

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 21, 2012 – 7:00 p.m.**

**PRESENT:** Fran McMahon, Chair  
Mark Loopley, Vice Chair  
Tracy Emerick  
Richard Nichols, Selectman Member  
Keith Lessard  
Mark Olson  
Brendan McNamara, Clerk  
Jamie Steffen, Town Planner

**ABSENT:**

**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. ELECTION OF OFFICERS**

Mr. Steffen asked if there were any nominations for Chairman. There was a nomination made to appoint Mr. McMahon as Chairman.

**MOTION** by Mr. Emerick to appoint Mr. McMahon as Chairman.

**SECOND** by Mr. Lessard

**VOTE: 6 – 0 – 1 (Mr. McMahon abstained). MOTION PASSED.**

Mr. McMahon asked there were any nominations for Vice Chairman.

**MOTION** by Mr. Mr. Lessard to appoint Mr. Olson as Vice Chairman.

**SECOND** by Mr. McNamara.

**VOTE: 6 – 0 – 1 (Mr. Olson abstained) MOTION PASSED.**

**MOTION** by Mr. Olson to appoint Mr. McNamara as Clerk.

**SECOND** by Mr. Loopley.

**VOTE: 6 – 0 – 1 (Mr. McNamara abstained).**

Mr. McMahon stated that the Juniper/Huckleberry subdivision application has been requested to be continued to the April 18, 2012 meeting.

**MOTION** by Mr. Emerick to continue the Juniper/Huckleberry subdivision application to the April 18, 2012 meeting.

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 – 0 MOTION PASSED.**

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Mr. McNamara asked the 65 day clock. Mr. Steffen informed that the applicant has waived that requirement for this continuance.

### III. ATTENDING TO BE HEARD

- **Change of Use: 367 Ocean Blvd.**  
Ice cream shop to electric moped sales & rentals.

Mr. Windemiller, owner of the property, appeared with Mr. Lindquist. Mr. Lindquist wishes to lease the shop to locate a franchise for the sale and rental of electric motor scooters. He is looking to lease two units at 367 Ocean Boulevard. One is a storefront. The proposal is to use that location for the sale and the rental office. There is also a store located in the back right-hand building where they are proposing to store the electric vehicles. During business hours, as people make reservations or walk-ins appear to rent a scooter, they would walk the scooter out the entrance and down the walkway. It would not be under power. They will bring it out front to the rental office. After paperwork is filled out, the customer will get the helmet and scooter. Customers are required to have a driver's / motorcycle / moped license. Customers will need insurance as well. They do not exceed 29.99 mph. They will be registered and plated. No will be no noise, oil, or gas with the mopeds.

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Mr. Emerick asked if the mopeds are automatic. It was answered "yes". Mr. Nichols stated the Police Chief is concerned about public safety. Mr. Steffen stated he discussed the Chief Sullivan's concerns with the applicant after he received them at a department head meeting on Tuesday. He read Chief Sullivan's concerns aloud. He stated the State may need to be notified because they will be utilizing State property.

He further stated that Mr. Windemiller contacted the Chief Sullivan and discussed utilizing his parking area on Cole Street as an alternative location to launch scooters. The Police Chief stated in his email to Mr. Steffen that he was not opposed to that arrangement. Then the Police Chief indicated in a phone call to Mr. Steffen after that that he discussed this alternative with the applicant but that the applicant does not believe that will work. The Board and the applicant discussed walking the mopeds out of the area where they will be stored and installing a temporary ramp to cross the stairs. The launching of the machines from Fuller Acres was discussed. Mr. Windemiller stated there is no property along Ocean Boulevard where you can go and not cross the sidewalk. Church Street is a busy corner. They can walk scooters around back. There is a 10-minute loading zone for all guests to park and motorcycles pull up there all the time to go to the store or get ice cream. Mr. Nichols had a conversation with the Police Chief he is more comfortable with people taking bikes out back. They are 340 pounds. He wants people to take possession at the back – at Cole Street. Mr. Nichols asked about charging the mopeds. The applicant wants people using the mopeds to go to their other businesses and they can charge them there. Mr. McMahan asked about the different streets.

