

HAMPTON PLANNING BOARD

Minutes

March 19, 2008 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Tom Higgins
Mark Loopley, Clerk
Keith Lessard
Fran McMahon
Richard Bateman
James Steffen, Town Planner
Candice Sicard, Planning Secretary

ABSENT: None

I. CALL TO ORDER

Chairman Emerick began the meeting at 7:00 PM leading the Pledge of Allegiance to the flag.

II. ELECTION OF OFFICERS

Mr. Emerick was nominated and voted unanimously to continue as Chairman.
Mr. Viviano was nominated and voted unanimously to continue as Vice-Chair.
Mr. Loopley was nominated and voted unanimously as Clerk.

Chairman Emerick then returned to the chair and introduced the Board members.

III. ATTENDING TO BE HEARD

• **65 Lafayette Road**

Map 236 Lot 1
Change of Use a proposed 99-seat restaurant and meat shop.
Applicant: William B Maltais
Owner of Record: Hampton Bay Revocable Trust

APPLICANT

Mr. Mike Scanlan introduced himself and the applicant Mr. William B Maltais. Mr. Scanlan gave a brief history of the building located at 65 Lafayette Road, including its previous use as a restaurant and most recently an ice cream shop. Proposed change of use will be a 99-seat restaurant and meat shop. He explained the proposed interior layout of the building, where the meat shop, restaurant seating and bathrooms would be located.

Mr. Scanlan also detailed the parking spaces and their 9 x 18' dimensions, the four handicap parking spaces and their locations (two spaces are near the rear of the building and two are near the Northern door to the proposed restaurant).

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Mr. Lessard asked the applicant if handicap parking spaces would be designated from the beginning, and also where the employees would be parking. Mr. Scanlan confirmed that the handicap spaces would be laid out before opening, and employee parking would be in the back of the building.

Mr. McMahon described his concern for the available parking during the high tides due to the buildings close proximity to the marsh. The applicant confirmed that up to one third of the parking lot was under approximately four inches of water during the high tide.

Mr. Emerick asked about the condition of the septic system and leach field. Mr. Scanlan has a permit with the NHDS currently, that states the systems are operational.

Mr. Higgins questioned the water quality on-site. The board noted that the water is tested annually and was previously tested when the ice cream shop was in use. The applicant confirmed that the water is potable. Mr. Higgins also questioned snow storage because of the proximity to a wetland buffer and that the snow needed to stay on the existing pavement. He believed this information should be shown on the change of use site plan.

The Board had questions about the theme of the restaurant and the current sign in place on 65 Lafayette Road reflecting a seafood company. Mr. Scanlan noted that the sign was not the applicants and would soon be taken down.

Mr. Maltais gave the Board his professional history in relation to owning/running restaurants.

Mr. Lessard questioned the butcher shop and the amount of waste from meat. Mr. Maltais explained the disposal and storage of waste as well as the frequency of pick-ups.

7:23 pm Mr. Bateman joined the Board.

Mr. Scanlan discussed the possible changes to the exterior of the building including possible vinyl siding. The changes would not be structural but aesthetic only.

Mr. McMahon would like to see a Fire Department review before they were to get a Certificate of Occupancy. Mr. Scanlan noted that a fire safety engineer would need to come in and design the kitchen. The Board discussed the future need for the health and building inspectors to look at the property.

Mark Loopley had the applicant confirm the parking lot will be striped.

MOVED by Mr. Lessard to grant the change of use allowing a 99-seat restaurant and meat shop at 65 Lafayette Road, with the condition that the snow storage be on the existing pavement.

SECOND by Mr. Viviano

VOTE: 6-0-1

Mr. Bateman Abstained

MOTION PASSED

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IV. CONTINUED PUBLIC HEARINGS

07-093 30, 34 & 36 River Avenue Continued from 11/07/07 & 12/19/07

Map 296 Lot 157

Site Plan Review to construct a new two-family duplex to replace two units that were destroyed.

Waiver Requests: Section V.E 1,2,4,8 & 15 and Section VII. B.1.

Applicant: Andrew Guthrie

Owner of Record: Nana Beach Realty Trust

APPLICANT

Attorney Somers introduced herself on behalf of Nana Beach Realty Trust and Eric Weinrieb of Altus Engineering. The applicant stated that they have responded to the conditions set by the Board at the previous meeting on 12/19/2007, and would like the Board to consider granting approval.

