

HAMPTON PLANNING BOARD

MINUTES

September 4, 2019 – 7:00 p.m.

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

ABSENT: Mark Olson

I. CALL TO ORDER

Chairman Emerick commenced the meeting at 7:00 p.m. by leading the Pledge of Allegiance and introducing the Planning Board members. Happy Birthday to Mr. Bachand was said/sung. Mr. Emerick discussed two applications which requested to be continued to the Planning Board's October 2, 2019 meeting. The first is 6 Vrylena's Way.

MOVED by Mr. McMahon.
SECOND by Mr. Lessard.
VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Emerick noted that the applicant for 56 Island Path wishes to continue to the Planning Board's October 2, 2019 meeting.

MOVED by Mr. McMahon.
SECOND by Mr. Lessard.
VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

19-041 450 High Street

Map: 166 Lot: 9

Applicant: Brent Warnke (SK Management)

Owner of Record: Wood Thrush Housing Assoc. Limited Partnership

Wetlands Permit: Remove existing pavement and replace with new; maintaining original footprint.

The applicant did not appear. We will put this application at the end of the meeting.

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19-043 161 Little River Road

Map: 164 Lot: 7

Applicant: Stephen G. Tilton

Owner of Record: Same

Subdivision & Conditional Use Permit: Lot with existing single-family home to be divided into two lots.

Waiver Request: Subdivision Regulations Section V.E. - Detailed Plans (7), (9) & (14)

Stephen Tilton, the applicant appeared. He started the subdivision process by going before Zoning. On the south side, closer to 5 corners, the lot will be approximately 1.4 acres. He is requesting waivers for the stormwater management plan, landscaping and erosion.

BOARD

Mr. Lessard asked if he has copy of the Planner's Memorandum; it was noted 'yes'. Mr. Tilton asked about Item 5 of the Planner's Memorandum. The Fire Department's request for 20 feet in driveway width and asked if it has to be paved. Mr. Bachand talked to the Fire Prevention Officer. He confirmed that it does not need to be paved. As long as there is open driveable surface. **The conditions can be amended that it need not be paved.**

PUBLIC

Ms. Alma Hewett, 171 Little River Road, asked about the surveyor's stake. She thinks it is over further than it should be. Mr. Tilton said deed research was done and he has stamped plans. He hired a licensed surveyor. Mr. Tilton would be happy to walk the land with them. Ms. Hewett has 30 days to take an action if desired.

BOARD

Mr. Bachand noted that there is a waiver request. There is a Subdivision and Conditional Use Permit to vote on separately as well. He recommends approval subject to his Memorandum dated September 4th with the addition that the driveway does not need to be paved per the Fire Department.

MOTION by Mr. McMahon to approve the waiver requests.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0 noting that the driveway does not need to be paved, but only paved at the road entrance. MOTION PASSED.

MOVED by Mr. McMahon to approve the Conditional Use Permit.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0 MOTION PASSED.

MOVED by Mr. McMahon to approve the Subdivision.

SECOND by Mr. Lessard as amended (driveway not needing to be paved).

VOTE: 7 – 0 – 0 MOTION PASSED.

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19-030 431 & 435 Ocean Boulevard

Map: 266 Lot: 27 & 47

Applicant: East Coast Development, LLC

Owners of Record: Michael Napier, Keir Family Entrepreneurs, Inc.

Site Plan: Remove existing buildings and construct 23, 2-bedroom condominium units in a single building. (See Wetlands Permit File 19-031).

19-031 431 & 435 Ocean Boulevard

Map: 266 Lot: 27 & 47

Applicant: East Coast Development, LLC

Owners of Record: Michael Napier, Keir Family Entrepreneurs, Inc.

Wetlands Permit: Remove existing buildings, pavement & concrete in the buffer; installation of buffer plantings. (See Site Plan File 19-030).

