile of what would be built – not a precise depiction of the building.

Mr. Suprey then spoke to parking issues. He asked how many parking spaces there were. He asked where vendors and employees of the hotel would park. The Planner and the

Board indicated that the required number of parking spaces is provided. Mr. Suprey asked about parking for businesses in the building. It was explained that there is no off-street parking requirement for businesses in the Business Seasonal zone.

Mr. Suprey asked if the applicant could have one driveway going into the project and another coming out. His concern is safety of pedestrian traffic.

Mr. Coronati noted that this project is on three 50-foot parcels and it has three curb cuts. He indicated that traffic will be able to exit front forward from the 33 spaces. Currently, there are 19 spaces on the property that back out onto Ocean Boulevard and P Streets. Mr. Suprey suggested another parking configuration that would exit all traffic onto P Street.

Mr. Suprey then summarized his issues and concerns.

Walter Wyse, 3 River Avenue, stated he is concerned about storm water flow and fire protection. He described some of the details of the "Old Salt" fire (Ocean Boulevard between J and K Streets). He spoke of water supply and pressure for fire fighting. He then described situations at his home during recent weather events. He is concerned that the increase in impervious surface with this project will increase drainage problems. He said that there are no "real" storm drains in the area. There are French drains. He said it is a working class neighborhood of single-family homes. He believes the project will not fit with the character of the neighborhood.

Mr. Wyse asked if the Town Engineer's comments addressed drainage.

Andrew Guthrie, 10 Boston Avenue, quoted from the Zoning Ordinance with respect to the Planning Board's responsibility to give preference to the public welfare over competing interests. He then referenced the Warranty Deed for the property from the Hampton Beach Improvement Company, dated February 20th of 1899, citing deed restrictions on the property. He stated one deed restriction states "cottages and dwelling houses" are to be built on the property.

In response to a question from Mr. Guthrie regarding the appeal process, Mr. Steffen explained appeals of Zoning Ordinance issues involved with Site Plan Review can be made to the Zoning Board. Appeals of Planning Board Site Plan decisions only are to be taken to Superior Court.

June White, 8 River Avenue, stated she is concerned with increased traffic. She asked if the project is all in a Business Seasonal zone. It is. Mr. Steffen explained that our definition of a hotel is that it is for transient use on a year round basis. Transient is determined by stays of no more than 89 days.

The Board agreed with Ms. White that the Town does not have a definition of a condominium hotel. It is working on clearing up these distinctions, but may not have this completed in time for this application.

Mrs. Wyse, 3 River Avenue, provided pictures to the Board. She is concerned about traffic. She described the traffic congestion in the area. She is also not convinced that these units will not be permanent residences. She is concerned with thirty-one individual owners at that location.

Chairman Emerick indicated that a condition of approval, if approved, would be that the units could not be used as primary residences. However, there is no enforcement capability for this condition.

Tony Kelleher, 1 River Avenue, stated that there are now seven seasonal cabins and six year-round residences on the property. The density will be increased to thirty-one year-round units.

Andrew Guthrie returned to the podium. He asked for the distinction between a hotel room and a dwelling unit. Chairman Emerick indicated that it was a gray area.

BOARD

Chairman Emerick then asked Mr. Coronati if he wished to respond to any of the issues raised by the public.

Mr. Coronati said he has learned that a stove is the key difference between a hotel unit and a dwelling unit. He said that the owners renting units will have their own furniture. He believes that owners renting units will be cautious in order to protect their personal property. He added that the hotel units will cost over \$100,000. They will be higher end units than the way they are being characterized.

With respect to drainage, he said that the site is currently 67% impervious surface with no drainage system. Drainage currently runs westerly to the abutting properties. The proposed plan is an infiltration detention pond for water to go underground. He said they will be decreasing the amount of water going off-site.

With respect to fire protection, the equipment installed in this project will be state-of-the-art. The "Old Salt" fire properties did not have these things. He stated that this would be a very safe building.

With respect to the deed restrictions, he said they would review these.

With respect to traffic congestion, it is a problem today, and he doesn't believe this building will exacerbate the problem to any significant degree.

Floor plans were submitted with the plans.

Chairman Emerick asked Mr. Coronati if the applicant had met with the Hampton Beach Area Commission (Hampton Beach Area Commission). Mr. Crowley said they had been

to the Hampton Beach Area Commission twice and did incorporate that body's comments into the building design.

MOVED by Mr. Gillick to continue this application to the August 2nd meeting of the Planning Board.

SECOND by Mr. Bilodeau

VOTE: 6-0-0 -

MOTION PASSED

Mr. Viviano noted that this will be a hotel, so it will maintain records of lengths of stay.

Mr. Gillick asked if there were negative comments from the various Departments in their reviews. The Planner indicated that all issues had been addressed by the applicant except for the engineering review.

Mr. McMahon asked Mr. Coronati to describe the proposed kitchenettes at the next meeting. He also asked the applicant to explain what the uses of the office space will be at the next meeting. He is particularly interested in knowing if the office space will all be for hotel uses.

Mr. Steffen said the Department of Public Works has indicated that the number of curb cuts appears to be excessive. Mr. Hangen had asked if the State Department of Transportation had approved a driveway(s) permit.

Mr. Workman noted for the record that 35 letters (48 copies, including 13 duplicates) had been received from citizens in opposition to the project.

III. CONSIDERATION OF MINUTES of July 5, 2006

Page 6 – Second motion – Add “private” (Method of private trash pickup).

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

SECOND by Mr. Viviano

VOTE: 6-0-0 -

MOTION PASSED

IV. OTHER BUSINESS

- **Zoning Amendments**

Mr. Steffen noted that the Rockingham Planning Commission is working on Zoning amendments. He will be meeting with Glenn Greenwood on August 3rd to finalize the proposals for the Planning Board to review.

- **Community Growth**

Chairman Emerick announced that the Board is proposing to hold a public forum on the issue of community growth.

MOVED by Mr. Gillick to adjourn
SECOND by Mr. Viviano
VOTE: 6-0-0

MOTION PASSED

Meeting adjourned at 8:33 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Secretary