Mr. Higgins asked what the pavers were by the road. Attorney Somers explained that they are shown on the plan as eco-pavers going out to the pavement.

Mr. Loopley asked if there was a reason why the variances were not shown on the plan. Attorney Somers noted that they were not asked to show the variances on the plan previously. The Board agreed that the variances should be shown on the plan.

Mr. Lessard asked where the sewer line would enter the building. Applicant responded reading from the Site Plan, under Note #13. "The proposed building to connect to existing sewer service. Contractor shall determine location and elevation in field and coordinate connection with the Hampton Sewer Department." Discussion ensued between the Board and the applicant about where exactly the sewer would be.

PUBLIC – No Comment

BOARD DISCUSSION

Mr. Steffen read into the record his recommendations from the Planners Memo.

Mr. Higgins asked the applicant about the timetable for the project. The applicant noted that they would not begin construction until the summer season was over.

The Board asked that sewer hookups and variances be shown on the final plan.

MOVED: By Mr. Lessard to grant the Waiver Request of Section VII. B. 1, paving substituted by eco-pavers.

SECOND: By Mr. Loopley

VOTE: 7-0-0

MOTION PASSED

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MOVED: By Mr. Lessard to grant Site Plan approval with the following conditions

1. The Board defines “active and substantial” for the purposes of RSA 674:39 as after construction and completion of basic infrastructure to support the development (foundation walls and footings; driveways, and utilities placed in underground conduit ready for connection to the building).
2. Approval of a traffic / vehicle control plan by the Hampton Police Department which coordinates the parking of vehicles associated with the construction of the project and limits the adverse impact on the neighborhood.
3. All appropriate items from the FPO Jon True’s memo dated January 28, 2008.
4. Approval by Hampton DPW of the proposed driveway cuts.
5. Approval of the proposed water connection by Aquarion.
6. Approval by the Board of Selectmen of the road cut for the sewer connection, if required.
7. List the variances received on plan.
8. Show the proposed sewer hookup on plan.
9. Prior to final approval, the applicant shall submit six (6) paper copies of the final plans, recordable Mylar, and applicable recording fees.

SECOND by Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

08-004 72 Kings Highway

Map 210, Lot 4

Site Plan Review to provide 17 on-site parking spaces for lot occupants and customers, with fencing and plantings.

Waiver Requested: Section V.E & VII (C).

Owner of Record: M&F Hampton, LLC

BOARD

It was noted that a request for continuance had been received due to the surveyor being on vacation. Mr. Emerick suggested continuing the case to the meeting on 4/16/2008.

MOVED by Mr. Lessard to continue application to April 16, 2008

SECOND by Mr. Viviano

VOTE: 6-0-0

MOTION PASSED

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08-005 4 Atlantic Avenue

Continued from 2/6/2008

Map 296, Lots 36

Site Plan Review to demolish existing 3 units (two buildings) and replace one new 3 unit structure.

Waiver Requested: Section V.E & VII .C

Owner of Record: Ricky S. Blais & Barbara A. Blais

APPLICANT

Attorney Peter Saari of Cassassa & Ryan with the applicant Ricky S Blais.

Attorney Saari explained they had previously been asked to show more detail on the site plan, and have since obtained new plans. Attorney Saari explained how the new plan now shows pavers and topographic lines.

Mr. Higgins was concerned about how the water from the Ocean Blvd side would be prevented from running off-site onto the neighboring property

Discussion ensued about approving a plan and allowing the building of a structure that will increase water run-off to neighboring properties. Mr. Higgins suggested a retaining wall along the lot line to handle the water run-off.

PUBLIC COMMENT – No comment

BOARD DISCUSSION

The Board discussed roof water run-off from the proposed building and its possible effect on the neighboring property.

Mr. Higgins asked the applicant if there would be any living space in the basement. The applicant confirmed there would not be living space below ground. Snow storage, air conditioning units, landscaping, lighting, commission reviews and the need for a drainage study were also discussed.

Mr. Steffen recommended the Board continue the application until more details were shown including a drainage study, detailed plan and the other items in his memo to the board. Mr. Viviano suggested they continue the application until 4/16/08.

There was discussion between the applicant and Attorney Saari. It was decided the application would be **withdrawn** because of time and funding issues.