Mr. Joseph Coronati appeared with Bernie Pelech, Attorney. He is here for East Coast Development, LLC. Attorney Pelech discussed four variances. If anything changes, they have to go back to the ZBA. They moved the building 4' closer to the road. They removed the swimming pool. The Conservation Commission is happy with the plan. This is currently a distressed property. In 2008, the project did not go forward. It is a safety hazard. They want to demolish the buildings on site. They need to go back to the ZBA again. Of the four variances they granted, none are affected by the fact they moved the building forward 4 feet. Nothing else changes. The impact on the wetland buffer is lessened. They want approval conditioned upon going back to the ZBA (building moving 4' closer to the road).

Mr. Emerick said there are two applications; one is for wetlands and one is for site plan. They have to be voted on separately. Normally, they come in as one application. Any wetland questions should be brought up tonight.

Mr. Coronati said the building is moved forward 4' and they eliminated the sidewalk. They are working with the wetlands bureau on mitigation. They are working with Eban Lewis at the DES. They switched the back parking lot to porous pavement.

They removed the pool area. They added a small patio and cabana. It is 23, 2-bedroom units; they meet parking requirements. One drives under the building and through the building to get to the parking area. The Fire Department wanted a taller entranceway in case they needed to get to the rear of the property. They are pulled farther from the marsh. They reduced impervious. They received the Shoreland Permit; other permits are pending. They received support from the Conservation Commission.

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Ms. Carnaby asked if these are year-round; it was stated 'yes'.

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PUBLIC

Melanie Roy, Glade Path, an abutter, appeared. She has not seen the new plan with the building moved forward.

Catherine Bates, 461 Ocean Blvd, appeared. She is concerned about water. She is glad about getting rid of the building falling apart. She experiences flood waters oftentimes. She does not want to see it get worse. How do plans assure that there won't be a negative affect (from flooding) was asked.

Mr. Coronati said the topic was reviewed by department heads, the Conservation Commission, Town Engineer. They look at material for the parking lot. They are removing buildings and adding a parking lot. There is a net reduction in material being removed from the property. They lowered the parking lot. They reduced fill. Material and floating debris will be straightened out per Mr. Coronati. They will be treating stormwater. They will be planting a buffer.

Mr. Lessard said the area will flood with a king tide. Everybody's property will flood. He asked where people will park when it is flooded. Mr. Lessard said, as an example, say every unit is rented out, and there is a king tide. Mr. McNamara said it happens year round and he can't park there in the back. State parking was discussed. Mr. Lessard wants the buyers/people to know the back part will get flooded. They will be 2' higher per Joe Coronati.

Ms. Bates said she appreciates what they are doing, but if they are making water not come up, water has to have some place else to go. It's going to go higher to people who abut the property. She appreciates the building.

Charlie Gallo, 5 Equestrian Road, Salem, and 429 Ocean Blvd appeared. He said during demolition, they won't be able to park there at all. During construction, will he be displaced as well was asked. How does the Town handle this was asked. Town parking spots are in the front. Mr. Lessard said it is State; not Town. Can the Town do something about parking or developers? Rental charge for spots are \$500/year. Mr. Emerick said we have no control over the parking spots. Mr. Gallo said this is displacing residents.

Joe Coronati said his parking spaces are close to the existing building. He said the site will be fenced (security). People can park during construction on their (Gallo's) own property. The Riviera is close to the property line. It's about 4' off. The parking area was shown to the public and Mr. Gallo. Mr. Coronati doesn't see a problem with Mr. Gallo's side.

Mr. Gallo said a chain-link fence will be added. Mr. Gallo said it's hard to believe debris won't fall through the fence and damage vehicles. Mr. Coronati said maybe the contractors will ask residents to park somewhere else.

Mr. Gallo asked when demolition is planned. The applicant does not know. As soon as they can; they still need a DOT permit. They also need to go back to the ZBA.

There are restrictions on construction during the summer. If they are working inside the building, it's fine. It's definitely going to be off-season per Mr. Emerick.

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Mr. Gallo asked if the Town did parking lots ever. No per the Board. It's between residents and the developer.

