

HAMPTON PLANNING BOARD – MINUTES  
September 20, 2006– 7:00 PM

**PRESENT:** Tracy Emerick, Chair  
Robert Viviano, Vice-Chair  
Fran McMahon, Clerk  
Jim Workman, Selectman Member  
Keith Lessard  
Tom Higgins  
Tom Gillick  
Bill Faulkner, Alternate  
**ABSENT:** James Steffen, Town Planner

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

**I. ATTENDING TO BE HEARD**

6 Ashworth Avenue LLC  
Conversion of existing commercial unit to a residential unit at  
6 Ashworth Avenue  
Map 282 Lots 27 & 40  
Owner of Record: 6 Ashworth Ave LLC

Craig Salomon, Attorney, presented this request. Louis Bichet, Principal, was also present. Mr. Salomon described the history of this proposal. Unit C2 was originally a laundromat and was reserved for commercial use. Its frontage is on Nudd Avenue. It has not sold as a commercial unit. They would like to turn it into an additional motel unit and assign a parking space to it. Two parking spaces have been made available because 4 units have been combined into two 2-room suites. The condominium documents reflect these changes.

Mr. Lessard is concerned that each of the two suites appears, on the floor plans, to be dividable into two separate rentable rooms. Mr. Salomon responded that they couldn't be divided, e.g. sold or rented separately. The Board would like to see revised floor plans for the combined units.

Mr. Gillick stated he would feel more comfortable if the Town Attorney reviewed the revised condominium documents. The applicant has adequately explained that the parking needs are addressed.

In response to a question from Chairman Emerick, Mr. Salomon said the only change to the site plan would be re-designation of the commercial unit.

Mr. Higgins asked where the laundry would be done. There is a laundry area in the building for the residents. The commercial laundry at issue was open to the public.

Mr. Gillick summarized that the Board is concerned that the occupancy of the enlarged units might require additional parking.

Mr. Salomon asked if this is a matter the Board feels would require a public hearing. The consensus was that a Change of Use for the commercial to residential unit along with submission of a revised floor plan is the appropriate course of action. Mr. Salomon will send the revised condominium documents.

## **II. CONTINUED PUBLIC HEARINGS**

- 6-63) Jack Murray  
Site Plan Review for 5-Unit Condominium at  
56 Drakeside Road  
Map 188 Lot 7  
Owner of Record: Pobama Trust  
JURISDICTION ACCEPTED: July 5, 2006

## **III. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS**

- 6-71) Jack Murray  
Special Permit to Impact Wetlands Conservation District to construct 5-  
Unit Condominium at  
56 Drakeside Road  
Map 188 Lot 7  
Owner of Record: Pobama Trust

Joe Coronati, Jones & Beach Engineers, presented this application. He reviewed the action on this application since it was first heard.

## **BOARD**

There was discussion of the recreation area in the buffer zone and whether that issue came before the Conservation Commission.

There was discussion of the appropriate course of action at this time.

Mr. Higgins noted that a previous Conservation Commission letter had requested that the barn be removed.

Mr. Coronati said that the force main on the property would be 2-inch PVC. Department of Public Works' comments were referring to a typographical error on the plan.

Mr. Higgins expressed dissatisfaction with the response. There were concerns that the driveway is close to the railroad overpass. Mr. Higgins would have liked comments from the Highway Safety Committee addressing this issue, rather than a "no recommendations" response.

Chairman Emerick is concerned about the notion that creating a detention pond creates a wetland. The result is that the structures are then in a wetland. It was decided that the designation will be changed from “detention” to “retention” pond. Mr. Gillick asked if the pond would exceed 3 inches in height – an attraction for small children. Mr. Coronati said he does not believe it will reach that height. Mr. Lessard noted that maintenance of the pond is important.

Chairman Emerick asked Mr. Coronati if he would be agreeable to a continuation to October 4<sup>th</sup>.

## **PUBLIC**

Wallace Shaw, 160 Lafayette Road, said a detention pond would not be effective. Water will run down onto his property. He is concerned that resident children will wander onto his property. His concern is potential liability if a child is hurt on his property. He also noted that the land is wet.

## **BOARD**

Mr. Higgins noted that the drainage plan is intended to keep water on the property.

Mr. Coronati described the two detention ponds on the property and indicated that the building construction is planned on the upland of the property. There was additional discussion of drainage.

Mr. Lessard asked if Mr. Shaw wanted a fence. Mr. Shaw said he would like a 5-foot fence around the new development. There was discussion of this issue. The conclusion was that a fence would disrupt wetland.

**MOVED** By Mr. Gillick to continue the application to the Planning Board meeting of October 4<sup>th</sup>.

**SECOND** By Mr. Viviano

**VOTE:** 7-0-0

**MOTION PASSED**

## **IV. PROPOSED HAMPTON ZONING ORDINANCE AMENDMENTS – Glen Greenwood of Rockingham Planning Commission**

- Dimensional Requirement Changes
- Use Category Changes
- Rezoning
- Floor Area Ratios
- Regulations for Condominium Hotels

Chairman Emerick noted that this was the first presentation by Mr. Greenwood. It is the beginning of the process, and Public Hearings will be held on these subjects.

