

**HAMPTON PLANNING BOARD**

**Minutes**

**FEBRUARY 17, 2010 – 7:00 p.m.**

**PRESENT:** Mark Loopley, Chair  
Fran McMahon, Vice Chair  
Tracy Emerick  
Keith Lessard  
Mark Olson, Clerk  
Robert Viviano  
Richard Bateman, Selectman Member  
James Steffen, Town Planner

**ABSENT:** None

**CALL TO ORDER**

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

**I. ATTENDING TO BE HEARD**

**10-008 852 Lafayette Road, Unit #2**  
Map 71, Lot 21  
Applicant: Colangelo, David and Susan  
Owner of Record: RABKAB, LLC  
Change of Use

**APPLICANT** Dave Colangelo wants to convert a previous beauty salon into a sub shop. It was noted that the submitted site plan was incomplete. He drew out a site plan roughly for the Board members to see. He explained that the business will be a primarily take-out but he may want to put 3 tables in the restaurant. The square footage of the business was discussed. The seating area is 15' x 15'. There are also three rental units on property. Parking was discussed. The property is looking to be leased. Mr. Loopley asked about dedicated spaces. None have been dedicated yet. It was stated that there should be 23 available spaces. Mr. Olsen asked about the ½ bath and if it satisfies the public requirement. Mr. Steffen responded that he did not know. Mr. Colangelo stated it is inside the kitchen area. Public restrooms were discussed. It was thought that it is one bathroom for up to 24 people seating per Mr. Colangelo. Mr. Steffen stated it would have to comply with our health and building codes. He also noted that this operation would be based on what gets approved under the food license.

**MOTION** by Mr. Emerick to approve change of use with the condition that it comply with all applicable building, health and life safety codes.

**SECOND** by Mr. Viviano.

**VOTE: 7 – 0 - 0**

**MOTION PASSED**

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**II. NEW PUBLIC HEARINGS**

**09-058**

**One Liberty Lane**

Map: 104, Lot 1

Applicant: RMMC Liberty Lane, LLC

Site Plan Review: Construct an additional 100 parking spaces for the existing office building

Waiver Request: Section VII.D.9 subsections c, e & f of the Site Plan Review Regulations

**APPLICANT** Joe Coronati for Jones and Beach and Ray Maslewski from – RJ Finland Companies appeared and spoke. Mr. Coronati discussed the Town's storm water regulations. He stated that the waiver requests were submitted and the Planning Office re-noticed abutters. Mr. Coronati explained the waivers:

First waiver: Section 7.D.9.C. – Groundwater Recharge Value. Infiltration rates were discussed. Ledge was discussed where parking lot is intended to be. Bioretention swales were discussed and it was stated that it needs to be constructed with certain depth. Water table versus ledge was also discussed. The parking lot is at a 5 percent grade. Applicant does not want a steeper grade. The pavement to ledge distance is 3 feet and they are at the edge of the water table. They are at maximum slope now with the driveway.

Second waiver: Section 7.D.9.E Channel Protection was explained by Mr. Coronati. This is to reduce the volume of storm water from the site. How to achieve that was discussed. They want to match 1 for 1 with respect to the detention pond. Ledge blasting concern, pond concern and losing landscaping were discussed. It was explained that many trees would have to be removed or they would have to move parking lot back away. The three-acre pond was discussed. The pond is the current means of stormwater storage. Mr. Coronati believes this pond serves as all the treatment for the site. There is a lot of wildlife near pond. It also accomplishes flood protection and storage.

Third waiver: Section 7.D.9.F. - Effective Impervious Coverage. Anti-degradation rules were discussed. This is a complicated concept and hard to explain or discuss. As of now, those rules don't exist. Mr. Coronati does not how to beat the rule since it's not in existence.

