

# Town of Hampton



## PLAN REVIEW COMMITTEE

### DRAFT MINUTES

**February 27, 2019 – 2:00 PM**  
**Selectmen's Meeting Room**

**PRESENT:** Jason Bachand, Town Planner  
Jodie Strickland, CMA Engineer  
Jennifer Hale, Assistant DPW Director  
Kevin Schultz, Building Inspector  
Mike Bernier, Aquarion (audience)  
Cathy Gilman, Unitil (audience)  
Laurie Olivier, Office Manager, Planning

**Absent:** Richard Sawyer, Police Chief  
Rayann Dionne, Conservation Coordinator  
William Paine, Fire Prevention Officer

### **95 & 97 Ocean Blvd & 4 & 25 J Street**

Map: 290 Lots: 116, 117, 118 & 137

Applicant: McGuirk's Ocean View, Inc.

Owner of Record: Same & Four J Street LLC

Site Plan: Four-story restaurant and pub on Tax Map 290, Lots 117 & 118 that attaches to the existing (McGuirk's) Restaurant with a breezeway. New building to include one residential unit, as well as an outdoor patio for the restaurant. Lots 117 & 118 will be merged. Waiver Request: Section V.E.11-Landscaping.

Joe Coronati (Jones & Beach), Sandra Levis, TMS Architects, Patrick Bogle (Jones & Beach) and Tom McGuirk (applicant) appeared. Parking for the hotel is at the end of J Street. Four parcels are in the application. Most of the work is on 97 Ocean Blvd. The plan is to build a separate building – attached to McGuirks Restaurant. It has a different architecture/look. There will be no gap between the buildings. Chuck Bellemore (sp) is not sure what he is doing yet with his lot. He bought the other lot. There will be no alleyways between the buildings. They received many variances. The front and back sides have open areas. There will be an R-tank system under the eco-pavers. Sewer line is off Ocean Boulevard. Gas for McGuirks is on the side of the building. They met with Cathy from Unitil to deal with electric.

They need three-phase power. New pole on J Street was discussed.

Parking plan was discussed. There are 19 parking spaces; they don't need that many. There's an apartment at the top of the new restaurant; that will need 2 additional parking spaces. The lot accomplishes that.

Two lots will be merged together – already deed restricted – it will be for both lots. 25 J Street. It is deeded to the use.

Cathy (Unitil) – she discussed what Unitil will want. They can't put bigger transformers out. There's not enough room for a pad mount. It will go underground.-- across J Street and underground. That will have to go to the Selectmen per Jennifer Hale (DPW). They have a 3 phase up J Street.

Kevin Schultz (Bldg) asked if this is one building, will there be separate service for the new building. It was stated 'yes'. Fire way was discussed. Two services on one building was discussed. Voltage was asked about by Kevin. Cathy (Unitil) does not know. Kevin said they need to talk about that. Two service drops on one building was discussed. **Kevin and Cathy need to work on that together.** Once they are connected, they are one building.

Jennifer Hale discussed the Planning Board process. Jennifer said we can't make exceptions for the future. Jennifer said Chuck (Bellemore) may come in and one day this is one building over an entire block; the DPW pretends it's not right now. It will be one building on these two lots. Even though Chuck may have plans to connect his in the future, the Town can't make the decision based on that now. We can't assume it will be given. Jennifer said the applicant has to make it work; one day McGuirk has to stand alone on its own easements, land, etc.

Kevin said a comp is Mrs. Mitchells--275 Ocean Blvd. Those buildings have proper fire rating; it's all built in. They are on two separate lots. Mrs. Mitchells is a lot and 275 is a lot. Jennifer said these are smooshed buildings with Fire Code with one lot. Chuck has to retain his own lot and his own rights, etc. When Chuck builds his building, he will have a fire wall as well.

Kevin said it will be overkill. Jennifer wants to see what they have for sewer, etc. Joe Coronati said if Tom McGuirk didn't buy this lot and someone else wanted to come alone, the middle lots are hampered from not having electricity and parking on site.

Jennifer gets the lot merger and variances for setbacks.

**Cathy (Unitil) will keep Kevin in the loop.**

Joe said McGuirks is serviced underground currently.

Mike Bernier (Aquarion) was trying to wrap his head around the same thing. Why continue it to next property was asked. Keep everything divided. Is someone going to own one side and the other was asked. Mike said use the line off of J Street. 6" fire service. It may save aggravation. Mike has inch and a half. Wet system to dry system was discussed. Kevin discussed sprinklered buildings (wet and dry). Pipes are full of water. Wet system. Water is right there at the head. Dry system – no water in frozen lines. Top three floors may be wet; parking garage under, i.e. exposed to the elements. That phase is dry. If you don't want a wet system in that section, **they could pipe from the existing over from existing 6" (wet for McGuirks) – set it up so new building could be dry.**

Mr. McGuirk will pay the extra fees. Shorter distance was discussed by Jennifer. **Kevin said they should set up appointment with Mike and survey existing situation. Mike Bernier would be happy to go there.**

25 J Street is an empty lot right now. He saw a stub going into the property. 4 J Street has a curbstop in front of it per Jodie Strickland (CMA).

Kevin asked about 4 J Street. He asked about the easement for electricals. It will be conveyed over. It's joint ownership. **They will need a recorded easement per Jennifer.** 25 J Street is for this. 4 J Street is for nightly.

Kevin said what the PRC may not know is that Tom is coming back in March for another variance. He wants to modify the side entrance on J Street that goes into McGuirk's. There's a front and a side entrance. Side entrance – he's going to modify entrance with smaller enclosure. That will be ADA accessibility. It will be for both restaurants.

Jason Bachand (Planner) said it has to be handled before it goes to the Planning Board. Tom wants this to be done before the summer. It was confirmed that the variance being pursued in March for the side entrance is independent of this project and Planning Board application.

Jennifer said this will enter at street level. It takes you up. That floor (first floor) will go up with lift. Jennifer said at the flat plan, she is at some elevation.

Legitimately, there is a lot of wall. What floor is the continuous. It hits the middle patio per Tom. Jennifer said when they come up the lift, they straight across the front half of building – exit a door from the bar.

A 12' wide new opening was discussed. Kevin said to get to next level up, there is an elevator part of new construction.

Jodie said what if new lift is not approved. Kevin noted new lift in new building.

Jason discussed Attorney Mark Gearreald's comments and Memorandum. Copies were provided to Joe and to Tom.

Jason said there is a title defect in one of the foreclosure lots. **Something has to be resolved there.** Books and Pages need to be shown on site plan. Leased land deed regarding fences was noted. Fence height restriction, etc. Jennifer said there is a guardrail/fence. Tom said fence on 97 Ocean comes down. **Jason said anything requiring the 41:14-a process will have to go to Board of Selectmen for approval.** Mr. McGuirk said they own the other lot. It should be easy to fix. 21 J Street they bought from Preston.

**Jason asked Tom to respond to Mr. Gearreald's comments.**

Jason discussed sealed surface. There is a conflict with what the ZBA decided. The ZBA's decision (attached) said 76 percent to 80 percent. The plan says 86 to 90.1 percent. The ZBA decision references the Minutes. **This needs to go back to the ZBA.**

Jennifer said how it stands today is irrelevant. Jennifer said the total proposed sealed surface on the end lot is 90.1. Joe said that is it for the whole parcel. Jennifer discussed the total existing compared at 86 percent. The motion that got approved does not say that. **It's a legal decision. The legal decision says something different. It needs to be brought before the ZBA per Jennifer. The Planning Board can't approve something that conflicts with the ZBA decision.**

**Kevin said Tom McGuirk's project has to match what the Minutes say in the motion. It is noted 76 percent to 80 percent is stated in the ZBA Minutes. They need to be clarified.** Joe will go to the ZBA in March.

Jason discussed the fire wall. Coming from the north, there's going to be this massive blank wall. Not aesthetically pleasing. The parcel next to them was discussed. Jennifer asked TMS to do a design. **Jennifer wants to know what the wall is going to look at. We have architectural and site design guidelines the Planning Board relies on.** Jason said the Planning Board will comment on that.

Jason asked about the cover page Lot 116-1 – Assessor's. It is just "116". Where does the "-1" come from was asked.

116 is not part of this project; just the easement.

Jennifer asked about the application and on the plans, we are including Lot 116. If it were under the same ownership, it would make sense. No voluntary lot merger line would be needed. Jennifer said she has curb cuts, not joined lines. There are things that are existing today. Planning and the PRC process discuss how to protect and make things better. Jennifer said as a Planning Board project, she looks at the restaurant and new restaurant and parking requirements. We are satisfying that on the J lot. This lot is not part of the project except for the easement itself that is needed. Is it part of the application or not was asked.

Jason said Mark Gearreald is going to agree it's a part of the project because of the easement. **It needs to be very clear. Jennifer said, it needs additional clarification.** What are we exactly doing was asked by Jennifer. What are we getting at the end of the day is as important as how we get there.

Jason **discussed lot merger that needs to be done.** C2-note 13 reference to outdoor display areas. **It needs clarification.** Section 11.5.a states all businesses... ...(see clarification). Jennifer said a note allowed on the plan may infer that they have that right. That note should be removed.

25 J Street. **Spaces should be identified** to the other use since it is a deeded lot. The spaces are identified for the use per Tom. **Jennifer said it needs to be shown on the plans.**

Jason said **legal documents will need to be reviewed by the Town Attorney.** Jason asked about outdoor entertainment. Tom said the pub will remain operating as it has. Jason noted the need to comply with noise ordinances.

Jennifer will put her comments in email form. **Sewer and proposed should be on existing conditions plan.** Lot 118-existing building. Bump out to property line that's over the gas line to be removed and capped, she asked if that is decking and stairs. Bump out. Tom said that part will be taken out and replaced. AC units are going to the roof.

Jennifer discussed Lot 108. To the wall. In its existing condition, the porch has windows. What do you see was asked. Looking down from Ocean Blvd – windows and porch, if it is at curb line, is that what the abutter gets. Tom said it's not a problem. Windows that used to see day light are now blocked in. Jennifer asked about existing sign; sign for McGuirks, as they are now building stairs going up to the new building. In elevations, she does not see it. The sign will come down and be relocated. **Kevin said if relocated, it should be shown on the plan.** It will be on the building per Mr. McGuirk. Either way, **it has to be noted.**

Jennifer discussed curb line – whose curb is it and is it coming out was asked. **It needs to be quantified.** It runs directly with bottom of blue sign. There are trash cans stored between the two. Tom said he doesn't know. **Jennifer said it has to be addressed. If you need to work on adjacent person's property, you need a construction easement for his own liability.**

Kevin said Chuck Bellemore (South Beach) has plans for that. He's working on them. He plans to have his approvals for the end of the season. Jennifer said note on plan, **curbing to be removed.** As a condition of approval – coordination with abutter. We didn't say it's okay for him to work on someone else's property.

Eco pavers – stairs going up and snow storage area was discussed. What is it blocking was asked. Jennifer said we're storing on eco pavers. On the top of the R-tanks on top of eco pavers. **Pervious can't have sand on it.** This is not a year round restaurant. **Snow storage is a problem.** It needs to be signed. We're counting them for O&M. Jodie said the O&M for this is porous pavement – plow or scrape once it gets above an inch. If you are storing snow, the entire lot is impervious. It has to be treated as impervious area. **Jennifer said she's calling this to the applicant's attention.** Applicant did not get a waiver. Jennifer is concerned regarding the walkway / front door scenario. That may have to be sanded for pedestrians in the future. You are not supposed to sand porous pavement. Why would you put sand on it to then vacuum it out was asked. **Jodie and Jennifer told the applicant to take a look at it.** Joe said then they can salt it.

Jennifer said she **agrees with removing Note 13.** C3 Site plan, lot 116 – existing curbcut that straddles lot 116 and Lot 118. Paved portion or not – drive in. There's not much difference For stand alone projects; different ownership – it needs to stand alone. **She wants the curb cut removed and put on Lot 116 to service Lot 116.** It's not tied to utility easement, etc.

Jennifer can't approve a curb cut there ever. Now it can be fixed by keeping it on Lot 116. Jennifer said trash containers get stored at brick area on J Street. Note 16 – it says 'rear or building'. Are they going on the one property at the rear of proposed building and walked out to J Street with rest of trash from McGuirks was asked by Jennifer. It should be trash/**RECYCLING.** It was noted the 174 seat restaurant is going in on 117. Trash cans needed for now – they don't have enough room at the back of 117 plus 118. Where are they being pulled was asked. **It's a serious problem – Town wide problem.** Tom said the area behind the fence can be used. Tom is thinking inside the fence – along J Street. **Jennifer said it needs to be worked on. A certain amount of room is needed for each can.**

Kevin asked about easement for utilities on J Street. There could be language in that easement for other incidental uses for the pass and re-pass.

**Jennifer wants to see where the barrels are stored. Jennifer said snow shall be removed.**

Silt fence to be shown. That lot is part of this application. Pavement is being removed—it needs to be noted on plan per Jennifer.

C2-Jennifer asked Tobey—sewer comes from J Street to back of Lot 118. Feeds into existing McGuirks It takes a 90 degree into McGuirks. **Tobey wants them to verify detail for the sewer service.** There's an updated detail.

Jennifer asked about C5-internal grease trap for 174 seat restaurant. **That has to go external.** Grease trap had to go in Bernies. Cornerstone had to put in greasetrap. With this type of flow. That will have to be calculated. **Jennifer will talk to Mike Dube.** A restaurant of this size is required to come external and finding a place on here to connect a grease trap. Maybe it could be done out back. It may need to be adjusted. Jennifer said tanks under floors in building – how are they cleaned was asked. Jennifer said it is what the Regs say. **She is going to go back to Mike.** Greaseways – needing CR's is outside. **Keeping them inside makes them inaccessible. They need to be external.**

Tobey discussed sewer service off Ocean Blvd; maybe the grease trap could be affected. **It has to have a clean out at the property line.** They should not be in the State right of way. – connect at property line. **Make a note and show clean out.**

Jennifer said grease trap cannot go there. Trace the aerial per Jennifer. Fence, signage, surface. No one can take this away in the future. Details on plan. Access, curbcuts, sidewalk; fencing, control signage and surface treatment. Is this existing, non-conforming was asked by Jennifer to Jason. **Surface cover is important.**

Joe asked about paved curbcut – concrete but flush. **Jennifer wants sidewalk redone from property line to edge to make sure it all works.** Jennifer's concerns are that the sidewalk at the front of McGuirk's is cohesive. Jennifer wants asphalt to be removed and where they want access for the extra lot drawn in and concrete to be removed with paved apron. Reveal will be difficult. She doesn't want sidewalk to follow asphalt if asphalt takes a dip. **No dip per Jennifer.**

**Jennifer will check on plowing** with reference to sidewalk.

**Jodie said existing utilities need to be listed. Inverts in manholes on existing utilities plan. Mike (Aquarion) brought 1 1/2 “ – not shown. Label service sizes. C2-demolition plan – reference silt fence...not fair if they use both. Have both details referenced.**

**Area paved on that lot 117-add a to be removed note for concrete.**

**Sign – remove-add a note saying that.**

**Page C3-overhang and building – both are labeled as 6' from property line. Are they different? Should be fixed.**

**Combined lots – take off reference to Lot 117. They can't until they do VLMerger....**

Landscaping waiver – justification was asked. **Will the site be nicer? Not point of ordinance per Jodie. There is landscaping in there for a reason. There should be beach grass or something. The Planning Board wants to see it. It's in the ordinance.**

Trash, snow, recycling. There's a lot going on back there. Lighting was not proposed.

It's all building lighting. **Jodie said it should have a lighting plan.**

Water services were discussed. Mike is looking at that.

Sheet C4-**remove contour lines on proposed building. It's not helpful.**

Roof drain locations – architect will decide where roof drains are going. **Jodie does not like that. Stormwater – they should be shown on plans.**

6 and 12 on C4 – notes don't apply to this project....

C5-question about existing pavement and gas – put they are removing pavement.

Different configurations for water – fire coming in from front to back of building to sprinkler room. There may be a different scenario.

Sewer clean out – **needs to be decided.**

C6 – Put fence up; how it's accessed; signage; delineate spaces.

D1 shows sewer clean out – **needs to be shown.**

E1-silt fence comment....seeding—**take it out.** Unless they landscape.

Jodie looked at application. Checklist was not completed. **It needs to be signed and dated.** Drainage analysis. She noted spelling mistakes in executive summary.

Existing summary – on a different lot not even associated with that project.

**Infiltration test needs to be the correct address.**

Jennifer said they **need to put on there 'assumed rates based on DES'.**

Rates are conservative. **That will be a note and someone has to be there to witness infiltration test.**

**Test pits – show them on the plan.**



O&M – references *condominium association* and should not. Catch basin cleaning. There are no catch basins on site.

Inspections for each of the things they are inspecting. W1 and W2 – stormwater – no time of concentration and flow path. **Where does rain and water go. She wants arrows.**

What part of site is going to R tank was discussed. **Not shown on the plans.**

**Jodie said to put roof drains on.**

Jodie discussed impervious surface. **Getting a variance for increase in impervious surface, then making it covered with sand. That does not meet intent of the ordinances** that we have. **They are not proposing to shovel it either.** Variance on ordinance is fine if they can meet **the intent of the stormwater. Variance should not apply anymore.**

They can have up to (a given) percent impervious coverage. The right to have up to that percent. **It still has to meet stormwater requirements.** There needs area to do these things or get waiver to not do these things.

Taking impervious roof cover. What is counted as impervious and pervious coverage. **Have drainage study match what is required.** Treating and quantifying; peak flow and volume not vbeing increased from site.

If porous pavers become clogged, it needs to show the project is not affecting anyone else per Jennifer.

**Joe will work with TMS on roof drains.**

There will be a second PRC meeting on this. Resubmittal deadline is March 13<sup>th</sup>. Next PRC is March 27<sup>th</sup>. They could then potentially go to the Planning Board in May (first meeting) if all goes well. The ZBA issues should be cleared up by then also.

Meeting ended at 4:00 p.m.

Laurie Olivier, Office Manager/Planning Department