

HAMPTON PLANNING BOARD

MINUTES

June 5, 2013 – 7:00 p.m.

PRESENT: Mark Olson, Chair
Brendan McNamara, Vice Chair
Tracy Emerick
Fran McMahan, Clerk
Mary-Louise Woolsey, Selectman Member
Keith Lessard
Mark Loopley
Jamie Steffen, Town Planner

ABSENT:

I. CALL TO ORDER

Chairman Olson 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

- Ed Blouin (Ron Jillians) - Parking Lot Enlargement (18 spaces) 853 Lafayette Road

Mr. Ed Blouin appeared. He stated that he wishes to extend the parking lot in the rear of the lot. He further stated that he knows he needs a waiver to not pave the area. Mr. Steffen noted he came in a year ago for the change of use. The Board did not require a site plan review for the change of use. He explained Mr. Blouin's proposal is to add 18 spaces of gravel parking in the rear of the property to be utilized for overflow.

BOARD

Mr. McMahan asked about the existing curbed parking lot. The parking measures 5' from back of the lot and the vegetation will stay as is. These will be 9' x 18' spaces.

MOTION by Mr. McNamara to approve the parking lot enlargement.

SECOND by Ms. Woolsey.

VOTE: 5 – 0 – 0 (Emerick and Lessard absent)

MOTION PASSED.

III. NEW PUBLIC HEARINGS

13-017 339 & 345 Ocean Blvd.

Map: 275 Lots: 61 & 67

Applicant: Richard Green, Green & Co. Real Estate

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Owners of Record: Bertram & Darlene White (275, 61) & Ann Marie Clemence, Trustee of Rev. Trust (275, 67)

Site Plan: Construct building with 5,840 s.f. of retail space & 24 multi-family residential units. Project includes parking areas & will be serviced municipally.

Attorney Peter Saari appeared with Mr. Joe Coronati of Jones & Beach Engineers and Messrs. Richard & Michael Green of Green & Company. The property is located on the west side of Ocean Boulevard. He noted the existing uses of the property, specifically the Aegean and Shirley motels. The properties are heavily congested with pavement and buildings and over 90% impervious. He outlined the proposal. The large building will be in front along Ocean Boulevard. The residential parking will be on site and mostly in the rear. The building will have 24 two-bedroom residential units. There will be commercial space of just under 6000 SF below along Ocean Boulevard and will be divided up into five spaces. There will be a small parking garage under the building that will hold 15 vehicles, 3 of which will have car lifts that will raise the vehicle up so a car can park under it. Clearance for the Fire Department was achieved. Every unit will have two-parking spaces which is similar to the Sea Spray condominium project. They are proposing two Storm Tech infiltration systems for drainage. There will be a 5' will be a retaining wall constructed at the back of the property to allow for a level parking lot. The sewer line will be installed in the front of the site and they are proposing to replace the sewer main along Ocean Blvd. The sewer is located under the asphalt sidewalk. They are proposing to replace this sidewalk with a new concrete one. A section of eco pavers will be installed in the front of the building as well. The water service will be from the front of the building. The power will be from Charles Street to the back of units.

The trash storage is within the building on the first floor. There are three different styles of roof line. Mike Whitcher from Whitcher Builders was also present to answer any questions regarding the building and construction.

BOARD

Mr. McMahon asked about the building setback on Ocean Blvd. It will be 6 feet at the closest point due to the roof line. The face of the building will be almost 8 feet from the property line. Mr. McMahon discussed the problem with the Mrs. Mitchells redevelopment project. He also asked about the transformer. The transformer location is noted on the plan. Mr. McMahon stated that the location has been an issue in past developments. The transformer noise was discussed. Mr. Coronati stated that there will be a retaining wall and plantings to buffer it from the abutter.

Mr. McNamara asked about the height of the entrance. Mr. Coronati stated it will be 13' 6" or better. Mr. McNamara would like to see signage on the building that indicates the height for trucks. Mr. Coronati concurred.

Mr. Olson asked about the rooftop garden. It will similar to the area in front of the Ashworth Hotel. He asked about conformance with the Beach Master Plan and asked if there were any guidelines or architectural reviews for the proposed pergola and roof deck. Mr.

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Michael Green responded that it will have railings and will be setback so that a bottle could not be dropped down and have it hit the street below. Mr. Witcher stated that the pergola will cover the units and it will be 10 to 15 feet back so there will be no access to lean over.

