

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

6:30 Public Meeting – Town Manager’s Conference Room, upstairs Town Offices
Nonpublic Session – RSA 91-A:3, II (a) and (c).

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 7:08 p.m. by introducing the Board members and leading the Pledge of Allegiance to the flag.

The applicants for 609 & 611 Ocean Blvd requested their application be continued to the September 4, 2013 meeting.

MOVED by Mr. Emerick to continue 609 & 611 Ocean Boulevard to the September 4, 2013 meeting.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

13-032 119 Ocean Blvd.

Map: 290 Lot: 22

Applicant: Segar, LLC (Charles Rage, Member)

Owners of Record: Same

Site Plan: Construct building with 4,744 s.f., consisting of retail space (2 units) & 7 hotel suites and sundeck.

Alex Ross of Ross Engineering appeared along with Holly Pearson of Thane Pearson Architectural Design and Charles Rage, the applicant/owner. Mr. Ross gave the history of the project. They are proposing to remove an older, existing building and construct in its place a new, three-story building with seven hotel suites and two retail businesses. There will be new landscaping. Storm water run-off has been reduced. Pervious pavers were

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

discussed. A drainage study has been done. Parking will be provided at a remote location on I Street; a couple hundred feet away from the location.

The utilities will be provided by Aquarion Water Company, PSNH and Northern Utilities. The building will have a sprinkler system. All matters from the PRC meetings have been addressed.

BOARD

Mr. McMahon asked about access to the building. The hotel units will be accessed through the rear. There will be a ramp down the right side of the building that leads to the ADA unit. There will be no elevator.

Mr. Olson asked how the occupants will get into the building. No units from downstairs can access upstairs. Mr. Olson asked about the vending area.

Ms. Pearson noted that the vending area was asked to be labeled on the plan and they did so.

Mr. Lessard asked where the office will be. Mr. Rage stated it is contained in the Pelham Motel. The rental of the suites will be out of the office at 121 Ocean Boulevard. Mr. Lessard asked why the lot lines weren't eliminated. Mr. Lessard would signage on how the suites would be able to be rented out at the location.

Ms. Woolsey asked about fire apparatus being able to access the location. The apparatus will come in from behind the building if need be.

PUBLIC

Mr. Arthur Moody appeared. He asked for the name of the existing building. It is called "Kevin's". Mr. Moody asked how much parking is required. Mr. Steffen responded for the hotel suites nine spaces are required. Mr. Moody stated that this does not fall under multi-family residential - these are hotel suites. Mr. Steffen stated that they need a variance for that and that the applicant is on the docket for the August 15, 2013 Zoning Board of Adjustment meeting.

BOARD

Mr. McMahon stated if they do need to condo this they would have to come to the Planning Board. Mr. Ross noted that there is not a chart on the plans for the drainage study. Mr. Ross will put the impervious surface calculations on the plan. He explained that there is currently 996 square feet of coverage and the proposal is to not have any coverage. The ramp will be paved.

Mr. Lessard asked where snow from the ramp will be put. Mr. Ross responded that in the stormwater maintenance report it notes that it is not to be plowed on site - it would need to be shoveled or snow blown and then removed off site. Mr. Lessard stated that it needs to be added to the drawings.

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

Ms. Woolsey asked about the eight trash and recycling containers and whether there is enough room along the front to place them as the Town will not pick-up from the back of the building. There is enough room per Mr. Rage.

Mr. Lessard asked what type of retail space will be put in the building.

MOTION by Mr. McMahon to approve the site plan with condition's contained in the Town Planner's Memorandum dated August 2, 2013. In addition, there shall be a snow storage and removal notation added to the plan as well as the existing and proposed impervious surfaces calculations.

Mr. McMahon noted the applicant will need to get a sign-off on the demolition permit from the Heritage Commission because the existing building is over 100 years old.

