

HAMPTON PLANNING BOARD

MINUTES

March 4, 2015 – 7:00 p.m.

PRESENT: Mark Olson, Chair
Brendan McNamara, Vice Chair
Fran McMahan, Clerk
Rick Griffin, Selectman Member
Keith Lessard
Tracy Emerick
Ann Carnaby
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

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

II. NEW PUBLIC HEARINGS

15-004 14, 16, 18, 20, 22 & 26 N Street

Map 293, Lots 114, 115, 116 & 117

Applicants: MAM Realty Investors, III, LLC

Owner of Record: Same

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

Attorney Peter Saari appeared with Chuck Bellemore (MAM Realty). They submitted a report from the expert on impact fees. There is also a report from Ed Tinker, Town Assessor, and there is a report from the Planner, Jason Bachand. Attorney Saari said Ed Tinker's report does not take into effect that there are a number of units there now.

BOARD

Mr. Olson said the units that exist are a factor typically. Mr. Lessard said as long as they have CO's. Fourteen units have CO's for year round occupancy and two do not per Attorney Saari. The two units there now are seasonal.

Mr. McNamara discussed new condominiums that have been built recently. The Board takes into account that all units are one bedroom, etc. He asked how it compares with the current project that is there now. Mr. Bachand covered it in his report. Attorney Saari discussed the sites.

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Mr. Bachand discussed his Memorandum on this matter and how Assessing and the Mayberry study came up with its numbers. Mr. Bachand spoke with Mr. Mayberry and checked out the occupancy permits. Two units are seasonal occupancy. There are three figures in front of the Board for the Planning Board to decide.

Attorney Saari is happy with the compromise of numbers per Mr. Bachand; said impact fees to total \$11,388.00. (20 proposed units – 14 existing credited units = 6 uncredited existing or proposed units). $\$1,898 \times 6 = \$11,388$ impact fee. The partial waiver of school impact fees would be in the amount of \$26,572. The partial waiver is based on 100 percent occupancy.

MOTION by Mr. McNamara to approve the partial waiver request in the amount of \$26,572, and accept an impact fee of \$11,388 in accordance with the Town Planner's calculations.

SECOND by Mr. McMahan.

VOTE: 7 – 0 – 0

MOTION PASSED.

15-005 415 High Street

Map 166, Lot 17

Applicant: Carlos A. Desedas

Owner of Record: Same

Condo Conversion: Conversion of 4-unit building into condominium form of ownership;

Waiver Request: Section V.E. Detailed Plan.

Joseph Coronati, Jones & Beach, appeared along with Attorney Steve Ells. This is an existing 4-unit building. The units are set up like four separate townhouses. There is enough parking for each unit. They want to convert what is there into condominium units.

BOARD

Mr. Lessard asked whose shed is located in the lower left-hand corner. It belongs to another piece of property per Mr. Coronati; two sheds go with the structure. Adding sheds was asked, but Joe Coronati is not aware of any being added.

Limited common area was asked about by Mr. Olson. Mr. Olson asked what the rough opening is of that area; the width of the driveway, etc. Mr. Olson asked if the driveways will change. Curb cuts were asked about by Mr. Olson. Mr. Emerick said this happened on Kings Highway. It is not illegal, but is not convenient. Mr. Olson said it is a hazard. Pill-shaped forms shown on the plan were asked about by Mr. Olson. **They need to be removed per Mr. Lessard.**

Mr. Lessard asked about the gas meter coming into the building. Mr. Lessard said they would have to get variances.

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Mr. McNamara asked about the patio. Mr. Coronati said the **condo docs will specify who that goes to, but he thinks to Unit #1**. The asphalt area will be split for each unit. It looks like #1 would have an extra patio.

Mr. Bachand said parking is a concern.

MOTION by Mr. Lessard to grant the waiver request.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 1 (McNamara)

MOTION PASSED.

Ownership of the sheds will need to be clarified in the condominium documents. Mr. Bachand said when the Town Attorney reviews condo documents, it can be worked out then.

MOTION by Mr. Emerick to approve the condo conversion in accordance with the Memorandum from the Town Planner dated March 4, 2015.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

15-006 275 Ocean Boulevard

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

Applicant: Surf Condominiums & Retail of Hampton

Owner of Record: Same

Site Plan (Amended) Proposal to change number of commercial units previously approved (5) to 6 units.

15-007 275 Ocean Boulevard

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

Applicant: Surf Condominiums & Retail of Hampton

Owner of Record: Same

Subdivision: Subdivide previously-approved existing commercial unit #105 to create additional Unit #106.

The above two applications were heard at the same time. Attorney Steve Ells appeared with Mike Green (The Surf Condominium and Retail). Richard Green appeared also. Attorney Ells said they are exercising their right to convert convertible space. When the marketing process started, they reserved the right in the documents to subdivide some of the commercial units on the first floor if they wanted to. No additional space is being added. The northerly-most unit (105) will have a newly-carved out 105 and 106. It was approved for 36 residential and 5 commercial units. This should be the only conversion required. The **condo statute requires the declarant to amend the declaration** because every unit has an undivided interest in the common area. Attorney Ells has no problem with the Town Attorney reviewing it.

The right of conversion goes away after they sell each unit per Attorney Ells. It is likely going to be for a cell tower.

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Mr. Olson asked if the hallway off the main road is newly proposed. Mr. Green said they've always been separated. It goes right through to the elevator.

PUBLIC BOARD

Mr. Bachand stated that revised sprinkler and fire alarm plans were discussed with the Acting Fire Chief beforehand and **revisions are expected** to be done because of the change of Units 105 and 106. **Acting Fire Chief comments were given and need to be addressed.**

Mr. Lessard asked about the corridor with access to Ocean Boulevard. He asked if it is a keyed pass. Mr. Green stated "yes".

MOTION by Mr. Emerick to grant the amended site plan along with the stipulations contained in the Planner's Memorandum dated March 4, 2015.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. Emerick to grant the subdivision along with the stipulations contained in the Planner's Memorandum dated March 4, 2015.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Bachand asked the Board to go to the public on the N Street Application-Impact Fee Waiver. It was opened again by the Board. Mr. McMahon read the N Street applicant aloud and re-opened the application for Public Comment.

Mr. Olson apologized as it did not go to the public. He asked if anyone wanted to speak. No one showed up.

Mr. Bachand reiterated his recommendation and reiterated the amount of the partial waiver of the impact fee as noted prior in the meeting.

MOVED by Mr. Emerick.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

15-008 377 Ocean Boulevard

Map: 265 Lot: 20

Applicant: Warren Kelly, Kelly Properties

Owner of Record: Ocean Boulevard, NTU, LLC

Site Plan (Amended) - (22 Units) Construction of one building with nine, 2-bedroom units; additional building with six 1-bedroom units and seven 2-bedroom cottages.

Mr. Lessard recused himself.

Joe Coronati, Jones and Beach, appeared with Warren Kelly. They are back for the third time. It is a condominium site plan revision. Once Warren got into the design of the building, he noted some changes he would like to make. The height of the first building was discussed. Mr. Kelly has lowered the building four stories in the front. He kept larger units. There is a reduction

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of three units. There used to be five garages; now there will be four. They widened the spaces between Units 1, 2 and 3. They opened up more green space. Sealed surface numbers did not change much. There are four less parking spaces on site. They moved the handicapped space. There is more snow storage and grass space. Utilities all remain the same. A walkway was added. It's 22 units now instead of 25.

Mr. Olson is happy to see four spaces. Ms. Carnaby asked if the building will now be the same height as the building south of it. It will be about a foot taller. Ms. Carnaby loves the changes made; more green is good. Mr. McMahon asked about a height variance. There was one before. They do not need to use the height variance as it runs with the property. They are not acting on the variance.

PUBLIC BOARD

Mr. Bachand discussed his conditions in the Memorandum. All conditions from the previous approval need to be incorporated. DPW comments have been added about annually maintaining the painted crosswalk. **It needs to be on recorded site plan. "Lane Takings" should be edited on the plans (says "Lake").**

MOTION by Mr. Emerick to approve the amended site plan with Planner's Memo dated March 4, 2015.

SECOND by Mr. McNamara.

VOTE: 6 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

15-001 1030 Ocean Boulevard (continued from February 4, 2015)

Map: 116 Lot: 31

Applicants: Norino and Joanne Mirra

Owner of Record: Same

Special Permit: Re-development of site including removal and replacement of existing structure; repair/replace existing revetment and associated landscaping.

Steve Riker of Ambit Engineering appeared. They purchased the property last summer. They want to tear down and rebuild. The revetment will be reconstructed as it is in bad shape. He attended the Conservation Commission meeting on the 24th. Today he received the DES Shoreland permit.

The revetment will be reconstructed in kind. The detail sheet was discussed. The driveway will be asphalt. The rain garden is proposed on the western side of the property. Grass pave will be used for parking. You can drive on it, but it eliminates puddling. Storm water will be controlled on site.

