

**HAMPTON PLANNING BOARD**

**MINUTES**

**April 2, 2014 – 7:00 p.m.**

**PRESENT:** Mark Olson, Chair  
Brendan McNamara, Vice Chair  
Tracy Emerick  
Fran McMahan, Clerk  
Rick Griffin, Selectmen Member  
Keith Lessard  
Maury Friedman, Alternate

**ABSENT:** Mark Loopley

**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**

- Gabriello Gabrielli – Parking Lot (13 spaces) - 15 Church Street

Mr. Olson stated that 15 Church Street, Gabriello Gabrielli, wishes to be continued to May.

Mr. Olson also noted that the Planning Board will hear 275 Ocean Boulevard before 48 Hobson.

**III. NEW PUBLIC HEARINGS\**

**14-011 421 Lafayette Road**

Map: 160 Lot: 24

Applicant: Swain Court, LLC

Owner of Record: The James J. Zegouros 2010 Trust

Site Plan Review: Mixed use building consisting of eight, 1-bedroom multi-family units on second & third floors. First floor (level) to be commercial.

Mr. Emerick recused himself.

Attorney Peter Saari appeared along with Joe Coronati of Jones & Beach. Mike Keane was in the audience as well.

Mr. Coronati stated this went before the ZBA and went through the PRC process as well. It is all paved in the front. They tried to fit in with the downtown neighborhood. The Village District Zoning was being worked on while this project was in the works. The first floor is commercial and the 2<sup>nd</sup> and 3<sup>rd</sup> floors are residential. There will be eight one-bedroom apartments. The curb cut on Lafayette Road was discussed. A 10' radius will be added to the

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curb. The sidewalk on Lafayette Road will be on Town property; 5' of it will be on Town property. The other 5' will be on private property. They wish the sidewalk on the Town property portion be maintained by the Town, **but they will go before the BOS.** Six parking spaces will be eco pavers. They will gutter locations along roofline. A StormTech system is designed under the parking lot to eliminate splashing.

Mike Keane, architect, appeared. They worked with the Village District Ordinance. It will have clapboard siding. The back of the building has a separate entrance to the apartments. The commercial entrance is on Lafayette Road.

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Mr. Lessard asked about the signage. There is a sign above the awnings. Mr. Lessard asked about further overhead signs. None are planned at this point per Mr. Keane. Mr. Lessard asked about how entrances will be noted. It could be a glass door per Mr. Keane. Mr. Coronati said there are no tenants now for the ground floor. Mr. Olson asked about a blade sign.

Mr. McNamara asked how many tenants will be on the ground floor and Mr. Coronati believes one. There is no way for residents to walk through the commercial space. There is no fourth floor; the windows are just for effect.

Mr. McMahan asked about the height of the building; it is 33 feet to the eave and 46'6" to the highest point. Zoning is at 35'. It was asked if a variance was received on the height. Yes, but before the passing of the Ordinance. The height was 50' before. They are operating under the 50'.

Mr. McMahan asked about the sidewalk on Swains Court. It will be curbed. Swains Court is a public street per Mr. Coronati.

It will be bituminous on Lafayette Road.

Mr. Griffin asked if there is an elevator and it was stated "yes". He asked about footage on the first floor.

### PUBLIC BOARD

Mr. Olson thinks the project looks great; it is in the spirit of the Ordinance. He thinks the architecture is appropriate. He is impressed with the parking of the cars.

Mr. Lessard asked about apartments and he believes that someday they will be condominium units. He discussed using the public parking lot as its parking; **Mr. Lessard wants to see assigned parking spaces to residential units.**

Mr. Coronati agreed to that. Mr. Lessard asked about the sump pump and generator for flooding conditions. Mr. Coronati talked with Mr. Welch about the sump pump. There is a catch basin located out front. He is not sure about the generator. **If there is going to be one, Mr. Lessard wants to see it on plans.** Mr. Coronati said they will show a generator location.