Mr. Lessard asked if it's okay to approve this project where it had not gone before the Zoning Board of Adjustment yet. There was a brief discussion about this by the Board and it was noted that the Pelham Hotel currently has off-site parking. It was acknowledged that State law permits a conditional approval where permits or approvals are required by another entity or board.

SECOND by Mr. Emerick.

Mr. Loopley asked what kind of doors will be put in for the retail spaces. They will be three panel doors. They will have glass doors in the winter. Mr. Loopley stated that he wanted to make sure whatever they do is in conformance with beach master plan.

Mr. McMahon asked about the lot are requirement and whether they would need a variance for that. Mr. Steffen answered that it is a pre-existing non-conforming lot of record so no area variance is needed.

Mr. Lessard asked about the wording in the stormwater maintenance plan and noted it should say "and successors". It says "and future owners or assigns".

Ms. Woolsey stated that the PRC process worked very well on this project.

Mr. McNamara asked about signage. Mr. Rage responded that there will be wall signage. There will not be a free-standing sign.

VOTE: 7 – 0 – 0

MOTION PASSED.

13-033 707 Ocean Blvd.

Map: 235 Lot: 6

Applicant: Peter Hosmer, GWF Limited Liability Co.

Owners of Record: Same

Condominium Conversion: Convert existing duplex into two residential condominium units with garage parking.

Waiver Request: Section V.E. - Detailed Plan of the Site Plan Review Regulations.

Attorney Stephen Ells appeared. He noted that Joe Coronati of Jones & Beach Engineers was unavailable as was Mr. Hosmer, the owner / applicant. He stated that the property is improved with a duplex. There is on-site parking underneath each of the two units. There is room for two cars in the garages, but only one space is required. This was

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

approved as a three-unit condominium. Mr. Hosmer would like to convert the property to condominium form of ownership. No other changes to the units or site are expected. There is plenty of room for trash receptacles. Snow storage is not a problem.

BOARD

Ms. Woolsey asked if this would be year-round occupancy. Atty. Ells responded that there is no restriction on year round occupancy. He stated he believed that Mr. Hosmer has already received his CO's. Atty. Ells discussed the parking requirement for condominium conversions. Only one space per unit is required. Mr. Lessard questioned that. Mr. Steffen stated that when it was built it needed two but explained that for condominium conversion they are only required to have one space per unit. There was discussion about parking for this situation. Mr. Lessard said he's uncomfortable that only one space will be needed now that it's going to a conversion. Mr. Steffen discussed its history. This is a brand new building; never been occupied. Attorney Ells said it is an odd sequence and maybe the zoning should change on this. Attorney Ells said the proposal is for two spaces. The condominium documents state that there are two spaces per unit. The garage is 40' x 18' in size. Mr. McNamara asked about trash disposal.

PUBLIC

Mr. Arthur Moody appeared. He noted that this is Town leased land and to maintain the integrity of the Town meeting vote the deed shows restrictions as in the lease. He stated that the deed has a no-subdivision process. He doesn't understand how it even became a duplex. Mr. Moody discussed the deeds and the leases before them. Mr. Moody said the Town voted on this in 1982.

Attorney Ells discussed the lease issues with Mr. Steffen and the legal ramifications. This was approved as a three-unit in 2001; same issue. Atty. Ells explained that you need to look at what is contained in the last lease. Atty. Ells suggested to avoid these questions in the future the Board's application form should be revised for the previously leased land question to require a copy of the last lease as well.

MOTION by Mr. Emerick to grant the waiver.

SECOND by Mr. McMahan.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. Emerick to approve the condominium conversion with the conditions contained in the Town Planner's Memorandum dated August 1, 2013.

SECOND by Mr. McMahan.

VOTE: 7 – 0 – 0

MOTION PASSED.

13-034 North Shore Road (incorrectly noted on agenda as "133")

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

Map: 133 Lot: 17

Applicants: Nicholas & Cornelia Bolton

Owners of Record: Same

Special Permit: Construct new dwelling with attached garage, rain garden and associated grading.