Mr. Greenwood indicated that he has worked with the Town Planner on these changes. At this point, he needs input from the Board to continue with this work.

- Floor Area Ratios

The decision was made to discuss Floor Area Ratio first. Mr. Greenwood said he favors a FAR 4 for beach areas, but he is not convinced that FAR 4 is appropriate for Hampton Beach at this time. He calculates that this would result in a height profile of 85 feet. There was discussion of proposals that have come before the Board. Mr. Greenwood confirmed that FAR ratios do not account for height overruns for mechanicals. Mr. Gillick advised Mr. Greenwood that this Board is very concerned about adequate on-site parking. The other problem is that mechanicals need to be high because of the water table.

Mr. Lessard said his concern with FAR ratio is still being able to maintain sun on the beach. He doesn't want to see shading from buildings on the beach.

Mr. Higgins believes that the taxpayers on the front of Ocean Boulevard should not be disadvantaged.

Mr. Greenwood went through his concerns:

- FAR 4 he feels is too much for Hampton Beach and that FAR3 might be more appropriate.
- He then asked why the State Park is listed as FAR4.

The response is that the State Park is the only available location for an anchor attraction at the beach.

There was discussion of setbacks and height limits in the Zoning Ordinance in relation to FAR's. Mr. Greenwood recommends a FAR of 3 for the beach.

- Regulations for Condominium Hotels (Contels)

There was discussion of the initial definition of a hotel room. Mr. Greenwood will talk with the Planner about revising this definition. There was discussion of what needs to be in the definition. There was particular discussion of the definition of a "kitchenette". There was also discussion of the nature of rentals on the beach in summer and winter. Mr. Gillick summarized that what the Board is concerned about is that it is creating a special type of residence.

Mr. Gillick noted that the Board needs to make provisions for enforcement in any changes.

Mr. Greenwood said he will have a definition for "hotel" by the Board's October 4<sup>th</sup> meeting. It was noted that the Board needs to address time-share as well.

Mr. Greenwood then addressed other zoning issues he and the Planner had discussed:

- Change “Business Seasonal” zoning designation to “Business- Beach”.
- Article 4.1.1 – change 7,500 square foot per dwelling unit requirement to 5,000 square feet.
- Article 8 – change the 400-foot recreational requirement.

Mr. Greenwood said he and the Planner have talked about a Professional District. He hasn’t given any thought to it yet, but he will. It is a good idea. This would apply to a square encompassed by Lafayette Road, Mill Road, High Street and Winnacunnet Road.

Mr. McMahon asked about the General zone on Drakeside Road and whether that should be rezoned. The Board decided that the purpose of the General zone needs to be determined first.

Mr. Higgins raised the issue of lodging houses and the 12-resident maximum.

Mr. Greenwood will be scheduled on the agenda for the next few meetings.

Mr. Lessard asked Mr. Greenwood for more information on FAR’s. He will provide examples.

Mr. Gillick summarized that the Board’s goal is to come up with amendments to the Zoning Ordinance by the meeting in March. This is necessary because of the volume and complexity of applications coming before the Planning Board.

#### **IV. CONSIDERATION OF MINUTES of September 6, 2006**

Page 9: 2<sup>nd</sup> paragraph – Change to “He then read a petition *which he alleged to be* from every abutter”.

**MOVED** By Mr. Lessard to accept the minutes as amended.

**SECOND** By Mr. Viviano

**VOTE:** 7-0-0

**MOTION PASSED**

#### **V. CORRESPONDENCE**

State of New Hampshire – Office of Energy and Planning  
Fall Zoning Conference

#### **VI. OTHER BUSINESS**

Rockingham Planning Commission – Reappointments

Warren Banbury

Peter Olney  
Fran McMahon

**MOVED** by Mr. Gillick to recommend reappointment of the current members.

**SECOND** By Mr. Workman

**VOTE:** 6-0-1

**MOTION PASSED**

Mr. Gillick asked if we could look at increasing fees to cover the extra help needed in the Planning function. Chairman Emerick commented that the institution of fines for violations of conditions might be a course of action.

**MOVED** by Mr. Gillick to study the user fee structure for planning functions.

**SECOND** by Mr. Lessard

**VOTE:** 7-0-0

**MOTION PASSED**

Mr. Lessard asked about other impact fees. Mr. Workman said that we would need objective data to tie an impact fee to. Board Members will ask the Planner to explore this. Mr. Gillick relayed that, in his experience, it is more difficult to establish impact fees in other areas.

There was discussion of the work of the CIP Committee and the needs of the Town over the next six years. Drainage is a need that will be a high dollar need in the coming year. Mr. Gillick said that the School Board has some major needs at Hampton Academy in the next few years. He added that one of the roles of the CIP Committee is to keeping funding of needs relatively level.

**MOVED** by Mr. Lessard to adjourn.

**SECOND** by Mr. Viviano

**VOTE:** 7-0-0

**MOTION PASSED**

Meeting adjourned at 8:56 PM.

Respectfully Submitted,  
Barbara Renaud  
Planning Board Secretary