Mr. McMahon asked how far back the deck would be and what the capacity is. Mr. Witcher responded he believes it will be fewer than 50 people. Mr. Steffen noted that the building inspector is on the PRC and has viewed these plans. Mr. Steffen also noted that it's been looked at by the HBAC design sub-committee and they are in support of it.

Ms. Woolsey asked the roof in the first section. The first one will be a rubber flat roof. She then asked about the middle section. The roof will be 8 to 10 feet of sloping roof. There will not be the possibility of sheets of ice falling on people.

Ms. Woolsey asked if the elevator just serves the third portion of the building. The elevator will service the whole building. Mr. Witcher discussed the elevator tower.

Ms. Woolsey asked about the mean building height. It will be 62 feet with 54 to 55 feet to the top of the building minus the roof overhang. Ms. Woolsey asked about the outdoor garden. It will not be a green roof.

Ms. Woolsey asked about the curb cut and traffic going in and out of shops and parking. There will be signage that states "residential parking only".

It will be private collection of the trash for the residential and commercial trash will be street collection. Ms. Woolsey asked about snow removal. It was responded that dump trucks and fire trucks will be able to get through the building.

Ms. Woolsey asked about sewer being under the sidewalk. Mr. Green responded that is the way it is now. She asked about the DPW checking out the line. Mr. Coronati responded that the sewer is from 1946 and this section will be replaced. She asked what the new sewer line will hook into. It was answered that the DPW will inspect the entire sewer infrastructure.

Mr. Loopley asked what the Storm Tech systems drain into. It was answered that they infiltrate the storm water back into the soil. There will be overflow raised up when the water gets too high and will drain out to the abutter properties where it goes now.

Mr. McMahon asked about general soils condition of the site. Mr. Coronati responded that it is sandy / gravelly; closer to the rear there is sand, but with a shallower water table.

PUBLIC

Mr. Tom Shanahan of 12 Charles Street appeared. He stated that he had some concerns. He indicated that the transformer is now on his property and if it goes on the pole it will be next to his bedroom. He noted that all the power lines currently run up the side of his property line. He stated that there are already taller, larger poles erected.

His second concern was drainage. He noted that when it rains or sea water runs over, Charles Street floods. He is concerned that with the change in topography with the new structure there will be more runoff across his property. He also expressed concern about the increased water use.

Mr. Loopley discussed the transformer location with Mr. Shanahan. Mr. McNamara noted that runoff should be reduced with this project.

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Mr. Lessard appeared.

Mr. Shanahan asked about his access across the property. Mr. Green responded that they could discuss the issue of residents from Charles Street being able to access the beach.

BOARD

Mr. McMahon asked about Note 18 on the Sheet 2 of the plan. Mr. Coronati stated there was a drain line that was never installed. Drainage ran down Ross Avenue. They had to contact NHDOT to find out the situation on it. The surveyor came up with that note. There is no drain line.

Mr. Olson asked about the roofline and about the lowest cross section. He discussed zero lot lines and firewalls. Mr. Whitcher stated having the Planning Board requesting firewalls in the future is a good idea.

Mr. Steffen noted the responses from the Town departments relative to the plan review. He stated he has not received concurrence yet from DPW, Fire and CMA that their concerns are satisfied. He explained that the PRC meeting was held May 22 and we received the revised plans on the May 29. He explained what transpired previously for PRC reviews. There was a mix up on the date on the part of the applicants for the April meeting but he did provide them with comments from the PRC that were made for that meeting. The PRC considered the revised plans based upon their comments at the May 22 meeting. There were additional comments made on the plans at that time and Mr. Steffen noted that he has asked for DPW and Fire to provide their responses by June 14. Mr. McNamara discussed the reasons for the PRC and not holding up applicants. Ms. Woosley commented that she will be attending the meetings from now on. Mr. Lessard stated where this is a controversial application he would like to be sure everything is in order. Mr. Steffen suggested that it be continued until the June 19 meeting. Mr. McNamara reiterated his concerns about the PRC process and lack of attendance by the departments. It was noted that the Fire Department was not at the PRC meetings for this project.

Mr. Emerick appeared.

Mr. Green stated that the approval can be conditioned upon their meeting the conditions of the DPW and others who have not yet responded. Mr. Olson noted that the applicants did their due diligence. There was more discussion amongst the Board about addressing the department's comments. There was discussion about the timing of the project. Mr. Green indicated that they would like to start construction in the fall.

Mr. Steffen noted he did not yet prepare his usual conditions of approval memorandum.

MOTION by Mr. Lessard to continue the matter to the June 19, 2013 meeting to allow the departments more time to respond latest plans. He noted that it is an attractive project for the community but we need Fire, DPW and CMA Engineers need to respond.

