

HAMPTON PLANNING BOARD

MINUTES

November 6, 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.

Mr. Olson noted that there are continuances. Mr. McMahan stated that 1042 Ocean Boulevard is requesting a continuance. Mr. Steffen stated that this one should be continued to the December 4, 2013 meeting.

MOVED by Mr. Emerick to continue 1042 Ocean Boulevard to December 4, 2013.

SECOND by Mr. McNamara.

VOTE: 7 -0 - 0

MOTION PASSED.

Mr. McMahan stated that 48 Hobson Avenue needs to be continued to the December 4, 2013 meeting as well.

MOVED by Mr. Emerick to continue 48 Hobson Avenue to December 4, 2013.

SECOND by Mr. McNamara.

VOTE: 7 - 0 - 0

MOTION PASSED.

- 155, 165, 175 Island Path – Special Permit – Remediation Work Extension

Mr. McMahan stated that this extension request needs to be noticed for a public hearing. Mr. Steffen stated that the new hearing could be held at December 4, 2013 meeting and he will prepare the legal notice for that hearing.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

13-043 580 Winnacunnet Road.

Map: 235, Lot: 7

Applicant: Peter Ross

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Owner of Record: Phyllis Grammatic

Site Plan & Special Permit: Remove existing Ocean Motel & construct four-story building with 23, one and two-bedroom condominiums with associated parking & utilities.

Impact fees waiver request, Section 5.5 e. of the Impact Fee Ordinance

Mr. Joe Coronati appeared with Attorney Peter Saari. It was noted that Attorney Ells would discuss the impact fees waiver request later in the meeting. Peter Ross was present as well. They stated that they would like a conditional approval at least on the site plan and special permit applications. The project consists of 23 units in one building. There are some wetlands. It is not well drained. Architectural detail was discussed. The impact fee request was noted and it is comparable to the Sea Spray condominium building. There are twelve 1-bedroom units and 11 2-bedroom units.

Mr. Coronati noted that the property is the old Ocean Motel. The building is condemned. It has a large curb cut along Winnacunnet Road. They would like one centralized entrance. They modified the building. It will be four stories. The first level will be the parking garage. There will be an open parking lot to the back of the site. Parking will be hidden from the street. There is a sidewalk along Winnacunnet Road which they will reconstruct making it safer for pedestrians. They will maintain a pool for recreation on site.

Drainage was discussed along with grades (low) of the property. Flood elevations were discussed. The majority of parking will be porous pavement. There will be a dumpster at the back of the site that will have regular asphalt rather than porous pavement. Eco-pavers will be used around the pool. The sidewalks on-site will be eco-pavers. There will be a retaining wall around the back of the property. Snow being pushed up against a wall was discussed. They are considering a 6' high vinyl fence with lattice work. Landscaping will be around the site. It was noted that Eel Ditch is a tidal wetland. They have State wetland and shoreland permits. Drainage restoration will take place. They will stabilize the ditch. The pipes by Eel Ditch will be cut and plugged. They will be improving the storm water quality. All of the catch basins right now are clogged.

A new concrete sidewalk will be added along the front along with drainage improvements in the street. One area of landscaping is partially Town property. It cannot contain stone per the request of DPW.

Mr. Coronati discussed the outstanding items. CMA Engineers noted that passenger vehicles may have trouble getting into the parking garage - crossing into the oncoming lane was a concern. He explained that the turning template utilizes a car that is 19' long. Vehicles will not be entering the parking garage in a quick fashion so there should not be a conflict with vehicles leaving the parking garage. He stated he thinks they could widen the entrance if the Planning Board wishes.

Mr. Coronati distributed photographs of the proposed fencing. He discussed CMA Engineers other concern about adequate capacity for storm water. Mr. Coronati spoke with Chris Jacobs of the DPW recently about the existing drain lines in the area. He noted he will work with the DPW to evaluate the situation.

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Mr. Coronati stated that the Fire Department is concerned about the location of the nearest hydrant. He noted that they need to be within 600 feet of a hydrant. There are two in the area. One is 475 feet from the edge of the property on the west side and the other on the east side is 365 feet away and it is located on the south side of Ocean Boulevard. The Fire Department would like them to add a hydrant - this would be a Town hydrant.

The Fire Department also discussed overhead obstructions in their review comments. Mr. Coronati noted that there are none. That does not include the parking garage but fire apparatus does not need to drive through the building to access the rear of the building.

Clearance in the parking lot was discussed. They meet the criteria.

