

## HAMPTON PLANNING BOARD

### MINUTES

August 20, 2014 – 7:00 p.m.

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

**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.

A Moment of Silence was given in memory of Wanda Robertson, who passed away last Sunday.

#### II. ATTENDING TO BE HEARD

#### III. CONTINUED PUBLIC HEARINGS

##### **14-026 377 Ocean Boulevard (continued from August 6, 2014)**

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 with Joe Coronati of Jones & Beach and Warren Kelly. Mr. Coronati discussed the concerns – impact in wetland buffer and pedestrian flow under the 13- unit building. The applicant improved those items. They took Units 6 and 7 and mirrored them. They pulled units out of the buffer a little bit. They eliminated a lot of the impact in the rear of the site. Crossing the driveway to get to the elevator has been eliminated.

Mechanical rooms have been re-arranged. They eliminated the sidewalk. There is 800 more square feet of green space is now provided. It went down now to 72% impervious from 74%.

#### **BOARD**

Mr. Loopley asked about having post(s) along the sidewalk to protect it—by the walkway. Joe Coronati said they put in curbstops. **Mr. Loopley wants posts by pedestrian**

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walkway. **Joe said there will be steel columns. Mr. Loopley said he wants cars to be away from the people walking.** Mr. McNamara discussed the two sidewalks. One is for pedestrians. Mr. Coronati said it may be a raised sidewalk with a curb.

Mr. McMahon asked about the 518 square feet of reduction in buffer. The remaining impact for impervious it is 767 s.f. Mr. Lessard asked about the Chief Silver conversation. Traveling through building to back buildings was discussed. Mr. Kelly got a letter and he talked to the Chief. The Chief is not saying 'no'. Mr. Kelly spoke to Chief Silver last week. There is now a hydrant in the back of the building—behind the island. **Mr. Coronati only updated the site plan; the utility plan is still incorrect.**

Mr. Lessard asked about trash and recycling. He asked about the trash room holding a week's worth of trash from the homeowners. There will be a lot of trash for the closet-sized storage. Mr. Coronati stated that the trash room has increased. It is private trash pick up. It is Note #14 on the plan. People will store the trash barrels on green space-around their homes. Mr. Kelly said the storage area and trash area can be made all trash if the Board wants. He can put storage under the area per Mr. Kelly. The trash room is for the multi-family building. Mr. Coronati said they could probably fit six carts in that location. Mr. Kelly said trash pick up will be on demand. The trash person will roll the trash out. Mr. Lessard asked why they don't have a dumpster. Mr. Kelly wants a community feel. Mr. Lessard said if back units are near wetlands....if trash tips over, etc. it could cause problems.

Two units are on the first floor. Two units are not at the same elevation as the garage; they are raised up about 5 feet.

Mr. McMahon asked about the hammerhead revision. The turnaround has been provided.

### PUBLIC

Ben Moore, 375 Ocean Boulevard said he is fully in favor of this project. It is a nice addition to the area. He hopes it is approved.

Mr. Jay Diener of the Conservation Commission appeared. Moving Units 4 and 5 out of the buffer is appreciated. They would rather see no intrusion in the buffer. They are losing acreage, but he appreciates reducing impact.

Mr. Diener is concerned about snow storage on west side of Unit 4 as it goes up to the edge of the buffer. They would like to see plantings and additional trees to ensure that snow storage does not continue into the buffer. A natural barrier is more appealing to residents.

On Page C2, item 16 – the area within the wetlands buffer **not being mowed** was discussed. He wants that to be added to the **O&M Manual as well. They want wetlands buffers stickers/markers added as well.**

Mr. Lessard asked Mr. Diener and applicant about the “no mow” zone. He asked what the applicant's interpretation is. Mr. Kelly said he cannot mow the lawn. Mr. Lessard asked when it looks ratty, what happens then. He asked about maintenance. Mr. Diener said if you want to replace grass with slow ground cover, it works well. Mr. Loopley said there are low growing ivy's that are ground cover. Mr. Loopley asked who is going to enforce that. Joe Coronati said it will be at elevation 10 behind the units.

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Mr. Kelly said weeds grow through crushed stone. **Mr. Diener wants a slow growing ground cover. Pakisandra (sp) could work.** Mr. Loopley asked about the buffer zone – where plantings will go and other property next door – there is a canal from salt marsh. It's a dead zone back there. Mr. Griffin said it's used as a parking lot. **The Board wants the applicant and Mr. Coronati to work with and satisfy the Conservation Commission.** Mr. Diener does not want to see lawns in the buffer. Mr. Coronati said there will be no grass. **It must go in the O&M Plan.**

Mr. Fred Zoller, 375, Unit 4 appeared. He owns Unit 9 also. He likes the project and can't see anything better put in that location.

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

**SECOND** by Mr. Griffin.

**VOTE: 6 – 0 – 1 (Loopley)**

**MOTION PASSED.**

**MOTION** by Mr. Emerick to approve the site plan with the comments of the conditions noted above, i.e. planning a barrier for snow storage, “no mow” notation to be added to O&M, wetland markers and low growing grass in working with the Conservation Commission..

**SECOND** by Mr. Griffin.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

Mr. Loopley asked where power is coming in from. It comes off the main feed off the marsh.

**IV. NEW PUBLIC HEARINGS**

**14-035 339 & 345 Ocean Boulevard**

Map: 275 Lot: 67

Applicant: 339 Ocean Boulevard Condominiums, LLC

Owner of Record: Same

Change of Use: First Floor - 50 Square Foot unit to be allocated to Telecommunications.

Attorney Ells appeared along with Mr. Coronati of Jones & Beach. Mr. Michael Green appeared also. Attorney Ells asked why they even needed a change of use. It's a newly-created space. It is Unit #105. It was nothing before, but it is now a telecommunications room. Mr. Olson said this came out because of the zoning meeting regarding a prior purchase. Mr. Olson asked if it is disclosed in Declaration that the equipment will be part of the community. There is a plan on the roof showing the area. Attorney Ells said the prior one was the Sea Spray. They documented this project accordingly. Mr. Green said this is in the documents at the onset. The rooftop is for telecommunications equipment. Mr. Olson asked if this was the original site plan the Planning Board accepted and it was stated “no”. The back of the triangular unit is the telecommunications room. The tiny triangular room to the rear will be

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105. Unit 105 is assigned with rooftop space for that unit. The telecommunications unit is 105. The front unit is 107. Mr. Green said 107 will probably be a sandwich shop or something.

Mr. Olson asked about rules around about how small a space can be. Mr. Loopley asked to confirm cell phone antennas will be on the roof. Mr. Loopley doesn't remember this at the original application. This was not talked about the first time around. Mr. Loopley said it should have been discussed when the project was first discussed. Mr. Loopley does not think it's a change of use. Attorney Ells said they do not need a variance; the law has changed. The State has decided that cell towers are desirable. They do not need a variance for the towers. Mr. Loopley does not agree with this at all. If people are going to do this on future projects, they should disclose this information at the onset.

Attorney Ells said no uses were discussed. It says any commercial use allowed by Town zoning.

Mr. Lessard said sunglasses, coffee, fashion, etc. It depicted true retail per Mr. Lessard. Attorney Ells discussed fear of cell towers. He discussed dangers of cell towers. The State calls it a public good/public benefit. Mr. Loopley said he feels this was planned and the use should have been discussed and brought up as part of the plan to begin with. Mr. Loopley objects.

Mr. Olson said the impact is on the roof. It doesn't affect the street scape, etc. Mr. Olson thinks it's a minimal amount of impact. There is no carrier as of right now. Mr. Loopley asked about discussing this now and not happy it was not discussed in original plans.

### **PUBLIC BOARD**

Mr. McNamara said things change as buildings are built.

**MOTION** by Mr. Emerick to grant the change of use.

Mr. Lessard asked if this has been created yet. Mr. Green said 105 exists right now. It is in 105 now. It is the end unit.

Mr. Emerick **WITHDREW** his motion. He wants to discuss the subdivision first. (See subdivision below).

#### **14-036 339 & 345 Ocean Boulevard**

Map: 275 Lot: 67

Applicant: 339 Ocean Boulevard Condominiums, LLC

Owner of Record: Same

Subdivision: Subdivision of previously-approved existing commercial units from 5 units to 7 units.

Mr. Coronati discussed the design. The middle two units in the building are being subdivided into three units. There will be 5 units where there used to be 4. The other subdivision is the back unit of 105 (remaining 105) with 107. It is being reapportioned. They

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originally had 5, they will have 7. That little room is questionable. Mr. Olson asked if it satisfies egress. Mr. Loopley said it's not retail; it's commercial. You're not selling anything.

This room is 50 square feet. All units get a proportional vote. It is assigned limited common areas. Mr. Green said a corridor was added. Unit 101 got smaller; Units 102 and 103 stayed the same and Unit 104 is smaller.

Mr. Loopley said this is the subdivision. Reallocation of units does not matter.

**PUBLIC  
BOARD**

**MOTION** by Mr. Emerick to approve the subdivision.

**SECOND** by Mr. McNamara.

**VOTE: 6 – 1 ( Loopley) – 0**

**MOTION PASSED.**

The Board went back to the change of use. Mr. Olson stated the Town is trying to make the beach nicer. He feels it does not affect the part the Planning Board is in charge of. It is a specialized use. Mr. Loopley discussed coverage maps. The area is covered by enough cell towers/providers.

**MOTION** by Mr. Emerick to grant the change of use.

**SECOND** by Mr. McNamara.

**VOTE: 6 – 1 (Loopley) – 0**

**MOTION PASSED.**

**14-036 339 & 345 Ocean Boulevard**

Map: 275 Lot: 67

Applicant: 339 Ocean Boulevard Condominiums, LLC

Owner of Record: Same

Site Plan (Amended): Proposal of two additional condominium units.

The Board asked why they needed an amended site plan. It is a condominium. The project is for condominiums, but they felt they needed to put do an amended site plan as well. It was asked why is was called out separately from the subdivision. They are subdividing units and editing the site plan. Even though the unit is unoccupied.

**PUBLIC  
BOARD**

**MOTION** by Mr. Emerick to approve the site plan.

**SECOND** by Mr. McNamara.

**VOTE:** This is approving the amended Site Plan dated July 9, 2014 – which needs to have the Scrivener's Error corrected.

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**Ownership documents will be tied to the plan and condo documents.** Attorney Ells said the deed will be tied to recorded plans and recorded documents.

Attorney Ells asked about certificate of occupancy. First through 5<sup>th</sup> are all done. Closings are happening now. They need CO's now. **Fire and Bldg Dept should be checked with first. CMA represents the Town.**

**VOTE: 6 – 1 (Loopley) – 0**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES of August 6, 2014.**

**MOTION** by Mr. Emerick to approve the August 6, 2014 Minutes.

**SECOND** by Mr. McNamara.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

Mr. Emerick said the new Town Planner, Jason Bachand, will start his new position on Monday the 22<sup>nd</sup> of September.

**VII. OTHER BUSINESS**

- **Bill Straub – CMA Engineers (Invoices/Billing)**

Bill Straub appeared. We have been working with the Boards/Town for almost three years now. Almost 40 assignments have been done now. He believes the PRC process is working out really well. Working with Town Departments has gone well also.

He discussed budgets. Detail in billings has been discussed. They are now itemizing their invoices. It was discussed who is in charge of following up on site inspections. It is the developer and the Town. Laurie Olivier would like invoices to match up with the site inspections (pictures). Releasing escrow funds was discussed. Releasing balances after the PRC is complete and then again when the project is complete. A timeline will be provided to Ms. Olivier.

**VIII. ADJOURNMENT**

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

**SECOND** by Mr. Loopley.

**VOTE: 6 – 0 – 0 (Mr. Griffin left a bit early)**

**MOTION PASSED.**

MEETING ADJOURNED: 8:55 p.m.

Respectfully submitted,

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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**