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SECOND by Ms. Woolsey.

VOTE: 4 – 2 (Olson & McNamara) – 1 (Emerick)

MOTION PASSED.

13-018 13 Huckleberry Lane

Map: 98 Lot: 26

Applicant: George & Karen Toscano

Owners of Record: Same

Special Permit: Removal of 734 square feet of pavement within the wetland buffer & substituting grass paver parking area. Reduction of 439 square feet of buffer impact.

Attorney Donahue stepped forward and stated that 510 High Street could go before them as Mr. Boyd has a family medical issue to attend to.

13-021 510 High Street

Map: 150 Lot: 55

Applicant: Spero J. Rally

Owners of Record: Same

Condo Conversion: Existing two-family dwelling to be converted to condominium (no new construction)

Mr. Henry Boyd of Millenium Engineering appeared, along with Mr. Rally. Mr. Boyd stated that this is a proposed condominium conversion of an existing two-family. There is adequate parking.

BOARD

Mr. Lessard asked if the parking spaces will be labeled on-site. Mr. Boyd does not think that is necessary. Mr. Lessard would like them labeled on-site. Mr. Boyd stated that would be fine but he would need to add that to the Mylar. Mr. Olson asked if the zoning regulations allow this. Mr. Boyd stated that it is allowed according to RSA 356-B: 20. Mr. Boyd stated it is a legal, existing two-family dwelling unit. Mr. Steffen asked the Board if it would like to have the Town Attorney review the parking spaces in the condominium documents. It was stated yes, but to only to have him review parking spaces.

Ms. Woolsey discussed parking areas. There should be two parking spaces per each unit. The garage belongs to Unit A. Ms. Woolsey asked about a firewall.

MOTION by Mr. Lessard to approve the condominium conversion in accordance with Planner's memorandum dated June 3, 2013.

SECOND by Ms. Woolsey.

VOTE: 6 – 0 – 1 (Lessard)

MOTION PASSED.

13-018 13 Huckleberry Lane (moved from above)

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Map: 98 Lot: 26

Applicant: George & Karen Toscano

Owners of Record: Same

Special Permit: Removal of 734 square feet of pavement within the wetland buffer & substituting grass paver parking area. Reduction of 439 square feet of buffer impact.

John Chagnon of Ambit Engineering, Mark Jacobs, soil scientist and Attorney Mike Donahue appeared. Mr. Chagnon discussed removing 740 square feet of pavement which is in the in the buffer. Mr. Toscano is constructing a small addition to the structure on the west side of the property which is within the shoreland protection area. He noted the resource lines on the plan. Mr. Chagnon explained that in order to compensate for the addition the applicant is proposing to remove the existing pavement on the northeast corner of the property. They wish to restore the area to a lawn and put in grass pave (permeable material that grows in grass). He noted that the project has received the approval of the Conservation Commission and the applicant will comply with the Conservation Commission's recommendations. He discussed the area of Town property that is stone which they will remove and he noted that permission was granted by the Selectmen at their meeting on May 20.

BOARD

Ms. Woolsey asked about the plantings and location. The plantings are not in the buffer per Attorney Donahue.

PUBLIC

Mr. Jay Diener, Chairman of the Conservation Commission appeared. He stated that there are no issues with the work being proposed on the applicant's property as long as they are willing to clean up the piles of brush and return it to its natural vegetative state. Attorney Donahue noted that the stack of wood may not have been removed yet and the applicant would accept any reasonable timeframe to move it. Mr. Diener responded that 2-3 months should be adequate. It was agreed that it would be cleaned up no later than Labor Day of this year. It was stated that ninety (90) days would be acceptable to the applicant.

BOARD

MOTION by Mr. Lessard to approve the special permit with the stipulations contained in the Conservation Commission's letter dated April 29, 2013. The applicant will have ninety (90) days from June 5, 2013 to have the wood and brush piles removed from the Town property.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

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13-021 Exeter-Hampton Beach Expressway

Map: 251 Lot: LA ROW

Applicant: Unitil Energy Systems, d/b/a Unitil

Owner of Record: State of New Hampshire

Special Permit: Replace (maintain) condemned poles and storm guys.

Tom Murphy of Unitil appeared. He explained that this project is necessary as these poles sustained damage in a large outage following a storm. He discussed the condition of the poles and noted that two poles of the four (4) poles still have life in them. Two poles really need to be addressed. He discussed the storm guys becoming undone. He explained that a storm guy is a guide wire that holds the poles. He discussed tidal surges. Static wire came down in a section. It is a horizontal lightning wire. He noted that the bottom portions of the poles are in great condition. He discussed setting the poles alongside the existing structures. He noted that they met with Conservation Commission. They gave their approval with three stipulations that they will abide by. He indicated that the project should take three to five days to complete and they would like to start no later than June 10. They filed for permits with the State as well.

