

HAMPTON PLANNING BOARD – MINUTES  
November 15, 2006– 6:00 PM

**PRESENT:** Tracy Emerick, Chair  
Robert Viviano, Vice-Chair  
Jim Workman, Selectman Member  
Fran McMahan, Clerk  
Tom Higgins  
Tom Gillick  
Bill Bilodeau, Alternate  
James Steffen, Town Planner

**ABSENT:** Keith Lessard

**I. 6:00 PM – Workshop – Proposed Zoning Ordinance Amendments**  
Glenn Greenwood – Rockingham Planning Commission

**Professional Office/Residential District (POR)**- Mr. Greenwood described this proposed new zoning district. Based on an Assessor review of land use, there are a total of 80 parcels within the “square” land area. 55 of these parcels would be rezoned to POR using the “doughnut” proposal (all parcels with frontage on High Street or Winnacunnet Road). Of these 55 parcels, 12 are Town-owned, 4 are commercial, 7 are multi-family, 7 are office and 25 are single family. Mr. Greenwood recommends a transition away from single-family to a mixed use that would still include single-family homes.

The Board discussed the pros and cons of this change and what the composition of the area should be. The consensus was that the “doughnut” concept should be used for the first public hearing, excluding the properties on the west side of Mill Road. Mr. Gillick noted the current Town population is just over 15,000 and there are 30,000 vehicles registered in Town.

The description of this proposed new zoning consists of the following sections:

- A. Purpose.** *The Professional Office/Residential District (POR) is intended to permit development and continuance of small-scale service and office uses, designed to serve residential neighborhoods and/or the Town of Hampton as a whole. Combined commercial-residential (mixed use) structures are appropriate in this district. The district is intended to promote the mixed growth of dwellings and employment opportunities that compliment and support the high quality of life found in Hampton.*
- B. Use regulations.** *In the POR, no building or land shall be used, and no building shall be erected, altered or enlarged, which is arranged, intended or designed for other than one or a combination of the following uses:*
- (1) *Single family residential*
  - (2) *Professional services (All uses subject to Site Plan Review Approval by the Hampton Planning Board):*

*a. Artists’ studios except tattoo parlors and body piercing studios.*

- b. *Banks, savings and loan associations and other financial institutions, including automatic tellers and accessory drive-up services, provided that there are five on-site reservoir spaces per drive-up window or automatic teller.*
- c. *Clinics, for people only.*
- d. *Government facilities*
- e. *Office buildings.*
- f. *Professional services such as offices for doctors, attorneys, architects, engineers, accountancies, etc.*
- g. *Photographic studios.*
- h. *Travel agencies.*

(3) *Other activities not included in any other category but that are of a compatible nature with surrounding residential uses.*

**C. *Height, yard and area regulations.*** *In the POR, the height of the buildings or structures, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows, provided that buildings erected exclusively for dwelling purposes shall comply with the front, side and rear yard requirements for single family residences in the Hampton Zoning Ordinance*

- (1) *Height. Buildings or structures shall not exceed two and one-half stories or 35 feet in height.*
- (2) *Front yards. (To be determined).*
  - a. *Single-family residential dwelling structure shall comply with Town of Hampton zoning for single-family structures. All other residential dwelling structures shall conform to the requirements contained in subsection Architectural Standards.*
  - b. *Non-residential or mixed-use structure shall conform to the requirements contained in subsection Architectural Standards.*
- (3) *Side yards. (To be determined).*
  - a. *Single-family residential dwelling structures shall comply with existing zoning for such structures.*
  - b. *Non-residential or mixed use structure.*
- (4) *Rear yards. (To be determined).*
  - a. *Residential dwelling structure.*
  - b. *Non-residential or mixed use structure. In the event of a conflict, those regulations identified in subsection Architectural standards, of this section shall take precedence over these regulations*
- (5) *Lot area (To be determined)*
  - a. *Residential dwelling structures.*
  - b. *Apartment houses and mixed-use structures.*
  - c. *Non-residential structures.*

**D. *Parking and loading regulations.*** *Loading regulations for all uses and parking for buildings erected exclusively for dwelling purposes shall be as found in the Town of Hampton Zoning Ordinance. There are no minimum non-residential parking requirements in this district. An individual non-residential use must provide parking deemed adequate during the site plan review process. Multiple tenants in a common structure or structures sharing a common wall shall be considered an individual use for purposes of this calculation. Provision for off-street parking must be made and all parking areas must be screened as described in the Architectural Standards section.*

**E. *Signs.*** *Signs shall be allowed as permitted by the Town of Hampton Zoning ordinance. All signage must be approved during the individual site plan review process. Signs must be in character with surrounding uses and construction materials for signs shall mimic those used in the construction of the subject business. For purposes of this district, "a licensed or unlicensed*

vehicle, boat or trailer displaying advertising copy, other than an operable vehicle used in the daily conduct of business, is considered a sign, and is prohibited.

