

HAMPTON PLANNING BOARD

MINUTES

May 21, 2014 – 7:00 p.m.

6:00 Public Meeting – Selectmen’s Meeting Room
Non-public Session - RSA 91-A:3, II (b), roll call vote required

PRESENT: Mark Olson, Chair
Tracy Emerick
Fran McMahon, Clerk
Keith Lessard
Mark Loopley
Anthony Ciolfi, Alternate

ABSENT: **Brendan McNamara, Vice Chair**
Rick Griffin, Selectmen Member

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

- Change of Use – 150 High Street (Doggie Day Care)

Attorney Ells appeared. The applicant was not successful in obtaining a variance before the ZBA. He withdrew without prejudice. No vote was taken.

III. CONTINUED PUBLIC HEARINGS

1042 Ocean Blvd. (continued from March 19, 2014 & May 7, 2014)

Map: 116, Lot: 12-1

Applicant: Mark & Janet Gacek

Owners of Record: Same

Special Permit: Construction impacts for grading and a retaining wall within the 50’ buffer.

Attorney Steve Roberts appeared, of Hoefle, Phoenix & Gormley. Mark Gacek appeared also with Steve Riker and Eric Weinrieb. When the applicants appeared before the Planning Board in December, there was a Conservation Commission recommendation for the approval of the seawall, but the Conservation Commission did not look at the retaining wall. This Board granted approval for the sea wall. The Planning Board wanted the applicants to go back to the Conservation Commission to deal with the retaining wall issue. The applicants met with Kevin Schultz, the Building Inspector, and then went back to the Conservation Commission on March 25th. Attorney Roberts believes the applicants comply with all criteria.

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The Conservation Commission has agreed with the applicants and received unanimous approval.

Mr. Weinrieb from Altus Engineering discussed reducing storm water run-off and improving storm water infiltration. Mr. Gacek and engineers are doing a lot of work on this. They have discussed the C2 plan with Mr. Schultz. FEMA regulations are being complied with. They provided Mr. Schultz with all necessary material.

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Mr. McMahon asked about timing with the Board of Selectmen. Attorney Roberts stated that that issue is regarding the sea wall; not the retaining wall we are discussing now. Attorney Roberts noted that this is the last Town permit Mr. Gacek needs to obtain.

Mr. Loopley believes the applicant met all the conditions the Planning Board is looking for.

MOTION by Mr. Emerick to grant the Special Permit in accordance with the conditions contained in the Conservation Commission letter dated March 28, 2014.

SECOND by Mr. McMahon.

VOTE: 6 – 0 – 0

MOTION PASSED.

11-044 Juniper Lane & Huckleberry Lane (Litchfield Drive)-(continued from 5/7/14)

Map: 96, Lots: 2E & 2F, Map: 97, Lot: 1-10

Applicant/Owners of Record: Great Meadow Realty⁷ Trust; Huckleberry Woodlands, Inc. Candia Rangeway Realty Trust, David & Julee Sanderson, Trustees

Conditional Approval Modification - Drainage System (Maintenance) – Outside the Right of Way.

Attorney Peter Saari, Joe Coronati of Jones & Beach, Rick Green and Attorney Ells appeared. Mr. Sanderson was in the audience. This application deals with the easement. It was in the prior Planner's (Jamie Steffen's) memo. One of the recommendations was the Town would have a back up role in the maintenance on the drainage and easement infrastructure. The Town does not have the willingness to deal with these issues in any capacity. The applicants are still dealing with the conditions of approval. The Planning Board needs to deal with Jamie Steffen's conditions of approval.

Mr. Olson asked about our letter from the Town Manager regarding RSA 41:14-a. The Planning Board voted on that at the last meeting. Mr. Welch said the Selectmen went through the process and voted to not accept the easements. It was requested that the Planning Board remove that recommendation from the prior requirements. The Planning Board concurred in doing that. Mr. Welch stated that it appears the project is clean.

The "Stormwater Drainage Easement" is in the process of being removed from the Subdivision Regulations and Site Plan Regulations. The responsible party will now be the future Homeowner's Association. The Planning Department will need to know that it is taken care of.

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It was noted that this is just with regard to the gravel wetland pond; not the entire drainage system in the street. Mr. Olson asked about the gravel wetlands and the Town's ability or inability to deal with that. It was noted that now the responsibility is on the Association.

Mr. Loopley asked about the letter – signing the mylar, etc. Quiet Title was discussed. Mr. Welch noted that it is close to getting fixed. Mr. Welch said there are three sets of mylars to record with the whole process. When the mylars are finished, the Chairman should be able to sign all three of them at the same time.

PUBLIC

None

The Planning Board needs to direct the Chairman that once the mylars are completed and submitted and in order, they can be signed and recorded; the mylars are for Downer, Lot 6 and the main subdivision. All Planning Board members agreed for Mark Olson to sign the mylars and move forward with all criteria being in place. No vote taken.

IV. NEW PUBLIC HEARINGS

14-018 275 Ocean Boulevard

Map: 282 Lots: 85, 87-1 and 87-2

Applicant: The Surf Condominium & Retail of Hampton, LLC

Owner of Record: JCM Capital Management LLC

School Impact fees: Partial Waiver Request, Section 5.5.e. of the Impact Fee Ordinance.

Attorney Ells appeared with Mr. Rick Green. At the time the Planning Board heard the now-approved original application for the 275 Ocean Boulevard project, the Planning Board informed the applicants that it would be okay for them to file a subsequent application for a partial waiver for the school impact fee. This project is very similar to the Sea Spray Condo project; same proximity to water; similar unit sizes, etc. The experts indicated that they did not need to see another report. Attorney Ells resubmitted the Sea Spray analysis and provided a cover letter from BCM Planning confirming that this project is similar to the other project. As a result of the prior hearing, and after consulting with the Town Assessor, Town Planner and possibly Town Attorney, Option B was selected.

After the Town Planner consulted with the Town Assessor, Option B was selected as to what the units would be assessed at. There were a number of small units in the 600 square foot range. For assessment purposes, the expert said to call them a full-blown, 2-bedroom and started with the \$1,898 per unit amount, and then discounted that number by projection of the fact the units will not be occupied year round. He went through the analysis. Given the size of the smaller units, there probably will not be school-aged children. Attorney Ells discussed the first year of occupancy at the Sea Spray. Only a few have lived there year round. Mr. Green does not know of any school-aged children. The units are second homes for almost everybody. Option B is being recommended.

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It was asked if the applicant closed on the project and it was stated “yes”. It was asked that since units aren't sold yet, why they are already seeking relief. Attorney Ells said the waiver gets paid by the time a CO is issued. Attorney Ells said we don't know who will be buying the properties. The expert is saying it's very likely they won't have school-aged children. Mr. Green said it is the same as the Sea Spray.

Mr. Loopley has trouble with the timing of it. Mr. Lessard said this should be run by Assessment. Impact fees aren't due until there is a CO. Mr. Green said they can run it by Assessing for its blessing. Last time, the Planner had a memo from the Town Attorney and assessor, but there is no rush per Attorney Ells.

Mr. Emerick said the pressure is on the Assessor. Let's continue it to the June 18, 2014 per Mr. Emerick.

MOTION by Mr. Lessard to continue this application to the June 18th meeting date.

SECOND by Mr. Loopley.

VOTE: 6 – 0 – 0

MOTION PASSED.

IV. CONSIDERATION OF MINUTES of April 2, 2014 and May 7, 2014.

MOTION by Mr. Lessard to approve the April 2, 2014 Minutes.

SECOND by Mr. McMahon.

VOTE: 4 – 0 - 2 (Ciolfi and Loopley)

MOTION PASSED.