Diane Cannavo 445 Ocean Blvd, Unit 1 appeared. One concern is the parking lot at the Top of the Surf. It abuts the project. The fence has been there for 30 plus years. Her parking lot is tight. She wants something in writing that the fence will be property line. They may lose some of their parking.

Mr. Coronati said the fence is close to the property line; it crosses near the Ocean Blvd. fence on their property and halfway back it is on their property more. It crosses the lot line. Mr. Coronati said they can try to keep the fence that's there; or replace the fence. They can have a heated walkway on the side of the building. This was for snow removal on the walkway. Mr. Coronati said they can maintain the fence or put up a new fence that is up to date. Top of the Surf (condo) Board (15 units) will be happy to work with the applicant and Jones & Beach.

Ms. Cannavo said she does not want that fence to be the property line. Litigation would be too bad per Ms. Cannavo. Mr. Emerick said for her /the Association to work with Jones & Beach. Mr. Coronati indicated it is partially on her property. Diane discussed the 4' overhang.

Mr. Lessard said the drip line is 4.2 from property line. It is 4 ½ feet to the building per Mr. Coronati. He said he can fit a small walkway between the building and the fence. Mr. Coronati said he can meet with the unit owners. He said he can put an entire new fence on their land. That is what Ms. Cannavo wants; they do not want to lose their pavement.

Ms. Cannavo discussed the 4' overhang. She thought ice would come off of it. Mr. Coronati said there would not be a problem with the design. Ms. Cannavo is satisfied if asphalt stays the same.

Rayann Dionne, Conservation Coordinator, appeared and looked at this. They (Conservation Commission) ended up supporting the project mostly because they are in favor of impervious coverage and planting. Some Commission members have concerns about the ability of porous pavement with respect to flooding. They see many condos experiencing flooding and they worry about future owners dealing with that. Future owners need to know parking spaces aren't available.

Mr. McMahon asked about Eban Lewis' change with regard to plantings. Ms. Dionne said the marsh is further into the property. Wetland areas should transition from low marsh to high marsh and have a wider width of plantings. Plantings will be up to the condo association to maintain. They will chose plants suitable for the area per Ms. Dionne.

Pam Keir, 431 Ocean Boulevard appeared. She discussed the fence. If a ladder was needed, the lot line criss-crosses. Leaving the parking lot alone is a good solution.

Ms. Keir asked the Conservation Commission about the phragmites that are taking over the marshes. It is invasive species killing the marsh.

Attorney Pelech showed photos he presented to the ZBA.

Ms. Carnaby said much good work has been done on this project. She wanted to point out the variance granted the applicant to go 10'9 ½" higher than our 50' Regulation says in our Zoning

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Ordinance. She knows they got a variance. Mr. McMahon said it is actually 11 ½' and believes our Ordinances need to be honored. Somehow we are seeing three big projects all of which are taller than the 50' high that our Ordinances states. She wanted to note to the public and people at the beach, that the Planning Board has nothing to say or do about height and other variances, once a variance has been granted. She said to be aware that buildings are in fact being over-built on the beach despite what the Town's people voted.

Mr. McNamara asked what the status is for the ability for dig and excavate under the newly tarred Route 1A project. Mr. Bachand said that is a State project. Mr. McNamara wants to know how they tap under the lines. It was noted the DPW Regulations don't pertain to the State per Mr. Emerick.

Mr. McNamara asked what the status is; will they cut at the property line was asked. Mr. Coronati has not heard back from the DOT.

Mr. Bachand said the email from DPW on this is in his recommendations memo.

Mr. McMahon discussed elevation. The west elevation should have windows.

Mr. McMahon discussed bicycle parking.

Mr. Bachand discussed a parking space – at the outside (front) of the building. It is for motorcycle parking only. It is not a functional location for a standard space. The spot is now shown as motorcycle parking only.

Mr. Bachand discussed his memo and recommended conditions. There were 4 variances granted. They have to return to the Zoning Board per a condition of the variances. If the Board chooses to approve this evening, he recommends it include the conditions in his Memo dated September 4, 2019.