He indicated that there will be no outages while the project is occurring.

BOARD

Mr. Lessard asked if they would be utilizing the fiberglass mats.

MOTION by Mr. Lessard to approve the special permit with stipulations contained in the Conservation Commission's letter dated May 31, 2013, but to require the fiberglass mats.

Mr. Diener stepped forward and stated that fiberglass mats will create less intrusion in the marsh and that is why they want them used. They also want restoration of marsh to be done and to be adequate. He will work with Ms. Dionne in making sure that the marsh is in good shape after the project.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

13-024 66 Park Avenue

Map: 190 Lot: 8

Applicant: David and Karen Lang

Owner of Record: Same

Special Permit: Construction of 24 x 24, two-car garage with connecting ell. Grading to remain the same.

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Mr. David Lang appeared. He stated that the project has an 8 foot breezeway ell. He noted that they had a successful meeting with the Conservation Commission and that Ms. Dionne was very helpful to him through a confusing process.

BOARD

Mr. Lessard asked about the updated drawings. The Chair has signed the revised plan. Mr. Diener showed the plan with the garage being moved to the front of the property. A copy will be provided for the file. Mr. Lang mentioned a previous lot line revision that was approved by the Planning Board for the property. Mr. McNamara asked about the plantings. Mr. Lang responded that will probably be grass.

Mr. Richard Leavitt of 161 Leavitt Road appeared. He asked to see the plan for what is being proposed. Mr. Lang showed him and he had no concerns.

MOTION by Mr. McNamara to approve the special permit with the stipulations contained in the Conservation Commission's letter dated May 31, 2013.

SECOND by Mr. McMahan.

VOTE: 7 – 0 – 0

MOTION PASSED.

13-025 609 & 611 Ocean Blvd.

Map: 235 Lots: 13 & 14

Applicant: 611 Ocean Blvd, James Broderick, III, Sandra Puzzo & Francis & Mary Broderick

Owners of Record: Same

Special Permit: Remove existing pavement, reconstruct subgrade & regrade drive area & repave lot within same footprint & to the same grade.

Mr. Mike Sievert of MJS Engineering and Mr. James Broderick of 609 Ocean Boulevard appeared. Frank Broderick was also in the audience. Mr. Sievert stated that they obtained a denial recommendation from the Conservation Commission for the special permit. He further stated that he sent a letter today to the Board asking to discuss how to go forward with the project. He mentioned the overlay plan that shows the existing conditions in comparison to the approved plan.

Mr. Lessard asked Mr. Steffen what happens when a parking plan is different from the approved site plan. This goes back to 1984. Mr. Steffen stated that the approved site plan doesn't work for parking. Mr. Lessard stated the bigger issue is the site plan being different. Mr. Steffen explained that it can't be built per the approved site plan. Mr. Lessard asked if the Board needed to treat it as a new site plan.

The deficiency shows on the proposed plan. Mr. Steffen explained that they expanded the paved area an additional 240 square feet. Mr. Olson noted that it's about one parking space. Mr. Olson asked if they can live without that space. Mr. Sievert stated it would make it difficult for parking.

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Mr. Lessard stated that space #11 is not really a parking space. It's stacked parking. There was discussion about the number of approved units and the parking required. It is 8 units; so they need 16 spaces plus one visitor space for a total of 17. Mr. Sievert stated it was originally approved with 17 spaces. Mr. Steffen stated it was also based on a two-way traffic flow on the northern end which isn't the case presently. Mr. Steffen noted that he saw only two parallel spaces delineated on that side which differs from the approved plan. He again stated it wasn't built per the 1984 site plan. Mr. Lessard stated that this should be addressed as an amended site plan. The Board discussed that this application is for a special permit. Mr. McMahan noted that they need to do a revised site plan and Mr. Emerick commented that we can't take today's standards and apply them to a 1984 decision. Mr. Lessard stated that he would like to have the 17 spaces designated on the new site plan to comply with the 1984 decision. Mr. Sievert indicated that he could do that without stacking but the lane widths may not be met.

Mr. McNamara asked about snow removal. Mr. Sievert stated that currently it is pushed out back. It will have to be placed to the south or removed.

It was noted that there are existing wetlands violations. The wall that was built is encroaching on the salt marsh. Mr. Sievert explained that it wasn't really a wall.