Mr. Coronati stated there is an area for trash under the carport area for trash bins. There is room for recycling as well. The commercial trash will need to be checked out. It will

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be kept inside the unit and then brought out on trash day. The elevator does go to the basement, but is only available to the residential portion. Mr. Keane can change that.

Mr. Olson likes the creativity for snow storage as well. Mr. Lessard asked what a permitted snow storage place is.

Mr. McMahon gave Mr. Coronati Mr. Welch's recommendations. **He discussed #14 and the importance of it.**

Mr. McNamara asked about adding a contingency to make sure the plan gets filed before we put the Ordinance on the Town to make sure the 35' and 50' feet that there is no misunderstanding between the two. It's easily defined. They may need another variance. The second meeting date needs to be checked. Mr. Coronati said they will look into that. If there is a conflict, they will need to go back and get a height variance.

Mr. Lessard asked about #15 on the Mr. Welch's memorandum. Right now there are no condominium documents. If/when it is converted, how will it be taken care of. **Mr. Lessard would like #15 clarified.**

Mr. Welch appeared. It is not a condominium. The infiltration issue was discussed. If it needs to be cleaned, they don't want the water pumped out on the street. It is referring to property and or its successor in title. The wording will be changed. **The conditions should be on the cover of the plans. It will be noted on the plans. It should say "owner and/or successors"**.

Mr. Lessard asked about the numbers 1 through 18 and #13 on the third page. If the attorney states they need a variance, they cannot approve the project. Mr. Olson doesn't want to drag them back in here. Mr. McNamara stated there are deadlines and it needs to be met.

Mr. Coronati asked for conditional approval subject to the ZBA approval.

**MOTION** by Mr. McNamara to conditionally approve the site plan. For the applicants to attend the next ZBA meeting and return to Planning.

Mr. Coronati said they still have the ability to create the project with the 35' height. They will go forward to ZBA, but they won't be back to Planning until June.

Mr. Coronati said they will change the look of the building.

Mr. Keane said taking the pitch roof off will bring it into compliance.

Mr. McMahon asked about mechanicals at the top of the building.

Mr. Olson said the commencement of the project fell within odd dates, but the proposed project is what the Town is asking for. He wants to approve it contingent of it going to the ZBA and getting its blessing to move forward.

**MOTION** by Mr. McNamara to approve the site plan with the contingency of the ZBA granting of the variance for height (height on proposed project is It's 46'6") and along with the stipulations contained in the Town Manager's March 27, 2014 Memorandum from Fred Welch, as amended. The Planning Board also needs the architectural drawings/elevations of the new project.

**SECOND** by Mr. McMahon.

Mr. Olson stated the Board received a letter from Arthur Moody. Mr. Olson read the letter from Arthur Moody.

**VOTE: 6 – 0 – 0 (Mr. Emerick recused)**

**MOTION PASSED.**

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**14-012 19 Cole Street**

Map: 265 Lot: 38

Applicant: Ronald and Susan Todd

Owner of Record: Same

Condominium Conversion: Convert existing three-unit apartment to a three-unit condominium. No alteration of structure or change of use.

Waiver Request: Section V.D. – Detailed Plan.

Attorney Stephen Ells appeared. This proposal was heard in May of 2010 to convert the three-unit apartments to three-unit condominiums. The Planning Board voted to approve this. The Todds let it go. They are back with virtually the same identical set of plans as before. They have year round CO's. It will be identical to the apartment building. The change is in the form of ownership. Each unit has two bedrooms. They are asking for a waiver in the Detailed Plan since there is no change in the building.

Attorney Ells discussed the history. The original plan showed two parking spaces in the southerly driveway of the property. They were slightly less than 9' wide. The Board back then met with Attorney Gearreald and came up with the parking arrangement the Board is seeing now. Attorney Ells stated that Unit 2 is partially obstructed. Attorney Ells said we are dealing with a pre-existing non-conforming structure. He only wants to convert the form of ownership.

Attorney Ells discussed a lawsuit that happened on Johnson Avenue in the past. He stated the Town did not prevail. Attorney Ells said this is pre-existing and can be there indefinitely. RSA 356-B:5 was read aloud. He stated if the Board denies this, they will be going against that RSA.

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Mr. McNamara asked about the size of the parking spots. They are 9 x 18. They were 8.3 and 8.4 feet wide in the past. One of the **conditions was for approval of condominium documents.**

Mr. Lessard stated the Board already went down this road.

**MOTION** by Mr. Lessard to grant the waiver request.

**SECOND** by Mr. Emerick.

**VOTE: 6 – 1 (McNamara) – 0**

**MOTION PASSED.**

**MOTION** by Mr. Lessard to approve the condominium conversion with specifications noted on plan dated 5/5/10.

**SECOND** by Mr. Emerick.

**Vote: 6 – 1 (McNamara) – 1**

**We need to obtain and review the condominium documents.**

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**14-013 6 Brooke's Lane**

Map: 6 Lot: 3-3

Applicant: Geoff Rallis

Owner of Record: Brooke's Lane, LLC

Special Permit (After the Fact): Restoration of disturbance to create an access point for installation of a drilled well.

Mr. Geoff Rallis appeared. It is his intention to comply with the Conservation Commission's recommendations.

**PUBLIC**

Mr. Jay Diener of the Conservation Commission appeared. The timing was an issue. He is ready to close on the property. There are plantings being requested to be installed. Now is not a good time to put plantings in. Once this property is closed, Mr. Rallis is gone and the responsibility is for the property owner. The Commission wants to wait until the weather is good before Mr. Rallis puts plants in so that the plants will thrive. Mr. Rallis will go in within the next week or so and do what is asked and Mr. Rallis agreed. He can put up a bond if needed. He can put hay down as well. Mr. Lessard asked for a \$1,000 bond. Mr. Emerick said it would be just a deposit; the \$1,000 to be put in escrow. Mr. Rallis wants to know that once the plants are in the ground, how long will money be held and Mr. Diener stated in time for an inspection by Ms. Dionne. Mr. McNamara stated the Conservation Commission would like to have success with two growing seasons, but the Board stated **the escrow of \$1,000 would be held until June 1, 2014.**

**MOTION** by Mr. Lessard to grant the special permit along with the stipulations contained in the Conservation Commission letter dated March 28, 2014 and that a \$1,000 escrow will be set up to and will be released after the plants are planted. The site will be inspected on or before June 1<sup>st</sup> and any monies will be released within two weeks of the inspection.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**And to include the Town Manager's Recommendations dated April 2, 2014.**

**IV. CONTINUED PUBLIC HEARINGS**

**PB agreed to hear 275 Ocean Boulevard before Hobson.**

**14-003 275 Ocean Blvd. (continued from March 5, 2014)**

Map: 282 Lot: 85, 87-1 & 87-2

Applicant: Green & Company

Owner of Record: JCM Management, LLC

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#### **Site Plan: Construction of 36 residential condominium units and 6 commercial condominium units.**

Attorney Peter Saari and Attorney Ells appeared along with Michael and Richard Green and Mr. Whitcher.

Mr. Coronati discussed all comments being up to date now. Police issued comments which are just notes on the plans. All have been added to notes on the site plan. The Fire Chief had issues about turning and Mr. Coronati addressed those as well. The ladder reaching the fifth floor was discussed. The O&M has been addressed and revised as well.

Mr. Olson asked about location of the transformer and it was stated that Unitil is good with the location.

#### **PUBLIC BOARD**

Attorney Saari asked about the impact fee. They want to come back (maybe in June) to ask for a waiver for the impact fee. He asked if an analysis has to be done.

It's 36 units. Mr. M. Green said none of the units have school kids. Attorney Ells said the Planner and Assessor came up with a recommendation consistent with the expert's recommendation.

