

HAMPTON PLANNING BOARD

DRAFT MINUTES

August 6, 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
Brendan McNamara, Vice Chair
Fran McMahan, Clerk
Rick Griffin, Selectmen Member
Keith Lessard
Mark Loopley
Laurie Olivier, Planning Coordinator

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

- Nick Riccio – Temporary Parking Lot - 15 M Street (13 spaces)

MOTION by Mr. Lessard to continue this matter to the end of tonight’s meeting.

SECOND by Mr. Emerick.

MOTION: 7 – 0 – 0

MOTION PASSED.

III. NEW PUBLIC HEARINGS

14-026 377 Ocean Boulevard

Map: 265 Lot: 20

Applicant: Warren Kelly, Kelly Properties

Owner of Record: Ocean Boulevard NTU, LLC, c/o Joseph Lomonaco.

Site Plan Review and Special Permit to Impact Wetlands: Construction of 13-unit condominium building and 7, one-unit condominium buildings with common pool.

Attorney Peter Saari appeared along with Joe Coronati of Jones & Beach and Warren Kelly was in the audience. This project is on about one acre of land. Mr. Kelly thinks this is more compatible with the neighborhood. There is a slight height variance.

The front building is one building with 13 units. There are ten, 2-bedroom units. Two bedroom units are two on the first floor; four on the second; four on the third. There are three penthouse units that are three-bedroom units on the fourth floor. The first floor also has two

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units (residential), but there is a drive-thru parking area. It is a 22'-wide driveway throughout the whole development. There is also a 7-foot walkway that allows residents to go through. There's about 29' between the walkway and driveway. Parking areas off of driveway were discussed. There are four garages. There are four, one-bay parking garages. The pool area was discussed. The pool house with a bathroom will be in the back. This is similar to Keefe Avenue. Three different style cottages are out back. There will be a 14' height clearance.

Utilities and drainage is below grade. Sewer and water lines run out to the back. A hydrant will be installed behind the building.

Impervious surface was discussed. The site is gravel currently. Stormwater will be infiltrated. Three StormTech chamber systems under parking space will be placed. Seventy five percent (75%) sealed surface will remain.

Eco-pavers will be used for the patios.

Impact in 50' buffer – edge of marsh, is off site. There is a leftover piece of asphalt. They will remove asphalt when they build cottages. Planting along back of units will take place. A barrier will be placed at the end of the buffer. They are here for a special permit as well. A wetlands permit and shoreland permit is needed. They received the Shoreland permit.

They went to the PRC. They received additional response letters. He just dropped off letter with written responses.

Frank Ward is the architect who discussed the above.

Mr. Olson asked about the front building. There are 7 in the back. There are 20 in total. No retail on the first floor.

Mr. Ward, architect discussed the building. The front elevation will be gray clapboards with trim. Asphalt roof shingles. Generous decks. The first floor is raised up 5' above grade. They enlarged the trash area.

The second floor is four two-bedroom units.

The third floor is identical to the second floor. The fourth floor is 3 units. Three bedroom units and two-bedroom units.

They want to bring the height up to 51'4". It helps with architectural details. Mr. Lessard told them they need a variance on that. They already obtained that. Equipment will be on the roof.

Mr. Ward discussed the cottages. Two bedrooms and a loft. Option for 2nd bathroom on second floor of loft area is available.

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Mr. Lessard asked about a sign for the entrance, sign with the name of the condominium, address, etc. Mr. Coronati stated they haven't talked about signs on the buildings yet. **Mr. Coronati said it would be a good idea to add that. Also, an entryway needs to be addressed.**

Mr. Lessard asked about parking spaces. He should not walk thru traffic in center of building. The front door will say "Entrance". That will lead to the back and then there is a crosswalk.

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Mr. McMahon asked about a transformer. Mr. Coronati showed the location—near the Ron's Landing building. They coordinated with Unutil. The main power line is out in the marsh area. An overhead power line across the site will be placed also.

There will be above-ground green transformers. There is not a back-up generator.

Mr. Lessard asked about cellular towers – they answered NO, no cell towers. Mr. Coronati said they will re-do the sidewalk in the front; all along Ocean Blvd. The crosswalk will stay. They will add tip downs and curbing and truncated domes. There is handicapped accessibility through the building. The walkway will be raised (like a sidewalk) thru the development with a 6" curb.

