

HAMPTON PLANNING BOARD

MINUTES

October 7, 2015 – 7:00 p.m.

PRESENT: Brendan McNamara, Chair
Fran McMahon, Vice Chair
Ann Carnaby, Clerk
Tracy Emerick
Mark Olson
Keith Lessard
James Waddell, Selectman Member
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 175, 165 and 155 Island Path has requested to be continued to the Planning Board's November 4, 2015 meeting.

MOVED by Mr. Emerick to continue the 175, 165, 155 Island Path application to November 4, 2015.

SECOND by Mr. Olson.

VOTE: 7 – 0 - 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

15-053 377 Ocean Blvd

Map: 265 Lot: 20

Applicant: The 377 Ocean Blvd., LLC

Owners of Record: Same

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

Attorney Peter Saari appeared for Mr. Warren Kelly. Attorney Saari had nothing to add in addition to Mr. Bachand's Memorandum. The neighborhood non-seasonal occupancy rates used were higher than in the past. He concurs with Mr. Bachand's recommendation.

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Ms. Carnaby said the Planning Board will be looking at impact fees, but for this one she feels it is fine.

MOTION by Mr. Emerick to approve the partial waiver request in accordance with the Town Planner's Memorandum dated October 7, 2015.

SECOND by Mr. McMahon.

VOTE: 5 – 0 – 2 (Lessard & McNamara)

MOTION PASSED

15-054 55 & 47 Little River Rd

Maps: 129 & 128 Lots: 8 and 29

Applicants: Thomas Indoccio & Jamey Whitney

Owners of Record: Same & Timothy & Vanessa Metzger

Lot Line Adjustment: Transfer of 5,349 s.f. from 47 Little River Road to 55 Little River Road

Ms. Whitney and Mr. Indoccio appeared. Both concurred with Mr. Bachand's Memorandum dated October 7, 2015 and all requirements.

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Mr. Olson asked if this is a landlocked parcel and the applicant stated "yes". It will become part of #55. Mr. Lessard said it is not shown as a landlocked lot as it does not have frontage on Little River Road. Mr. Bachand said the subject area is currently part of 47 Little River Road. This is for conveyance purposes only; not to be a building lot. It is not a stand-alone parcel per Mr. Bachand.

Mr. McNamara said there will be two lots; it is not landlocked.

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Mr. Bachand discussed his memo to the Board. He said the lots are in the Aquifer Protection Area and noted the zoning requirements. Mr. Bachand said he recommends approval subject to the conditions in the Planner's Memo.

MOTION by Mr. Emerick to grant the lot line adjustment in accordance with the Town Planner's Memorandum dated October 7, 2015.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

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15-057 63 Island Path

Map: 282 Lot: 67

Applicants: Edward Bugbee

Owners of Record: Edward and Nancy Bugbee

Driveway Permit Appeal.

Mr. Edward Bugbee appeared. He is appealing the driveway permit because he exceeds the 24' maximum limit of the driveway. His lot is pretty much all frontage and is asphalt. He wants to peel it back and re-lay it down, including creating a swale so water continues to go by the residence. Mr. Lessard asked if he talked about the swale with Mr. Swift. Mr. Bugbee told him what he wants to do and said Mr. Swift approved it except for the 24'. Mr. Lessard doesn't want this Board to approve a swale. Mr. Bugbee said patchwork from the previous work creates a puddle. Island Path only has one storm drain.

Mr. Perrone (next door neighbor) wants to continue this swale. Mr. McMahan asked if the swale would be on Town property and Mr. Bugbee stated "yes". Mr. Lessard asked how far in front of the steps Mr. Bugbee owns. Mr. Bugbee said he would be enhancing the Town property. Mr. Lessard asked if he can put a berm on his property and put porous material at the rest of the property.

Mr. Olson asked about the patchwork and how many feet it is; Mr. Bugbee said 34' wide. Mr. Lessard said there could be a problem with pushing water onto Town property.

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Mr. Bachand said this is in the RB Zone. Sixty (60) percent is impervious which is the maximum allowed in that area. Mr. Bachand came up with around 55 percent with improvements. Mr. Bachand said the existing pavement is in rough shape and he would like to see pervious cover in the front of the house.

Mr. Emerick said the whole driveway (past approval) was large. Mr. Emerick thinks it's just repairing what is already there. Mr. McNamara said while we are the appeal board, the Board can't stamp everything and say to go ahead.

MOVED by Mr. Emerick to grant the appeal and allow the driveway.

SECOND by Mr. Waddell.

VOTE: 5 – 1 (Lessard) – 1 (Olson)

MOTION PASSED.

15-058 463 Exeter Road

Map: 36 Lot: 5

Applicants: Christopher Empey & Maureen McDermott

Owners of Record: Same

Wetlands Permit: Construct 6' vinyl privacy fence along boundary line between Lot 36-5 (463 Exeter Road) and 459 Exeter Road.

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Mr. Christopher Empey and his wife, Maureen McDermott, appeared. They would like a 6' privacy fence on their property. Mr. McNamara was on the site walk and he thinks it is a totally reasonable project.

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Mr. John Demeritt, 459 Exeter Road, appeared. He has no objection to the installation of the fence. He is concerned with the drainage. An easement was put across the back of the property and it runs to their property. The applicants' lot was wetlands. Mr. Demeritt never received confirmation that the easement continues to cross the property. He fears any building that goes up might dam his property in. Everything in Huntington slopes down from the property.

Mr. Empey said they met with the Wetlands Commission and the Conservation Commission asked them to keep within a certain grade so that water flows underneath the fence. The applicants met with their installers and said they intend to honor what has been requested. Mr. Demeritt is happy with that.

Mr. Bachand discussed the easement and it was settled according to Mr. Bachand. He recommends approval along with the stipulations contained in the Conservation Commission letter dated September 28, 2015.

MOVED by Mr. Emerick to grant the Wetlands Permit along with the conditions contained in the Conservation Commission's letter dated September 28, 2015.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 - 0

MOTION PASSED.

Mr. Lessard asked that the applicants contact the Conservation Commission when the project is complete and the applicant concurred.

IV. CONTINUED PUBLIC HEARINGS

15-040 175, 165 & 155 Island Path (continued from August 5, 2015) - NOW CONTINUED TO NOVEMBER 4, 2015.

Map: 280 Lots: 22-1, 22-2 & 22-3

Applicant: Aaron Brown

Owners of Record: Peter Martin (Lot 22-1); Robert Dudley (Lot 22-2) and Aaron Brown (Lot 22-3)

Wetlands Permit: Construction of two townhouses (one duplex)-Post Appeal.

15-035 263 Drakeside & Towle Farm Rd (continued from 8/5/15 and 9/2/15)

Maps: 157 & 140 Lots: 1 & 1

Applicant: Chinburg Builders, Inc.

Owners of Record: Valle Drakeside LLC, Asset Title Holding, Inc.

Site Plan and Wetlands Permit: Construct ten, single-family residential condominiums;

Wetlands Permit to remove existing asphalt on site which is located within the wetland buffer.

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Mr. Bachand noted to the Board that it never accepted jurisdiction. Mr. Lessard noted that the revised plans just came in yesterday (Tuesday).

Mr. Joe Coronati (Jones & Beach) and Eric Chinburg appeared. They have been to multiple PRCs. It used to be a 10-lot subdivision including a common drive; then 10 single family condominiums with individual driveways; then condominiums with five curb cuts on Drakeside Road. They were asked to redesign with fewer curb cuts. It now has two curb cuts; two common driveways providing access to one unit. Driveways are short – less than 100' long. The units have sewer, water. Sewer lift stations will be private; the force main will be private. They are extending the gravity sewer system as far as they can extend it before running out of cover. They will have a sewer manhole on the property that the force main ties into. The pump stations for homes are individual and private. No cost sharing needed. Mr. Chinburg's company has used these before successfully.

Mr. Coronati said the water system is an extension of the water main; approximately 400'. Each common driveway will have a 2" water main. It will have domestic services. All homes will have sprinkler systems.

There is over an acre of asphalt on the site to be removed. They are installing catch basins. They went to the Conservation Commission to get recommendations to remove asphalt and it did provide these. They got approval to install a walking path where asphalt is now-it would go to the open space area.

Electric services – poles have been installed. Unutil wanted to continue power lines. There will be underground services. Landscaping was discussed (new hand out given tonight) and house plans (also handed out).

Mr. Chinburg believes all items have been addressed. Sewer issues he believes have been solved. He is hoping to get approval.

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Mr. Lessard discussed the three adjacent lots that are tying into the sewer. He asked how that will work. Mr. Chinburg said they are trying to now separate the projects. Mr. Chinburg thinks the three lots will become a single lot with condo units each with their own leach field. Soils are sufficient. The PRC did not have any issues with this idea.

Mr. McMahon asked about extending the water line and asked if it will be a dead end line. Mr. Coronati said it currently is a dead-end line. Mr. Chinburg said he believes Matt Assia told him it is going to get linked. Aquarion Water wants to link the line.

Mr. Chinburg said the idea is to get this done in the spring.

Mr. McMahon asked to have the driveways deciphered. Homes face one current driveway. That driveway serves five. The second driveway is common, but the end of the common portion of the driveway splits into three driveways (12' wide). Each driveway has 5 curb cuts off of them.

Mr. Chinburg said that Fire is happy about the sprinklers and turnarounds. They met fire code regulations. Mr. Coronati said now the hydrant is proposed in the development, but a new hydrant will be out on Drakeside.

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Mr. Lessard asked about the Limited Common Areas. Mr. Coronati discussed Sheet CS1. Each unit has each of its common areas outlined. Mr. Lessard asked about the walking path. **Mr. Coronati said all utilities that cross the LCA lines will be taken care of in condominium documents, along with the walking path.** Mr. Lessard asked if the path is a private/recreational path and it was stated “yes”.

It will have private trash removal.

Mr. Coronati said Note #25 on CS1 references trash; it will be taken care of in the condominium association documents. Mr. Chinburg said they will hire someone to come to pick up trash and they will use their own refuse containers. It will be like municipal, but private.

Mr. McNamara said snow removal is the same; privately handled by the Association. It should be on C3. Snow will be handled by the Association.

Mr. Emerick said if they want to wheel it onto Drakeside, the Town will pick it up. Mr. Chinburg said limiting it to the Association is easier. The folks buying will know it is part of their condo fee. Mr. McNamara said the Town recycles. **Mr. Chinburg said it is in the condo documents to separate the trash with recyclables.** It will be on a Note and in the Condo documents. Mr. McNamara wants to trash containers.

Mr. Olson discussed open space along Towle Farm in perpetuity. **Mr. Coronati said “yes” and another note will be added about the mowing of the field; keeping the field mowed.** Common area will be designated for no future development. #26 already deals with mowing per Mr. Olson.

Mr. Olson appreciates the effort in making this a safe (yet dangerous) road. Mr. Lessard asked about covenants and about use of homes being used for residences. Mr. Lessard they could have a store in the house. Mr. Chinburg **can put note on the plan limiting it to residential use.** Notes to this **effect can be added to the condominium documents.** This will be strictly for residential use. Mr. Bachand added this to his Memorandum.

Mr. Olson discussed force main and gravity system and asked if it was resolved. Mr. Coronati feels it has been resolved. Mr. Chinburg said they wanted it to flow by gravity until it entered the system. Now it goes to force main system and gravities from there.

Square footage of homes will be 1,700 to 2,200 square feet.

Ms. Carnaby asked if at some point on Sheet C3 – first time she saw how the driveways are going to possibly look at each other from either side of Drakeside Road. She asked if the applicant looked at that so people won't bump into each other.

Mr. Coronati said the three lot side is going to be changing. Ms. Carnaby said people will be leaving Smuttynose also – which gives more traffic. Mr. Chinburg said the middle house might line up with a shared driveway.

Mr. Emerick said he thought it's better to line up. Mr. Chinburg said in all homes there is a turnaround on those houses. #10 needs one per Mr. Olson. **Mr. Chinburg said he can amend plans showing back out. A drainage plan is needed for each driveway.**

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Mr. Lessard asked if they spoke with Mr. Walker about fencing – he abuts 1 and 2. Mr. Chinburg would be happy to work with them. **Mr. Lessard would like that confirmed how they want privacy or a privacy fence. Mr. Chinburg can put it on the plan.**

Mr. Bachand said the applicant worked well with the Town and went over his Memorandum. Mr. Bachand wants open space to be dealt with in the condominium documents.

He discussed other staff have not been able to review the new plans received yesterday. He feels most items have been addressed. DPW and Fire will want to take a closer look. Mr. Bachand said conditions are adequate. If it needs to be continued, he recommends to October 21st.

Mr. McNamara isn't comfortable with getting plans the day before the meeting. They may not be much different, but he feels the rest of the departments should take a last look at them. He is worried also about trash; he doesn't see a spot for trash. It needs to be on the plans. It is on CS1 - #25. **They will have this in condo documents.**

Mr. Chinburg said the 21st is great.

MOTION by Mr. Lessard to continue this application to the October 21, 2015 Planning Board meeting.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

15-042 Drakeside Road (continued from 9/2/15)

Map: 140 Lot: 3

Applicant: Chinburg Properties

Owner of Record: Asset Title Holding, Inc.

Subdivision: Three-lot subdivision (single-family homes)

Waiver Request: Section V.E. (Detailed Plan), Items 8, 9, 10 and 12.

Mr. Corey Colwell appeared (MSC Engineers) with Eric Chinburg. These were presented last month to the Planning Board. The Planning Board felt they tied closely to plans across the street. Last month there was a concern with the sewer issue, i.e. the force main to not extend across the right of way. It was adopted in 1998. The 201 Facilities Plan was discussed. Since gravity sewer cannot be extended, they want to go with septic systems in lieu of the sewer. They did test pits. Soils are adequate. Three homes can be serviced with septic systems. They are now going to a condominium form of ownership. Lot lines will be eliminated. A 40' multi-family setback will take place. Everything else will stay the same. Rain gardens will be designed. Rain gardens work well with septic systems.

The proposal still consists of three homes; the only difference is to eliminate lot lines and go with the three unit condominium development. Mr. Chinburg said they are hoping to go this route and withdraw the subdivision. He wants a sense of the Planning Board's thoughts regarding individual septic with detached condominiums.

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There would be three individual leach fields. It is one single lot. State requirements were discussed by Mr. Colwell. It is Group 3 soils. They need more area to go with the lots. It will still support 10 bedrooms.

Mr. Emerick has no concerns with them going to condominiums.

Mr. Olson discussed driveway alignments. Lot #2 would become the entrance to three units. He asked if it is a shared driveway. Mr. Chinburg said he didn't receive any concerns about three driveways in the past. Mr. Bachand said if it is changed, it goes from a subdivision application to a site plan (condo) application. The Subdivision Regulations state "preferably 1" curb cut. It goes back to the PRC and it goes through the process all over again. Mr. Chinburg doesn't want to take unknown risks. Mr. Bachand said the PRC members seemed more receptive to sewer. If the PRC prefers sewer, maybe the Board of Selectmen will be in favor per Mr. Emerick.

Mr. Chinburg said it may need one curb cut and asked about the Selectmen process. This would be continued tonight and they would have to get on the Selectmen's agenda. The Planning Board would obtain input from the Town Attorney and Mr. Bachand and then the applicants would come back to the Planning Board. Mr. Chinburg wants this continued. Mr. Waddell said septic is a good idea. **Mr. Bachand can speak to the Town Manager.** Mr. Chinburg thinks they will withdraw and come back. Mr. Chinburg wants to continue to November 4, 2015.

Mr. McMahon asked about noise. Mr. Chinburg said there is going to be a berm. Evergreens will be planted behind the property.

Mr. Olson discussed public interest of safety. He discussed shared septic. They are not going to be shared. Septics are exclusive to each unit. Mr. Chinburg asked if it would be a waiver of three individual driveways.

Mr. Bachand read the site plan regulation regarding the number of curb cuts. Lot 2 and 3 would need a turn-around on its own property. Mr. Olson said it is a bad road. Mr. Chinburg said he would have turn-arounds. Mr. Emerick said they look to the PRC. They have to go to the PRC if they go with septic.

Mr. Bachand said visibility was discussed also at the PRC.

Mr. Olson discussed the G Zone; it is one of few areas few places one can do anything as far as home, businesses, etc. He wants to protect the public; it's a highway. There's a breakdown lane (for Interstate 95) near there.

MOTION by Mr. Emerick to continue this application to November 4, 2015.

SECOND by Mr. Olson.

VOTE: 7 – 0 - 0

MOTION PASSED.

15-044 18 Glade Path (continued from September 16, 2015)

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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Mr. Scott Simmers appeared. He is representing the Trust and his mother. They needed to get an abutter notified so they needed to return.

This is to construct a patio in front of the house. Pea stone and a fence will be added, 6' off the ground and they agree with Conservation Commission stipulations. Mr. Lessard said that everything looked good on the site walk.

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Mr. Bachand said the outstanding issues have been addressed. We have letter of authorization from the abutter who was not notified so that is all set. The easement was discussed and that has been clarified.

MOTION by Mr. Lessard to grant the Wetlands Permit in accordance with the Conservation Commission letter dated August 28, 2015.

SECOND by Mr. Emerick.

VOTE: 7 - 0 – 0

MOTION PASSED.

The applicant will notify the Conservation Commission when the project is done.

15-051 77 & 79 Ocean Blvd, 75 Ocean Blvd & 2 L Street (continued from September 16, 2015)

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

Attorney Jon Springer appeared with Mary Lee Twomey and Joe Coronati of Jones & Beach. Attorney Springer said they received two variances; one for off-site parking and one for the size of the parking spaces. Attorney Springer said the Planning Board thought one of the variances was going to be withdrawn. Attorney Springer said Ms. Twomey is doing a project according to the Master Plan. Mr. Springer thought it had to be re-heard because of a notice defect; he felt nothing else was going to be dealt with and did not feel he needed to attend the prior Planning Board meeting. The Planning Board got into the parking lot issue at the prior meeting and parking space issues. Ms. Twomey agreed to withdraw the second variance application at the end of that meeting. She was hoping to be approved by the Planning Board that night per Mr. Springer. She didn't understand she was going to get continued.

Attorney Springer said they came to the Planning Board before the land use board (ZBA) and that is not normal for him in his practice. The Planning Board noted that they in fact went to ZBA prior to the Planning Board. Mr. Springer said the variances didn't include parking.

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Attorney Springer felt the only issue of the Planning Board was the notice issue. The Applicant thought they had approvals in place. Mr. Springer was hoping to get conditional approval the night of the prior Planning Board meeting.

After the meeting, Ms. Twomey didn't realize she had been continued. Attorney Springer said he feels Ms. Twomey got nothing from the Planning Board in his opinion. She still had to go to the ZBA. He said Ms. Twomey did not understand the ramifications.

Attorney Springer said when he went in front of the ZBA, he did not know what transpired the night before. He did not want or mean to misrepresent. He takes full responsibility. Mr. O'Brien gave details of what happened in front of the Planning Board to the ZBA members. The ZBA granted both. Mr. Springer asked the Planning Board why the ZBA approved both variances. Mr. McGuirk listed motels in the same position. Four out of 5 ZBA members voted in favor.

Attorney Springer said variances were granted by the ZBA. Attorney Springer admitted they could have done things better.

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Mr. McNamara said the Planning Board did not create this mess; the applicant did and the engineer did. The Planning Board looks at applications and says what we can and cannot do. Planning deals with parking. One variance was for off-site parking and the Board agreed, that yes, that variance should be granted per Mr. McNamara. The applicant changed her mind which was then brought to the ZBA the next night. The Planning Board came to an agreement with the applicant and then the applicant changed her mind. Mr. McNamara stated this project is wonderful for the beach; the Planning Board wants hotel rooms; better rooms. New updated rooms, bigger, doors, etc. were discussed. Parking was the issue. Today's parking is what the Board asked the applicant to do. It would not hurt her business. We asked her to take a lot she owns and park the right number of cars; 15 cars. There have been 3 sets of plans with all different parking numbers. Applicant is including 75 Ocean Blvd. Why is 75 Ocean Blvd on the application was asked by Mr. McNamara. Mr. Coronati said he had to resubmit for all three lots. Mr. Bachand and Attorney Gearreald said parking underneath building was brought in.

Mr. McNamara said 77 and 79 Ocean Blvd and then talking about adding parking at 75 Ocean Blvd. 75 Ocean Blvd doesn't have enough parking for units above it to begin with. Mr. McNamara said she already does not have enough parking. 75 Ocean Blvd is already non-conforming. Mr. Coronati wanted to reduce L Street to 15 spaces. He says it's really 14 because one space is impossible to get in and out of. Fifteen doesn't work per Mr. Coronati. Mr. Springer said there are 20 existing spots. The Planning Board asked for 15 conforming spaces. The Planning Board wants 15 conforming spaces. The Applicant could do 14, 15 may not be good. Mr. Emerick said we have no authority over this. It is a waste of time. It's the law. The ZBA gave the variance.

Mr. Coronati said 2 L Street works since it's been that way for 40 years. Mr. McNamara said she is upgrading the hotel. She is not operating it the way it was 40 years ago. He is happy it will be nice. Mr. McNamara said we are planning for the future; not 40 years ago. They are

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reducing number of motel rooms per Mr. Coronati. If they don't have room to renovate, they will probably sell the units.

Mr. McNamara wants them to conform. Mr. McNamara said they have other parking to use. The Applicant chooses to not use those other spots.

Mr. Olson said at the first meeting, the parking lot was a blank slate. There are 3 parcels in play trying to support one another. They don't. Parking was asked to be looked at. This was the result of the first meeting. Details were left out at the first meeting and he does not know why. The Planning Board asked for it to be given. On the front side this is in support of the Master Plan. The Units being proposed; there is enough parking for that. He asked why the extra 5 spaces mean so much and why they have to make this project so difficult. Mr. Olson said it was very discouraging. He felt there was going to be a reasonable compromise. He is not willing to bend. The project came in sub-standard.

Attorney Springer said nothing was hidden the first time around. Parking wasn't shown because they didn't think parking was an issue. They didn't think parking was triggered by what they wanted to renovate. After approvals, that's when the Town told the applicant they need parking because parking is triggered by what you are doing. Mr. Springer disagreed with Mr. Gearreald.

Parking has been there for 40 years and it worked.

Mr. Olson has been in attendance for all three meetings. The Applicant attached the parking to the project. Let's not consider the parking.

Mr. Coronati said at the first meeting, there was a dedication of parking spaces at the first meeting. Mr. McNamara said no dimensions were shown on the first plan. His rendition on plans the first time around looked fine.

Mr. Lessard said the first time it came in, it was for legal parking spaces in perpetuity. When the applicants came to this Board after variances from the ZBA, they talked about parking and the ZBA said it is a Planning Board issue. Then applicants came here, and the Planning Board then needed to talk about the parking issues. The ZBA said it is a Planning Board issue. The Planning Board welcomes this project to the beach. They are bigger units; sleep more people and are more attractive. The Planning Board put the condition that the applicant had to provide legal, adequate parking in perpetuity. That can still happen. The Planning Board wants legal parking spaces in perpetuity. You have not done a lot line elimination. Mr. Lessard would go for the project as long as applicant, in perpetuity, adds 15 parking spaces. We did not say where they have to be. The Planning Board needs legal parking spaces. You have not done a lot line elimination.

Mr. McMahan questioned Attorney Springer in how much he really does in front of Planning Boards and ZBA's and could not believe Mr. Springer does not deal with parking in projects and that makes no sense. Mr. McMahan noted parking is always an essential part of any redevelopment on any project in any Town/any Zone. Mr. McMahan thinks the applicants are asking the Planning Board to apologize for it wanting her to do as the Planning Board requests everyone else in Town to do. Mr. McMahan said on September 16th the Planning Board had an agreement with this applicant to withdraw one ZBA variance, 24 hours later in front of the ZBA, they blew that agreement off.

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Mr. Waddell said Mr. Lessard did a nice job of the fact. Many mistakes were made. He thinks the project is good and it should go forward somehow. He asked how it can progress.

Mr. Emerick said he does not see where the Planning Board can override the ZBA. Mr. McNamara said we need a consensus of the Board.

Ms. Carnaby said there is a lot of clouding on the issue. She agrees with Mr. Lessard. It's a matter of having the right number of spaces that are the right size. You can't just rent to people with short cars. Ms. Carnaby wants to make sure there are the right number of spaces for the plan that is wonderful and make sure there are spaces, if off lot, available as spaces for that property forever.

Mr. Lessard asked if we can approve the project based on the applicant showing the Town Planner where there are 15, 9' x 18' legal parking spaces.

SECOND by Mr. Olson.

Mr. Lessard would make the motion to approve the project and that the applicant provide the Planner with 15 legal parking spaces tied to the renovated motel; 77-79 Ocean Blvd, in perpetuity.

Mr. Coronati apologized for the mess. The applicant did apply for 75 Ocean Boulevard; maybe erroneously. Mr. Bachand said 75 Ocean Boulevard was tied into it. The applicant's engineer presented that maybe they can provide parking under 75 Ocean Boulevard. The 75 Ocean Boulevard property was included based on that. The subject line says to "possibly" include the lot. If the applicant decided to include that lot for parking, there would need to be an abutter notice per the Town Attorney if it were not included. We thought 2 L Street was to be used for the parking.

Mr. McNamara said the projects are being jammed together. Parking for all locations is not sufficient. The parking garage is not sufficient for the structure above, let alone the other properties. Mr. Coronati came up with 34 spaces—all three parcels. He said 31 spaces are needed, including 75 Ocean Boulevard. There are 16 motel rooms so they need 16 parking spots. Mr. Coronati wrote 10 to 14 spots were provided by Mr. Coronati. No overflow can go to 75. There will not be enough spots if they lose 5 spots on 2 L Street. Mr. McNamara asked not enough parking for what? Mr. Coronati has enough for 77-79 Ocean Boulevard – was agreed upon by the Planning Board and Mr. Coronati. Mr. McNamara does not know why parking has to be such a big issue if they just will do what the Planning Board is asking them to do. Mr. McNamara said the Town is trying to be current; not look back to 40 years ago and stay with that.

Attorney Springer said they were told to apply for off-site parking and for parking size relief. Mr. McNamara said the applicant needs parking off site and the applicant has many spaces to do that. To say a smaller parking space because the applicant needs to is not right. It was not right for the ZBA to grant that, but they did. Mr. McNamara said the Planning Board has options in front of it. The Beach can't continue looking at 40 years ago; we are planning for the future. Mr. McNamara is happy the applicant is making the property look nice.

SECOND by Mr. Emerick on Mr. Lessard's Motion.

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MOTION (reiterated) by Mr. Lessard to approve Map 293, Lot #24-1 off of Plan #24-1. Mr. Lessard wants it for the motel renovation property only; not the other hotel. The renovation is 24-1, that is the Lot Number. Ms. Olivier read Mr. Lessard's prior motion (above). That does not affect variances on the lot.

Mr. Bachand said if the parking spaces were found to be on a lot different from the lots on the application, it becomes an abutter issue. Mr. McNamara said if they put spaces somewhere else, the abutters to the new (other) property will need to be notified. Mr. McMahon said only 14 spaces on 2 L can be provided per Mr. Coronati. Mr. Coronati gave a different plan to the ZBA; Mr. McNamara asked why the Planning Board does not have that plan. It's tough to get out of the last stall. Mr. Coronati said the northeast parallel space is tough (retaining wall). Mr. Coronati said Ms. Twomey realized after the Planning Board meeting she wanted to keep the lots the same and went before the ZBA. She stated guests park themselves. Mr. McNamara stated that maybe spaces need to be numbered so rooms get parking spaces assigned to them. Mr. McNamara reiterated that there is the ability to have the correct number of parking spaces.

Mr. Emerick asked if they need to come up with a parking lot somewhere. If they do, that is a separate application. Mr. Bachand said he could be mistaken, but he was thinking of the Chuck Rage project. Mr. Emerick said he thought a new requirement can't be put on old application. Mr. Olson knows if it's a parking lot before (a space), it's a parking space now. Attorney Springer said that was his argument before. Mr. Springer did not want to come back for that. Mr. Springer said petition was rejected because parking abutters needed to be notified. That's why they did not talk about parking. Mr. Springer is fine with perpetuity.

Mr. McNamara said when something is renovated, it is like building something new. There are no more grandfathered issues. Parking may be a minor issue in some people's minds. Planning deals with this. The Planning Board was not looking for three meetings on this.

Mr. Lessard asked about the design for the pool. Mr. Coronati has not come up with an alternative as of now.

Mr. Lessard wants 15 conforming spaces (somewhere). The applicant needs to figure out where to put them. It can be 2 L Street or somewhere else. Ms. Olivier interjected that a email/memo or letter was received by Attorney Gearreald that notes if off-site parking occurs and is tied to a project, abutters to the off-site parking do in fact need to be noticed and that's why it happened this way. It would be a different application but it does tie in.

Mr. Bachand said if it is approved, looking at the idea of another location, Mr. Bachand wants to make sure the Memo is amended to take out L Street out and put "and other location" or something like that. He needs the conditions to be correct in any future motion.

Mr. Lessard asked about sidewalks. Mr. Bachand discussed funds needing to be in escrow for future construction. It's still in negotiations between the State and Town.

If retail spaces are converted to living spaces, there will need to be two more parking spaces per Mr. Lessard.

Mr. Bachand went through his memo to the Board, and said it should be amended to reflect the option to provide parking in the applicant's other locations per the motion. In Condition #7, he would exclude the reference to "2 L Street" and add "to secure parking for the benefit of 77 & 79 Ocean Blvd" to allow parking to be secured. In Condition #9, also take out

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the reference to 2 L Street. They can provide the parking a 2 L Street but these changes would allow it to be provided elsewhere as long as it is conforming and reviewed by his office.

Mr. Lessard said the Site Plan shows no parking on the 77 & 79 Ocean Blvd lot. The new plan (handed out) also does not show any. Pulling off of Ocean Boulevard was asked by Mr. McNamara. Ms. Twomey said no – nobody parks there. Mr. McNamara sees cars there. Mr. McNamara asked if a spot should be marked out front for handicapped spot. Mr. Coronati said a space may be added out front. We asked for an alternate plan to show the green area per Mr. Lessard. Mr. Bachand was going to add that condition to #4.

Condition #4 to be edited per Mr. Bachand. He recommended to include an alternate plan for pool area if the warrant article does not pass. The Town votes on this in March. Mr. Emerick said once it is on the ballot from the Planning Board, it's the law - it would be November. Mr. Bachand clarified this would be a citizen's petition and not one of the Planning Board. Mr. Coronati said he would have to do that. Condition #4 should read - an alternate plan for pool area shall be provided before recording the Site Plan. Mr. Lessard wants a recreational area here, grass is fine.

Mr. Bachand noted the motion should include the additional condition about including other conforming parking.

Mr. McNamara stated for the record, for the Motion to include 15, 9' x 18' spaces, somewhere, that will be in perpetuity as tied to this project and the Planner's Memorandum dated October 7, 2015 (as revised). There are also waiver requests.

MOTION by Mr. Emerick to grant the first waiver with reference to stormwater management.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. Emerick to grant the second waiver with reference to procedures (application fees).

SECOND by Mr. Lessard.

VOTE: 7 – 0 - 0

MOTION PASSED.

Mr. McMahon stated he intends to vote against it. There are too many loose ends. Based on recent experience with this applicant, he wants everything signed, sealed and delivered in front of the Planning Board and not on the fly. The Planning Board tried to negotiate with the applicant on September 16th and it did not work out. He is against the motion. Mr. McNamara said there are some issues about when people say they going to do things and they do not.

All those in favor of Mr. Lessard's motion was asked by Mr. McNamara.

VOTE: 3 (Lessard, Waddell and Emerick) – 4 (Olson, McNamara, Carnaby and McMahon)

Mr. McNamara said the Board needs to clear up issues. There can be a motion to deny or continue for two more weeks. Come back with a parking plan that really works.

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Mr. Springer said we've been dealing with this since March. Mr. McNamara said the applicant has not come forward with good plans. Mr. McNamara said it's been thrown in the Board's face several times. No application takes three meetings for parking issues. The Planning Board is here for the Town and Beach.

Mr. McNamara wants to see this go forward with 9' x 18' spaces. Mr. Springer asked even if he has a variance from that. Mr. McNamara said he has a variance for 2 L Street, he does not have a variance for the rest of the Beach. Mr. McNamara said we do not legally have to tie 2 L Street to this project. Mr. Springer disagreed. Mr. McNamara said the other project needs 15 compliant spaces, it is not tied to 77-79 Ocean Boulevard.

Mr. Olson knows what's going on, and the applicant knows what's going on. Mr. Olson wants it back clean and we will be done. This is all about 15 parking spaces.

Ms. Carnaby asked if there would be an expectation on the Planning Board's part if the applicant can come back with 15 correct-sized parking spaces tied to this project. Mr. Springer said he does not know.

MOTION by Mr. Lessard to continue the application to the Planning Board's October 21, 2015 meeting.

SECOND by Mr. McMahan.

VOTE: 7 – 0 – 0

MOTION PASSED.

Ms. Twomey asked about putting 10 spaces at 2 L Street and 5 spaces on 75 Ocean Blvd. Can she split spaces was asked. Mr. McNamara said they have to be deeded. She will not have enough spaces at 75 Ocean Blvd. She asked if she can deed the garage. Mr. McNamara said deeding for 77-79 Ocean Boulevard - 9' x 18' spaces for 15 spaces; somewhere on property that she owns or leases, in perpetuity. Mr. Olson said they could change their mind next week.

V. CONSIDERATION OF MINUTES of September 23, 2015.

MOTION by Mr. Emerick to approve the September 23, 2015 Minutes.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (Waddell)

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- 611 Ocean Boulevard– Special Permit Extension

Mr. Bachand stated this permit is about to expire. The applicants are looking for a two-year extension. Ms. Dionne of the Conservation Commission said one year is recommended since the paving work has already commenced and the portion (guard rail) to protect the salt marsh has not.

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MOTION by Mr. Lessard to grant a one-year extension of the Wetlands Permit.

SECOND by Mr. Olson.

VOTE: 7 – 0 - 0

MOTION PASSED.

- Planning Board Budget – Outside Legal Fees

Mr. Bachand discussed outside legal fees – incorporating legal fees into the Planning Board's budget. He spoke with the Town Attorney, and the system in place now has been this way for several years. Mr. Bachand said it seems fine as is and feels it should stay as it is. Mr. McNamara said there may be times where any Board may want to do something different from the Town and legal represents the Selectmen first.

Mr. Bachand let the Board know that he attended the APA Conference in Portland, Maine and that it was an excellent conference. Matters discussed included the Community Rating System (CRS), ethics, and law. He said there was also a walking tour highlighting a number of historic sites in the city.

VIII. ADJOURNMENT

MOTION by Mr. Olson to adjourn.

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 10:00 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