MOTION by Mr. McMahon to approve the Wetlands Permit along with conditions contained in the Conservation Commission letter dated August 30, 2019 (with the Plan).

SECOND by Mr. Waddell.

VOTE: 5 – 0 – 2 (Carnaby & McNamara)

MOTION PASSED.

Mr. Lessard wants a new fence all the way down to replace the fence that is there. When the fence is gone, people encroach. Mr. Lessard wants that as an additional condition.

Mr. McMahon asked if the existing fence is owned by the abutter. Who will own the new fence was asked by Mr. McMahon. Mr. Coronati said if they build it, they should own it; on their own land. That would be a condition.

MOTION by Mr. McMahon to approve the site plan along with the Planner's conditions in his Memorandum dated September 4, 2019, as amended.

SECOND by Mr. Waddell.

Mr. McMahon said this vote does not go back to the ZBA with a recommendation from this Board. We are not endorsing it. Mr. McMahon wants to make it clear.

VOTE: 5 – 1 (Carnaby) – 1 (McNamara)

MOTION PASSED.

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19-038 533, 535 & 537 Ocean Blvd

Map: 255 Lots: 8, 9 and 13

Applicant: Donik Corporation

Owner of Record: Hunter Investments, Inc.

Site Plan & Wetlands Permit: Demolish existing building and construct a 30-unit condominium building (20-two bedroom units and 10-three bedroom penthouse units). Wetlands Permit:

Project to address Section 2.3.1 of the Wetlands Conservation District.

Mr. Lessard recused himself.

Attorney Peter Saari appeared with Joe Coronati, Jones & Beach. Don Garcia appeared. Will Soucy is in the audience, another principal of Donik Corp. They shrunk the project. This was Little Jack's previously. It is for 30 condominium units. It is a mix of two bedroom and 3 bedroom units. They moved the building completely out of the 50' buffer. The entire 50' buffer is proposed to be pervious with plantings. This will be a ½ acre restoration. Cutting the grade down was discussed. They applied to the State for multiple applications. Three parcels will be merged into one lot.

The parking lot access to the site is from Ocean Blvd. Two main entrances. There will be landscaping along Ocean Blvd. Porous pavement for the parking lot. Net reduction in pervious. They are improving stormwater. They are increasing green space. The applicant reduced the number of units from what the ZBA initially gave approval for.

BOARD

Mr. McMahon asked about curbing along the Boulevard. What is happening with the sidewalk was asked. Mr. Coronati does not know. They have a DOT permit pending with the State. The State first said 'yes', then said they can't say 'yes'. Right now, it's almost a flush sidewalk. The applicant wants to replace the sidewalk.

They worked with the DOT to improve drainage with new catch basins.

Mr. McMahon likes the 3-bedroom units; some are larger than many people's homes in the area.

Ms. Carnaby asked if this is planned to be for year-round use; it was stated 'yes'. Ms. Carnaby said they did many nice things. This is the shortest variance given, with going only 8'6" higher than the Ordinance stating 50' being allowed in Town.

Ms. Carnaby wants to get some sidewalk approval if the Board can do this. Mr. Bachand said the applicant can continue to work with the DOT on the sidewalk and keep the Town apprised.

Mr. Waddell said it's hard when a developer said they will do this and make it better and the State and Town can't make it happen.

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Mr. Bachand said there is a Site Plan and Wetlands Permit. Vote separately. The design has come a long way. The PRC met on this three times. Height variance was noted again. Mr. Bachand noted six variances were granted including height. **He recommends this project along with his Memorandum dated September 4th and to add a condition about continuing to work with the DOT regarding the sidewalk and to keep the Town informed on progress.** He wants to see the sidewalk reconstructed. Keep working on it.

Mr. Bachand also recommends the Wetlands Permit along with the conditions contained in the Conservation Commission letter dated August 30, 2019.

Mr. McMahon discussed the north-south crosswalk, 2nd paragraph. It runs along the proposed curb cuts.

MOVED by Mr. McMahon to approve the Wetlands Permit along with the conditions contained in the Conservation Commission letter dated August 30, 2019.

SECOND by Mr. Loiseau.

VOTE: 6 – 0 – 0

MOTION PASSED.

MOVED by Mr. McMahon to approve the Site Plan with conditions in Planner’s Memorandum dated September 4, 2019, as amended.

SECOND by Mr. Waddell.

VOTE: 6 – 0 – 0

MOTION PASSED.

19-039 9 & 11 “I” Street & 99 & 101

Ocean Boulevard

Map: 290 Lots: 104, 105, 107 & 108

Applicant: 101 Ocean Blvd, LLC; MAM Realty Investors II, LLC; MAM Realty Investors V, LLC; One-O-One Ocean Blvd, LLC

Owners of Record: Same

Site Plan: Construct a mixed-use building with 20, one-bedroom residential units and retail/restaurant uses on the first floor. Parking to be provided.

Waiver Request: Section V.E.11 – Landscaping

Mr. Lessard recused himself. Attorney Peter Saari appeared with Joseph Coronati, Jones & Beach. Chuck Bellemore and Michael Keane, Architect appeared. This came to the Planning Board a couple of years ago. This has been a parking lot for a couple of summers. This abuts Tom McGuirks. They received ZBA approval for a wider building. The parking is located on I Street. There are 31 parking spaces proposed. Two cottages are being removed. It is off-site parking. They received ZBA approval to go to the lot line and meet with Tom McGuirk’s proposed building. Chuck (Bellemore) pulled his back to meet the setback. This conforms to setbacks now.

It will have eco pavers around the building. R-tanks will be used. The PRC wanted landscaping. They previously requested a waiver. That waiver is in front of the Board. They did add some landscaped area on I Street. Moveable planters will be brought out in the summer.

They don’t know who retailers will be as of now.

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Ms. Carnaby asked about the roof. Will there be a pool because of the way the roof is shaped. Ms. Carnaby said at the top of the building--how does it drain was asked. Mr. Keane explained how it will work.

Mr. Keane discussed being 15' off the property line. They can put windows now on the south side.

Mr. McMahon asked about depth of retail space; it goes back 85'; 45' at another area. Ms. Carnaby asked if this is also year round; it was stated 'yes'. Mr. Bellmore wants year round leases.

BOARD

Mr. McNamara asked about landscaping. Who wants landscaping was asked. We asked the same for the project next door. Mr. Bachand said it is limited here. Planting on I Street side and barrel planters are fine. No other room in the front. Mr. Bachand said the Board can vote on the waiver, with the understanding of what is shown on the plan. There is deed restricted parking on other lot but no landscaping. Mr. McNamara does not want the front of the building to be impeded.

These are not condos; just apartments. Mr. McMahon asked for thoughts. Mr. Bellmore said they are year-round apartments. Mr. Bellmore said they will be year-round leases.

Mr. Bachand said parking will be deed restricted. The total height (with the variance granted) is 63'8". Mr. Bachand discussed snow storage – if it interferes at all with winter parking, snow will need to be trucked off. The applicant obtained 7 variances for this project. Mr. Bachand has no objections to the landscaping waiver. Mr. Bachand recommends approval be subject to the conditions in his Memorandum dated September 4th.

MOVED by Mr. McMahon on the waiver.

SECOND by Mr. Waddell.

VOTE: 6 – 0 – 0

MOTION PASSED.

MOTION by Mr. McMahon to approve the Site Plan (with conditions in Planner's Memorandum dated September 4, 2019).

SECOND by Mr. Waddell.

VOTE: 4 – 1 (Carnaby) – 1 (McNamara)

MOTION PASSED.

Ms. Carnaby asked about written confirmation by Aquarion stating that there is adequate water supply. She asked if this is after everything is built. It is prior to recording per Mr. Bachand. Ms. Carnaby asked will this hold up for construction. She asked if we can get this type of confirmation from Public Works regarding sewage treatment. Mr. Bachand noted the DPW issues the sewer permit. Ms. Carnaby noted to the public that the Board has approved 130 bedrooms this evening. Mr. Lessard noted how many of those were pre-existing (Riviera motel, Beach View Inn were noted).

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19-045 12 Wild Rose Lane

Map: 116 Lot: 20

Applicants: John and Janice Clarke

Owner of Record: Same

Driveway Permit Appeal: Driveway Permit Appeal (Driveway has two existing openings; owners want to pave to meet the street)

Henry Boyd, Millennium Engineering appeared. He noted that this driveway existed this way for decades. An area was left gravel because it has two openings. The DPW could not issue a permit. They want to pave the driveway that has existed for decades.

BOARD

Ms. Carnaby asked if this is impermeable paving; it is now because it is gravel. Mr. Bachand said there are two curb cuts now.

PUBLIC

BOARD

Mr. Bachand discussed the gravel curb cut. He said he recommends approval of this driveway permit appeal based on the two existing curb cuts not increasing in width in any way, and that they must be asphalt. These conditions are in his September 4th Memo.

MOVED by Mr. McMahon with the conditions in Mr. Bachand's Memorandum.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

19-046 128 Kings Highway

Map: 183 Lot: 30

Applicants: Nora Gildea

Owner of Record: Same

Wetlands Permit: Demolish existing building and rebuild new dwelling; removal of shed.

Mr. Henry Boyd, Millennium Engineering, appeared. The shed is over the property line. A lot of the phragmites were growing up close to the line. The new home will meet flood standards. There is no storm water treatment now. There is a high water situation. The owners want to make it flood compliant. A one-car garage will be in the back. They are adding stone for roof run-off. They are removing the shed. There is a reduction in sealed surface.

BOARD

PUBLIC

Mr. Boyd said shrubs should be planted along the rear lot line. When they do construction, they will stake property lines so they can see where to plant shrubs.

BOARD

Mr. Bachand recommends the Wetlands Permit along with the conditions contained in the Conservation Commission letter dated August 30, 2019.

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MOVED by Mr. Lessard.
SECOND by Ms. Carnaby.
VOTE: 7 – 0 – 0

MOTION PASSED.

** Note: Applicant is requesting to continue to October 2, 2019*

***19-047 6 Vrylena's Way**

Map: 209 Lot: 112
Applicant: Brent 16175 Parking Trust
Owner of Record: Same
Wetlands Permit: Construct new home partially within the wetland buffer.

** Note: Applicant is requesting to continue to October 2, 2019*

***19-048 56 Island Path**

Map: 282 Lot: 5
Applicant: Geoff Goss for Regina Faticanti
Owner of Record: Regina Faticanti
Wetlands Permit: Raise home on helical pile foundation to be compliant with FEMA flood maps.

19-049 853 Lafayette Road

Map: 71 Lot: 20

Applicant: Big Daddy Brews, LLC

Owner of Record: Same

Site Plan (Amended) & Conditional Use Permit: Construct addition (brewery) to former restaurant building. No changes to parking, drainage, impervious coverage, or utilities.

Conditional Use Permit for use in the Aquifer Protection District.

Waiver Request: Section V.E. - Detailed Plan.

Joe Coronati, Jones & Beach, appeared. This is the former Ron Jillians restaurant. This was purchased by WHYM, a brew pub and restaurant. They have been in Portsmouth for many years. They have already opened the restaurant portion. They want to close in the former drive thru (it was a bank many years ago). They want to wall in the drive thru and use the area for a place to make beer. It will have windows. They will add parking spaces in front of it; increasing parking. No site changes proposed. Just striping the parking lot. It's all paved parking around the building. They are not adding any seats.

BOARD

Mr. Emerick asked why they needed to come before the Planning Board. The structure already exists. Mr. Bachand felt the addition tripped an amended site plan based on our Site Plan Regulations.

Mr. Lessard asked if manufacturing means they will sell it off premises. Mr. Lessard asked what percent - what trips this for site plan review. Mr. Emerick said if the roof line is already there.

Mr. Emerick encourages people who are next door to put a cut and encourage this owner to put a cut in their parking lot to access next to them. Part of the Route 1 improvements recommended

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parking lots to the rear of buildings so people don't have to go out on Route 1. He encourages the association to take on this concept. It would connect to the Brother's Plaza also.

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Mr. Waddell discussed the wastewater plant, increasing, like Smuttynose. Ms. Hale (DPW) looked at volumes they will be producing; she had no concerns. This is not the same as Smuttynose. Mr. McNamara said what if they increase the capacity. There is a limitation to the brewery license per Mr. Coronati. They are a Nano brewery. They will be canning beer and selling it.

Mr. McMahon asked if they are planning to pave. There is a Conditional Use Permit (Aquifer). They are above the required pervious amount.

Mr. Bachand wants the parking lot re-striped. When he visited the site, he noticed the striping was worn and curb stops were knocked around. He feels these general improvements to the parking lot would be helpful to them. He recommends approval with the conditions in Memorandum dated September 4, 2019. The Board needs to vote separately on the waiver request and the Conditional Use Permit.

MOTION by Mr. Lessard to approve the waiver.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. Lessard to approve the Conditional Use Permit.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOVED by Mr. Lessard to approve the Amended Site Plan.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

19-050 15 Dumas Avenue

Map: 256 Lot: 7

Applicant: Doug Thomson

Owner of Record: Scuderia Holdings,LLC/Jack Cummings

Driveway Permit Appeal: (Brick out to road; NHDES Permit required)

Doug Thomson appeared. Mr. Cummings wants to expand the driveway to 6' wide. They have DES approval. They will use permeable pavers.

BOARD

Mr. McNamara asked how long – to the garage – 35' long was stated; 6' wide. Mr. Cummings will be responsible for maintenance. It is 14' wide. They will be adding 6'. It will be 20' wide total.

PUBLIC

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Mr. Bachand discussed pavers within the right-of-way. A written waiver would be needed. The Town is not responsible for damage. The Town Attorney will need to review the document if this passes; it will be \$200 for the review. The recommended conditions in his Memo dated September 4th should be incorporated.

Mr. Lessard noted that so many people are sent home on driveway permit appeals. The DPW did not want it before; they don't want it now.

Mr. Lessard does not want the pavers. What about a 3' apron, then bricks per Mr. McNamara. Mr. McNamara noted if the applicant is willing to take responsibility, he does not have a problem with it, but he doesn't think it is a good policy.

MOTION by Mr. McNamara to allow it with the conditions in Mr. Bachand's memo that the applicant take responsibility and with the Hold Harmless in effect.

Mr. Lessard asked about damage to equipment of the Town and it being at the owner's expense. Mr. Lessard asked what happens if someone trips because of pavers in the right-of-way. Mr. Thomson said brick is more forgiving than asphalt.

Mr. Lessard said the Planning Board has heard many that were not approved. Ancient Highway, Sun Valley were noted.

SECOND by Mr. Loiseau on Mr. McNamara's Motion.

Mr. Waddell asked about how much would it cost to pave. There is a policy with DPW saying they want asphalt apron. Where did the agreement come from was asked by Ms. Carnaby.

Right now, it is grass. Somehow they already have brick from the edge of pavement. The Applicant wants to match what is already there. Mr. Waddell said if it is policy; it is policy. It is going to come back to bite us. Mr. Bachand noted that he is not saying the DPW does not mind. He noted the DPW is not endorsing this.

Ms. Carnaby said we have to resolve this, but going forward, she asked if Planning can sit down with the DPW and come up with a clear statement of policy. Mr. Bachand said changes to Driveway Regulations are already in the works. Ms. Carnaby said it is a matter of consistency.

VOTE: 2 (McNamara & Loiseau) – 5 – 0 **MOTION FAILED.**

It was noted the applicant can do the driveway according to the original (asphalt only) driveway.

19-051 343, 363 & 379 Exeter Road

Map: 51 Lot: 3, 4 & 6

Applicant: Misneach, LLC

Owner of Record: Same

Site Plan (Amended) & Wetlands Permit: Driveway expansion for truck access around existing building and create access to overhead door at the southwest portion of the building.

HAMPTON PLANNING BOARD

MINUTES

September 4, 2019 – 7:00 p.m.

Robert Baskerville, Bedford Design Consultants appeared. His client owns 3 lots. Building used to house antique showroom. Dowling HVAC will now be there. The back will store parts that trucks use to do HVAC repair. There is an accounting office out front. Tune-up space will now be office space. No changes to the building are proposed.

There is a truck door access to the back. SUV can't make turn around building. There will be box trucks and UPS trucks. They need radius for fire truck. Ms. Hale (DPW) asked them to cut vegetation affecting line of sight. They went to the Conservation Commission and they are giving an easement of 3 plus acres. They met with the DPW, Fire, and Building Department. They agree with the Conservation Commission and Planner recommendations.

Mr. Lessard asked where the dumpsters are – it was shown. Mr. Lessard wants the dumpster moved. He doesn't know where. The applicant will work with Planning. Ryan (owner's son) appeared. Mr. Lessard wants the dumpsters further away from the wetlands. Mr. Lessard is worried about things seeping out. Solvents and cleaners, soldering, etc. Ryan said everything is made safe prior to disposal. A third party comes and removes anything dangerous off site. They use a licensed hauler. It will never be outside per Ryan.

Mr. McMahon asked about the conservation easement. Mr. Baskerville said there was a wetland permit for out back. The easement is 2 acres. It was going to be 1.45. There was a plan submitted for more land.

Mr. McMahon asked about 21 ½ acres in the RAA.

Mr. McNamara asked where employees will park. There are 6-8 parking spaces. Some don't meet Town standards. There is parking in the rear also. Eleven people will be there during the day.

Mr. McNamara said they are at full capacity employee wise. Vehicles go home with them. Ryan said there are maybe 8-10 people working at a time.

Mr. Bachand said one space per third employee per shift is required. Spaces should be 9 x 18. Number of employees should be known. One space for 200 s.f. per the Regulations.

Mr. McNamara is worried about emergency vehicles.

Mr. Bachand said the Board should see a revised plan before acting on this. Mr. Lessard would be in favor if parking can be shown. Mr. Emerick said let's do the Wetland Permit and then they can come back for the Site Plan as amended.

PUBLIC

Ms. Dionne said they did request an easement area on the revised plan; it met what the Commission is looking for. It may need to be amended to deal with parking.

Mr. Lessard wants the applicant to come back. He believes the Wetlands Permit hinges on parking.

HAMPTON PLANNING BOARD

MINUTES

September 4, 2019 – 7:00 p.m.

Mr. Baskerville said it's okay to occupy the building. This is to expand the driveway. This is affecting access. Mr. Bachand said he has an occupancy permit to do what he is doing now.

There is a safety issue with trucks backing in. Life safety access is a problem.

MOTION by Mr. Waddell to approve the Wetlands Permit with the conditions of the Conservation Commission letter (dated August 30, 2019).

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. McMahon noted if any changes affect wetlands, they will need to come back.

MOTION by Ms. Carnaby to continue the Amended Site Plan to September 18, 2019.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

The applicant for 450 High Street did not appear.

MOTION by Mr. McNamara to continue 450 High Street to October 2, 2019.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of August 21, 2019

MOTION by Mr. Waddell to accept and approve the Minutes.

SECOND by Mr. Loiseau.

VOTE: 6 – 0 – 1 (McNamara)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

VIII. ADJOURNMENT

MOTION by Mr. Loiseau to adjourn.

SECOND by Mr. Waddell.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 9:45 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