

Town of Hampton



PLAN REVIEW COMMITTEE

DRAFT MINUTES

January 27, 2021 - 2:00 PM

Via Teleconference

Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, in order to properly ensure the safety of the public and that of the PRC members, this body is authorized to meet electronically. Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, the PRC are utilizing a teleconference service for this electronic Meeting. The Public may join the teleconference by calling **1-857-444-0744** and using the code **156034**.

PRESENT (Telephonically):

Jason Bachand, Town Planner
Jennifer Hale, Assistant DPW Director
William Straub, CMA Engineer
James Marchese, Building Inspector
Mark Gearreald, Town Attorney
Laurie Olivier, Office Manager, Planning

Absent: David Hobbs, Police Chief
Cathy Gilman, Unutil
Mike Bernier, Aquarion
Tobey Spainhower, DPW
William Paine, Fire

21-004 239 Drakeside Road

Map: 157 Lot: 2

Applicant: 22 Drakeside, LLC

Owner of Record: Same

Site Plan: Conversion of the existing office building into four (4) residential units with associated drive and parking.

Waiver Request: Section VII.E - Stormwater Management

Mr. Bachand commenced the meeting and read the above criteria. Attendance was taken.

Joseph Coronati, Jones & Beach was on the line, as was Attorney James Scully. Mr. Coronati said this is an office building; it has been around for years. It was recently purchased. They want to renovate the building and have 4 residential units. It is on Town water; they want to connect to Town sewer. There will not be too many changes to the site. They have adequate parking. These will be residential apartments, not condominiums. They will be rented. They will use the same driveway on Walker Circle.

There's another curb cut on Drakeside Road. Enough for 4 cars. The building has power adequate for this use. No other exterior changes will be made.

Mr. Bachand said the use conforms in this Zone (G). There were variances with a condition about sewer – they should be listed on the plan.

Parking-it looks like some areas are paved; some are gravel. Should all parking areas be paved was asked. Site Plan Regulations discuss that for public use; it also seems to make sense here.

Trash and recycling storage was discussed – toward rear of the building. He believes there may need to be 8 carts where 4 are shown.

Snow storage, Note #13 says ...snow storage...in area on the plan or trucked off. He did not see this shown on the plan. Show where it will be stored or clear up the note.

Impact fees will be required at \$1,898 per unit. That would go with the conditions of approval. There would need to be a separate application for waiver if requested by the applicant.

Parcel area in the back was discussed. He asked if there are plans for that. Mr. Bachand said a number of homes were going to go back there in the past, per a September 2020 ZBA application that was withdrawn.

Attorney Scully said they want to just make this apartments now, but does not know if Mr. Rallis has future plans.

Mr. Bachand did not find floor plans with the application materials. It is in the submittal checklist. We need those. He was surprised to not see those in the package.

Attorney Gearreald discussed his Memorandum. Attorney Scully reviewed it. He did a short review of it. He has made some notes on it.

Part 3 on Page 2 was discussed. Walker Circle was going to be a Town road. Rights were discussed and obligations of the Town were discussed. Grantee could use the Walker Circle right of way. It's been used. Access Agreement came later in the chain of title. Mortgage was foreclosed on.

Attorney Scully discussed the easement. Attorney Gearreald said it was a 2-lot subdivision.

Ms. Hale (DPW) discussed variances. Note #6 said pavement is being reclaimed. Note 7 on C-1 hydrant renewed. Not on plan. Sewer easement on C-1 being referenced. She does not think there is a sewer easement. Visitor space was discussed (existing) – Do they need to be removed?

C2 – gravel was discussed. Paint?

She does not follow Attorney Gearreald's Memo. She does not understand if Walker is private, public, or private but deeded. There is a curb cut on Walker and Drakeside. Floor plans will help verify. She is not opposed to 2 curb cuts. She has driveway permit issued in 1994. It's Permit #11 – is it on Walker or Drakeside. A driveway permit will be required.

Jennifer Hale discussed trash and recycling carts. The BOS policy will have to be followed. Show where they are stored.

The public roadway she believes will be Drakeside.

Gravel – can it be loamed and seeded to add infiltration? If it could be removed it would be great.

C3 – asbuilt. It should be submitted to Planning Department and DPW.

Ms. Hale will send her comments directly to Attorney Scully and the Planning Office.

Attorney Gearreald discussed the title. The current owner stems from the foreclosure of a 1988 mortgage. Whatever title was in place in 1988 is what the owner got. Access Easement Agreement spells out current rights on Walker Circle and was entered into in 2004. Current title is based on 1988 mortgage. Not sure if rights under Access Agreement pass to current owner. He thinks the title needs to be addressed. Attorney Scully thinks the easement on record runs with the land. Unless or until the easement is abandoned, it should be in effect. Attorney Gearreald said the easement shown on the original plan from 1988 was when Walker Circle was a Town road. That's the problem.

Attorney Scully does not see it being a Town road. He is looking at the March 2004 Agreement. That agreement says it is a private road. Title came after the foreclosed mortgage. Attorney Scully will have to circle back on this.

Abutter notifications were discussed. He recommends the Hampton Woods Condominium (all unit owners be notified). The applicant met with the president of Association, they will work with Jones & Beach to name him as an abutter. It's an exorbitant cost to notify everyone.

Attorney Gearreald is not sure if one officer is enough.

Drakeside Apartments LLC - that appears to be current owner of half of the Walker Circle right of way that is to be used. He thinks they need to be notified as well. Mr. Scully said they were notified. They are used as access, the PB's practice is they give approval to the application. Right of way is owned by Hampton Woods Condo and Drakeside Apartments – their

approval should be on file with the application. Mr. Bachand said we would just need a letter of authorization.

Attorney Scully said if they are allowed to use it as an access – what requires them to get letter of authorization. Attorney Gearreald said they do that in all projects. Where a right of way is being utilized.

Attorney Scully said it was a different situation. If there is a provision with the PB or Zoning Ordinance, without that, he is not sure it is required. He will circle back with Jason Bachand.

Attorney Gearreald said the right of way (Walker) even though it's not a public right of way, under statute Map 157-3 is entitled to notice as an abutter as being across the street. Attorney Scully agrees with that.

Well radius was discussed. Is Aquarion providing water to the site was asked; Mr. Coronati stated 'yes'. Does that well still exist was asked. Are there still rights to it was asked or is it abandoned. Mr. Coronati will check that out.

Mr. Coronati discussed the easement. Easement granting access was about when they made an agreement with the Town to get variances to add Walker Circle's land to those two lots. That's when it was turned into a private drive. He thinks that's why the easement was granted. Attorney Gearreald asked if this went before the BOS. Mr. Coronati is not sure.

Mr. Coronati thought variances were for frontage. Town granted relief so they would not have to maintain it.

Release of dedications was discussed by Attorney Gearreald.

25' well protected radius – he discussed pool area on the second plan that is part of that radius. Probably a title issued that should be cleared up. (see Attorney Gearreald's Memorandum). Plan #32406. Attachment to Memorandum. It is in protective radius also. It should be cleaned up. Apartments may want to get rid of it.

Mr. Straub (CMA) discussed waiver of drainage. Many comments are the same as Jennifer Hale. He will send his comments to James Scully.

The lawn area was discussed. The parking area out back was discussed.

The well being decommissioned was asked about. Where are existing utilities located was asked.

Handicapped space was asked about as Mr. Straub could not see one. Signs were also asked about.

Exterior lighting was asked about. Free standing or on the building. Snow storage and trash needs addressing.

Leachfield – he feels there needs to be more definition on how this will be done.

Mr. Marchese (Bldg) has no comments.

Mr. Bachand said the resubmittal date is February 10th. He asked if issues can be handled outside PRC, or do we need one more (PRC). Mr. Straub thinks they can review the resubmittal and provide comments; he does not think another one is warranted. Others agreed.

It could go before the Planning Board on March 3rd, but pending taking care of issues that were brought up today.

Mr. Coronati discussed the leachfield – he thinks this could be abandoned. Not disturb the whole area. The plan calls for it to be removed on C2. Mr. Coronati said they will abandon it – not remove soil. He will verify with his client.

Two bins for each apartment were asked about. Ms. Hale asked him to talk to his client. He will be allowed up to 8 carts for trash based on policy. There needs to be shown a place to store them. A place to be picked up safely, and the DPW Director needs to approve.

Wastewater development charge - proposed is easy to figure out. Ms. Hale said it may be an old note. No credit.

Mr. Marchese said to make sure the septic tank has been pumped. DPW needs to witness this per Ms. Hale.

Adjourned: 2:50 p.m.

Laurie Olivier
Office Manager/Planning