Mr. Emerick just wants the applicant to just re-submit and not duplicate the work. Attorney Ells could get a letter from the expert and bring any issues to the forefront. **Attorney Ells will have this ready soon.**

Mr. McMahan asked about #14 of the Town Manager's Memorandum, with reference to the condominium documents. He asked about the communication facilities. Attorney Ells drafted those documents. They are contemplating telecommunication units. The most likely space would be the attic space. This is similar to what is going on at the Seaspray now. It would be in attic area. There is a set of plans that shows five commercial units on the first floor. The telecommunications unit may go in one unit. In the condominium documents, the entire first floor (5 units) are noted as convertible space. Certain space can be set aside as convertible/changeable. He's reserved right to convert the space and do a new plan and come back to Planning. If a telecommunications unit is done, the attic would hold the towers. They have to do this before selling the unit.

A plan (floor plan) should be drafted to identify an area in the attic for potential future limited common area for telecommunications. The first floor would be a utility room. **Mr. McMahan asked if this conflicts with commercial on the first floor. It's not open to the public,** but it serves the public. Attorney Ells feels it is commercial.

**Mr. Lessard asked about a generator at the end of High Street. If there is going to have to be a generator, Mr. Lessard wants it on the plan.** Two carriers require generators and two do not. Attorney Ells said they'd have to come back to Planning.

Mr. McMahan asked again about the commercial use; **he feels it's not the intent of the ordinance. Attorney Ells may need to approach the building inspector.** It's retail/commercial, but it's different than in the spirit of the ordinance.

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Mr. Olson asked about the bottom of the building – if it is masonry. All the red is masonry. It's a thin-set brick.

Mr. Coronati said #11 talks about snow and snow removal after each storm. Mr. Coronati asked that he does not have to remove snow off of the ecopavers. He wants to keep the 22' aisle area clear for fire access. The 22' aisle way is to remain clear of all snow for access.

Mr. Welch came forward. He stated to keep the snow away so that the aisle will not be blocked – ever. If there are multiple snowstorms and if the area where snow is stored is full, they need to keep that area clear at all times. We can add that word “additional” onto #11. Or “remove all snow that is not in the snow area” or “once snow exceeds the snow area, remaining snow will be removed”

Attorney Saari wants to get the foundation started right away. There is a 30-day appeal process. It is up to the building inspector also.

Mr. R. Green wants to start ground work prior to every condition being met.

**MOTION** by Mr. Emerick to approve the site plan with the change of language noted in #11 of the Town Manager's Memorandum dated March 27. It will state that “once snow storage exceeds the snow area, snow will be removed”; the area needs to be clear at all times.

**SECOND** by Mr. Lessard. The impact fees will be addressed at a later date (within a couple of weeks).

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**12-033 48 Hobson Avenue (after the fact) – continued from October 2, 2013 & November 6, 2013 & December 4, 2013 & January 15, 2014.**

Map: 289, Lot: 8

Applicant: Kelly Ford

Owner of Record: Same

Special Permit: Replace rear deck from 8 feet x 6 feet to 10 feet x 8 feet.

The applicants did not appear.

**PUBLIC  
BOARD**

**MOTION** by Mr. Emerick to deny the special permit.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES of March 19, 2014**

**MOTION** by Mr. McMahon to approve the March 19, 2014 Minutes.

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**SECOND** by Mr. Emerick.

**VOTE: 5 – 0 – 2 (Griffin and Friedman)**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

Mr. Olson discussed meetings regarding the Taylor River Bridge project. It is a red-listed bridge. The last meeting was June 15<sup>th</sup> and they are noticing that there will be a new meeting at the Hampton Falls Selectmen's meeting room on Wednesday, April 9<sup>th</sup> at 6:30. It will be posted in the foyer of Town Hall.

Mr. McNamara discussed the alternate position for the RPC. He had an applicant interested in filling the second alternate position. It's Eileen Latimer and she may write a letter letting us know of her intentions. She may want to be an alternate to the Planning Board as well.

**VIII. ADJOURNMENT**

The Planning Board announced it will be meeting with Town counsel.

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

**SECOND** by Mr. Griffin.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 9:00 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**