Mr. Emerick discussed water leaving the site and going to the pond. Mr. Coronati explained it fills the first pond and then goes over a spillway and into two more ponds. Mr. Coronati explained that all ponds are linked together and that the water doesn't flow onto other property. It stays in the pond until it spills over and then the flood protection comes in. The storm water catch basins were discussed. It was asked if our engineer had seen the waiver requests yet. Mr. Steffen noted that he has seen the requests, but we haven't gotten a response in writing yet.

Mr. Steffen explained Ambit's initial thoughts and that noted that he needs more time to fully respond. Mr. Lessard asked about the proposed detention pond remaining. Mr. Olsen asked if the drawings are the same and he stated they are the same plans. Ambit's comments were discussed with regards to the waivers. The ground water recharge cannot be met with the ledge.

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Infiltration was further discussed. Mr. Coronati asked if water should be treated from pond right now. Catch basins were also discussed. Mr. Lessard noted his concern about pollutants coming off the parking lots. Mr. Lessard noted that a 100 space parking lot is a very large project. Soil types were discussed relative to capacity of the soil. Mr. Coronati said all best management practices have a depth to ledge for treatment. Rain gardens were mentioned by Mr. Lessard. The water table was further discussed and it was noted that the pond is very deep. Mr. Lessard thinks something more creative could be done rather than requesting all of the waivers. Mr. Coronati noted he believes they meet all other requirements. It's the 2 year storm that is the problem. Mr. Lessard wants to meet half way.

Mr. Steffen noted Mr. Chagnon's skiing accident as the reason for the delay in reviewing the waiver requests. Mr. Lessard would like to send this back out for more guidance from Ambit. Mr. Loopley asked if we can we get more information regarding the flow-through ponds.

Mr. Emerick stated that it is disrespectful to applicant to go through this process. He feels we are introducing another new layer that will lead to another review cycle. Mr. Emerick asked about flows earlier on. Mr. Coronati stated they do not know what flows into the pond during the winter.

Mr. Viviano said it is hard to tell what goes into the pond. Mr. Steffen stated that maybe they could look at the original design for the development. Mr. Viviano stated we should go one way or the other. Mr. Coronati requested the waiver not go to ½ of a two year storm. Mr. Coronati stated that they have matched or gone less with the runoff flow. Mr. Coronati stated they would have to double size of the detention pond that meets that requirement. Instead of doubling up he is asking to keep one they have and flow into the 3-acre pond. He is not asking for storm water increase, but just for relief from the channel protection requirement. Ambit wants porous pavement and applicant cannot meet the separation with porous pavement without redesigning parking lot. Mr. Coronati explained that porous pavement would need under drains leading to pond because the water won't infiltrate and it would cost is twice as much.

Mr. Olsen discussed new our new regulations and noted it is a learning process. It was asked if the proposal meets the old regulations. Mr. Coronati stated that it would. Mr. Coronati asked when new rules were adopted to which Mr. Steffen said July of last year.

**PUBLIC**

No comment.

**MOTION** by Mr. Lessard to continue the application until the March 3<sup>rd</sup> meeting including the waiver requests. Mr. Viviano was not in favor of two weeks. He noted that March 17<sup>th</sup> would be preferred. So amended by the Board.

**SECOND** by Mr. Viviano.

**VOTE: 7- 0 - 0 MOTION PASSED**

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**III. CONTINUED PUBLIC HEARINGS**

**09-058 One Liberty Lane – (Continued from January 20, 2010)**

Applicant: RMMC Liberty Lane, LLC

Site Plan Review: Construct an additional 100 parking spaces for the existing office building.

**APPLICANT**

No comment.

**PUBLIC**

No comment.