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08-010 430 High Street

Continued from 3/5/2008

Map 166, Lot 7

Site Plan Review to use facility for weddings, receptions, showers, retirement and the other functions with lodging in existing facilities and 33 on-site parking spaces for up to 99 guests, with overflow to Municipal parking lots.

Waiver Requests: Section V.E and VII. D

Owner of Record: Aaron E Brown

APPLICANT

Attorney Peter Saari of Cassassa & Ryan and applicant Aaron E. Brown.

Attorney Saari explained that everything previously requested from the Planning Board Meeting on 03/05/2008 is now shown on the current plan. He discussed the changes to the plan including showing the wetlands buffer and topographic lines. He noted that the plan is more realistic, working around the current landscaping of the property.

PUBLIC DISCUSSION – No comment

BOARD DISCUSSION

Mr. Lessard asked if the property would be operating seasonally, with concern about snow storage and parking. The applicant confirmed that seasonal operation would be in place, except for the main building.

The Board discussed the waiver requests Section V. E and VII D. Mr. Lessard questioned if they still had permission from the Board of Selectman for the municipal parking and the shuttle. Mr. Steffen suggested that a condition of approval be that onsite parking shall be limited to 99 guests. Parking for functions with guests from 100 to 148 shall be provided at a remote, off-site municipal parking area with shuttle service to the site.

Mr. Lessard noted that he believed that the last operator of the property was granted the same permission from the Board of Selectman. It was noted although the same question of permission from the Board of Selectman had been discussed with previous owners, it still must be a condition of the site plan approval

Mr. McMahon asked if new variances were granted on parking. Originally grant shows 33 parking spaces and the current plan shows 34 spaces. The applicant said that the original Zoning Board of Adjustment approval was for 33 spaces, when Jones and Beach went out to the site they found one extra space. It was noted that the extra space should be eliminated on the plans for the sake of consistency.

The Board discussed transportation when there are more than 99 guests.

MOVED: By Mr. Viviano to grant the waivers V. E & VII D

SECOND: Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

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MOVED by Mr. Viviano to approve the Site with the following conditions:

1. Onsite parking shall be limited to 99 guests. Parking for functions with guests from 100 to 148 shall be provided at a remote, off-site municipal parking area with shuttle service to the site.
2. The variances received shall be noted on the final plan.
3. The final plan shall show only 33- parking spaces.
4. Prior to final approval, the applicant shall submit six (6) copies of the final plans, recordable Mylar, and applicable recording fees.

SECOND by Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

V. CONSIDERATION OF MINUTES of March 5, 2008

Page 4. “Mr. Higgins asked about trash, the garage door mail delivery designated parking spaces.” **Changed to** “Mr. Higgins asked about trash, the height of the garage, the height of the door, mail delivery and designated parking spaces.”

Page 6. “Chairman Emerick stated that the Board will be considering this as a subdivision-and the applicant should amend the application to reflect that...” **Changed to** “Chairman Emerick stated that the Board would be considering this as a subdivision-and the applicant should amend the application to reflect the creation of a more non conforming lot than currently exists.”

Page 6. “Discussion among Board members on the issues of the subdivision, specifically the deed descriptions and restrictions, the substance of the confidential memorandum from the Town Attorney.” **Changed to** “Discussion among Board members on the issues of the subdivision, specifically the deed descriptions and restrictions, the substance of the confidential memorandum from the Town Attorney and how it may affect approval.”

MOVED: By Mr. Higgins to approve the minutes of 03-05-08 as amended.

SECOND: Mr. Emerick

VOTE: 3-0-4 Mr. Loopley, Mr. Bateman, Mr. McMahan and Mr. Lessard Abstained

MOTION PASSED

VI. CORRESPONDENCE

VII. OTHER BUSINESS

Mr. Emerick commented on the zoning articles that were recently voted down. He believes they were misrepresented on the yellow voting sheet. Discussion ensued about the

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misrepresentation from the wording on the ballot. The Board discussed the minor technicalities and the appropriate length for next year's changes.

VIII. ADJOURNMENT

MOVED: By Mr. Lessard to adjourn meeting

SECOND: Mr. Loopley

VOTE: 7-0-0

MOTION PASSED

Meeting Adjourned 8:25 pm

Respectfully Submitted,

Candice Sicard
Planning Secretary