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Mr. Lindquist said Church Street is dangerous and he does not want his employees wheeling bikes out there. Pulling them out on Cole Street is not an option. He has a personal safety concern. Mr. Nichols asked if you can exit from the rear and it was responded “no”. Mr. Lessard asked about inexperienced operators.

Mr. McMahon asked about Fuller Acres. They would have to walk in front of the grocery store; there's no rear access. That is not Mr. Lindquist's ideal scenario. He wants to walk the bike out, go to the 10-minute loading zone in front of his shop. Frontage dimensions were discussed. They would be 25' away from intersection. Bikes will not be stored outside.

There has no conversation with the State to date. Mr. Nichols stated other businesses have a driveway. It was noted that they are walking a bike, not driving. Driving is a problem as opposed to walking. Mr. Olson said he'd rather have it on the front street. Moving the bikes on 1A going south seems safer to him. Mr. Loopley said if we grant the change of use, it is permanent. Mr. Emerick does not seem like it's a problem. Mr. Olson thinks it's a good idea. Applicant stated there is another business already established. That person doesn't have a permanent site.

**MOTION** by Mr. Emerick to approve the change of use.

**SECOND** by Mr. McNamara.

**VOTE: None taken.**

Mr. Lessard stated the applicant has been warned that it's a dangerous situation. Mr. McMahon asked about hours of operation. It answered 8 a.m. to 7 p.m. Mr. Lindquist stated it's a seasonal business but they will be there all year. There will be sales as well. There will be 40 bikes stored inside. Mr. Lessard would like a floor plan of the unit. Mr. Nichols stated there are concerns that appear to be able to be overcome. He noted that the Police Chief is opposed and the State not being notified, etc. are problems. He wants it to go forward, but wants the concerns addressed. Mr. McMahon indicated that the State should have been notified. Mr. Lessard asked when the business would begin. Mr. Lindquist would like to open May 1, 2012.

**MOTION** to approve was reiterated.

**VOTE: 3 - (Mr. Emerick, Mr. Olson & Mr. McNamara) – 4 opposed. Motion failed.**

**MOTION** by Mr. Lessard to continue the matter to the April 4, 2012 meeting. In the meantime, the following issues will be addressed:

- The Hampton Fire Department will be contacted to determine if fire codes will be met regarding the charging and storage of 40 vehicles within a premises that does not have a sprinkler system;
- The Hampton Building Inspector will be contacted to determine what type of ramp can be utilized for the steps; further contact should be made with the Hampton Police Chief regarding the safety of utilizing the proposed ramp;
- The Town Planner will contact the State (NHDOT) to notify them of the proposed use of the State owned sidewalk; and

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- The Planning Board will be provided with a floor plan of the units to be utilized for the business.

The Planning Board is requesting answers to the above, or it will move forward with being change of use being granted.

**SECOND** by Mr. Loopley.

**VOTE: 5 – 2 (Mr. Emerick & Mr. Olson) – 0**

**MOTION PASSED.**

- **Change of Use: 356 Lafayette Road**

Stationery Store (now vacant) to ice cream & frozen yogurt sales.

Ms. Skaff, real estate broker with the Kane Company, appeared with the applicant, Mr. Markot. He is the prospect tenant of the 314 square foot commercial space next to Las Olas restaurant. Mr. Emerick asked why they needed to appear - he feels it is not a change of use.

**MOTION** by Mr. Emerick to approve the change of use.

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Mr. Lessard stated it's a good use of the space. It was noted that the hours of operation would be from 11:00 a.m. until 9:00 p.m. Mr. Steffen stated that there is plenty of parking. They will need with all building / health codes before they can obtain a Certificate of Occupancy.

**MOTION** by Mr. Emerick to approve the change of use.

**SECOND** by Mr. Loopley.

**VOTE: 7 – 0 - 0**

**MOTION PASSED.**

**III. CONTINUED PUBLIC HEARINGS**

Juniper Lane & Huckleberry Lane (continued from January 18, 2012 & 2/15/12)

Map: 96, Lots: 2E & 2F, Map: 97, Lot: 1-10

Applicant: JASAND, Inc.

Owners of Record: Huckleberry Woodlands, Inc., Great Meadow Realty Trust & Candia Rangeway Realty Trust

Subdivision: 8-Lot Single Family Residential Subdivision

**Waiver Request: Subdivision Regulations, Section VII.C.12, "Any structural stormwater BMP located outside of the proposed ROW shall be contained on one lot".**

**CONTINUED TO APRIL 18, 2012**

**12-004 18 Ocean Boulevard (continued from February 1, 2012 & March 7, 2012)**

Map: 296 Lots: 108 & 131

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Applicant: Drift Resort, LLC

Owner of Record: Same

Condo Conversion: Convert existing manager's apartment unit to the 25<sup>th</sup> unit/no changes to exterior of building or to existing site plan.

Waiver Request: Section V.E Detailed Plan and Section V.D. Site Plan

Attorney Ells and Mr. Dumont appeared. Mr. Dumont is the Manager of Drift Resort, LLC. Attorney Ells stated that he had the surveyor produce a current site plan which eliminates parking spaces in Ocean Boulevard. Mr. Dumont has a professional company who will be eliminating the line striping. It will be done to the satisfaction of the Chairman. The plan Mylar has not been submitted, but it will be a week to 10 days.

Attorney Ells further stated that he had a meeting that afternoon with Kevin Schultz, the Building Inspector, and the Board of Directors of the Condominium Association. They viewed the office and discussed eliminating the pass through door between the office and the manager's apartment. Mr. Schultz indicated that would be fine. He provided them with some specifications on fire rated products, etc., and that is what Mr. Dumont proposes to do. Mr. Schultz stated it would be allowed under the building code. They also accessed the basement to view the mechanicals. Attorney Ells stated that for liability reasons, the association and Mr. Dumont discussed installing a barrier and building a wall. Mr. Schultz would like to have a barrier there, and the code says the barrier wall has to be at least 42" away from the mechanicals. He would like a wire mesh enclosure, rather than a solid wall. Mr. Dumont indicated that he will do that. The cage will have a door and a lock and the key to the lock will be provided to the management of the condo association. Mr. Dumont will separately meter the converted unit for electric and gas. He will install electric baseboard heating elements. Mr. Ells accepts as a condition that Mr. Steffen has to be satisfied that the parking space striping is eliminated. Mr. Dumont stated that it would be completed by May 1<sup>st</sup> of this year.

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The circuit breakers were discussed. The "Drift Resort Parking Only" sign needs to be removed from the building wall as well.

### PUBLIC

Lee Vogel, owner of unit #23 appeared. He asked about the key only being made available for emergencies. He explained that they need to get in there constantly to access the circuit board, to change timers, lights and other scenarios - it is not just the once a year servicing of the backflow preventers and the fire suppression equipment.

Dave Gwiazda, owner of unit #15 appeared. He stated the area would be their area and they would have the key. No owner should be entitled to have the key. It should only be the management team having the key.

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Mr. McMahon stated some of the issues are not the Planning Board's to deal with. It's between the condominium association and Mr. Dumont. The common area was discussed. Attorney Ells stated that the wire mesh cage will be installed and the key will be given to the management people. He noted that they will be able to access for emergencies, etc., but the management people will have the key. They can go in whenever they need to. The owner will not have a key and they will be like every other owner. He stated that access is not an issue, and the mechanicals will be separated as they should be.

**MOTION** by Mr. Olson to grant the waiver request, Section V.E Detailed Plan.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Loopley to approve the condominium conversion with the following stipulations: 1) the separation between the apartment unit and the condominium office is achieved utilizing 5/8<sup>th</sup> inch fire-rated sheetrock and the pass through door is removed as well as complying any other applicable building codes; 2) A industrial wire mesh enclosure be installed enclosing the mechanicals and utilities with a key provided to the management company; 3) The parking signs shall be removed from the outside wall; 4) The parking space markings on Ocean Boulevard shall be removed by May 1, 2012, and 5) the other conditions from the Town Planner's memorandum dated March 19, 2012.

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**IV. NEW PUBLIC HEARINGS**

**V. CONSIDERATION OF MINUTES of March 7, 2012.**

**MOTION** BY Mr. Lessard to accept the March 7, 2012 Minutes.

**SECOND** by Mr. Olson.

**VOTE: 6 – 0 – 1 (Mr. Nichols abstained).**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

Mr. McMahon discussed he received a letter from Anthony Ciolfi seeking to be an alternate on the Planning Board. It was noted that the Board may have up to five alternates. He is a civil engineer who has a transportation background. He currently leads the Hampton Safe Routes to School effort.

**MOTION** by Mr. Emerick that to appoint Anthony Ciolfi as an alternate.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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#### VII. OTHER BUSINESS

- NH Housing Finance Authority (NHHFA) Planning Grant – Jack Mettee

Mr. Steffen introduced Jack Mettee. He noted that he brought in Mr. Mettee to talk about a grant opportunity coming up in mid-April that he would like us to consider pursuing. He stated that it is part of a nationwide sustainable communities funding effort done through the NH Housing Finance Authority. He noted that the goal is to help communities improve their economic competitiveness by connecting housing with good jobs, quality schools and transportation. Mr. Mettee is a Planning Consultant in Dover, NH. He is a sole practitioner. He has been following the HUD grants for a couple of years. He discussed the general grant criteria as he knows it right now with the Board. Mr. Emerick interjected and asked what we are going to do with it. He wanted to know if he was seeking to be our consultant with this. Mr. Mettee answered he would be glad to but it will be up to the Planning Board if they wish to retain him to help with the process. He then discussed the grant outline in detail which was handed to the Planning Board members. He discussed the benefits to the Town. Applications should be made available by April 15, 2012, and would be due on June 15<sup>th</sup>. The award notices would be given on July 1st.

Mr. Emerick discussed transportation issues and railroad corridor. He also mentioned that developing form based codes for zoning, which has been discussed at the Vision meetings could benefit from this. Mr. Emerick stated our current zoning tells people to build boxes. He explained with a form base code, you can build boxes, but you build them in conformance with the surrounding area. He further explained that Route 1 could be re-zoned as multi use and utilizing form based codes so that box stores and ugly houses are not built. Mr. Emerick would like to go with a form based code or corridor work.

Mr. Mettee stated that if grant application is successful you get paid by the grant money. Mr. Mettee noted a form base code was developed recently for Dover. He explained that in general there are traditional form based codes and some hybrid ones – which are more flexible on uses.

Mr. McMahon discussed the ice cream shop that was approved earlier in the meeting and the rail corridor is behind it. He thinks we have the opportunity to develop these buildings out the rear – seating could go out there. There are a lot of opportunities for that sort of use. He thinks we need to focus on the rail / transportation corridor.

Mr. McNamara asked how the consultants are chosen. The Board discussed the bid procedure for the Town and the hiring of consultants.

**MOTION** by Mr. Emerick to have the Planning Board go forward with an application utilizing Mr. Mettee's assistance with the understanding that he may not get the work if the grant is successful. Mr. Steffen stated we have \$5,000 in the Planning budget for consulting services. It was noted that the bulleted items in the outline are just examples - there could be other opportunities not listed. Mr. Mettee indicated that we should wait until the package comes out and then discuss how he can help with the application.

**SECOND** by Mr. Olson.

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**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

Mr. McMahon discussed the Planning Board coming up with specific planning issues for the coming year. He would like the Board to look at doing corridor study for the rail corridor. He would like the Board to think of more ideas for the next meeting.

Mr. Lessard mentioned the CIP. He feels it needs to be re-visited and restructured. Just doing bonded items was mentioned by Mr. Emerick. The Board discussed getting schools more involved early in the process. The tie in with the master plan was also discussed.

**VIII. ADJOURNMENT**

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Olson.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 8:45 p.m.

Respectfully submitted,  
Laurie Olivier  
Administrative Assistant