**F. Maximum building size.** No building except grocery stores in this district shall exceed 7,000 square feet in area for any single floor. "Building" for this purpose is defined as a separate structure or a building or tenant space sharing a common wall through which no access is allowed.

**G. Architectural standards.**

(1) *Screening.* Parking for non-residential or mixed-use structures must be screened from the street by a wall, fence, landscaping or berm between 18 inches and 42 inches in height. As an alternative to screening, parking areas may be placed behind the business structure so as not to be visible from the street.

*Roof-mounted mechanical equipment must be screened from the view of the street and adjacent property.*

*Dumpsters and other waste receptacles must be enclosed by a solid wall or fence at least as high as the receptacles.*

(2) *Lighting.* Floodlights or lights which illuminate open areas in connection with any of the uses listed in this section shall be so arranged as to reflect the light away from any adjoining residential property, and the intensity shall not exceed two lux measured at any property line.

There was discussion of Public Hearings. It was decided these would be December 20<sup>th</sup> and January 4<sup>th</sup>. This will meet the deadlines for the ballot.

There was discussion of building size. There was agreement to go forward with a maximum of 7,000 square feet for any single floor. Single-family setbacks will be used.

**Condominium Hotels** – The proposed definition is as follows:

**Definition:** *A building constructed, maintained and operated and managed as a hotel in which each room is individually owned and in which some or all of the rooms are available for rent and where the structure, common areas and facilities are owned by all the owners on a proportional, individual basis.*

**Permitted District.** *Condominium hotels are allowed in the Beach-Resort District only.*

**Height Requirements.** *Maximum height shall be ninety (90) feet. Measurement of structure height shall include mechanical appurtenances located on the facility's roof.*

*The following standards are established for the development of condominium hotels:*

- (1) *Use of condominium hotel rooms as permanent residences is prohibited.*
- (2) *No condominium hotel rooms shall have kitchen facilities. For this ordinance kitchen facilities include ovens and refrigerators and sinks other than those located in bathrooms.*
- (3) *Condominium hotel facilities can be operated as time-share facilities.*
- (4) *Condominium hotel operational documents are required to be reviewed by Town Counsel during the municipal approval process. These documents, governing ownership, control, and payment include: 1) Covenants, Conditions & Restrictions*

*(CC&R's), 2) the unit purchase agreement, 3) the unit rental agreement (if offered), 4) the unit maintenance agreement, 5) an association management agreement a (if the Home Owners Association wants management), 6) a shared facilities agreement, 7) the property report, and 8) the hotel operating agreement.*

There was a recommendation to include “maintain an office” in the definition of a Condominium Hotel. There was discussion as to whether the Condominium Hotels should be limited to the Beach Resort District. It was decided that Condominium Hotels are to be allowed in every district where hotels are allowed. The proposed height requirements will be deleted from the definition. The standards section will be revised to delete refrigerators. There was discussion of adding “laundry facilities” to this section. There was extensive discussion of the definition of “kitchen facilities”.

There was discussion of minimum/maximum size requirements for hotel units. It was decided that a 400-square foot maximum would be used for purposes of the proposed language.

**Re-zoning Proposal for the beach area** – This proposal is to change the current Business- Seasonal zoning designation into three distinct zones. These would be the following:

***Beach Resort (BR)*** – highest density area. Aspects of this district would include the following:

- *Height restrictions (90-foot standard)*
- *Setbacks*
  - *Front setback to incorporate some public space element*
  - *Possible incorporation of step-back elevations*
- *Impervious coverage standards (currently a maximum of 85%)*
- *Design standards – Architectural review process (integration of streetscape design elements)*
- *Signage*
- *Parking*
- *Lighting standards to mirror Ashworth Avenue infrastructure improvements.*

***Beach Commercial (BC)*** – Aspects of this district include the following:

- *Setbacks - Front setback to incorporate some public space element*
- *Impervious coverage standards (currently a maximum of 85%)*
- *Design standards – Architectural review Process (integration of streetscape design elements)*
- *Signage*
- *Parking*
- *Lot size density (unit/square footage ratio)*

There was discussion of the proposed maximum height of 90 feet. This equates to 5 stories. The discussion raised issues of on-site parking, architectural features, elevators, and mechanicals above.

It was noted that the Hampton Beach Area Commission was having a public hearing on November 29<sup>th</sup> where this would be discussed further.

Mr. Gillick noted that the purpose of all proposals is the health and vitality of the community.

Chairman Emerick then convened the regular meeting of the Planning Board at 7:00 PM. He introduced the Board members and led the Pledge of Allegiance to the flag.

## II. CONTINUATIONS AND WITHDRAWALS

- 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  
CONTINUATION ACCEPTED: November 1, 2006
- 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

Continuation to December 20, 2006 requested by the applicant.

**MOVED** by Mr. Viviano to grant another continuation of this application to the December 20, 2006 meeting of the Planning Board.

**SECOND** by Mr. Workman

**VOTE: 7-0-0**

**MOTION PASSED**

## II. ATTENDING TO BE HEARD

### ▪ Ellen Goethel – Natural Resources Outreach Coalition Program

Ms. Goethel stated she would like to go forward with a grant application to the above referenced entity. They organize public meetings and brainstorming sessions to determine which issues are most pertinent to the Town. They then organize issues for the Town. New Hampshire NROC was organized to protect natural resources while planning for growth. They do outreach work with the community. The grant application is due this Friday. She wants to know if the Planning Board is in favor of this and whether any members would like to participate. The 3 issues most important to the Conservation Commission is to coordinate efforts of all Town Boards to implement the Master Plan open space planning, She indicated that we have bits and pieces at this time. We need these organized into a database that is usable by all the Boards as they do their work. Ellen will write the grant application. If Hampton is selected, the service is free.

**MOVED** by Mr. Gillick to support the grant application for this program and to volunteer to participate in the process.

**SECOND** by Mr. McMahon

**VOTE:** 7-0-0

**MOTION PASSED**

Ms. Goethel then asked the Board's guidance on the most important issues facing the Planning Board. She went through the list of issues.

The Board indicated that the issues of most importance are wetland ecology, Shoreland protection, GIS and smart growth.

Ms. Goethel then went through the list of priorities.

▪ **Tammy Deland – Growth Management Ordinance**

Ms Deland thanked the Board members for planning this meeting. She went through the history of the Growth Management Ordinance drafted last year. She asked if the Planning Board would help her this year. The Chairman said that first the Board has to determine whether the Town needs a Growth Management Ordinance. He indicated that the first priority is to update the 1995 Town Master Plan. Then statistical information is needed to be able to make intelligent decisions.

Chairman Emerick described his take on what has occurred. The public feels that the Town has grown a lot. And the public feels that the Zoning Board of Adjustment grants too many variances. Chairman Emerick said he felt, as an individual, that the Town isn't ready for a Growth Management Ordinance.

Mr. Gillick indicated that there is no data to indicate what the population would be with a complete build-out East of Route 95. He feels that a lot more data is needed to address this.

It was suggested that this section of the Master Plan be updated next year. It was the consensus that nothing could be done for March of 2007 at this late date. The Board will focus on having something for the 2008 election. The Board gave Ms. Deland advice on what would be needed for a petitioned article for that election.

Chairman Emerick indicated that the marketplace today is, in effect, driving growth management, since there is no impetus to develop property at this time.

Mr. Deland indicated in her research she has statistics to indicate that Hampton has grown faster than the statewide average. She also asked if the Growth Management Ordinance enacted in 2000 could be used currently. This ordinance

was put into place because of crises in water, sewer and the schools. It was discontinued when those problems were addressed.

▪ **Greg Novick – StormTech Stormwater Management System**

Greg Novick of StormTech LLC presented a description of his company's product.

A detention system has an inlet and outlet. A retention system has an inlet and outlet but also part of the water is intended to be retained on site. A recharge/infiltration system has no outlet pipe.

He indicated their system has flexibility in its use. It is a stone and chamber system. Both the stone and the pipes are needed for it to be effective. There is 40% retention capability. It has strength in the arch design. What is being created, in effect, is an underground detention pond. He described the pretreatment of water that takes place.

The Board asked what they would do if the ground is solid clay. In that case, it is a detention system only because the soils won't allow infiltration.

In response to a question from the Board, Mr. Novick indicated that this product is replacing detention ponds. It is marketable in areas where the cost of real estate is high and there is no land available for detention ponds.

He indicated that the system needs to be inspected twice per year to determine if the system needs to be pumped. The Board asked who would do maintenance. Storm Tech does maintenance. Other entities may do it as well. He indicated that Storm Tech would train Town personnel in this in some situations. Cleaning of the isolator row is done with a Jet-Vac. The other rows of the system are not inspected or cleaned. The manufacturer requires 18 inches from the bottom of asphalt to the system. This consists of soil, fabric and 6 inches of rock.

The Board indicated its dilemma is that when a detention/retention pond is used it creates a wetland, which then requires a buffer.

The Board asked if there is a minimum size. There is not. Mr. Novick indicated one or two pipes can be used for a private home, and up to 4,000 pipes are used for a large commercial structure. He indicated that it is basically leach field technology.

Ms. Goethel asked if the system can be used under grass. Mr. Novick said he would provide a list of locations that have used this type of application.

The Board thanked Mr. Novick for an informative presentation.

**III. CONTINUED PUBLIC HEARINGS**

- 6-75) Atlantic Breeze Suites LLC  
Site Plan Review to construct 15 condo hotel units at  
429 Ocean Boulevard  
Map 265 Lot 18  
Owner of Record: Henry J & Lucille Archambault, Trustees  
JURISDICTION ACCEPTED: 9/6/06

Joe Coronati, Jones & Beach Engineers and Peter Saari, Casassa & Ryan, presented this application. Mr. Coronati described the changes that were made to the plan. A location for a sign was added at the front. A note was added to the plans stating that the front and rear Grass-Pave areas cannot be paved. The building has been moved out approximately one foot.

The Board indicated that the sign should not be at ground level so as not to negatively affect the line of vision.

The Storm Tech drainage system was discussed in relation to this project.

There was discussion of the Fire Department's comments. Mr. Coronati indicated that David White, the architect, has been in contact with the Fire Inspector. Mr. Viviano indicated he feels the Fire Department's comments are a strong statement to the Board that there are serious fire issues to consider. Mr. Gillick suggested that the Building Inspector be consulted. There was extensive discussion of the implications of the Fire Inspector's comments.

It was decided that the application should be continued until the plans have been stamped by a Fire Protection Engineer and then reviewed again by the Town's Fire Inspector.

Mr. Steffen raised the issue noted by Unitil with respect to power. Mr. Coronati said they have the right to use Utility Pole 10/2 and can upgrade the service if necessary. There will be no transformer on site.

#### **PUBLIC**

No Comment

#### **BOARD**

**MOVED** by Mr. Workman, with the applicant's agreement, to continue the application to the December 20<sup>th</sup> meeting of the Board for the purpose of Fire review.

**SECOND** by Mr. Viviano

**VOTE:** 7-0-0

**MOTION PASSED**

#### **IV. CONSIDERATION OF MINUTES of October 18, 2006 & November 1, 2006**

October 18, 2006 –

**MOVED** by Mr. Viviano to accept the minutes as written.

**SECOND** by Mr. Workman

**VOTE 6-0-1**

**MOTION PASSED**

November 1, 2006 –

Page 2 – middle of page – add, “resulting in the clogging of the Zoning Board”

Page 11 – After BOARD – add “Mr. Higgins was concerned with the flow off the site onto the neighbor’s property.”

**MOVED** by Mr. McMahon to accept the minutes as amended.

**SECOND** by Mr. Higgins

**VOTE: 6-0-1**

**MOTION PASSED**

**V. CORRESPONDENCE**

None

**VI. OTHER BUSINESS**

▪ **Schedule for Conservation Commission Site Walks and Meetings**

Completed

▪ **Requests for Extension of Approvals**

1. **Royale Shores Condominium at 377 Ocean Boulevard to October 19, 2007**

Steve Ells, Holmes & Ells, and Jean Boudreau, Principal, spoke to this request. Mr. Ells explained the history of the project calendar. He indicated that the delay was not the fault of the applicants. There have been no pertinent changes to the Zoning Ordinance. The applicant submitted a Foundation Permit application to the Building Department, which brought the expiration of the approval to light.

**MOVED** by Mr. Gillick to grant an extension of this approval to October 19, 2007.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

2. **Seven-O-Nine Ocean Boulevard Realty Trust at 437 Winnacunnet Road to August 17, 2007**

Peter Saari was present to speak to this request. He indicated that the situation was the same as previous request.

**MOVED** by Mr. Gillick to grant extension of the approval to August 17, 2007.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

3. Kevin Crowley project at 31-33 Ocean Boulevard – An administrative appeal of the Planning Board’s definition of a “dwelling unit” is being heard by the Zoning Board tomorrow night. Mr. Steffen indicated that the Town Attorney has suggested that his confidential memo to the Planning Board be released to the Zoning Board.

**MOVED** by Mr. Workman to release the referenced document.

**SECOND** by Mr. Gillick

**VOTE 6-0-1**

**MOTION PASSED**

**MOVED** by Mr. Gillick to adjourn.

**SECOND** by Mr. Workman

**VOTE: 7-0-0**

**MOTION PASSED**

Meeting adjourned at 8.45 PM.

Respectfully Submitted,  
Barbara Renaud  
Planning Board Administrative Assistant