

HAMPTON PLANNING BOARD

MINUTES

April 6, 2011 – 7:00 p.m.

PRESENT: Fran McMahon, Chair
Tracy Emerick
Rick Griffin, Selectman Member
Keith Lessard
Mark Olson
Brendan McNamara, Clerk
Maury Friedman, Alternate
Jamie Steffen, Town Planner

ABSENT: Mark Loopley, Vice Chair

I. CALL TO ORDER

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

II. ATTENDING TO BE HEARD

- TAJ Investment - Temporary Parking Lot–377 Ocean Boulevard (113 Spaces)

Mr. Jack Kopka appeared. He represents TAJ Investments. This location is where the Reynolds were going to build a high rise development project. Mr. Kopka reached a short-term agreement with the bank that has a mortgage on the property. Curb cuts were discussed. He spoke with the DOT and found out a permit has been on file for quite some time. He indicated the parking spaces are 10' x 20'. He discussed the signage to be put on the chain link fence. He stated there will be ten handicap spots designated. It is a temporary parking lot. He reached an agreement with Unital. There will be two 400 watt lights that will be on timers.

BOARD

Mr. Lessard asked about the sidewalk not showing on Ocean Boulevard. He asked if the sign will be on the sidewalk or behind the chain link fence. Mr. Lessard asked that it be changed on the plan. Mr. Lessard said the site needs a turn-about at the end of the parking lot. Mr. Lessard asked about illumination plan and about the hours of operation, along with holidays. He wants that cleared up on the application. Mr. Kopka wants to stay open later on Sundays before holidays. Mr. Lessard asked when the lot would close. Mr. Kopka said after the Seafood Festival or possibly after Columbus Day. It would open around May 1st. Mr. Lessard asked about a dust control plan. Mr. Kopka said he will put that on the plan as well. Mr. Kopka said if it becomes dusty, he will hire a water truck.

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Mr. McMahon asked about a building on site and added to the plan. Mr. Kopka said he will have an umbrella and some chairs only. Mr. McNamara asked about the closing time of 9:00 p.m. and how it gets enforced. He asked if the gate gets locked. Mr. Kopka stated there will be a couple of “saw horses”—as a removal barrier. Mr. Lessard said that will only be a temporary barrier. Mr. Lessard asked how to stop people from coming back in after 9:30 p.m. Mr. Kopka said he will work something out with the Lighthouse Market. The Board discussed that the gate should be locked. Mr. McNamara said the sign will have to say something like “vehicles will be locked in if not removed” by a certain time. Mr. Kopka agreed.

Mr. Friedman stated he wants a scale on the drawing and Mr. Kopka agreed.

MOTION by Mr. McNamara to grant the temporary parking lot.

SECOND by Mr. Emerick who confirmed that this approval is until October 15, 2011, and that all conditions as noted above to be included with the approval.

VOTE: 7 – 0 – 0

MOTION PASSED.

- JM Sanderson-Temporary Parking Lot – 83-91 Ocean Boulevard (86 spaces)

Mr. Sanderson appeared with his son. He would like to change the time of shut down on his application to midnight. They are asking for year-round parking due to the charitable gaming business that is starting up.

Mr. Lessard asked about the hours. It will be 8 a.m. until midnight every day that the gaming is open. They want that to be every day. Mr. McMahon asked about the status of the property. He said the fire was in 1999. He is concerned about the lot being vacant for so long. Mr. McNamara asked if the sign was still valid about building condominiums and Mr. Sanderson said “no”. They are actively trying to sell the property, but no one is biting on it.

Mr. Lessard asked if it's the same owner as last year and it was stated “yes”. Jack Kopka won't run it this year. The Sandersons want to run it now.

Mr. McNamara stated his concerns about dust control. Mr. Sanderson stated there is no dust. Mr. Steffen has not had any complaints. Mr. McNamara said the soil may be a mix. Mr. McNamara stated that they may need a plan if there is dust. Mr. Lessard asked why they don't just pave it at this point. Mr. McNamara asked if Mr. Sanderson will be back year after year with this request. Mr. McNamara asked about handicap parking. He said only four spaces are designated. Mr. McNamara stated there should be six. It's one per 15 spaces according to the rules. The Sandersons agreed to add two more. Mr. Coronati stated there are no changes from last year. It's the same plan as in the past. Mr. Lessard is frustrated with the project and wants it to be a better parking lot.

Mr. Griffin stated with gaming, no one knows how successful the lot may become. He said that someone may want to buy the property if the gaming is successful. He thinks the parking lot should be allowed to continue.

Mr. Olson discussed the past history. The applicant last year had all big ideas which didn't happen. Mr. Olson said we can't keep rolling with the same situation. Mr. Griffin discussed how things could be so different with the gaming business.

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Mr. Sanderson has not appeared before. The applicants stated if they need to make it look nice, they will do that. Mr. Lessard asked if he monitored the tenant, and it was noted “no”. The Planning office needs to let the property owners know if there is a problem.

Mr. Steffen stated he had to contact Mr. Kopka about the lack of fencing, etc. He did not hear about the dust problems.

Mr. McMahon stated this is for a temporary parking lot for one year. Mr. McMahon discussed snow removal if it is going to be year round. Mr. Sanderson said he can come back at the end of the season. Mr. Emerick and Mr. McMahon said it would be better to do it that way. Drainage also becomes an issue in the future.

MOTION by Mr. Emerick to grant the temporary approval through October 15, 2011. If the applicant wishes for the time to be extended, they will need to come back to the Planning Board.
SECOND by Mr. Griffin.

Mr. McNamara asked about dust contro. Where it is a part of the Article, he would like to see the dust control added to this application. Mr. Sanderson stated he will do whatever is necessary. Mr. McNamara also wants two more handicap spots added to the plan and site.

Mr. Emerick stated the new hours are included in the motion as well.

Mr. Lessard asked about the fence. He asked if it was a snow fence. There was a rope fence last year. Mr. Griffin stated cars were parking on the sidewalk. The Sandersons said they will correct that.

Mr. McMahon reiterated that the **motion** is for the temporary parking lot to remain open until October 15, 2011. A dust control plan will be added to the plan along with the addition of two more handicap spaces. Fencing shall be installed and maintained. The hours of operaton are from 8:00 a.m. through midnight every day.

VOTE: 5 – 2 – 0 (Mr. Lessard and Mr. Olson opposed) MOTION GRANTED.

III. NEW PUBLIC HEARINGS

325 Lafayette Road/35 Winnacunnet Road (Public Hearing Not Required)

Maps: 175/176 Lots:

Applicant: John M. Tinios Revocable Trust and Katherine H. Tinios Revocable Trust

Minor Lot Line Adjustment: Property transfer from the Town to the applicants that was approved by the voters at the 2011 Town Meeting.

Attorney Peter Saari appeared. This is the last step in the warrant article that was approved by the Town. The deed and plan have been done and all that is left is the recording. .

Mr. McNamara asked if they knew about the traffic light going in. It was noted that it will not affect the plan.

MOTION by Mr. Emerick to approve the minor lot line adjustment.
SECOND by Mr. Griffin.

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VOTED: 7 – 0 – 0

MOTION PASSED.

434 High Street

Map: 166 Lot: 8

Applicant: RCC Choice Properties, LLC

Owner of Record: Same

Site Plan Review, Special Permit and Conditional Use (Aquifer Protection District)

Applications. Construction of 10 single-family condominium units.

Attorney Peter Saari appeared with Joe Coronati from Jones & Beach. The Zoning Board granted relief. It's a split zone; RB and RA. They are under density limitations. They are trying to fit into the neighborhood. There are other multi-family residential developments in the neighborhood. Mr. Coronati noted the property is 3.3 acres. There are two curb cuts and gravel driveways. There are wetlands to the rear. They tried to line the new road up with Oak Road. The first units are smaller with drive-under garages and will be three-story. All have two-car garages. The larger units are set up for first floor living. Mr. Coronati discussed the lay-out and the condominium association. It is in the Aquifer Protection District which allows water to infiltrate into the ground. Rain gardens were discussed. Water and sewer were discussed. No homes are located in the buffer zone. He stated the Conservation Commission had no problems with the proposal.

BOARD

Mr. McMahon asked if it will be a private street and about trash pick up. Once a week there will be trash pick up from a private company. Recycling was discussed. Mr. Olson discussed porous pavement and its maintenance. He asked if will be put in the deed. Mr. Coronati said it is part of the plan. Mr. Steffen said it could be a condition of approval.

Mr. Diener appeared from the Conservation Commission. The Conservation Commission is concerned about the insufficient separation from seasonal high groundwater to guarantee the pavement's perviousness year round. He asked that it be looked at closely to see if they have enough base of porous pavement. Mr. Steffen stated the Town engineer or a soil scientist would address that. Mr. Diener also noted that Units 7, 8 and 9 are right up against the buffer; especially Unit #9, which is on the edge of the buffer and the Conservation Commission is not comfortable with that. He wants that put into the condominium documents and for permanent markers to be put there. He is also concerned about its maintenance. Mr. Diener said it should stay in its natural vegetation state. Turnaround was also discussed by Mr. Diener. Rain gardens will be used for snow storage also. In reality, it won't happen that way. He asked that rain gardens be moved back a bit. Density is a concern for Mr. Diener also.

Mr. Lessard asked about the Conservation Commission letter. Mr. Coronati will address those changes along with the Department Head changes.

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Mr. Steffen would like the Board to accept jurisdiction and to send it out for review as the plan is complete.

Mr. Lessard asked about moving the smaller unit to Unit #9's location. The owners want the larger units where they are noted. Mr. Lessard discussed natural vegetation right up against patio as well.

MOTION by Mr. Emerick to follow the stipulations contained in Mr. Steffen's Memorandum dated April 4, 2011 and to send the plans out for Department reviews and to continue this matter to be heard at the Board's May 18, 2011 meeting.

SECOND by Mr. Olson

VOTE: 7 – 0 – 0

MOTION PASSED.

2 Concord Avenue

Map: 296 Lot: 109

Applicant: 2 Concord Avenue, LLC

Owner of Record: Same

Site Plan Review: To construct a three-unit, three-story residential building with 2 interior and 4 exterior parking stalls

Attorney Steve Ells, Mr. Brian Dumont, who is the principal of the LLC and Christian Smith from Beals Associates appeared. Attorney Ells stated the variances have been obtained. Mr. Smith from Beals Associates discussed the plans. The rain gardens and bio retention areas were discussed along with the existing catch basins. Snow storage areas were discussed.

BOARD

Mr. Lessard asked about the overhead electrical and if it is a problem. He stated Unitil should review this. Mr. McNamara asked about planting and the red maple tree and if there is enough room. Mr. Steffen stated it's on a drawing but asked if it is proposed. It may be too large of a tree and may be a safety hazard.

PUBLIC

Mr. Steffen read the zoning requirements. He stated Article 8.2.3 was not on the plan for the variance noting setbacks. Mr. Steffen also didn't see water service details on plans. Mr. Smith stated once it is located, they will put it on the plan. Mr. Steffen discussed that sewer line sizes were not shown nor the gas line size. He stated the engineer will pick up on that. Mr. Steffen asked if there was any more landscaping proposed to which nothing formal was proposed. Shrubbery was discussed and Mr. Dumont explained it. A different type of fence will need to be shown to the Board.

Mr. Steffen discussed snow storage and it being too small.

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Mr. Lessard asked if this meets sealed surface issues and it does comply. The applicants are handling their own water. Mr. Steffen asked about the pavement and catch basins.

MOTION by Mr. McMahon to accept jurisdiction and send it out for Department review. It will be on the Planning Board's agenda for May 18, 2011.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Lessard said added that assigned parking spaces for the units should be added to the plan. Attorney Ells said he wants them on the plan and they will be assigned in the document. Mr. Ells will take care of that.

IV. CONTINUED PUBLIC HEARINGS

497 Winnacunnet Road (continued from November 3, 2010, February 16, 2011 and March 2, 2011)

Map: 222 Lot: 115

Applicant: Douglas E. Bennett

Owner of Record: Same

Special Permit: Construction of a 4-foot retaining wall to support two-story deck system

Mr. Bennett appeared with Mike Edgar, the Civil Engineer. Mr. Bennett came to an agreement with the Conservation Commission and he discussed permeable stone being put down along the side of the building. He will comply with the 85 percent impervious requirement.

Mr. Emerick discussed the slab underneath where now it is stone and that being the big difference. Mr. Bennett discussed the new plan. The 12" slab and everything else will be stone. Mr. McMahon discussed structural issues. Mr. Edgar believes all concerns have been addressed.

Mr. Jay Diener of the Conservation Commission appeared. He is very pleased with what Mr. Bennett has come up with as there is now good support for the columns, and the drainage is satisfactory.

MOTION by Mr. Emerick to approve the special permit with the stipulations contained in the Conservation Commission letter dated March 25, 2011.

SECOND by Mr. Griffin

VOTE: 7 – 0 – 0

MOTION GRANTED.

Mr. Bennett read the Conservation Commission letter and stipulations and agreed with them.

595 Lafayette Road (continued from January 5, 2011 & February 16, 2011)

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Map: 144 Lot: 3

Applicant: Sean Kelley, Monah Realty, LLC

Owner of Record: Same

Site Plan Review: Convert portion of existing building into automatic car wash

Waiver Request: Section VII.D. Stormwater Management

Attorney Peter Saari appeared with Mr. Coronati from Jones & Beach. He discussed the concerns from the Town and how Mr. Frank DiTommaso has addressed them. Mr. Coronati discussed alterations to the plan. The driveway size, eco pavers and water infiltration was discussed. Ambit has one item left for the Board—dumpster location and landscaped area.

BOARD

Mr. Lessard discussed safety precautions, etc., noise, odors. Mr. Lessard asked about a new home for the dumpster and Mr. McNamara asked how large the dumpster is. Mr. Coronati stated it's not a problem to move it. Mr. Lessard stated usually fencing goes around dumpsters. Mr. McMahan asked how often it gets serviced to which applicant responded once a week.

Mr. DiTommaso discussed operation of the carwash. It will be two bays. He discussed the facility look and operation. It would be about 5 minutes to complete the carwash cycle.

Mr. Olson discussed traffic. There really is no back-up – no one is advancing. The car isn't moving either.

Mr. Steffen read points in his memo.

MOTION by Mr. Griffin for the approval of the waiver request of Section VII.D Stormwater Management.

SECOND by Mr. Emerick on the waiver.

VOTE: 5 – 2 – 0 (Messrs. McNamara and Lessard opposed) MOTION PASSED

MOTION by Mr. Griffin to approve the site plan with the eight conditions listed the Planner's Memorandum dated March 31, 2011.

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

V. CONSIDERATION OF MINUTES of March 16, 2011.

MOTION by Mr. Emerick to accept the March 16, 2011 Minutes.

SECOND by Mr. Olson.

VOTE: 5 – 2 – 0 (Messrs. Friedman & Lessard abstained) MOTION PASSED.

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VI. CORRESPONDENCE

VII. OTHER BUSINESS

Mr. Steffen discussed that Steve Miller has requested to be reappointed as an alternate.

MOVED by Mr. Emerick to reappoint Mr. Miller to a new three-year term ending at March Town Meeting, 2014.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Steffen discussed reappointing of the RPC commissioners. He does not have a letter yet, but all of the Commissioners are up this year. Mr. Friedman and Ms. Kravitz expire in June. The Planning Board makes the recommendation to the Board of Selectmen. Mr. Olson stated he is not good about going, but will make a better effort in attending. No one has spoken with Warren Bambury about whether he wishes to continue.

MOTION by Mr. Lessard to recommend the reappointments. They are 4-year terms, but they can be staggered per Mr. Steffen.

MOTION by Mr. Emerick to recommend this to the Board of Selectmen.

SECOND by Mr. Lessard, but he wishes to amend it to be two-year, three-year and four-year terms.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Steffen discussed that the Planning Board application does not have wording on leased land. The Zoning Board of Adjustment and Building Permit applications have the leased land question on their applications. This should be amended on our application. The Board agreed to make that change.

Mr. Lessard discussed community and policy changes, in particular trash and recycling collection. In the past certain projects have been affected by this. He wants clarification and direction from the Town Manager and Public Works. He believes commercial subcontractors do travel. Mr. McNamara stated there is an obvious misunderstanding on this. Mr. Griffin will bring this up to the Board Of Selectmen. Mr. Griffin stated he wished all condos were treated the same way. Mr. Griffin discussed trash trucks being refitted to lift different toters that is in the works. No one knows how it will work yet. We will get clarification and a letter soon.

The CIP was discussed. Mr. McMahon said the \$75,000 figure should be changed. Mr. Steffen discussed putting this on the docket for the next meeting. CIP and Master Plan work needs to be addressed. Mr. Griffin said it needs to be in there for the DPW trucks. It was asked if the DPW trucks should be in the CIP. Funds are already set aside. Mr. Griffin stated Mr. Nichols is on the CIP Committee along with Jerry Znoj. We need a cut off and they stated \$250,000 should be enough. Purchase of that size or larger was discussed. Mr. Griffin stated no one has addressed the funds. Mr. McNamara asked why we are going up by four times. Mr. McMahon asked Mr.

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Steffen to see what surrounding communities are doing. Mr. Emerick stated it is capital improvements. Not the truck. The library is in there every single year per Mr. McMahon. Mr. McNamara asked if they can put that in as warrant article, i.e. eliminate anything by warrant article.

Mr. Steffen asked how schools will be incorporated. The school didn't submit anything to the CIP. The \$300,000.00 was discussed at the meeting. No information was available to share with other schools. Impact fees to reduce debt were discussed. Making changes to the existing ordinance was discussed by Mr. McNamara.

Mr. Griffin asked if there should be a joint meeting so it gets clarified. Consultants being invited to the meeting was discussed.

VIII. ADJOURNMENT

MOVED by Mr. Emerick to adjourn.

SECOND by Mr. Olson.

VOTE: 7 - 0 - 0

MOTION PASSED.

MEETING ADJOURNED: 9:15 P.M.

Respectfully submitted,
Laurie Olivier, Administrative Assistant

****PLEASE NOTE****

**ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.
MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING**