

## HAMPTON PLANNING BOARD

### MINUTES

February 17, 2016 – 7:00 p.m.

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

**ABSENT:** Mark Olson

#### I. CALL TO ORDER

Mr. McNamara began the meeting by introducing the Board members and leading the Pledge of Allegiance to the Flag.

Mr. McNamara noted that 325 Lafayette Road, 321 Lafayette Road and 35 Winnacunnet Road have withdrawn their application.

#### II. ATTENDING TO BE HEARD

- **Preliminary Conceptual Consultation: Hotel Project-Springhill Suites – Marriott 299 Exeter Road**

Mr. Keith Kelly, Opechee Construction Corp, and Mr. Barry Stowe, Civil Design Engineer, appeared. Mr. Kelly discussed the hotel design. Revised elevations were discussed. It is a 104 room Springhill Suites hotel. There is a sleeping area and sitting area in each guest room. There is public space for food and beverage (mostly breakfast/continental). There is a semi-public pool for guests only. There would be four stories of guest rooms. There is associated parking of 152 spaces. There may be a land lease or subdivision for an office portion built also. They are designing the entryway to support the hotel and office use as well. At this point they only have a 3 story, 40,000 square foot placeholder for the office building. Springhill Suites is a part of the Marriott group. Mr. Kelly said they are up against the constraints of what the brand/franchise might want, but they are also respective of what the Town is looking for.

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Mr. McMahan noted, with regard to the look of the building, that McDonald's, Dunkin Donuts, etc throughout the country and world have adapted to local use. He said that he does not want a rubber stamp (look) for the project.

Mr. Lessard thinks it is an appropriate use for the site. He asked if it is not successful, what type of hotel would this turn out to be. How do they know it will be a success was asked.

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Mr. Kelly said he New England-ized the design. The plan has changed to be more conducive with our (Hampton) location. The Marriott takes its success seriously. They strategically place projects in areas in order to be successful. Marriott has done its research.

Mr. Lessard said that this was always a wooded hill and now it will be a paved parking lot. He asked about landscape plans and how the site will be softened.

Mr. Kelly said the intent is not to clear-cut the site. The grounds would be highly vegetated and the brand supports this.

Mr. Stowe said this look would be compatible with CR's. CR's landscaping is in the front; this project would do the same.

Mr. Emerick said he thinks it's a nice addition to the Town.

Ms. Carnaby asked about them being more imaginative. She thinks it's a sparsely decorated box. Mr. Kelly showed an example of the cookie-cutter design the brand was looking for. It is a 3-4 star hotel per Mr. Kelly.

Ms. Carnaby thinks it's bringing a brand to the area, rather than having the brand reflect the area and the nature of it. She feels the area is rural looking. She wants it to retain that rather than imposing urbanity.

Mr. Waddell asked about clientele going downhill after the hotel is built. He wants to know about marketing studies. Is this for people traveling up I-95 or people traveling to Hampton? Mr. Kelly is not sure. For people today, it is less about the sign and more about the internet and GPS location. The area is good for business and leisure. The Marriott does not go into projects lightly. It could have a 25 year life cycle.

**Mr. Waddell wants to know the failure rate on Marriott Hotels; he is interested in statistics. He also wants to know the price structure.**

Mr. Kelly said the assisted living location is a huge demand generator for this project. The hotel would support that project as well.

Mr. Bachand said this is an important gateway location into Hampton. The Zoning Review Subcommittee studied this location. Hotel and retail were suggested uses of this parcel. He asked if any consideration was given to a retail component on the first floor (below the hotel). Mr. Kelly said this is not the thought of the developer. He doesn't think that would support the street since it is not an easily walked-to location.

Mr. Bachand said the architecture is an improvement from the previously provided concept, but suggested there still be some modifications. He thinks a more prominent entrance would be nice. He noted that the hotel team meetings with DPW and access was discussed. It should be aligned with development across the street. Connecting the hotel internally with CR's was encouraged. Mr. Bachand discussed site design and landscaping, and noted that additional stone (similar to CR's) could be incorporated into the site.

Mr. Bachand asked if they will be pursuing approval for the hotel and office building concurrently. They will be submitting an approval for the office per Mr. Stowe. Mr. Bachand said the office design should be compatible with this hotel project. Mr. Stowe said it may be similar to the Unitil building. Mr. Bachand stressed that the entire project be of a high quality design that reflects the Town.

Mr. Emerick noted looking at the aerial view – the idea that this is rural is over-stated.

Mr. Stowe said it was used as a construction yard in the past.

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Mr. McMahon agrees with Mr. Bachand about combining drives with CR's. He asked about signaling and they said "no", that it was not needed. Mr. Stowe said a traffic study is being worked on.

Mr. McMahon asked about clientele. Neighbors have had these concerns as well and it should be looked at.

The Board has not seen the office building before per Mr. McMahon. He asked about the topo of the site. This is a good site for the office building per Mr. Stowe, not too flat and not too steep. There is a manmade berm along I-95.

Mr. McMahon asked about the Falcone Circle residents and what this will be like with regard to those homes. The finished floor of the office will be similar to the elevation of Route 101 per Mr. Stowe. The wetland areas were asked about. They are over 4,000 square feet apiece. This will need to be addressed. They will be applying to State and Town. There will be a function and values assessment. Their Wetland Scientist is working on this now.

Mr. Lessard discussed CR's gravel parking lot. CR's uses the property. CR's is in negotiation with shared parking for the hotel right now per Mr. Stowe. Mr. Lessard said they should have a cushion for the restaurant (if busy) and hotel (if busy) with parking. There are 152 spaces on site; so there is a buffer. The typical parking ratio is one parking spot per room per Mr. Stowe.

Mr. McNamara noted there was a lot line adjustment for CR's. The lot line adjustment is not going to happen with CR's due to the driveway orientation per Mr. Stowe. CR's wants more parking and the hotel team is working with them.

Mr. Emerick said that 154 spaces for 104 rooms is 50 extra spaces, this seems to him like an excessive amount of parking for the hotel. He said the average traveling salesperson does not drive two cars. Mr. Kelly said the parking is designed per the Zoning Ordinance.

Mr. Stowe noted that they are looking to submit for the March 2<sup>nd</sup> deadline.

### III. CONTINUED PUBLIC HEARINGS

#### **15-062 88 Leavitt Road (continued from 12/2/15 & 12/16/15 & 1/20/16)**

Map: 206 Lot: 8

Applicants: Timothy & Suzanne Plouffe

Owners of Record: Same

Subdivision: Two-lot subdivision. Waiver Request: Section V.E. – Detailed Plan

Mr. Mike Plouffe appeared with Mr. Timothy Plouffe and Ms. Suzanne Plouffe. They believe they have met the Town Planner's requests. Drainage easements and the turn-around were discussed, which are new since the last meeting with the Planning Board. They received the Memo from the Town Planner.

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Mr. Lessard asked about the paving of the turn-about. Yes, it will be paved by the Town per Mr. Michael Plouffe.

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Mr. Emerick is fine.  
Ms. Carnaby has no comments.  
No comments from Mr. McMahon.

#### **PUBLIC (None)**

Mr. Bachand said that staff (DPW, the Fire Department, and the Town Manager) met with the applicant to discuss how this proposal could be remedied. The new 20' x 30' turn-around was the solution from the meeting. DPW and Fire are fine with this. Paving of the turn-around is important to support the plow trucks, trash trucks, and so forth. There is also a drainage and turn-around easement document from the Town Attorney – **a 41:14-a recommendation also needs to be voted on.**

Mr. Bachand said to add to the conditions that the new turn-around area shall be paved. **There is also a waiver request to be voted on.**

Mr. McMahon plans to vote against the application. Five variances granted; two easements for Selectmen to accept (one already exists). He thinks this is too much overcrowding. This does a disservice to our Zoning Ordinance in this neighborhood and the Town as a whole. The Ordinance is in place for a purpose; he feels this creates public safety issues.

Mr. Lessard is concerned about the north side of the lot. He sees the future home owner trying to tighten up this area. He does not want to see something placed at the edge of pavement (the easement). He does not want the easement to be encroached upon by the property owner.

Ms. Carnaby said there is not a lot of excitement about the project, but with the easements and variances granted, the Planning Board does not have a lot of choice.

Mr. McNamara noted that the area is so tight. When the turn-around is paved, the owners of the property can encroach it up to the minimum of the 20' x 30'. Is there something the applicant can do about this was asked. The easement is 20' wide per Mr. Mike Plouffe – the Town does not want trees or obstructions in that 20' area. An ornamental fence was discussed. He asked if adding rocks or boulders 5' or 10' outside of the easement would be good. Mr. Plouffe wants to lawn an area. They are willing to make this look nicer.

Mr. Lessard likes the idea of rocks because they do not rot and they cannot be knocked down; **5' (approximately) beyond the 20' was asked about.** Mr. Plouffe agrees with Mr. Lessard's wishes.

Mr. Mike Plouffe discussed the drainage easement. The Town talked about "no parking" signage. It would be 5' away from the pavement and could help delineate the area.

Mr. Bachand said the signage is in the conditions. There is a change in the Drainage and Turn-Around Easement document. Attorney Gearreald said it would be paved at the Town's expense. Mr. McNamara doesn't want this turn-around limited to public vehicles. It is unenforceable per Mr. Emerick. Mr. Lessard asked if this would become a fire lane. The 20' wide – only has one side. A road is only 22' wide. Mr. Bachand said the applicant will work with the Town for placement of signs – this is in the conditions. Parking requires action by the Selectmen. The sign would be a Town expense per Attorney Gearreald.

The public using the turn-around requires changing in the easement wording. Mr. Lessard asked if the Town is responsible for insurance. If this road is a public turn-around, it

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should be covered by the Town’s insurance. **Attorney Gearreald said “he expects so” but he can check on this.**

Mr. Bachand said the Board should include the 12 conditions in his memo, plus another that the new turn-around area shall be paved at the Town’s expense. Also, a condition that rocks shall be installed to delineate the turn-around at approximately 5’ from the edge of pavement. A surveyor can set the rocks.

**MOTION** by Mr. Lessard to grant the waiver of the Detailed Plan.

**SECOND** by Mr. Emerick.

**VOTE: 5 – 1 (McMahon) – 0**

**MOTION PASSED.**

**MOTION** by Mr. Lessard to grant the 2-lot subdivision for 88 Leavitt Road along with the Planner’s Memorandum dated February 17, 2016, with the additional conditions that the new turn-around area shall be paved at the Town’s expense, and rocks shall be installed to define/delineate the turn-around, set approximately 5’ back from the edge of pavement. This also includes a condition that the Stormwater Drainage and Turn-Around Easements shall be incorporated by reference. Plan dated 1/30/16.

**SECOND** by Mr. Emerick.

**VOTE: 5 – 1 (McMahon) – 0**

**MOTION PASSED.**

**RSA 41:14-a Process – Drainage Easement and Turn-Around Easement Acquisition, 88 Leavitt Road (moved from “Other Business”)**

**MOTION** by Mr. Emerick to recommend the 41:14-a process to the Selectmen with the insurance clause to be corrected.

**SECOND** by Mr. Lessard.

**VOTE: Consensus.**

**MOTION/CONCENSUS – PASSED.**

**16-003 325 Lafayette Road, 321 Lafayette Road & 35 Winnacunnet Road (continued from February 3, 2016) – (WITHDRAWN)**

Map: 175 Lot: 10, Map: 175 Lot: 13, Map: 176 Lot: 15, and Map: 176 Lot: 15-1

Applicants: Katherine Tinios Revocable Trust

Owners of Record: Same and JSJ Hampton Holdings LLC, John M. Tinios Revocable Trust - John M. Tinios Trustee, and RBS Citizens Bank.

Amended Site Plan (after the fact): Building addition and re-striping of parking lot. Building addition was added to Galley Hatch Restaurant requiring a net gain of 17 parking spaces and one additional handicap space. Waiver Request: Section V.E. Detailed Plans.

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**16-005 136 Little River Road (continued from February 3, 2016)**

Map: 147 Lot: 29

Applicants: Thomas Power & Susan McDaniel

Owners of Record: Same

Subdivision and Conditional Use Permit: Subdivide lot into two lots; construction of single-family residence to be on new lot; single (shared) driveway proposed. Waiver Request: Section V.E.(1), (7), (9) & (14)-Detailed Plans.

Attorney Peter Saari appeared with Mr. Power and Ms. McDaniel. Attorney Saari discussed changes to the plan. The variances were approved. Attorney Saari went through Planner's recommendations. Mr. Power discussed Aquarion's recommendations regarding natural gas or propane being used. Mr. Power said his wife is afraid of gas heat. He realizes the well comes into play. He is 150' back from that right now and he uses oil. He will leave that up to the Board, but he/they are not in favor of it. They also do not want sprinklers.

Mr. Power discussed evergreen plantings. It is a private lot right now. Mr. Bachand wants the buffer because it is a rear lot. It provides a buffer between houses; privacy for each of the homes. Mr. Power said there are trees on the property line.

Mr. Lessard asked if they would make those 'no-cut trees' and he agreed. **Condition #11 can be modified to require a no-cut buffer within the abutting setbacks for each property.**

Attorney Saari said the Zoning Ordinance does not require gas or propane heat. It was noted that it cannot be underground outside of the house. Mr. Power has oil in the basement now. Mr. Lessard noted the house will be close to the well but said maybe oil can be in the basement. That would work per the Powers. The property is approximately 550 feet from the well. They are thinking a 250 gallon tank. Having secondary containment was discussed by Mr. Lessard. It is a safeguard in case there is a leak.

Mr. Emerick is all set.

Ms. Carnaby is all set as is Mr. McMahan and Mr. Waddell.

**PUBLIC (NONE)**

Mr. Bachand discussed the shared driveway which is part of this proposal. There is an access and utility easement. The actual driveway spur off the access and utility easement to the rear lot is shown on a different plan, but not shown on the revised plan as was requested. This driveway must be shown on the plan for recording. The PRC reviewed the application. The Fire Chief had expressed concerns about the driveway width, but reviewed the NFPA1 code and confirmed this proposal is exempted (his email on this is provided to the Board). The Fire Chief recommends adequate access to the structure. The Fire Chief cannot require sprinklers, but he does recommend them.

Mr. Bachand said there is also a **conditional use permit**. It is based on the new Zoning Ordinance changes. The zoning change(s) to the Aquifer Protection District are in effect until and if voted on. Therefore, a conditional use permit is required.

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Mr. McMorran's (Aquarion) letter is in the Planning Board's folders. There cannot be a buried oil tank. The oil tank can be in the garage (within a structure) or in the basement with a secondary containment.

**The access and utility easement will need to be reviewed by Attorney Gearreald.**

**Mr. Bachand has no objection to modifying the evergreen planting condition to include a no-cut buffer within the adjacent setbacks of the front and rear lots.** Mr. Lessard asked if trees can just be noted. **Condition #11 will be modified to include that there shall be a no-cut buffer along the front and rear lot boundary within the setback areas.** On Condition #10 regarding the driveway, Jennifer Hale at DPW said only one driveway can be allowed for existing home lot and he read how the condition should be modified. The existing driveway will need to be abandoned. **Condition #10 should be amended as follows: "The portion of the driveway extending to the newly-created lot shall be shown on the final plan prior to recording. Additionally, only one driveway will be allowed for the existing home lot and the existing driveway shall be abandoned as part of this approval."**

**Mr. McMahan said the plan needs cleaning up.** Lot in front is Lot #1 and behind it is shown as Lot #1 and then one is #2. **Mr. Bachand said this is a two lot subdivision. Lot #1 is stated twice and he will make sure before the plan is recorded that this is corrected.**

**MOVED** by Mr. Emerick to grant the Waiver Request.

**SECOND** by Mr. Lessard.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Lessard to grant the Conditional Use Permit.

**SECOND** by Mr. Emerick.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Lessard to grant the two-lot subdivision with the conditions in the Planner's Memorandum dated February 17, 2016, adding that an oil tank may be located within the structure and to provide secondary containment for that oil tank. Also, amend Conditions #10 and #11 (from the Planner's Memorandum) as read into the record by the Town Planner (see above).

**SECOND** by Mr. Emerick.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**IV. NEW PUBLIC HEARINGS**

**16-007 263 Drakeside Rd & Towle Farm Rd**

Maps: 157 & 140 Lots: 1 & 1

Applicant: Chinburg Development LLC

Owner of Record: Same

Site Plan (Amended): Ten, single-family residential condominiums; Amend to clarify project phasing, depict Limited Common Areas separately from unit footprints & delete the landscaping maintenance agreement from original conditions of approval.

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Mr. Joseph Coronati, Jones and Beach appeared with Mr. Michael Wynkoop of Chinburg Builders. Mr. Coronati believes the notice is why they are here; nothing changed on the development. There have been changes to the Condominium Site Plan with notes and labels. The overall layout is identical to what was approved in the past. Mr. Coronati was not completely sure why they needed to come back, but believes Mr. Bachand's Memorandum is clear.

Mr. Lessard asked about the landscaping piece. Mr. Bachand said one sentence needs to be removed from Condition #18 regarding the maintenance easement because it would not be desirable to the Town and the Board of Selectmen.

Mr. Lessard asked about the project being phased and what that meant – is it a 25 year project or a 2 year project? Mr. Coronati didn't know where the "phased" label came from. They will build as the houses are sold. The DPW wanted a grading plan for each lot before they build. Mr. Coronati said they did not think of this as a phased project; it will be like Grist Mill Homes at 434 High Street. They would be built one at a time and units would be sold one at a time.

Mr. Lessard said foundation-type boxes are on the plan. He asked if that is the intent of how they will be sited. Mr. Lessard also asked about setbacks. Mr. Coronati said that approximate footprint areas are noted, and they will have to comply with the 40 foot setback requirement.

Attorney Gearreald said "phased" was not seen until the condominium documents were submitted for legal review. When the Planning Board saw this application initially, it was not noted as 'phased'. That is how this came to be back before the Board. There is another difference in the plan as well. He noted the 5' wooded trail is now no longer part of any of the lots. It is common area to be maintained by the association. Before, it crossed over several of the lots. Attorney Gearreald is not sure if land under the building is LCA, but he does not think so. The land under the building is not LCA and Mr. Coronati concurred. The LCA is outside of the building footprint. The owners own to the outside of the building.

Mr. Wynkoop said the association mows the lawn. Attorney Gearreald said the individual unit own maintains some aspects of the LCA; like driveways. Attorney Gearreald is not sure about the mowing. Individual unit driveways are maintained by the unit owner and common driveways will be taken care of by the Association per Mr. Wynkoop. Attorney Gearreald read how it is worded. That may need to be revised per Mr. Gearreald. He wanted to be sure the Board knew what it was approving.

Mr. McNamara asked how wide the driveway is going to Unit #4. Mr. Coronati said it is 12' wide. He asked about 263 Drakeside. Mr. Coronati said 12'. It gets wider as it goes to the garage. It could be 20' as the whole distance per Mr. Lessard.

Mr. Emerick suggested the developer to put together definitions for finishes for roof, siding and colors. Otherwise it could be disastrous. Outbuildings should be noted as well. Other elements like swing sets, copper roofs, etc.

Attorney Gearreald discussed the developer's control over what can be built. What would happen in 15 years, etc. was discussed (people putting in whatever they wish).

Mr. McMahan is all set; Ms. Carnaby is all set; Mr. Waddell is fine.

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Mr. Bachand discussed his memo, including the three reasons this application is before the Board. Mr. Bachand said there are still some outstanding issues – proper placement of text within the unit boxes and keeping the LCA number over the land area separately, etc. This is explained in the email to Mr. Coronati. He recommends approval subject to the conditions in his memo. The conditions for October 21, 2015 will remain in full effect except for the noted change to Condition #18. Mr. Coronati will address the comments in the email.

The last plan note (#37) needs revising as well. This is also in the email.

**MOTION** by Mr. Emerick to grant the site plan (amended) in accordance with the conditions in Mr. Bachand’s Memorandum dated February 17, 2016.

**SECOND** by Mr. Lessard.

**VOTE: 6 – 0 – 0.**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES of February 3, 2016**

**MOTION** by Mr. Lessard to approve the February 3, 2016 Minutes.

**SECOND** by Mr. Emerick.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

- RSA 41:14-a Process – Drainage Easement and Turn-Around Easement Acquisition, 88 Leavitt Road (**addressed with the above application for 88 Leavitt Road**)

Mr. Bachand received a request from Bob Ladd of the Hampton Beach Village Precinct asking that someone from the Planning Board to attend its March 9<sup>th</sup> or April 13<sup>th</sup> meeting to discuss the Board’s functions and duties. He is uncertain what this is specifically about. This request from Mr. Ladd followed an email from Mr. Bachand regarding CRS (a separate topic). They meet late afternoon. Mr. McNamara said he can attend the April meeting with Mr. Bachand.

On February 29<sup>th</sup> there is a meeting with the Selectmen on the Route One/101 Interchange per Mr. McMahon.

Ms. Carnaby asked if anyone attended the RPC meeting last week, at which there was a discussion on implementing SB 146. Ms. Carnaby could not make the meeting; she is an alternate. Mr. Olson is the representative. At a Planning Board meeting in March, we can ask Mr. Olson about that.

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**Mr. Bachand will look into this further. Attorney Gearreald will be meeting with Mr. Bachand later and this will be formally added as an “other business” item on an upcoming agenda.**

**VIII. ADJOURNMENT**

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

**SECOND** by Mr. Waddell.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 8:30 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**