

HAMPTON PLANNING BOARD

MINUTES

September 16, 2015 – 7:00 p.m.

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

ABSENT:

I. CALL TO ORDER

Chairman McNamara began the meeting at 7:00 p.m., by leading the Pledge of Allegiance and introducing the Planning Board members.

Mr. McNamara stated the applicant for 18 Glade Path has asked to be continued to October 7, 2015.

MOVED by Mr. Lessard to continue 18 Glade Path to October 7, 2015.

SECOND by Mr. Emerick.

VOTE: 7 – 0 - 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

- **Change of Use - 446 Lafayette Road** - Retail Sales (Clothing) to Retail Sales (Wine & Cheese)

Julie and Shawn Baker appeared to discuss their potential wine and cheese shop. The kitchen would be used for making baguettes to sell with the cheese. There will be no eating inside; all would take out. There will be a nice area in the back for tastings.

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Mr. Lessard asked if the lower level will be used for storage. It will be open from 11 a.m. to 7:00 p.m., and possibly later on Friday and Saturday nights; seven days/week. They are also offering delivery. They may just do deliveries in the evening.

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They plan to open soon; they have to update the power; two layers of sheetrock ceiling needs replacement, etc. They are thinking to open a little bit closer to the middle of October.

MOVED by Mr. Emerick to approve the Change of Use.

SECOND by Mr. Lessard.

VOTE: 7 – 0 - 0.

MOTION PASSED.

- **Change of Use – 15 High Street** – Retail Sales (Dance Shoes and Accessories) to Retail Sales (Resale Furniture and Home Furnishings)

Diane Fanning and Dawn Poussard appeared and stated they wish to open a resale of quality furniture business. It used to be Twinkle Toes. They want to sell home furnishings, painted furniture, etc. There are no changes made to the building. There is no kitchen, etc. Signage is vinyl on the window. They are already opened. Scott McDonald in the Building Department explained what they have to do. Their hours would be 10:30 a.m. to 5:00 p.m.; closed Tuesdays and Wednesdays.

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MOVED by Mr. Emerick to approve the change of use.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

III. CONTINUED PUBLIC HEARINGS

15-044 18 Glade Path (continued from September 2, 2015) - (CONTINUED TO 10/7-SEE ABOVE)

Map: 273 Lot: 13

Applicants: Simmers Trust/Joyce Simmers & Brenda Hayes, Trustees.

Owner of Record: Same

Wetlands Permit: Construction of permeable paver patio. Installation of fencing & new gravel.

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IV. NEW PUBLIC HEARINGS

15-051 77 & 79 Ocean Blvd, 75 Ocean Blvd & 2 L Street

Maps: 293 Lots: 24-1, 43 and 41

Applicant: Houle Realty Trust, Marylee Twomey

Owner of Record: Same

Site Plan (Amended Application) Renovate two, 5-unit, single-story wings of existing motel; wings to be re-built with 9 motel units and 2 retail units along Ocean Blvd in 2 stories; middle building to remain as-is. Revision to add off-site parking plan; possible use of parking lots at 2 L Street and 75 Ocean Blvd for additional (off-site) parking for the benefit of 77 and 79 Ocean Blvd. Waiver Requests: Section VII.D Stormwater Management and Section III – Procedures, D.1 (fees) of Site Plan Regulations.

The applicant, Marylee Twomey, appeared with Joe Coronati of Jones & Beach. They were approved by the Planning Board, but the parking language needed to be reviewed by the Town Attorney. The Town Attorney recommended vacating of the approval so that re-noticing of the abutters around all three of Ms. Twomey's lots could occur and that was completed. The plans are the same; parking is the same. The proposal is the same. It had to be heard again because of the need to re-notice abutters. Mr. McNamara said the applicant is seeking a variance for on-site parking, and Mr. Coronati confirmed that was scheduled (tomorrow night).

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Mr. Emerick thinks this is being heard for the abutter issue only. Mr. Lessard asked if this should be continued until after the ZBA meeting.

Mr. Bachand said it is not necessary that the Planning Board approval be after the ZBA per the RSA's. He spoke with the Town Attorney about this. He stated it is up to the Planning Board. Mr. McNamara's concern was the layout of the parking area and the layout on 2 L Street would need to be associated with the new project. Parking spaces should not be spaces leased from another property, etc.

Joe Coronati said the spaces will be dedicated on 2 L Street but could be transferred if Ms. Twomey decided to use a different location for parking. There has to be dedicated parking to the motel. Mr. McNamara said that's where the Planning Board had issues. Mr. McNamara discussed variances and it's not something the Planning Board deals with. Mr. Coronati said maybe it should come back to the Board. Mr. Coronati said Ms. Twomey owns other properties down at the beach. If she wanted to shuttle people later on, etc. or valet park, Mr. Coronati believes the Ordinance allows that. Mr. Coronati said the Ashworth has parking down on Church Street.

Mr. Lessard said in perpetuity there would always be parking spaces to the units. He wants that figured out. Mr. Lessard doesn't want to give conditional approval so the ZBA

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thinks the Planning Board approves of parking lots being less than 15' deep and 8' wide. The center width being narrow also was discussed. It would set a bad precedent. Mr. Lessard wants legal parking spots in perpetuity for the units.

Ms. Twomey understands the concerns. She stated the parking lots have been there for 40 years with no incident. Her guests come to the beach, park their car, and check out.

Ms. Twomey also discussed her rentals, and she has a full parking lot maybe 5 percent of the time. She has many empty spaces.

Mr. Lessard discussed single motel rooms and now there are two-bedroom suites. Mr. Lessard said these later could become condominiums. He feels we are working hard to improve the beach. He wants to get it right. That piece of property is not attached to other properties. The Planning Board holds other applicants to the same standards.

Ms. Twomey said people are looking for privacy. Ms. Twomey has no intention of turning them into condominiums. Mr. McNamara said many motels have been condominiumized, even though they are not like the condominiums being built now. It is a form of ownership. New regulations and parking requirements come along with that.

Ms. Twomey said many patrons are worried about the lack of rentals (motels) down the beach.

Mr. Waddell said the Planning Board is looking at a motel and asked if the Board should just look at it as a motel, not a condominium.

Mr. McMahon said we have seen a lot of changes at the beach and we have been consistent at holding requirements in parking, tying them specifically to units and dimensional requirements. He is reluctant in voting for parking spaces being very small, narrow aisle width, etc. Mr. McMahon wants to postpone until after ZBA acts.

Mr. Olson discussed Ms. Twomey's comment of 5 percent needing capacity, and he thinks she can make the parking lot correct. He asked Ms. Twomey to make the sizes correct now in the spirit of the Ordinance. He asked if Mr. Coronati can re-evaluate the alignment of the parking spaces. Mr. Coronati said what's tough is the lots are 50', but noted that he could maybe get 16 spots.

Ms. Carnaby said the size of the lots is the problem. So many people having SUVs could be a problem; Ms. Twomey can't just rent to people with short cars.

Mr. Waddell asked if there's any way they can conform? Mr. McNamara said 15 could fit there; not 20.

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Mr. Bob Preston, 339 Ocean, appeared. He noted Ms. Twomey has been on the beach for a long time. He feels we need the new buildings and traditions of old families. He discussed the lack of quality motel rooms. Mr. Preston said we are getting too many commercial spaces. He suggested to Ms. Twomey putting in a couple of more bathrooms.

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Mr. Olson discussed the pool, as proposed, and asked if the pool can be in a different configuration. Mr. Olson asked if the pool can go in the parking lot and put spaces out front. Ms. Twomey has a lot of space.

Mr. Coronati said they are going to lose spaces. He feels there are three extra spaces. Mr. Coronati said one space for each motel room, 29 hotel rooms. The buildings to be reconstructed include 10 rooms now, and are going down to 9. Mr. McNamara said 15 spaces are needed to match the renovation. We want 15 full-size parking spaces.

Mr. Coronati said units are reduced by one. Ms. Twomey said spaces can be designated. Mr. McNamara said the spaces need to be conforming.

They would only need the off-site parking variance in this instance.

Mr. Coronati said that they will make conforming spaces. Mr. Coronati said overall there may not be enough spaces for 29 units. Mr. McNamara said that we are only looking at a site plan for the units at 77 & 79 Ocean Blvd, and it is pretty clear from the Board that the particular piece of property (2 L Street) can provide parking that conforms. Mr. McNamara wants parking to conform with the site.

Mr. Coronati stated that Ms. Twomey now agrees and will make it work. Mr. McNamara said they will only be going for off-site parking now.

The Planning Board noted that they will still need to go to the ZBA for the off-site parking variance. Mr. McMahan wants to see a plan that shows the spaces. There is no handicap requirement. Mr. Olson asked about 45 degree angled parking on the left and parallel on the right. Mr. Coronati said you cannot do angled parking unless it's one way. Mr. Coronati said he will lay it out however it fits. Mr. McNamara reiterated they will fix the plans and they will go to ZBA tomorrow. Mr. McNamara asked about the ZBA policy for amending/not asking for, and Mr. Coronati said that they can withdraw the variance. **The Planning Board wants to see new plan for parking. Mr. Olson wants to see the parking lot drawn.**

Mr. McNamara asked them to go to the ZBA first just for the offsite and the applicant will give the Planning Board its word that they will do it that way and Jason will make the decision contingent on the applicant doing that. It was noted that the ZBA has a 30- day appeal process. Ms. Twomey started this in March. Mr. McNamara said if they get their variance granted, then they can come back to the Planning Board after that. The Planning Board would meet again on this October 7th. Mr. McNamara wants her to come back to the Planning Board showing conforming spaces and the Planning Board should be all set. It would be 30 days from October 7th (appeal period).

Mr. Bachand discussed his memo to the Board and the ZBA variance needed. Condition #7 can be struck; and replaced by stating 15 compliant parking stalls to be provided on 2 L Street.

The Declaration also was discussed (Condition #8). Just like Chuck Rage's project, 2 L Street would be designated for parking purposes and there would be covenants/declaration to that effect. Any references in the recommended conditions to "75 Ocean" would be taken back.

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MOTION by Mr. Lessard to continue this application to October 7th.

SECOND by Mr. McMahon.

Mr. McMahon asked if the Declaration securing parking at 2 L Street is made now, is it possible to be revised in the future. **Mr. Bachand will consult with the Town Attorney on that.**

Mr. Emerick said you can't grant yourself an easement.

Mr. Waddell said they need to come back with a re-drawn plan and a variance allowing off-site parking. He asked if it matters if it is approved. We are holding up a project. Mr. McNamara agrees with Mr. Waddell. If they don't get the variance, our approval would be null and void. Jason can count the spaces and do the math and make sure it conforms. If the applicant does not get the variance, our approval will be null and void. Mr. McMahon is reluctant to be telling of the ZBA what they should do.

Mr. Lessard said we are making the assumption that the ZBA will grant the variance.

We don't know if that's going to happen. Mr. McNamara said this is uncharted territory as the Board has always made applicants go to the ZBA first. That's where the hesitation is on some members and it is understandable.

VOTE: 4 (McMahon, Olson, Lessard & Carnaby) – 3 (McNamara, Waddell and Emerick) – 0
MOTION PASSED.

The applicant will come back October 7th.

V. CONSIDERATION OF MINUTES of September 2, 2015.

MOTION by Mr. Lessard to accept the September 2, 2015 Minutes.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 1 (Waddell)

MOTION PASSED.

VI. CORRESPONDENCE

Mr. Bachand read a letter from SAU 90 inviting the Planning Board members on September 24th at 7:00 p.m., to a Community Forum at the Eastman Gym to discuss needs of the Junior High. The public will be able to give input for the Hampton Academy project and will be briefed on the project and work to date.

VII. OTHER BUSINESS

- Conservation Commission: Proposed Warrant Articles

Ms. Rayann Dionne, Conservation Coordinator and Mr. Jay Diener, Conservation Commission Chairman, appeared. They presented a PowerPoint Presentation.

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They want to discuss three warrant articles.

The first one proposed deals with newly-created lots and lots increasing number of units. Lots being contiguous and better defining “contiguous” was discussed. The changes discussed involve Zoning Ordinance Sections 2.3.7 C1 & C2. See Video.

The Warrant Articles 2 and 3 were discussed. These are based on an Environmental Planning Assessment done by PREP. PREP is an agency active in NH. Their objective is to protect water quality. Mr. Diener discussed assessments in coastal communities. (See Video). Amending Zoning Ordinance Section 2.3.2 is the second Article. The fifty-foot freshwater wetland buffer is proposed to be changed to 100'.

The next PREP priority involves Septic Setbacks. Increasing setback from 75' to 100' is proposed. (See Video). This affects Warrant Article #3. Zoning Ordinance Section 2.3.4(a). Use Restrictions and Prohibited Uses.

Mr. Bachand discussed Jones & Beach’s request, received late yesterday, for a Minor Field Modification on the 86 Woodland Road subdivision. Adding a gas line to the project was discussed. Mr. Bachand ran this by DPW and spoke with Attorney Gearreald. Mr. Bachand wanted to poll the Board to see whether they agree this is a Minor Field Modification or want to see it back as an Amended Subdivision. Mr. Emerick said it is what the right of way is for. Mr. McMahan does not have a problem with this.

Mr. Lessard appreciates this coming to the Board. It can be addressed as a Minor Field Modification and all Board members concurred.

Mr. Bachand let the Board know that he will be attending a conference on October 1st and 2nd in Portland, Maine.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Waddell.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:56 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