Mr. Coronati discussed snow storage concerns. They have agreed to dedicate/mandate the whole driveway to be a fire lane to eliminate anyone parking along the driveway. Snow storage is in front of Units 4 and 5 and along the hammerhead. Any excess snow will be trucked off site.

Mr. Lessard asked about privacy along the property and fencing. There will be a 6' high white, vinyl fence on the sides. Right now it is a chain-link fence. Black fencing will be along the side. The front will not be used as an entrance. There is a chain-link fence, not on the applicant's property, and they stated the applicant may ask those owners if they can remove/replace it.

PUBLIC

Jay Diener, Conservation Commission, appeared. He discussed Section 1.3 of the Ordinance which speaks about abandonment. He discussed the Ordinance. Mr. Diener thinks the Ordinance applies to this application. This property has not been used for more than two years. This property was used last in 2011 when it received a one-year seasonal permit for parking. He feels it cannot be used as impermeable surface. There is a lot of vegetation in the back. The Conservation Commission is contesting building within the 50' buffer. The two units should not belong there. Keefe Avenue was a severely impacted area; this development/area is very different. Mr. Emerick asked how much impervious would be in the buffer if asphalt is not considered. There is 1,294 square feet of roofline. There is no proposed asphalt in the buffer per Mr. Coronati. Mr. Olson asked if they can mitigate to the Conservation Commission's satisfaction. Mr. Diener suggested raising the stand-alone units to put parking underneath. This would reduce the amount of parking in the field, per se. The applicant thinks it is cost-prohibitive. Mr. Diener wants to work hard to protect the Wetlands District.

Mr. McNamara asked about water from the roofs and how it is infiltrated. Mr. Coronati discussed this in detail and made reference to Sheet D2.

Rayann Dionne, Conservation Coordinator, appeared. The wetland buffer impacts were discussed. They are asking for an additional 500 s.f., in the buffer. There is no mitigation plan offered. There are plants discussed and plants in a naturally-vegetative state. At the Conservation Commission meeting, Section 1.3 was discussed in length. She highly recommends getting a legal opinion on that abandonment issue.

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Attorney Peter Saari discussed the abandonment issue and discussed re-establishment. He asked if hot top is a structure. He said he feels it is not.

The wetland buffer purpose is to protect wetlands. He read the definition of “Buffer”. Joe Coronati went over drainage plans.

Mr. Coronati handed out an aerial photo. Mr. Lessard asked about moving units 4 and 5 and lining them up with other cottages and getting them out of the buffer. The hammerhead goes beyond the cottages. He feels it's better to have a roof in the buffer. He feels they are meeting the intent of the Ordinance. The old plan was submitted with the application.

Mr. Olson asked about eliminating the two units.

Mr. McMahon asked about the pool – eliminating the pool.

Mr. Emerick said the abandonment issue is a non-discussion. It is in the buffer. He doesn't feel like it's that severe of an encroachment.

Mr. Lessard asked for possibly different cottage models. **Mr. Coronati stated they could be moved two feet forward.**

Mr. Olson asked about the main building. He asked about Chris Silver's letter(s) regarding the opening and roadways. The Board had Chief Silver's letter(s) to them; and Joe Coronati received it as well.

Parking under the building was discussed as well as back area parking spaces. Walking in the 22' travel lane was discussed. Mr. Olson asked about putting five cars in that area. Mr. Olson likes that it mitigates the impact of cars. He thinks it's a bit of a bottleneck. Mr. Olson thinks it is tight. Mr. McNamara asked about the openings at the stairwell. **Mr. Coronati said he can make it clear on the plans.**

Mr. Coronati said the back buildings will not be sprinklered.

Mr. McNamara asked about the fire lane.

Mr. McMahon asked who will own the hydrant and it will be the Association. All units will be in the Association.

Mr. Lessard wants to make resolve with Conservation Commission. Mr. Lessard likes this look, etc. He wants to settle this with Conservation.

Mr. Olson discussed off-site mitigation. He doesn't want to set a precedence that one can build in the buffer. Mr. Coronati discussed wooded, undisturbed buffers – he feels there are different levels of buffer.

Mr. Lessard asked about air conditioning in the units. Mr. Kelly said they will probably be wall mount. Mr. Coronati said no units will be in the buffered areas.

Mr. Lessard said it looks like a great project. He doesn't see a big issue with it and the issues should not be a deal breaker.

Mr. McNamara does not like empty lots between other structures. He thinks it looks like a good project.

MOTION by Mr. Emerick to accept jurisdiction and request the applicant to see if they can move the units best they can out of the buffer.

SECOND by Mr. Griffin.

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VOTE: 7 – 0 – 0

MOTION PASSED.

AMENDED motion by Mr. Emerick to hear this (date certain) at the August 20, 2014 meeting. The Board wants him to revisit putting the two discussed units in the buffer; how to mitigate it. The Board wants them to revisit the two units being in the buffer. Applicants need to talk with the Fire department where Chief Silver is on this application; i.e. sprinklers, and the memos from Chief Silver. Mr. Olson said paperwork received today has not been reviewed. Mr. Coronati said the two letters from Mr. Silver have not been addressed, but they will re-address the Board with the Fire Department's concerns. **They will work with Chief Silver.**

VOTE: 7 – 0 – 0

MOTION PASSED.

14-027 4 Nor'East Lane

Map: 99 Lot: 11

Applicant: Richard and Karen Fitzpatrick

Owner of Record: Same

Special Permit (Emergency/after-the fact): Repaired seawall to enhance aesthetic qualities of the beach and improved boundary between private ownership and beach adjacent to property.

Mr. Steve Oles appeared from MSC Engineering. They received emergency authorization to repair the seawall. Waves came through and knocked boulders down. Work was done in May. They received Conservation Commission approvals.

BOARD

It was asked if they have been before the Board of Selectmen and it was stated "yes".

MOTION by Mr. Lessard to approve the after-the -fact permit.

SECOND by Mr. Emerick.

Laurie Olivier included that there is a Memorandum from the Town Manager's office that the sum of \$556.00 is due for the lease and recording charges.

Mr. Lessard included that request in his the Motion

SECOND by Mr. Emerick including the 7/28/14 Email from Kristina Ostman.

VOTE: 7 – 0 – 0

MOTION PASSED.

14-028 48 Glade Path

Map: 273 Lot: 9

Applicant: Patrick and Julie Lacasse

Owner of Record: Julie Lacasse

Special Permit: Addition to be built under existing deck (crushed gravel); Impact of impervious driveway surface (crushed gravel) to be reduced by 45 feet by converting gravel to grass.

Mr. and Mrs. Lacasse appeared. They discussed the proposal. They want to expand the building by 6 ½ feet. The footprint area is crushed gravel. It is all considered impermeable.

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They will bring grass into the area. It will be an open deck. They received the Conservation Commission letter.

PUBLIC

Ms. Rayann Dionne, Conservation Coordinator, appeared. The Conservation Commission supports this project.

Mr. Charlie Preston appeared. He is an abutter. He supports this project also.

Mr. Lessard asked about the condominium association. It's a one page 8 ½ x 11 page letter to notify them of any changes. It does not abut to anything shared. **Mr. Lessard would like a copy of the note for the record and file.**

MOTION by Mr. Lessard to grant the special permit along with the stipulations contained in the Conservation Commission letter of **July 28th and that no work will take place until we receive other property owner's agreement.**

SECOND by Mr. Emerick.

VOTE: 7 – 0 -0

MOTION PASSED.

14-030 972 Ocean Boulevard

Map: 152 Lot: 20

Applicants: Lisa and Roy Urdanoff

Owners of Record: Same

Special Permit (after the fact/emergency): Reconstruction/repair of existing stone seawall/revetment.

Ms. Urdanoff appeared. The work has been done. One site plan has been done and one site plan has been filed. No footprint was extended. All the work is taking place on their own property.

**PUBLIC
BOARD**

MOTION by Mr. Lessard to grant for the after-the-fact special permit along with the stipulations contained in the Conservation Commission's letter of July 28th.

SECOND by Mr. Griffin.

VOTE: 7 – 0 – 0

MOTION PASSED.

14-031 Timber Swamp & 50 Timber Swamp

Maps: 84 & 85 Lots: 1 & 1

Applicant: Susanna Tetlow Dunbar

Owner of Record: Same

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Lot Line Adjustment: Transferring 39.7(+/-) acres from Map 84, Lot 1 to Map 85, Lot 1.