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Mr. Emerick said they need to go to the Board of Selectmen. Mr. McMahon said there is no policy about curved stairways. If the Board approves it, it's good. It's not an issue of the proposal.

PUBLIC

Ms. Dionne, Conservation Coordinator, appeared. The Conservation Commission reviewed this at length and is pleased with the grades in the 50 foot buffer. They are also happy with the cross section and clarifications for stairs and the revetment. They will have plans to check it again at the end. Ms. Dionne said the Conservation Commission wants to see that they will work on the revetment after they work on the house. It will be from private property; not from the beach. They want a final inspection before the final site work would allow more machinery to come to the project. Ms. Dionne asked about the small wall that follows the staircase. There is a note that it is constructed with the same stones. It is a stipulation of the Conservation Commission if it is not currently on Ambit's plans. Cheek walls were discussed and sizes. This will be a dry wall.

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MOTION by Mr. Emerick to grant the Special Permit along with the stipulations contained in the Conservation Commission's letter dated February 27, 2015.

SECOND by Mr. McMahon.

VOTE: 7 – 0 - 0

MOTION PASSED.

V. CONSIDERATION OF MINUTES of February 18, 2015

MOTION by Mr. Lessard to approve the February 18, 2015 Minutes.

SECOND by Mr. McMahon.

VOTE: 5 – 0 – 2 (McNamara & Emerick)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- 115 Landing Road – Special Permit extension request

Mr. Bachand said this is the Hampton River Boat Club. It was approved in 2013. Ms. Dionne said the original special permit was to raze the grade of the access road into the marina and deal with phragmites. Road work has been done and phragmites are good. Their request is reasonable. Mr. Bachand agrees.

MOTION by Mr. Lessard to grant to special permit extension.

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SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Bachand discussed snow storage. Ms. Dionne stated that she has checked out some sites and some people are not complying with the conditions of the Planning Board regarding snow removal/storage. Fire lanes are being blocked and this is a concern.

Ms. Dionne stopped by six locations, all of which had notes on the plans regarding snow storage and trucking snow off site. She drove around Town as well. Of all six locations, all are putting snow where it is not supposed to go. If people are not compelled now to truck snow off site, this year warrants it to be addressed. She asked if the Planning Board will address this and asked the Board also to go and check some locations out. One address is Drakeside Road, another is Winnacunnet Road and Keefe Ave. It is everywhere. She said this may be something the Planning Board deals with strongly in the future. She does not want future projects to have to deal with this. Mr. Olson said maybe having impervious coverage smaller should provide more opportunity to not have to deal with this. It could be added to Site Plan Regulations. Percentage of the surface of the parking lot was discussed. Ms. Dionne mentioned some kind of formula to be used.

Mr. Griffin said he thinks this is unreasonable. He said the State is plowing on private property; Little Jacks. Everyone is putting snow in the marsh. Ms. Dionne said this issue should be addressed for new development. Mr. Griffin said he has heard that residents are unhappy with calls being made by Conservation Commission.

Mr. McMahon said that Mr. Bachand is going to look at the Site Plan Regs. This is a topic to be discussed at a later date.

Ms. Carnaby said we should use Ms. Dionne's data to make our Regs more doable and acceptable. Ms. Dionne said if something is found in violation, it gets handled by the Department, then it goes to enforcement, then it goes to Legal if the situation is not addressed. The Board of Selectmen is the second enforcement after the Building Department. Ms. Dionne will send a letter to them. Oftentimes they do not know. Many times it does not have to go to enforcement. If she's not successful, then Kevin Schultz (Building) or the Board of Selectmen get involved.

Ms. Carnaby asked if maybe more data can be collected. Ms. Carnaby stated that the Regulations should be looked at.

Mr. Bachand said he is actively looking at making changes.

Mr. Emerick asked everyone to vote next Tuesday. We need a write in for Mark Olson. Mark Olson sent a letter in to the Editor as well.

Mr. Bachand spoke with Mr. Welch about scheduling the Planning Board/Board of Selectmen meeting regarding street lights and hydrants. No decision on the date has been made yet. It will be after the election. Mr. Griffin said they would rather have it in private. Mr. McNamara asked if there is a reason why it cannot be televised; no reason given.

VIII. ADJOURNMENT

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MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

Adjourned: 8:30 p.m.

Respectfully submitted,
Laurie Olivier, Office Manager/Planning

****PLEASE NOTE****

**ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.
MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING**