

**HAMPTON PLANNING BOARD**

**MINUTES**

**September 18, 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**

**III. NEW PUBLIC HEARINGS**

**13-001 35 Huckleberry Lane**

Map: 115 Lot: 20.

Applicant: Francis & Charlotte Prevost

Subdivision and Special Permit to Impact Wetlands: Three-Lot Residential Subdivision on Existing Road. **Amendment to two of the conditions of approval.**

Attorney Stephen Ells appeared along with Henry Boyd of Millennium Engineering.

Mr. Steffen discussed that the application has come before the Board again to modify two of the previous conditions of approval. The homeowners association is no longer necessary. Mr. Steffen read his planner's memorandum aloud. There are no changes to the plan - this is only changing the wording on two of the conditions of approval. He discussed the wording change to individual lot owners for the responsibility for the sewer force main and drainage swale. This will be added into the individual deeds. Attorney Ells noted that only lot #2 would be responsible for the drainage swale. Attorney Ells is in full agreement with this change to the conditions of approval.

Attorney Ells stated one of the applicant's issues is that Huckleberry Lane is not a Town-accepted road. Mr. Prevost needs permission from the Selectmen before building permits may be issued. He discussed Mr. Prevost providing indemnification to the Town in case this causes problems in the future. Responsibility of the sewer force main and drainage swale will run with the land and be noted on the recorded deed.

The drainage easement was discussed by Attorney Ells. He noted that the easement is to accommodate someone else's runoff. Attorney Ells thinks that the Town will have a back-up

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role in the maintenance. Mr. Prevost has provided a proposed O&M Manual for the drainage swale which states that the homeowner will mow the grass and rake out leaves, etc. He noted that he has discussed this with Attorney Gearreald.

Atty. Ells discussed item #1 of Mr. Steffen's memorandum. He asked what the Board's objectives are for this. He would like to have the standards defined and is seeking guidance on the reviews by DPW and the Legal Department. He asked for the Board to consider adding the words - "to ensure that all items are in compliance with the O&M Manual", etc. He commented that loading up the deed with a lot of wording on maintenance responsibilities scares the builders and future homeowners.

Mr. McNamara asked about Chris Jacobs' comments. Mr. Steffen stated that those were from the original approval of the subdivision.

Ms. Woolsey asked if it would be better if reviews are done prior to coming to the Planning Board.

Mr. Boyd discussed the purpose of the drainage easement. It was noted that Mr. Prevost has made sure the easement does not impede the flow of water. The purpose of the easement gives the Town the ability to step in and maintain the culvert if necessary due to the lack of maintenance. The situation became complicated with a homeowners association. Now it's the lot owner rather than the homeowner's association.

Mr. McMahan asked if that is what will happen and has Mr. Jacobs signed off on it. The easement will be in favor of the Town and nothing will appear in the deed other than the easement. The owner of lot 2 is responsible for the drainage easement.

Mr. Emerick stated that with the homeowners association it becomes a document review situation like we do with condominium documents. Now that's gone.

The sewer force main is taken care of. The maintenance manual is all set. Attorney Ells believes it should state "to insure compliance with the operational manual" as far as the review goes.

The O&M Plan and Indemnification Agreement will be recorded.

It was noted that condition # 2 has been taken care of. Checking on the wetlands impact complaint was discussed.

**MOTION** by Mr. McNamara to amend two of the original conditions of approval by adding the wording contained in bullet #1 of the Planner's Memorandum dated September 16, 2013 and to include the words "to ensure that all items are in compliance with the approved Drainage Swale Management, Operation and Maintenance Manual" after the words "shall be reviewed...". This wording change eliminates the need for the second bulleted condition of approval in Mr. Steffen's September 16, 2013 memorandum.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION GRANTED**

Mr. Steffen stated Attorney Gearreald is asking the Planning Board to make a recommendation under the acceptance process under RSA 41:14-a for the drainage easement on lot #2 of the subdivision.

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**MOVED** by Mr. Emerick to recommend the acceptance by the Board of Selectmen of a back-up role drainage easement on lot#2 of the Prevost 3-lot subdivision at 35 Huckleberry Lane.

**SECOND** by Mr. Lessard.

**VOTE: 5 – 0 – 2 (Woolsey & McNamara).**

**MOTION PASSED.**

**The Planning Board agreed to hear the Liberty Lane request before hearing any further matters.**

- **1 Liberty Lane – Special Permit extension request**

Joe Coronati of Jones & Beach Engineers appeared along with Jamie Pennington and Lisa from RJ Finlay. Mr. Coronati stated that the applicant is seeking an extension of the special permit approval for the new parking lot.

**MOTION** by Mr. Lessard to grant a two-year extension of the approval.

**SECOND** Mr. Emerick. The special permit will now expire on October 19, 2005. To request a further extension the applicant would need to file it by September 19, 2015.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

- **Amendment to the Town of Hampton Driveway Regulations, Section 1, Sub-section I.3. Planning Board Appeal.**

Mr. Steffen discussed the proposed changes to the Planning Board appeal process and the application procedure. These are available at the Planning Office.

**MOTION** by Mr. Lessard to adopt the amendments to the Driveway Regulations.

**SECOND** by Ms. Woolsey.

**VOTE: 7 – 0 – 0.**

**MOTION PASSED.**

**IV. CONTINUED PUBLIC HEARINGS**

**V. CONSIDERATION OF MINUTES of September 4, 2013**

**MOTION** by Ms. Woolsey to approve the September 4, 2013 Minutes.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

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**VII. OTHER BUSINESS**

• **Zoning Proposals**

Mr. Steffen provided the Board with information from sections of the Hampton Beach Area Master Plan that refers to zoning. He noted areas such as reductions in impervious surfaces, changes in setbacks, building design standards and review and parking.

Mr. Steffen discussed the commercial strategies in the Master Plan.

Mr. Emerick discussed the previous concern of portions the lettered streets being able to build higher than other areas.

The 2004 Visioning Workshops Final Report and the consideration of floor area ratio for future development were discussed.

Ms. Woolsey discussed sewer problems in the beach area and Aquarion Water Company installing a new water line on Auburn Avenue Extension. She noted that it cost Aquarion \$558,000 to do two streets and the short Auburn Avenue Extension and the remaining streets still need to be done.

Mr. McMahon discussed the south end of the beach (where Ashworth Ave. and Ocean Blvd. meet and split). Mr. McMahon stated he would like to see better use of properties along Ocean Boulevard and Ashworth Avenue as far as F Street with the last piece being the Casino property. It was noted that B and C Streets have similar owners.

Mr. Loopley noted that the Planning Board approved a large project at the Harris Real Estate office site on the southern end. Ms. Woolsey asked about restricting building in the wet areas. She discussed the right of way near the Ocean Wok.

Mr. Lessard discussed A to F Streets being phase one of this; this area could be built up first. He then discussed the area behind A Street and the area from the new Fire Station north. The area would be for lots with frontage on Ashworth Avenue "X" (Board to decide) amount of feet deep - A through F Streets with frontage on the west side of Ashworth Avenue. Mr. Lessard does not agree with the 100' height allowance.

The casting of a shadow on the beach was discussed. A "wedding-cake" building scenario was discussed. Setting it back 30 feet was discussed.

Fire protection requirements were discussed – such as sprinklers etc.

The Board members believe A through F Street is a logical area to start with, i.e. the north side of F Street; to the west of Ashworth Avenue, as long as the lot has frontage, at least one lot deep.

Buildings on Ocean Boulevard and shadow on the beach were further discussed.

Mr. Steffen discussed the proposed 2008 zoning article wording with regard to shadowing.

Mr. Loopley discussed having two articles; one for height and one for zoning.

Ms. Woolsey stated that it has to be clear to the public as far as height goes. The 100' height limit and no shadowing before a certain time was discussed again. Mr. Loopley stated he believes the 65 feet in height would be good. Ms. Woolsey stated that we needed to take into

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consideration the facades height as well. Previous variances were discussed and why developers go that route. It was noted that the public gets very confused about what occurs.

**MOTION** by Mr. Emerick to establish the zone for higher development (not defined) for the area from the split of Ocean Boulevard and Ashworth Avenue to the north side of F Street and including one lot deep on both sides of Ashworth Avenue down to Brown Avenue.

This would be within the existing Business Seasonal Zoning District and would just be a zone for higher development but not establishing any height limits or other dimensional standards at this time.

**SECOND** by Mr. McMahan.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

Mr. Steffen noted that he is still working on getting 3D graphics from the GIS Manager at Rockingham Planning Commission to show development scenarios for the beach area. He would like to have it for second meeting in October.

Mr. Steffen and Mr. McNamara discussed the new ordinance proposal for the downtown corridor. Mr. Steffen noted that the Advisory Committee met the day before with Jack Mettee, our planning consultant to discuss the proposal. He said the new zoning is coming along nicely and noted the areas of focus such as the town center zoning district and its sub-districts. He discussed the concepts of parking lots in the rear of the properties and shared driveways and parking lots. Design standards for future buildings were also discussed.

Ms. Woolsey stated she is worried about having too much on the warrant.

The proposed Personal Wireless Services Ordinance from the Selectmen was briefly discussed. It was noted that attorney who addressed the Board previously on this can come back to provide further guidance for the Board.

Mr. Steffen noted that the Conservation Commission still working on the changes to impervious surface requirement for the Board's consideration. The goal is to have information to the Planning Board for the first meeting in October.

**VIII. ADJOURNMENT**

**MOTION** by Mr. Emerick to adjourn.

**SECOND** by Ms. Woolsey.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 8:21 p.m.

Respectfully submitted,

Laurie Olivier, Administrative Assistant