Henry Boyd of Millenium Engineering appeared with Karen Bolton, the daughter of Nicholas and Cornelia Bolton. He stated that the Planning Board approved the three-lot subdivision. He apologized for not attending the Conservation Commission meeting. He noted that he received the Conservation Commission's comments and revised the plan and spoke with Ms. Dionne, Conservation Coordinator. Mr. Boyd asked that this not be continued or denied.

He explained the subdivision proposal. The parcel is made up of six small tracts of land. It was merged and three new lots were created. It is about 38,500 square feet in size. Mr. Boyd discussed wetlands involved. He explained the variance process before the subdivision to build a structure. The applicants did not go for a special permit at the time because they did not know what they wanted to build. A 26' by 32' structure is proposed with a 22' x 22' garage with a deck in the back. He discussed trying to be environmentally friendly with this proposal. He discussed roof run off being directed to the proposed rain garden.

He stated that the buffer impact was also revised per the request of the Conservation Commission. It was noted that 5.4 percent is sealed surface. They did not do permeable pavers for the driveway.

BOARD

Ms. Woolsey asked about standing water on the property. Mr. Boyd said there should not be standing water. The runoff is directed to rain garden and over time water should leach into the ground.

Ms. Woolsey discussed water on Seaview Road and asked about run-off to the neighbors' property.

Ms. Woolsey asked if the dwelling would have a basement. Mr. Boyd replied "no".

Mr. McMahan asked about the deed to the lot and restriction against further subdivision. Mr. Boyd explained that it doesn't have frontage so it would not be able to be subdivided. He doesn't remember if there is a deed for Lot 3. The no build easement will be in the deed. Mr. McMahan stated that he would like to see that. Mr. Boyd again stated that this was originally six tracts and they've made it into three large lots.

Mr. Jay Diener appeared (Conservation Commission). He thanked Mr. Boyd for making the changes to the plan. He noted that the changes were for clarification of issues discussed previously. The Conservation Commission has not reviewed the plan. He explained the special permit process which was adopted by the Town in 1985. The process is not being followed with this application and they are uncomfortable with that. The

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

application was on their agenda and the Conservation Commission was prepared to discuss the application. No one showed up and no one notified the Commission.

The Conservation Commission reviewed the parcel as part of the subdivision. They did not look at the specific building being proposed.

Mr. Diener explained that the ZBA granted relief for the 25' buffer subject to review and approval by all Boards concerned. The Conservation Commission wants to have the opportunity to provide input before the Planning Board makes its judgment on the conditional variance.

Mr. Diener discussed Mr. Boyd's request for a conditional approval by the Planning Board. He feels that this would not give the Conservation Commission the opportunity to view the application in its totality and will tie the Commission's hands. He asked that the Planning Board not act on this at this time.

Mr. Boyd responded by stating that he should have been at the hearing. He stated that the plan is nearly identical to what was shown during the subdivision approval process. The only change is that the structure is smaller.

PUBLIC

Ms. Marie Keohane appeared along with her husband, Ed. They live at 33 Prescott Street. She discussed drainage in the area. They are satisfied that the neighbors are treating the property with respect. They built their house eight years ago. The Town did not put in storm drains many years ago as they should have. She asked for drainage to be taken into account. Growth along North Shore Road was discussed. She gave their approval for what the Boltons wish to do.

MOTION by Mr. Emerick to continue the application to the Planning Board's September 4th meeting.

SECOND by Mr. McNamara.

VOTE: 6 – 0 – 1 (Loopley)

MOTION PASSED.

13-035 7 Concord Avenue

Map: 296 Lot: 92

Applicants: Michael and Susan Taffe

Owners of Record: Same

Condominium Conversion: Conversion of two residential units to a two-unit condominium.

Waiver Request: Section V.E. - Detailed Plan of the Site Plan Review Regulations.

Attorney Ells appeared with Mr. Henry Boyd. Atty. Ells stated that the property is improved with two-detached single-family residences. They wish to convert to a condominium form of ownership.

