

HAMPTON PLANNING BOARD

MINUTES

June 18, 2014 – 7:00 p.m.

PRESENT: Brendan McNamara, Vice Chair
Fran McMahan, Clerk
Tracy Emerick
Rick Griffin, Selectmen Member
Keith Lessard
Mark Loopley
Tony Ciolfi, Alternate
Kristina Ostman, Administrative Assistant to Fred Welch, Town Manager

ABSENT: Mark Olson, Chair
Fred Welch, Town Manager

I. CALL TO ORDER

Vice Chairman McNamara 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

Site Plan Review (Waiver) & Change of Use (Waiver). – **169 Ocean Blvd.**
No change in site plan; Use is consistent with prior use of said address. Applicant is seeking a Variance (special exception re: gaming) to be heard 6/19/14 before the ZBA.
Applicant: Atlantic Gaming, LLC
Owner of Record: Hampton Beach Casino, Inc.

Attorney Robert Casassa appeared along with Sal Lupoli (Hampton Beach Casino, Inc.) and Sean Flannigan (sp) of Atlantic Gaming. They are appearing at the ZBA meeting tomorrow night seeking a special exception. They are appearing for a food and beverage use establishment and charitable gaming at the former Summerwind Restaurant and Lounge. The first floor in the back is where the facility is located. The establishment can hold approximately 87 patrons. The Ordinance was amended to add Section 3.45 a year or two ago. This type of use needs a special exception. The special exception in this zone calls for a site plan review. The applicants are asking for a waiver because what is being proposed is a reconfiguration of the layout of an existing structure. They don't feel a site plan review is necessary.

It is a restaurant which is adding a charitable gaming section. They will be discussing this with the ZBA tomorrow. It is a heavily regulated activity. They have been approved by the State of NH. Approvals are subject to review on an annual basis. Every time they are open, there will be a charity affiliated with the operation and the charity receives 35 percent of the day's earnings. The hours are regulated by statute. The use stays the same; the site plan stays the same. Mr. Lupoli stated that there will be nothing to detract from his property.

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Mr. McNamara asked what kind of gaming would occur. Mr. Flannigan (sp) said poker tables, blackjack, Texas hold em, to name a few. There probably will not be many, if any, tournaments.

Mr. McMahon asked about the times of operation. Mr. Flannigan stated June through September and a couple of weeks in October. They shut down in the spring, fall and June.

Mr. Emerick said the statutes are silly, as written.

Mr. Lessard asked if they expanded if they would need to come back. Mr. McNamara stated yes. Since the operation is in the same footprint now, they are okay.

Mr. Lupoli said he agrees. If it is successful, and if they need to expand, they would come back to Planning. Mr. Lessard asked about the entrance. Mr. Lupoli said the existing entryway remains the same (that went to the bar). The back hallway is for employees only. Mr. Flannigan has been affiliated with gaming of this sort for a long time as has his family. He has extensive experience with his team.

Mr. Cioilfi asked about the site plan. He asked if a final plan gets submitted and it was stated that zoning will get that. The inside will all be new.

MOTION by Mr. Emerick to grant the two waivers (site plan and change of use).

SECOND by Mr. Lessard.

VOTE: 7 – 0 - 0

MOTION PASSED.

III. CONTINUED PUBLIC HEARINGS

14-018 275 Ocean Boulevard (continued from May 21, 2014)

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 Michael Green of Green & Co. They appeared at the last Planning Board meeting and requested a meeting regarding the school impact fees. They submitted an earlier study for the Sea Spray and the same expert did an update on this project. The Planning Board thought the applicants needed input from the Assessor and the Board asked them to come back.

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Ed Tinker, Assessor, agrees with option B and noted that on the cover sheet with his initials and date. Mr. Lessard asked that Mr. Tinker give a Memo to the Board regarding Option B being selected.

MOTION by Mr. Emerick to grant the partial waiver request, using Option B of the Bruce Mayberry study.

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SECOND by Mr. Lessard along with the request of obtaining an official letter/memo from Town of Hampton Assessor with his approval of same.

VOTE: 6 – 0 – 1 (Ciolfi)

MOTION PASSED.

IV. NEW PUBLIC HEARINGS

14-021 609 & 611 Ocean Blvd.

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

Applicants: Francis & Mary Broderick

Owners of Record: Francis & Mary Broderick, James and Mark P. Broderick, Sandra Puzzo & 611 Ocean Condominiums.

Site Plan (Amended): Extension of right of way and removal of one parking space between 609 & 611 Ocean Blvd to satisfy conditions of prior approval. Reconfiguration of Parking Spaces.

Mr. Mike Sievert appeared along with Mr. Francis Broderick. Mr. Broderick proposed to amend the condo site plan of 609 Ocean Blvd. They needed an extension of the right of way to satisfy the conditions of the prior approval of 611 Ocean Boulevard. Mr. Broderick wanted to show as-built conditions as well.

BOARD

It was noted that Fred Welch compared this plan with the original plan.

Mr. McNamara asked why 611 Ocean Boulevard has not been completed. Mr. Sievert stated that the wetlands permits are done. Mitigation out back is being finalized. He will have that permit. They (609) were held up by this extension, which triggered the approval of 609 Ocean Boulevard and the removal of the parking space. The 611 Ocean Boulevard application was approved on November 6th.

Mr. Lessard asked if it is a one way in and one way out. Mr. Sievert said 609 enters and exits out of that one access. There is two-way traffic there. 611 Ocean Blvd comes in on the other side. This is more of an exit.