PUBLIC

Mr. Jay Diener appeared. He stated that the Conservation Commission had to go on the basis of what they saw at the site walk. He indicated that the as-built condition is a Town and State violation that needs to be dealt with. He stated that if there is further encroachment into the salt marsh that will also have to be dealt with. He indicated that gravel surface going further into the salt marsh is a problem and stated that a wall of some sort needs to be built to prevent that from occurring and re-vegetation. Snow storage and pushing it into the marsh is also a problem.

It was noted that this was not a violation in 1984. It may have been a State violation. Mr. McMahan asked about the parking requirement in 1984. Mr. Steffen noted that it two per each dwelling unit plus one visitor space for every eight guests. Mr. Olson asked Mr. Sievert if he felt that getting 17 spaces being doable. It was noted that one of the accepted spaces is being used as a thruway.

Mr. Broderick stated that he is in favor of this proposal but number 611 proposed the plan. He respects the wetlands. He discussed flooding.

MOTION by Ms. Woolsey to deny the special permit with the stipulation that they come back after they meet the requirements from the Conservation Commission. Mr. Lessard requested that the Board continue the application instead.

MOTION by Ms. Woolsey to mirror the special permit to the site plan. It was noted that it would have to be re-noticed heard on July 3, 2013.

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Mr. Diener requested that if a new site plan is submitted he would like the Conservation Commission to be able to look at it as well. Mr. Diener indicated that the Conservation Commission would need the plan by the June 19 to get on their June agenda.

Mr. Sievert indicated that the owners would probably not want to change the plan. He would like to go to the State Wetlands Bureau to see if the owners would have to remove the current impact out of the marsh. He suggested scheduling this for the August Planning Board meeting. The Planning Board indicated that it would like to see space #11 opened up a little bit. Mr. Sievert stated they could go to the July Conservation Commission meeting and then August 7 Planning Board meeting.

MOTION by Mr. Olson to continue the special permit application and have the applicants submit an amended site plan application to Planning so it can be heard at the July 23 Conservation Commission meeting. It was noted that the Planning Board's deadline to receive the revised plans is would be July 17 for the August 7 meeting.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

13-026 59 Mooring Drive

Map: 289 Lot: 42-1

Applicant: Karen Smith

Owners of Record:

Special Permit (after the fact): Removed existing rotted deck & replaced with a composite deck. Same size layout. Side stairs expanded to meet code.

Ms. Karen Smith appeared. She had an existing deck and the footings were not up to code. She stated that she met with the Conservation Commission and they have approved the work that has been done.

BOARD

Mr. Lessard stated it looked fine. He discussed extending the stairs to make them up to code.

MOTION by Mr. Lessard to approve the special permit with the conditions contained in the Conservation Commission's letter dated May 31, 2013.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

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V. CONSIDERATION OF MINUTES of May 5, 2013

Ms. Woolsey noted that on Page 4 of the Minutes, she checked with the Town Manager since the petitioners came to the Selectmen recently for naming of the road. They decided to hold off on approving a name until the bond has been posted the road and utilities.

MOTION by Mr. Lessard to approve the May 5, 2013 Minutes.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- 571 Winnacunnet Road – Special Permit extension request

Mr. Steffen stated this is for the Sand Piper Bay condominiums which expires in July. They are allowed a two-year extension.

MOTION by Mr. Emerick to grant the two-year extension.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Steffen provided the Downtown Study / Charrette paper work. He noted the consultant's (Jack Mettee) recommended changes for the Board to consider before we meet with him at the Board's June 19th meeting to discuss the zoning options for the downtown village corridor.

Mr. Emerick discussed that the CIP update is underway. The Town has submitted its portion. The first meeting of the CIP Committee will be on Monday, June 17th at 4:00 p.m., for interested stakeholders.

Mr. Emerick apologized to the public and the Planning Board regarding his comments about retail space not being required pertaining to the 339 & 345 Ocean Boulevard project. Retail requirements were discussed and parking.

Mr. McMahon discussed that height will need to be addressed before the next round of Zoning Ordinance changes occur. The HBAC is going to be coming forth with proposed zoning changes on height. He stated he feels we need to re-visit the height requirement on the boulevard.

Mr. Lessard discussed sun on the beach versus shade.

It was noted that it has been decided that Hampton driveways will be bituminous asphalt.

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Mr. Olson discussed the right of way portion of driveways being paved. He noted that Frank Swift of DPW stated that the owner couldn't get a CO on a project until they put in an asphalt apron.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Ms. Woolsey.

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