MOTION by Mr. Lessard to approve the May 7, 2014 Minutes.

SECOND by Mr. McMahon.

VOTE: 5 – 0 – 1 (Ciolfi)

MOTION PASSED.

Mr. Emerick asked about April 2nd, regarding 421 Lafayette Road. The applicant had to go to the ZBA for approval on height. They got approval for the height. Mr. Emerick asked if the applicants need to come back to Planning. Mr. Olson said he believes they are all done.

VI. CORRESPONDENCE

- Release/refund of Escrow Monies – Fred Welch

Mr. Welch discussed the list of escrows that are being held by the Planning Board. Some go back to 2007. They went through the Building Department and Laurie in Planning to review and check to see if there is anything left undone. He asked that the monies on the list (read allowed) can be refunded.

Mr. Welch stated he did not go through Public Works.

MOTION by Mr. Emerick to release the escrows.

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SECOND by Mr. Lessard—including the addition of the Kennebunk project being added to the list.

VOTE: 6 – 0 – 0

MOTION PASSED.

- Riviera – 431-435 Ocean Blvd – Lapse of Approval & Refund of Escrow Monies

Mr. Welch said the applicants are beyond the statutory timeframe and have not commenced with work. They have lapsed under the statute. We need to refund the money. They cannot proceed with project.

MOTION by Mr. Lessard to release the escrow money due to the lapse of the site plan approval.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0

MOTION PASSED.

- Acquisition of Parcel - 5.107 acres (off Great Gate Drive) per 1993 Subdivision

Mr. Welch discussed closing up the Great Gate area. It is the last deed to come in. Great Gate Drive. The Board of Selectmen accepted Juniper, Nersesian, Bayberry, Linden and the balance of Juniper at the end and Huckleberry. We received Deeds for all of those and the Board of Selectmen accepted them Monday night. The 5.108 parcel was in the original subdivision. It needs to go through the 41-14-a. A letter needs to go to the Board of Selectmen. This would be Town property.

MOTION by Mr. Emerick to provide a letter to the Board of Selectmen stating that the Planning Board recommends the acquisition the above parcel.

SECOND by Fran McMahon.

VOTE: 6 – 0 – 0

MOTION PASSED.

This Town land is specified to be Town property. It will be Town property and the Conservation Commission may supervise it. It's non-buildable.

VII. OTHER BUSINESS

- Checklist (form) for Inspection of Gravel Wetland

Mr. Welch thinks that the Planning Board should hand these out the Checklist to each subdivider who has wetlands on its/their property or drainage issues on the property that needs to be maintained. Mr. Ciolfi asked if there are standard maintenance agreements. This form would go with that. It would be incorporated into it. It should be appended to the O&M Agreements. Mr. Olson said it would go with the developers and it can go with owners up front. It will be recorded with the documents at the Registry.

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Gravel wetlands were discussed. Mr. Ciolfi noted that it's like a treatment basin. It treats water, soils and grass. They fail if not maintained. Mr. Emerick said there was one built on 1A—north of the lights. Mr. Ciolfi said they are proven to be the best quality treatment of water now.

Mr. Emerick stated he received the CIP information and asked if the Board would like him to continue on the Committee.

MOVED by Mr. Lessard to have Mr. Emerick continue on with the CIP work.

SECOND by Mr. McMahon.

VOTE: 6 – 0 – 0

MOTION PASSED.

Mr. Olson said he got a call for a conflict for a meeting on June 12th for Town of Hampton and Town of Seabrook. It's for the NH Scenic Byway meeting. There is also a Greenland meeting that same night. The Coastal Hazard meeting will be offered in 2 other communities.

It was asked if Alternates can attend non-public meetings. It was stated "no". If a full Board is present, no alternates. Personnel matters should be dealt with by the "elected" Board only. On other non-public matters, unless an alternate is attending the meeting, they should not attend the non-public meetings.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Lessard.

VOTE: 6 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 7:40 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