BOARD

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

Mr. Emerick asked if it was leased land and what was the last lease contains for restrictions. Mr. Boyd noted that the parking spaces are labeled.

Mr. Lessard asked about the division of parking spaces between A and B. There was discussion about the division of the limited common areas. Mr. Lessard stated that he wanted to see an adjustment for Unit A, space 2 – it doesn't have a cross easements so that people can walk to the unlimited common area. Mr. Lessard would like it wider for Unit B by establishing a fence now or to make it clearer.

Mr. Boyd said Unit B could lose more area since it's larger than Unit A. Mr. Lessard would like to see the gravel area to the north added in. The fence does not have to go the whole length; maybe off the end of the porch would work. Unit A from the porch is 7' to the property line. The southerly portion of Unit B is 5 ½ feet.

Mr. Emerick asked if there would be an apron issue with the gravel driveway.

PUBLIC

Ms. June White appeared. She noted that she is not an abutter. She has a concern with parking. She does not believe they are existing spaces. She believes that they do not have driveway permits for the property. There is one driveway that is 18' wide and one other one 10' wide which is more than what is allowed.

Mr. Steffen responded that he checked with DPW and they didn't have a chance to check all their records. It was noted that DPW has not been requiring driveway permits for very long. Mr. Steffen indicated that it is clear to him after visiting the property a couple of times that there are defined driveway openings for the locations shown on the plan.

Ms. White's concern is that everyone at the beach parks on the property and there is no driveway cut. She is opposed to this project and stated that parking is a huge problem down there. Ms. White noted that one of the units has already been sold as a condominium. Mr. Emerick noted that a realtor can take a deposit on the property, but cannot sell it. It is under agreement as a condominium.

Mr. Arthur Moody appeared. These are existing buildings. He discussed deed restrictions on leased land. He asked Attorney Ells to discuss the previous lease issue again.

BOARD

MOTION by Mr. Lessard to approve the condominium conversion, but he would like adjustments to the parking situation and the proposed limited common area. Mr. Lessard thought it should be 22' wide. Atty. Ells said it would put the owner off the property. Mr. Boyd stated he thinks it should be 12' wide. Atty. Ells stated that the limited common area line will be moved to the north by 3 feet and they will agree to show a low ornamental fence on the plan starting at the porch and running to the westerly end of the parking space. Mr. Boyd will make those adjustments. He also stated that 8.2' and 2.2' distances due to the adjustment in the limited common area line would be noted on the plan.

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

Ms. Woolsey asked if there's adequate room for snow removal. Mr. Boyd replied "yes".

SECOND by Mr. Emerick.

VOTE: 5 – 2 (McNamara & Woolsey) – 0

MOTION PASSED.

MOTION by Mr. Emerick to grant the waiver.

SECOND by Mr. Lessard.

VOTE: 6 – 1 (Woolsey) - 0

MOTION PASSED.

It was added that the Motion includes the conditions contained in the Planner's Memorandum dated August 1, 2013.

13-036 40 Tide Mill Road

Map: 231 Lot: 2

Applicants: Michael & Jennifer Zuba

Owners of Record: Same

Special Permit: Relocate shed, retain stone patio; placement/plantings of 12-15 wetlands trees & 15-18 buffer zone trees.

Mr. and Mrs. Zuba appeared. It was noted that this is an after-the-fact permit to build a patio, relocate the shed and proposed plantings. The proposal is acceptable to the Conservation Commission.

BOARD

Mr. McMahon asked if they received the letter from the Conservation Commission dated July 29th. They did.

Ms. Rayann Dionne, Conservation Commission Coordinator appeared. She noted that it was an after-the-fact application. She further noted that the applicants did additional work after their permit approval in 2010. The Commission has worked with them on the violations and the applicants are trying to modify the plan. One stipulation that the Conservation Commission had was that there will be no additional sealed surface permitted in the 50 foot buffer - it's the second violation for this property. The Conservation Commission does not want to go down this road again. If there are violations found later on the site, the shed will need be removed along with the violations corrected. Ms. Dionne thinks they are all on the same page now. She further stated that they currently have a shed between the sunroom and the corner of the house. The Conservation Commission would like it moved to the side of the house and placed at a distance that meets fire codes. The swing set can stay. A permeable grass grid system will be installed. The size of the patio is acceptable.

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

Ms. Woolsey asked Ms. Dionne how this all came about. Ms. Dionne explained that there was a violation in 2007 with fill in the backyard. That was restored. This permit came about while conducting the final inspection of the applicants' 2010 permit approval.

Ms. Dionne noted she worked with Ed Tinker, Town Assessor and the Legal Department on modification to the tax cards to allow the notes section of tax cards to indicate special permits on record. The Conservation Commission hopes this will help prevent future violations from occurring.

MOTION by Mr. Emerick to approve the special permit with the stipulations contained in the Conservation Commission's letter dated July 29, 2013 letter and most current plan signed by the Conservation Commission Vice Chairman.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

13-025 609 & 611 Ocean Blvd. (continued from 6/5/13)

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.

V. CONSIDERATION OF MINUTES of July 17, 2013

MOTION by Mr. Emerick to accept the July 17, 2013 Minutes.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 1 (Olson)

MOTION PASSED.

VI. CORRESPONDENCE

- Driveway Permits (appeals) – Administrative Process

The Planning Board discussed the driveway permit appeal process as it currently exists. If a driveway permit is denied, the DPW refunds the application fee (and bond fee - \$500). For appeals to the Planning Board there is only the abutter notice fee. There are no costs/fees currently noted in the Board's fee schedule.

It was mentioned that maybe the appeal fee should be \$25.00. It was also mentioned to add non-refundable in the driveway permit application with its \$50 application fee. DPW will

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

accept the \$50 regardless of the outcome of driveway permit. If they need to appeal to the Planning Board then we would charge the cost of notification.

Mr. McNamara stated that the regulations need to be amended to correct the explanation of the process. The language on an application fee should be taken out. There will be no application fee. It was suggested that the Planner send a memorandum to the Town Manager with the proposed changes. It was also stated that someone needs to notify the DPW that the permit fee for the driveway application should be retained (non-refundable) and that it should be corrected in the regulations.

VII. OTHER BUSINESS

Mr. McNamara noted that he had Mr. Steffen forward to the Board a map file showing the potential zoning district boundaries for the new zoning for the downtown area. These are being considered by the Project Advisory Committee. In the Committee's recent discussions with Mr. Mettee, our planning consultant it is considering expanding the Project Area 1 boundaries to include more properties north of the Lamies / Old Salt and to adding sub-districts north and south of Project Area 1. Mr. Mettee will get into this more later on.

Mr. McNamara discussed the 375th Gala Celebration.

Mr. Emerick noted that the State representatives will be holding a public input session on Thursday evening, the 29th of August in the Selectmen's Meeting Room about upcoming legislation. September 9th to 24th is the deadline. This will be a non-partisan evening. There will be a call in (phones) available and it will also be televised.

Mr. Steffen asked the Board if it was okay for the Chairman to sign a letter to the Selectmen on the Prevost subdivision. Mr. Prevost is being placed on Selectmen's agenda for their next meeting to request that they authorize the issuance of building permits for the three (3) new lots on Huckleberry Lane. Mr. Steffen explained that it is still a private road, even though there is a deed to the Town - the Town has not officially accepted the road. The Board agreed to have Chairman sign the letter stating that the Planning Board has no objections to the Selectmen authorizing the issuance of building permits for these lots.

VIII. ADJOURNMENT

MOTION by Mr. McNamra to adjourn.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 9:13 p.m.

Respectfully submitted,

Laurie Olivier, Administrative Assistant

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 7, 2013 – 7:00 p.m.

****PLEASE NOTE****

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