**MOTION** by Viviano to move to March 17<sup>th</sup> meeting.

**SECOND** Mr. Bateman.

**VOTE: 7 – 0 - 0 MOTION PASSED**

**10-004 252 Winnacunnet Road &  
97 Leavitt Road (Continued from February 3, 2010)**

Map 152, Lots: 17 / 11

Applicant: Elmwood Corners Hampton, LLC; Claire L. Hamel,  
Trustee & Town of Hampton

Owner of Record: Elmwood Corners Hampton, LLC, Claire L. Hamel  
Trustee & Town of Hampton

Lot Line Adjustment

**APPLICANT** Attorney Mark Gearreald for the Town of Hampton spoke. Attorney Bob Casassa was present for Claire Hamel and also Attorney Steve Ells for Elmwood Corners, LLC. The issue started in 2006 over a strip of land that connects Winnacunnet Road with end of Leavitt Road. The strip showed as a street on a plan that was approved in 1953 but what was built on that road was not for motor vehicle traffic, but instead in 1961 or 1962 a sidewalk was built that has been used ever since. There are ownership issues that have gone to court. Variances were denied and parties went into litigation. The result is amicable settlement for all parties that is outlined in the Settlement Agreement.

The lot line adjustment and settlement agreement shows a 1953 plan with a paved sidewalk running from Winnacunnet Road to Leavitt Road, and by the agreement, the Town will own the paved sidewalk as well as area southeasterly of that. Elimination of existing lot line between Elmwood Corners, LLC and strip lying to the west of sidewalk was explained. It was noted that it ran through the building and an area of existing parking.

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It was explained that one strip would be conveyed to the Town of Hampton that is shown as Parcel B. Parcel A would be conveyed to the Hamel Trust. He noted that Mr. Casassa was present to discuss that matter.

Per Attorney Gearreald, the Settlement Agreement has been filed in Registry of Deeds and that after the Planning Board approves the lot line adjustments the deeds will be conveyed. It was noted by Attorney Gearreald that the vehicles almost touch the sidewalk now since there is no barrier. A barrier will be installed. This will resolve an issue that goes back to 1955. A road was not built because of an accident on Winnacunnet Road – having another entranceway would not be safe. Per Attorney Gearreald, the release deeds from the Town will be taken care of. The stipulations of settlement state no road is to be built.

Mr. Olsen asked if the Town has a problem with approving this. This property has been maintained by Town and easements will be deeded per Attorney Gearreald.

**PUBLIC**

No comment.

**MOTION** by Mr. Emerick to approve the lot line adjustments.

**SECOND** by Bob Viviano.

**VOTE: 7 – 0 - 0**

**MOTION PASSED**

**10-005      955 Ocean Blvd (Continued from February 3, 2010)**

Map: 152 Lot: 19

Applicant: Randy Radkay, d/b/a Seascapes Inn Condominiums

Owner of Record: Mazzaglia Family LLC

Condo Conversion

**APPLICANT** Attorney Steve Ells and Mr. Randall Radkay appeared. Mr. Ells spoke regarding issues about encroachments and that the applicant needs to hear Mr. Steffen's report. Mr. Steffen stated we continued this case to get an opinion from the Town Attorney about encroachments on Town land specifically the right of way of Smith Avenue. The memorandum from the Town Attorney was discussed. Mr. Steffen revised his recommendations per the memo. Mr. Steffen mentioned the shed being within the town right-of-way post acceptance of the Town road. The Town Attorney's opinion is that the shed should be removed.

Other conditions from Mr. Steffen's memo were noted by him.

Mr. Loopley requested that the draft condo documents be recorded at same time as the plan documents.

Mr. Radkay noted that it is a 21-unit building. It has 20 hotel rooms and an apartment which may be a primary residence.

Mr. Olsen mentioned the designated parking spaces for each unit. Attorney Ells wants Board to reconsider that request. He explained that it worked in the past and they want that to stay as is.

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Adequate parking will happen, but that managing parking lots goes beyond true mandates. Attorney Ells stated that the Planning Board has no authority to do so.

The limited common areas were discussed.

Security was discussed again. Attorney Ells reiterated he would like Board to reconsider that issue. Mr. Radkay's hotel/condo, The Ocean Club, he hears, has had no problems with the parking arrangement they are asking to utilize .