Snow storage is limited but they have a corner of the property in which to place the snow. The remainder would need to be trucked off-site. There will be no snow storage in the buffer area.

The building will need sprinklers and a fire alarm system which is standard for these developments.

BOARD

Mr. McNamara discussed snow storage and the area in front of the building. There will be both per Mr. Coronati. Snow from the sidewalk will be pushed into that area. It is Town land.

Ms. Woolsey discussed the hydrants. She asked if they checked with Aquarion Water Company. They would receive better insurance if the hydrants are within 500 feet. She then asked about parking spaces. There are a total of 49 parking spaces; two spaces for every unit, even the 1-bedroom units. The building tenants will pay for waste removal.

Ms. Woolsey asked about height of the building. It is 52'8" high and 61'4" to the cupola. Ms. Woolsey asked about foundation is going to be a slab.

Mr. Lessard asked if it will be assigned parking. It was stated "yes". Mr. Lessard asked where handicapped parking spaces were. They will stay as visitor spaces unless a resident is handicapped. One parking spot will always have to stay as a visitor space.

Mr. Lessard asked about the location of the transformers. They will be located next to other condominiums. Mr. Lessard noted that there was a problem with that for Harbor Road condominium development. He would prefer it if they were not located where they are proposed. He was concerned about the humming sound bothering the neighbors. Mr. Coronati responded that there will be the 10 foot separation. There currently is overhead electric in that location. Mr. Lessard stated that there should be an agreement prepared on that. Mr. Coronati responded that the agreement would be for the work on the property. Mr. Lessard does not want the neighbors complaining about the transformer noise.

Mr. Lessard discussed the proposed fencing. He discussed that it was not a stockade fence and that it was open at the top. Mr. Ross responded that the fence shown was discussed with the abutters. The abutters wanted a decorative fence. It will be approximately 7.5 high.

Mr. Lessard asked about the trees shown on the building drawing. Mr. Coronati responded that originally it was going to be trees, but he was asked to remove them and instead propose low-lying perennials. Mr. Lessard asked about the fence in the front. Mr.

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Ross responded that it may be a white fence set back a couple of feet from the sidewalk. There sidewalk will be 5 feet of sidewalk and then 7 feet of grass before the fence. They won't be able to collect the snow from over the fence.

Mr. McMahon asked about capping pipes going into the Eel Ditch. He asked if Mr. Coronati will find out where they come from. Mr. Coronati responded that they may go to the pool drain or catch basins - they will find them during construction.

Mr. McMahon asked about the material and elevation of the first floor. Mr. Coronati responded that the parking garage has to have some slope so the entrance of the garage is at elevation 9 but as it slopes up to the back of the building – it gets higher. The back is above elevation 10. Mechanical rooms, etc., are up at elevation 10.

Mr. McMahon asked about the entrance that is being widened. Mr. Coronati needs to check with DPW. Mr. Steffen thinks it is the entrance to the parking garage that CMA Engineers is referring to.

Ms. Woolsey discussed flow-through of stormwater on the bottom floors. The ground around them is at the same elevation.

Mr. Emerick suggested he talk to someone at an insurance company.

Mr. McMahon asked about rodent control during renovation. Mr. Coronati responded that it could be condition of approval.

Mr. Loopley asked about the fence location. Mr. Loopley stated the dumpster is impacting the last parking spot. It is per Mr. Coronati. They are putting a concrete pad in front of the dumpster. This was done for the request from neighbors on Red Coat Lane.

PUBLIC

Gloria O'Leary appeared. She stated that she has a condominium across the street on Winnacunnet Road. She asked about Town snow plowing and stated that people are standing outside their driveways to block snow being from being stored in their driveways. She asked where drainage at front of the building is going to. Mr. Coronati explained that a curb line will be added and catch basins. Ms. Woolsey asked where she was located (Holiday Shores). Mr. Coronati promised this will be acceptable to them.

Patricia Eisenhart (sp), 566 Winnacunnet Road appeared. They live next to Eel Ditch. She explained the work that was done in the past to improve the crossing of Eel Ditch. It is a 16' steel bridge. She is concerned about the impact of this project on Eel Ditch and she worried about drainage. She stated that the ditch was re-done in October of 1991. New rip-rap was put in. They have been impacted by developments. Three-foot culverts used to be there. It was asked if the new construction would touch the creek. She does not want rip rap taken out of the river bed. Their front lawn was dug up and she is concerned about having her land sucked away. She indicated that a lot of money was put into improving the creek bed.

Mr. Nathan Page, Interim Conservation Commission Coordinator, appeared. He explained that the developer will not be allowed to touch the Eel Ditch with their redevelopment. They will be maintaining it the new wetlands appropriate vegetation. The Conservation Commission did not give them permission to impact the Eel Ditch.

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Mr. Page asked, as a resident, not as the Conservation Coordinator, about the proposed sidewalk. He would like it installed at the outer most edge of the right of way. Mr. Coronati responded that the sidewalk will be 2 feet off the fog (white) line. If they were to construct it as Mr. Page suggested he said there may be trouble with on-street parking there in the future.

BOARD

Mr. Emerick stated the PRC resolved a lot of the issues and he commended the Committee. Mr. McMahon asked about upgrading the drain on the south side of Winnacunnet Road. The developer would do this at his expense.

Mr. Olson discussed the fence. He asked about water flow through the parking garage. Mr. Ross responded that it will be constructed of all stone up until the first living floor. Mr. Lessard asked about a sign for the development. Mr. Coronati responded that he didn't add one yet. Mr. Ross indicated that at the end of the building there will be a sign that reads "Hampton Shores".

Attorney Ells appeared to discuss the impact fees waiver request. He discussed the fees under the Impact Fee Ordinance. He noted that the Planning Board makes the decision on the impact fees. He discussed the independent study that was submitted to the Planning Board for this request. Twelve (12) of 23 units will be single-bedroom units. He noted that a one-bedroom unit will probably not have school-aged children. Analysis of neighborhood was discussed. He discussed that the Town Assessor and Town Planner came up with new numbers; similar to those applied to the Sea Spray Condominiums. He stated that he is in agreement with what the Town Planner has proposed in his memorandum. Attorney Ells stated he would object if the waiver request needed to be continued.

Mr. Emerick asked about the unit that currently exists. Attorney Ells stated it was not factored in. There was discussion about this. Mr. Ross noted that the current owner has occupancy for 3 units; seasonal and year round. Mr. Lessard wondered if it should be continued to get this issue clarified. There was more discussion in this regard. Attorney Ells conferred with Mr. Ross and indicated that they were amenable to the Planning Board utilizing the fee as outlined in Option D of the BCM Planning, LLC report. RSA 79-E was mentioned and Attorney Ells stated that the developer would not be pursuing that relief.

MOTION by Mr. McNamara to accept jurisdiction.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. McNamara to approve the special permit in accordance with the Conservation Commission's letter dated September 30, 2013.

SECOND by Ms. Woolsey.

VOE: 7 – 0 – 0

MOTION PASSED.

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MOTION by Mr. McNamara to grant the impact fees waiver request to reduce the fees to the amount outlined in Option D of Table 7 of the BCM Planning, LLC study and in the Planner's Memorandum dated October 31, 2013 and revised on November 6, 2013, which states:

For the 12 1-BR – 1 bath – 87 SF units, the fee per unit would be \$581 (½ of the standard \$1,898 fee per unit) at 61.8% occupancy, which results in a fee of \$4,309. For the 11 2-BR – 1-1/2 to 2 bath – avg. 1,109 SF units the fee per unit would be the standard \$1,898 fee (for MF residential) at 61.8% occupancy, which results in a fee of \$12,903.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Steffen discussed the landscaping on Town property. He noted the additional conditions of approval suggested by the Town Attorney. He stated that the applicant was not aware of them so he read them aloud.

MOTION by Mr. Emerick to approve the site plan with the conditions contained in the Town Planner's Memorandum dated October 31, 2013 and revised November 6, 2013.

SECOND by Mr. McNamara.

Mr. McMahan asked about conditions 8, 9, 10 & 11 of the Planner's Memorandum. He feels those items need to be in the deed rather than the condominium documents regarding Town land. He indicated that the Selectmen could deal with that when they are approached on the landscaping installation.

VOTE: 7 – 0 – 0

MOTION PASSED.

13-044 12 Nor'East Lane

Map: 99 Lot: 8

Applicant: Daniel C. Hoefle, Co-Trustee of the Nor-East Lane Irrevocable Trust
Owner of Record: Nor' east Lane Irrevocable Trust of 2005
Special Permit: Emergency authorization to complete repair of existing seawall.

Attorney Daniel Hoefle appeared along with Corey Colwell from MSC Engineering. Mr. Colwell explained that it is to complete the repair of an existing sea wall. It was granted emergency authorization by NHDES in May of this year. An as-built plan has been provided to Planning Board. The Conservation Commission conducted a site walk on October 19 and considered the application at their meeting on October 22. They have requested written permission from the abutting property owners to the south. They received a letter on October 21 which was passed out to the Planning Board members.

The wall is a rectangular, block wall. Mr. Colwell thinks it is better than a rip-rap wall. The wall is approximately 10 feet high and wide.

This is a post-construction application.

BOARD

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Mr. Emerick noted he attended the site walk. This is not an after-the-fact since this was for an emergency repair. Ms. Woolsey stated that NHDES is issuing permits and not telling the Town. They will need to go before the Selectmen as well.

Ms. Woolsey asked if it has steps. There are steps on both sides.

She noted that the Town would be asking for liability insurance in the amount \$2 million if the rocks are on Town property. Mr. Loopley noted rocks being located on Town property has been an issue in the past.

MOTION by Mr. Lessard to approve the special permit in accordance with the stipulations contained in the Conservation Commission's letter dated October 25, 2013.

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

13-046 609 & 611 Ocean Blvd.

Map: 235 Lots: 13, 14-1 & 14-2

Applicant: 611 Ocean Condominium

Owners of Record: 611 Ocean Blvd, James Broderick, III, Sandra Puzzo & Francis & Mary Broderick

Site Plan (Amended): Reconfigure access & parking to coincide with current use of property which differs from original site plan approval.

Waiver Request: Section VII, A & B, Access & Roadway Design and Parking Lot Design.

Mike Schlosser of MJS Engineering appeared. He explained that the parking lot layout has been re-configured. They are proposing to remove the stacked parking configuration. He discussed vehicle turning radii. They are proposing to extend the 10' wide right of way at 609 Ocean Boulevard to the rear of the property. They have submitted a State application for the changes but have not received an approval yet. They also are requesting the above-noted waiver request.

BOARD

Mr. Lessard noted that he attended the original walk months ago. He asked about vehicles driving beyond the pavement and whether they will utilize bumper blocks. Mr. Schlosser replied that curb stops were proposed there, but the Conservation Commission has asked for a two-foot high retaining wall. They did not add one but are instead proposing a pressure-treated wooden guardrail. This will minimize the wetlands impact and will allow drainage to flow through.

Mr. Lessard asked if there will be a signage proposed. Mr. Schlosser replied "yes". The Conservation Commission has not seen the guardrail.

Mr. Olson asked if this was along the wetlands edge. Mr. Olson asked about the edge of pavement and why they reduced the area. The proposed edge of pavement was discussed.

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Mr. Olson asked about parking spaces numbers 10 and 11. The remaining 2 foot area will not be paved but will be grass per Mr. Schlosser. There is a topographical issue on the plan per Mr. Olson and Mr. Schlosser agreed.

PUBLIC

Mr. Nathan Page, Interim Conservation Coordinator, appeared. He stated he thought there would be a guardrail/retaining wall put in. He explained that in 1984 the site plan looked a lot different. He noted there was no one at the Conservation Commission meeting for this application last month. He stated the Conservation Commission wanted a 2 foot high guardrail - it was not meant to be a retaining wall. Mr. Page stated that the guardrail is an acceptable solution. He noted the Commission was pleased with the proposed snow storage area.

BOARD

Mr. Lessard stated the amended site plan will need to be recorded and the condominium documents amended to show the parking spaces and how they will be assigned. The documents shall also indicate the responsibility for maintenance of the fence/retaining wall/guardrail so that it does not disappear over time.

Mr. McMahan asked about footing for the guardrail. They will be installing to the frost line. Mr. Schlosser stated they will be driven into the ground. This proposal is not included in the State permit requested.

MOTION by Mr. Emerick to grant the waiver request.

Mr. McNamara asked about site plan approval in 1984. He discussed his concern with approving waivers for something that was done not in conformance with the regulations. He is concerned about what this tells other applicants who have to comply with our regulations. There was discussion amongst the Board about the 1984 approval and what has occurred in the years since. It was noted that we have follow-up today and inspections to ensure that the developments are done per the approval. Mr. Steffen responded that we can't force them to eliminate condominium units.

Ms. Marlene O'Connell one of the owners at 611 Ocean Boulevard appeared. She stated that they are no owners still around from 1984. None of the current owners knew what the approved site plan showed and nothing has been done to the driveway in 30 years. They just want to maintain the property. Mr. Schlosser stated that the original '84 site plan approval would not work.

SECOND by Ms. Woolsey.

VOTE: 6 – 0 – 1 (McNamara)

MOTION PASSED.

MOTION by Mr. Emerick to approve the amended site plan as submitted with the conditions contained in the Town Planner's Memorandum dated October 31, 2013.

SECOND by Mr. McMahan.

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VOTE: 7 – 0 – 1 (McNamara)

CONTINUED PUBLIC HEARINGS

13-025 609 & 611 Ocean Blvd. (continued from 6/5/13 & 8/7/13 & 9/14/13)

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.

Mr. Schlosser appeared again. He noted that he was going to cover the recommendations in the Conservation Commission's letter but that it had been done already.

MOTION by Mr. Emerick to approve the special permit to include the installation of guardrail as proposed in the guard rail detail sheet dated 11/6/13 instead of the retaining wall and with the other stipulations contained in the Conservation Commission's letter dated October 25, 2013.

SECOND by Ms. Woolsey.

VOTE:7 – 0 – 0

MOTION PASSED.

V. CONSIDERATION OF MINUTES of October 16, 2013.

MOTION by Mr. Lessard to accept the October 16, 2013 Minutes.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 1 (Lessard)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- 155, 165, 175 Island Path – Special Permit – Remediation Work Extension (above)
- Zoning Proposals for the Beach Area

Mr. Olson asked for general opinions from the Planning Board. Ms. Woolsey inquired about whether the proposal is to rezoning the Business-Seasonal zone. Mr. Steffen responded that he suggests that the Board look at re-zoning the target area--A Street to F Street including property one lot deep on the west side of Ashworth Avenue to a Business-Seasonal Sub-district.

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It would not be an overlay district. It would be a small, new zone. Mr. Olson asked why it couldn't be an overlay district. Mr. Steffen responded it could be but he felt it would be easier or cleaner to plug the new requirements into the dimensional requirements chart as a new zone called the Business-Seasonal Sub-district.

Mr. Steffen also stated that he proposes that the Board amend for Multi-Family Dwellings article, Article VIII to exempt those properties in the sub-district and the BS zone from those requirements. Mr. Lessard stated he would like to consider that as a separate article.

Mr. Lessard asked to just discuss height and Mark Olson's proposal.

Ms. Woolsey discussed she is not comfortable going over the 50' in height because the ZBA gets involved and in recent years the public feels variances are just becoming rubber stamps with regard to height. She feels the ZBA isn't holding back on heights. She would like to see provisions in the article about keeping building design with a New England-like feel.

Mr. Loopley stated he does not believe 50 feet makes sense any more. Mr. McNamara also stated he thinks 50 feet is too low. He thinks to F Street to A Street isn't far enough. He would like to see it expanded up to Winnacunnnet Road.

Ms. Woolsey discussed density, population and public safety per comment received by Deputy Police Chief Richard Sawyer.

Mr. McNamara stated he would like to see an additional 10 feet for cooling units or an elevator extension provided they are set back from the street and don't cause shadowing of the beach.

Mr. Emerick stated that with whatever the Board does it shouldn't encourage "boxes" to be built. He thinks for decorative features there needs to be something added. Living space should have 11' high ceiling. It was noted that twelve feet (12') is being used for residential only. Commercial space on the bottom level would be higher.

Mr. Loopley would like to see 70 feet for a habitable space height with 10 feet added for appurtenances. Mr. McMahan asked if this would include cellular towers.

Mr. Lessard discussed shadow on the beach. He noted that the RPC drawings were not helpful in that regard. He suggested changing the shadow date to September 1st.

Mr. Olson stated he doesn't want sub-sections.

The Planning Board was in agreement to put together a zoning article to increase the height limit to 70 feet with 10 additional feet for appurtenances and architectural features within the newly designated area called the Business-Seasonal Sub-district.

There should be a separate article for the proposed changes to multi-family residential requirements.

Commercial use only on the first floor will be added to the proposed wording of the article on the sub-district.

There was discussion about revising the multi-family residential requirement for side setbacks. Mr. Loopley stated he would to see them stay together. It was decided to just do the height change this year. Mr. Steffen is to deal with the Business-Seasonal change only as he outlined. It would include the sub-district. Mr. Lessard asked Mr. Steffen to discuss this with the ZBA for its input.

VIII. ADJOURNMENT

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MOTION by Mr. Mr. Emerick to adjourn.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Steffen mentioned the RPC Legislative Forum next Wednesday, November 13th at the Unitil Headquarters. A brochure is available at Planning Office.

MEETING ADJOURNED: 9:21 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