Mr. McNamara asked how wide the exit is. The right of way is about 14 feet. Mr. Lessard asked about 609 snow storage. Mr. Broderick discussed areas for snow storage.

Mr. Lessard wants to see where the snow is going. He wants that on the 611 Ocean Boulevard plan/mylar as well as on 609 Ocean Boulevard. He also stated that the 50' buffer needs to be on the plans.

Ms. Dionne, Conservation Coordinator, appeared. She stated that the 609 Ocean Boulevard application is not a special permit. There is one parking spot being removed on 609. It was stated that it will be fine to have snow storage put on the plan and the buffer area. It's a site plan/condominium plan. **Mr. Lessard just wants to see information on the plan. It was noted that this is a condition of approval. He asked Mr. Broderick to bring it to the Planning Department. Laurie will have Rayann look at it as well.**

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MOTION by Mr. Lessard to approve the the amended site plans with the conditions that snow storage locations be shown clearly and that the wetlands buffer is depicted on the site plan(s) for plan dated May 21, 2014, Project #: E141580.

SECOND by Mr. Emerick who stated to also include the conditions contained in Mr. Welch's Memorandum dated June 3, 2014.

VOTE: 7 – 0 - 0

MOTION PASSED.

V. CONSIDERATION OF MINUTES of June 4, 2014.

MOTION by Mr. Emerick to accept the Minutes dated June 4, 2014.

SECOND by Mr. Lessard.

VOTE: 3 – 0 – 4 (Ciolfi, Loopley, Lessard, McMahan)

MOTION PASSED.

VI. CORRESPONDENCE

Ms. Ostman discussed CMA's Master Agreement for 377 Ocean Blvd and stated we need the Planning Board's approval to accept the assignment from CMA. Typos need to be addressed as well- (address is incorrect on the Master Agreement). The Planning Board asked why they need to do this. This is new procedure. The Planning Board doesn't know what they approving. Mr. Lessard wants to be more knowledgeable on this. Ms. Ostman recommends going out to different engineering firms for different projects. The Planning Board (McMahon and Emerick) stated "no" and that the Town needs just one outside engineering firm. Mr. Emerick stated the Board needs to look at what CMA is doing.

Mr. Emerick and Mr. McMahon do not want to get involved in CMA invoices/matters until they know more about it. They do not want to jump in the middle of it. Ms. Olivier discussed how the escrows work on the Planning Department end.

The Board asked Ms. Olivier to get Bill Straub (CMA) to come in to speak to the Planning Board about their services, invoicing, lack of detail on invoices, etc. What is encompassed in the two retainers (escrow) received, etc. The Board asked Ms. Olivier to find out how much is spent to CMA from Escrow in prior years. Ms. Olivier stated the invoices just started to step up (last two invoices maybe) showing very little detail, but better than what she has been receiving. Ms. Olivier has been asking from the onset (2011) for detail on the billing. Mr. McNamara recalled receiving many emails from Laurie stating dissatisfaction of invoices. Reports do not match up. Work completed/performed on dates not showing, etc. Mr. Lessard asked to check with **Public Works and Accounting** to see/hear their thoughts. It was discussed by the Board to possibly check on hiring another engineering firm. Mr. Lessard stated we could do a list or spreadsheet of what the Planning Board wants for invoicing. The Board asked Laurie to try to get a meeting with CMA for the **July 16th or August 20th** meeting.

The Planning Board told Ms. Olivier to obtain the retainer on 377 Ocean Boulevard at this time, and they agreed they will not approve anything until they become informed from CMA.

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VII. OTHER BUSINESS

- Resilient Coast Project – Rayann Dionne

Ms. Dionne, Conservation Coordinator, appeared. She stated that Mr. Diener appeared in front of the Board of Selectmen on Monday. She discussed the workshop. She would like some of the Board members to attend. The workshop will discuss preparing for Climate Change and it is on July 17th at Seabrook Public Library from 6 to 8:30 p.m. Jay Diener put an application together for an assistance grant from the UNH Cooperative Extension. It is a no-cost grant. One section is a newly-formed estuary alliance. This has to do with sea level rising and climate change. We are experiencing more intense storms and flooding. We need to look at what's going on as a Town. We need to be proactive.

Ms. Dionne discussed statistics, namely:

1950 and 2002 – there were 14 declared natural disasters. \$59 Million is what it cost.

2002 and 2012 – there were 15 actual disasters in NH. \$151 Million is what it cost.

Protecting infrastructure was discussed. Many other local towns are doing studies on impacts in their communities.

The July 17th meeting will be information on climates and sea level rising. It's similar to the Charrette type of programs. There is a link on the flier. Mr. Emerick asked if anyone was coordinating with the State on this project. The goal is for State and Towns to fit together.

Mr. Lessard asked if residents have to RSVP. It is encouraged to RSVP. There should be no problem if someone is a walk-in. Mr. Griffin will attend. Rayann will RSVP for Mr. Griffin. Mr. Emerick and Mr. McMahon would like to attend also. Ms. Dionne will get them information before the meeting.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn at 8:15 p.m.

Mr. McNamara made an executive decision and wishes to postpone the non-public meeting until Mark Olson is present. He asked that it be placed on the Agenda for July 2nd. Mr. McMahon asked for the meeting to be at 6:00 p.m. The minutes will be sealed. Mr. Griffin stated that he may not be able to attend.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:17 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