Mr. Loopley stated that we have required assigned parking spaces with other condo conversion approvals. Having enough spaces was discussed by Mr. Radkay. He does not want to match up rooms to parking. A typical parking card was shown by Mr. Radkay. Mr. Emerick stated 20 units with 21 parking spaces. He believed the units and spaces do not need to be matched up; just renumber the way Mr. Radkay desires. For management reason, all will need to be numbered was stated by Mr. Emerick. Mr. Lessard asked if apartment will have assigned parking space. Condo ownership and parking ownership were discussed.

Mr. Emerick asked if shed was going to be removed or escrowed. Mr. Radkay wants to talk to the Selectmen first. Mr. Radkay stated he will work out details with them. He will either move it off the property or move it to another side of the property.

**PUBLIC**

No comment.

**MOTION** by Mr. Emerick to approve the condominium conversion with the conditions of the Town Planner's memo of February 17<sup>th</sup> included with the modification to condition number 3 that it will be a conversion of 21 units with one qualifying as a year round residence. The Town Attorney noted that if the shed is being moved to a separate portion of the lot it should be shown on the site plan before the applicant meets with the Selectmen. Per Attorney Ells, if shed is moved, it will have to be shown on the site plan.

**SECOND** by Mr. Viviano

**VOTE: 7 – 0 - 0**

**MOTION PASSED**

**IV. CONSIDERATION OF MINUTES OF February 3, 2010**

**MOVED** by Mr. Lessard to approve Minutes.

**SECOND** by Mr. Olsen.

Abstained: Richard Bateman

**VOTE 6 – 0 - 1**

**MOTION PASSED**

**V. CORRESPONDENCE**

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The memo from Kevin Schultz about condominium conversion parking issues was discussed. Mr. Loopley stated approval letters need to be bulleted with approvals and conditions so it can be followed up on before recording of plans and before permits are issued so that things don't fall through the cracks.

Correspondence from Attorney George Vencie regarding the request by the Board to have an amended condominium site plan reviewed for the condominiums at 1088 Ocean Boulevard was noted and briefly discussed.

Application time lines were brought up by Mr. Loopley. Streamlining the process was discussed to make things easier. Rayann Dionne helped produce two timelines which layout the review process for development applications. Steffen noted that it appears that is adequate time available in the process that has the plans re-reviewed and commented upon by departments and Ambit Engineering. Mr. Loopley noted changing the timeline to 10 days instead of the Monday before meeting was necessary to get all information in and properly reviewed.

Separate processes and doing reviews / re-reviews and getting them out on time were discussed. It was mentioned that we should change the deadline to noon on Friday before meeting; it currently states it is due on Tuesday. Mr. Emerick stated that someone would need to monitor paperwork in a timely fashion. Mr. Loopley wants to put something in place to allow more leeway in the review timeframe. A computer program to be put in place was mentioned by Mr. Bateman. The Board discussed talking to Ambit to see if we can work out a timeline. They seem to be late getting responses in and it's not always fair to the applicants.

Mr. Emerick mentioned meeting once a month instead of twice.

Performance evaluations were discussed. Board discussed it is difficult to do evaluation as not all the Board interacts with Mr. Steffen as much as Mr. Loopley. Mr. Loopley asked all to fill out as best they can and he will take it from there. No names are needed. This is to be done in next week or two.

### **VI. OTHER BUSINESS**

Warrant articles were brought up by Mr. Bateman and having them explained to the public at a Planning Board meeting. It was agreed that the Board will do that at the March 3<sup>rd</sup> meeting.

Mr. Olsen mentioned the job description for the Town Planner. He thought it was cut and paste from other Towns. He feels there should be a better job description of tailored to Mr. Steffen's actual job and goals.

### **VII. ADJOURNMENT**

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**MOVED** by Mr. Lessard.

**SECOND** by Mr. Emerick

**VOTE: 7 – 0 - 0**

**MOTION PASSED**

MEETING ADJOURNED: 8:50 p.m.

Respectfully submitted,  
Laurie Olivier  
Administrative Assistant