Ms. Olivier stated this is a duplicate of an application that came before the Board and was approved in 2008. She noted it appears the Zones are incorrect, i.e. “I” zone. It should be “RA and RAA” Zones.

Mr. and Mrs. Dunbar appeared. They are here for the second time. It was approved in 2008. Market was crashing so they set the matter aside. They put it under agreement and they understand the approval expired. Nothing has changed. It is conforming. It is a single lot being carved out of a bigger lot. A residence will be built there.

PUBLIC BOARD

MOTION by Mr. Lessard to grant the ot line adjustment.

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

14-032 66 Tide Mill Road

Map: 241 Lot: 16

Applicant: Philip Mitchell

Owner of Record: Same

Driveway Permit Appeal

Mr. and Mrs. Philip Mitchell appeared. They had a 30' wide garage – existing garage. They want the driveway to match the wider garage. It's about 24'. They know they can't have a 24' driveway. They want a path in the center. This is like Pine Road per Mr. Lessard. Mr. Lessard asked if they would just cut back and do an angle and drive over it anyway. Mr. Mitchell thought about that. There is usually a mud hole in that area where there is no driveway.

Mr. McNamara does not see a problem with it. Mr. Emerick thinks traffic makes a difference. Mr. Olson doesn't know where the 24' comes from. It is in our Regs.

PUBLIC BOARD

MOTION by Mr. McNamara to grant the appeal so that the Mitchells can have the driveway they want.

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

14-033 91 Leavitt Road

Map: 205 Lot: 11A

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Applicant: Peter & Madaleen Ross

Owner of Record: Same

Two-lot Subdivision: Subdivide Tax Map 205, Lot 11A into two lots.

Attorney Peter Saari appeared with Joe Coronati, Jones & Beach. Mr. Peter Ross was in the audience.

This is a two-lot subdivision. They obtained variances and a waiver for a slight garage encroachment. They are making two smaller lots. The house is pretty close to being done.

Mr. Coronati said when Peter Ross bought the lot, there was a house, pool shed and many structures. They have been removed; the site has been cleaned up. The house on Lot #1 is pretty much complete. The lot(s) meet frontage requirements. Setbacks will be met. The driveway is 24'.

**PUBLIC
BOARD**

MOTION by Mr. Emerick to grant the two-lot subdivision.

SECOND by Mr. Griffin.

VOTE: 7 – 0 – 0

MOTION PASSED.

Nick Riccio did not appear. It was asked by the Board that by his not showing up, does he get to be excused? This situation has been a problem. It's being enforced by enforcement (building) and the Police Department has been informed as well. The Board asked Ms. Olivier to let Enforcement know of this and send copy of Minutes to Mr. Riccio.

IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of July 16, 2014.

MOTION by Mr. Lessard to accept the July 16, 2014 Minutes.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 1 (Loopley)

MOTION PASSED.

VI. CORRESPONDENCE

FIRE DEPARTMENT CORRESPONDENCE

VII. OTHER BUSINESS

Ms. Olivier asked about the prior Health Food Store location, i.e. 580 Lafayette Road. A woman interested in leasing/buying wants to know if she needs a Change of Use to go from the Health

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Food store to a yoga studio. Mr. McNamara believes it is a change of use. The Board went into discussions on this.

This is still a retail use per Mr. Emerick. It was asked if parking is an issue. Mr. Olson thinks it meets parking requirements. It was asked if they should look at it from a parking standpoint. Mr. Emerick said it was always retail. One space per 200 s.f. Check page 59 of Zoning. It needs ten spaces. That location is fine. She has 10 spaces per Mr. Emerick. It was decided that there is no need for a Change of Use.

Ms. Olivier discussed the Climate Change meeting (email from Rayann Dionne) for August 13th. She asked to let her or Rayann know if anyone from the Board would like to attend.

Mr. Emerick discussed that the CIP met and everyone knows their charge. They are meeting again in October. SAU 90 did not indicate anything—just a roof on Marston School (maybe). Winnacunnet is SAU 21 – they did not indicate anything. SAU 90 brought up renovations in the future – they are working on it.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Loopley.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:50 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