

HAMPTON PLANNING BOARD – MINUTES
April 18, 2007 7:00 PM

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Fran McMahon, Clerk
Jim Workman, Selectman Member
Keith Lessard
Tom Higgins
Robert (Bill) Bilodeau, Alternate
Donna Mercer, Alternate
James Steffen, Town Planner

ABSENT: Tom Gillick

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

I. WITHDRAWALS AND POSTPONEMENTS

- 7-24) Tom Morganstern
2-unit Condominium Conversion at
18-20 Cutler Avenue
Map 265 Lot 44
Waiver from Subdivision Regulations Section V.E (Detailed Plan)
Owner of Record: Thomas Morganstern

The applicant requested a continuation of this application to the May 16th meeting of the Planning Board.

MOVED By Mr. Viviano to continue the application for 18-20 Cutler Avenue to the May 16th meeting of the Planning Board.

SECOND By Mr. Workman

VOTE: 7-0-0

MOTION PASSED

II. ATTENDING TO BE HEARD

- 7-33) Admed El Bahga
Change of Use from Clothing Store to
Ice Cream Stand & Coffee & Salad Bar
215B Ocean Boulevard
Map 282 Lot 212
Owner of Record: Moulton Hotel Inc., Attn: David Maleh

Mr. Higgins recused himself for this application.

Mr. El Bahga presented his request, indicating that he wished to sell ice cream and coffee at this location.

MOVED By Mr. Lessard to grant the change of use at 215B Ocean Boulevard, Map 282 Lot 212 from a clothing store to a restaurant selling ice cream and coffee.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

III. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

- 5-36) (Amended) - Dovaro 12 Atlantic, LLC
Condominium Conversion at
12 Atlantic Avenue
Map 296 Lot 40
Waivers from Subdivision Regulations Section V.E (Detailed Plan) &
VII.C (Storm Drainage)
Owner of Record: Dovaro 12 Atlantic, LLC

Mr. Higgins recused himself for this application. Ms. Mercer sat for Mr. Higgins.

Peter Saari, Casassa and Ryan and Robert Palmisano, Applicant, presented this application. Mr. Saari said the issue remaining tonight is whether the parking arrangement proposed is offensive to the Board. His position is that the parking spaces are not offensive and that the applicant is entitled to have the plan signed.

BOARD

Mr. Steffen presented a summary of the issue. He indicated that the court’s opinion was that it acknowledged the Board’s finding that the parking was a nuisance and a safety hazard, but that wasn’t a sufficient issue for the Board to deny the application. The Board’s responsibility now is to come up with a parking plan that is not offensive and approve the conversion application.

There was discussion of the plan version being reviewed. The April 27 version is the most current version.

Chairman Emerick clarified that the offensive nature of the parking was the “stacked” nature of the parking. Spaces #2, 4, 6 and 8 were determined to be the offensive spaces. The other spaces can be entered by parallel parking.

PUBLIC

No comments

BOARD

The Chairman asked if the applicant had an alternative plan to offer. He stated that these are 7 units where he just wants to change ownership.

Mr. Lessard stated that there historically has been parking rented off site for this property. He indicated that he would want a plan to show a safe parking space for each unit. He believes that parking spaces 2, 4, 6 and 8 are offensive spaces. He indicated this was an opportunity to make the parking situation the best that it can be.

The applicant indicated he merely wanted to continue the situation as it always has been. He has owned the property for something less than two years and is not familiar with the history of the property and parking issues. There was discussion of recent rental history. The applicant has not had the property 100% rented during his period of ownership. Mr. Palmisano indicated he rented 3 units last year. He has rented 4 of the 7 units for 1 and ½ seasons since he has owned it.

Mr. Viviano indicated he agreed with Mr. Lessard.

There was discussion of the structural posts on the property and their relationship to the parking spaces.

MOVED By Mr. Bilodeau to grant the waivers for storm drainage and detailed plans.

SECOND By Mr. Workman

VOTE: 7-0-0

MOTION PASSED

Mr. Lessard expressed concern about crafting a motion that would make it clear for future buyers what the existing conditions are. The conditions of approval should be the same as previously.

MOVED By Mr. Viviano to approve the condominium conversion at 12 Atlantic Avenue, Map 296 Lot 40, based on Plan Number 4-85-2226, dated April 27, 2006, with the understanding that only 4 parking spaces (#1, 3 5, 7) are inoffensive and safe and would be assigned to four of the seven units. The Condominium Association will be required to secure offsite parking for the other units in perpetuity. This is to be stated on the plans and in the condominium documents. The Board finds that proposed parking spaces 2, 4, 6 and 8 would be adding to and perpetuating a public nuisance with respect to parking ingress and egress. The health and safety of the public would be jeopardized because of the difficulty with emergency access. The accepted parking spaces will be marked on site and on the plans. Condominium documents will be reviewed by the Town Attorney.

SECOND By Mr. Bilodeau

VOTE: 7-0-0

MOTION PASSED

Mr. Saari stated that four of the condominium deeds would state that they have a parking space. The other three deeds will not.

- 6-4) Brian Hayes
School Impact Fee Determination for
Site Plan Review to construct six (6) condominiums at
426 Winnacunnet Road

Mr. Higgins returned to the Board.

The applicant was not present.

BOARD

The Board reviewed the history of this issue. There are a total of eight units. The two units in the house were year-round dwelling units previously. The six cabins were seasonal units.

MOVED By Mr. Workman to apply impact fees for six units.

SECOND By Mr. Bilodeau

VOTE: 7-0-0

MOTION PASSED

III. CONTINUED PUBLIC HEARINGS

- 7-15) North Beach Investments Inc
Site Plan Review for construction of 6-condominium tourist cabins
with pool at
76 Kings Highway
Map 196 Lot 25
Owner of Record: Raymond & Marie Gordon
JURISDICTION ACCEPTED: March 7, 2007

- 7-16) North Beach Investments Inc
Special Permit to Impact Wetlands Conservation District to construct
6 tourist cabins with pool at
76 Kings Highway
Map 196 Lot 25
Owner of Record: Raymond & Marie Gordon

Mr. Lessard recused himself for this application. Ms. Mercer sat for Mr. Lessard.

Stephen Ells, Holmes & Ells, and Randall Radkay, Applicant, presented this application. Henry Boyd joined these parties during the initial presentation. Mr. Ells presented the status of the application.

Mr. Ells stated that there has been a major storm since the last meeting and the lot handled all of the water in its boundaries. He proposes that the lot will continue to be able to handle storm events with the plan proposed.

Mr. Radkay responded to an Ambit Engineering comment regarding the pool discharge. They are using a cartridge system and there is no backwash. He also indicated that he watched the 9.6-foot high tide bring water and debris from Ocean Boulevard. At no point did he observe water settling on the lot. It was only sea foam that remained after the high tide. There was no time when he observed puddles on Kings Highway. He also went out

behind the lot into the wetland and found no standing water. He then referred to the flood storage plan. He is now proposing to put buildings on pilings instead of on monolithic slabs. They will be 1' x 1' pile, with 9 per building and 4 sono tubes. In effect, there will be an increase in floodwater storage.

Mr. Boyd then responded to the comments made by the Town's engineer – Ambit Engineering. Mr. Boyd said that he felt the Ambit comments were good. Because the structures will be on piles, the ground will be pervious. Only the pool area will be impervious. 90% of the lot will be pervious. He then described the current drainage pattern. Seawater runs over the southerly portion of this property to the wetland in the rear. The site is all in the flood plain. But there was no fresh-water tidal flood influence from the wetland in the rear. There is a 1½-foot change in elevation from the road to the tree line. The sealed surface proposed is half of what is there now. Ground impact will be 133 square feet, a reduction of 158 square feet. The lot is elevation 8 in the front. Base flood elevation is 9. Flood storage will be 197 cubic feet. They are creating 384 cubic feet of flood storage.

The point where Mr. Boyd disagrees with Ambit Engineering involves drainage flow paths. Mr. Boyd believes the flow paths will remain the same, while Ambit feels they will change. He explained his conclusion. The grading will remain the same.

Mr. Higgins asked about the pilings now proposed. Mr. Radkay explained their configuration. He asked if the cabins would now be seasonal. They will be year round, and the utility box will be insulated. The flooring will start at about one foot (the same as what a concrete wall would have been) above grade and the finished height will be 10 feet.

Mr. Boyd indicated the design would slow water flow to the wetland.

Mr. Boyd noted Ambit's question regarding safe ingress and egress from the parking spaces. Mr. Radkay described the other back out parking on the street.

Mr. Steffen asked how pervious the pavers are. Mr. Boyd stated that they are not entirely pervious, but their partially pervious nature will allow for drainage. Mr. Radkay indicated he uses eco-pavers in another location and they plow well.

PUBLIC

Mike Finn, 80 Kings Highway, stated he believes his deed entitles him to a right of way (called King's Highway Extension) along the boundary of the property. He asked for clarification of the property line vis-à-vis the right of way. The right of way is 40 feet in width.

Alfred Casassa, Casassa & Ryan, introduced himself as representing the Hampton Beach Trailer Park.

Eric Weinrieb, Altus Engineering, distributed a letter he had e-mailed to the planning office this day. This letter contained 11 questions and comments. He presented these. He qualified his statements, indicating he had reviewed the plans but did not have the benefit of the Ambit Engineering comments. He then distributed pictures of the property taken this day. He stated that once the water reaches the rear of the property it then goes onto the Hampton Beach Trailer Park property. He is concerned that there will be additional runoff onto the Hampton Beach Trailer Park property. There is no detail to the pavers to be used. He indicated that pavers become sealed surface over time. He noted that the current thinking is that storm events will become more intense and more frequent. He indicated that there will be “creeping” impervious surfaces on the property with walkways and ramps. The plan is for 3 feet of concrete around the pool. He believes this is inadequate and will be increased in time. He finds the measurements for impervious surface are suspect.

Mr. Casassa stated that the Fennessy-Marcoux family has owned the Trailer Park for about 40 years. This was in response to a Board question. He then addressed the right-of-way and the parking places. He indicated there will be more rain and storm events in the future. He also stated 10 parking spaces backing onto Kings Highway is not a good situation. Also, putting pavers on the town right-of-way is inappropriate. He states his client believes the proposed use is too intense for the lot.

Jeff Merrill, Attorney, representing 8 7th street. He distributed packages to the board members. He stated the plan as proposed does not comply with Zoning Section 6.4.3 – ADA parking. He stated the aisle needs to be 8 feet rather than 3 feet. Also, paved walkways are needed from the parking space to the handicapped accessible unit and to the pool. He then addressed the parking ingress and egress, indicating that it is dangerous. He then spoke to site distance coupled with the backing out. He said site distance should be 150 to 400 feet. Town ordinances allow parallel parking on this road. People will have to back onto the right of way before they have sight distance. He referred to 7b.3 – access into and out of parking spaces. The applicant is relying on the right-of-way for space number 3. There is zero space on sight. He referenced several other sections of the Ordinance and indicated the project does not comply.

He then discussed access points. He described other parking situations on Kings Highway. There was discussion of the proposed plan submitted by Attorney Merrill.

Mr. Merrill then addressed trash. There is no trash facility. He cited the Town ordinance. He then spoke to the Special Permit. This buffer protects the Meadow Pond wetland. Waste from 10 cars, 6 structures, a pool, a shed and trash, will send more material to the wetland.

Jean Hordonsnett, Administrator of the estate for the owners, indicated the history of this property. They have been involved in development of the neighborhood for many years. They wanted to develop this property. Her father wanted condominiums on the lot, but he couldn't build them because of the sewer moratorium. She loves this plan and wants to have something there her father would like. She feels this will benefit the community.

Tom Woods, 7 8th Street, said the project looks good on paper. He wonders what it will be like to have this project. The people will be transient and have no interest in the community. He is still confused as to what these units are. He is concerned about the noise impact.

BOARD

Chairman Emerick asked the applicant to speak to the trash issue. Mr. Radkay indicated individual units will put trash out on the street on Friday. They will have Town trash pickup. Mr. Ells said the elimination of a dumpster will eliminate the unsightliness of a dumpster. Mr. Radkay has spoken with the Department of Public Works about the parking design. He doesn't need ten spaces. Four of these spaces are extra spaces for guests. With respect to visibility, he believes there is good sight distance except for the impediment of the illegal parking. He stated there has not been a problem at the Ocean Club. He has been developing on Kings Highway since 1978. He described an alternate plan that he had considered.

The Board then reviewed the actions steps still required and the conditions currently needed for approval. Comments are still needed from the Highway Safety Committee. Ambit needs to finalize their comments. The comments of the Conservation Commission are needed for the special permit. ADA requirements need to be verified. There should be a double check regarding eco- pavers in the Town right-of-way. The Department of Public Works saw the plan and didn't comment on it. Mr. Steffen asked if Board was comfortable with the amenities in the units for condominium cabins. There should be no ovens and refrigerators will be no larger than 5 cubic feet. The footprint cannot be expanded. There will be no pool expansion. The cabins cannot be used as primary residences. Stays can be no longer than 89 days in duration. The Highway Safety Committee will be reviewing the plan on April 24th.

There was additional discussion of the parking configuration where traffic is backing out of the Town right-of-way. The alternative is placing the development further back into the wetlands.

Mr. Viviano questioned the public rights to park in the area. There is extensive parking in the summer months. He would like to know if what the Board is doing is correct. In effect, the whole parallel parking area in the front of the property will become a driveway. He would like more clarification on this parking change.

Mr. McMahon asked the applicant if he had looked at alternative parking schemes. The applicant stated he has considered alternative projects and feels this is the best of the alternatives he reviewed.

Mr. Steffen said that since this is not retail or restaurant use, he doesn't foresee a lot of in and out traffic in the parking area. People will be walking to the beach from the cabins.

The Highway Safety Committee may have a different opinion. The Department of Public Works and the Police Department have not expressed concerns on the parking.

Altus Engineering's material will be forwarded to Ambit Engineering for review and comment.

MOVED By Mr. Higgins to continue both applications to the May 2nd meeting of the Planning Board for completion of the remaining outstanding items.

SECOND By Mr. Bilodeau

VOTE: 7-0-0

MOTION PASSED

IV. CONSIDERATION OF MINUTES of April 4, 2007

MOVED by Mr. Bilodeau to accept the minutes as presented

SECOND by Mr. McMahon

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

MOTION PASSED

V. CORRESPONDENCE

None

VI. OTHER BUSINESS

Chairman Emerick asked about the expiration date for Bill Faulkner's term as an Alternate. Mr. Steffen stated that his term expires in 2008. Chairman Emerick asked if more alternates are needed.

MOVED by Mr. Workman to adjourn

SECOND by Mr. Bilodeau

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 8:57 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Secretary