

**HAMPTON PLANNING BOARD**

**MINUTES**

**January 18, 2012 – 7:00 p.m.**

**PRESENT:** Fran McMahon, Chair  
Mark Loopley, Vice Chair  
Tracy Emerick  
Keith Lessard  
Brendan McNamara, Clerk  
Ann Carnaby, Alternate  
Jamie Steffen, Town Planner

**ABSENT:** Mark Olson  
Rick Griffin, Selectman Member

**I. CALL TO ORDER**

Chairman McMahon began the meeting at 7:00 p.m. by introducing the Board members and leading the Pledge of Allegiance to the flag.

Mr. McMahon stated that the special permit application for 546 High Street was previously scheduled for tonight's meeting, but the applicant sent a letter requesting that it be moved to the February 1, 2012 meeting date.

**MOTION** by Mr. Emerick to continue 546 High Street to February 1, 2012 meeting.

**SECOND** by Mr. Loopley.

**VOTED: 6 – 0 – 0**

**MOTION PASSED.**

**II. ATTENDING TO BE HEARD**

- **Change of Use (after-the-fact): 28C Depot Square  
Personal Training Business to Pet Grooming & Dog Day Care**

Nancy Massett, applicant / owner, appeared. She explained that she opened the business and understood from her landlord that she did not need a change of use. It was previously a personal fitness training business. Mr. Emerick stated it was a retail space previously and he believes she does not need a change of use. She has does some retail, but the grooming services is the primary business. There will be no overnight kenneling. She would like to do a small daycare in the rear of the building in the future.

**MOTION** by Mr. Emerick to approve the change of use.

**SECOND** by Mr. Lessard.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

Mr. Loopley asked about waste disposal. Ms. Massett indicated it is double bagged and then goes into the trash containers. She also indicated that she has been going to the dump herself with it.

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- **California Property Management**-Drakeside Road (Longview Place-a/k/a Page's Meadow)- Preliminary Consultation Regarding Multi-Family Structure (Jones & Beach)

Mr. Joseph Coronati appeared with David White (architect) representing California Property Management. Mr. Coronati described the location is an open field on Drakeside Road. It was previously approved for two 24-unit buildings. The sidewalk has been installed along Drakeside Road. He noted that wetlands were filled back in 2009. The property has been acquired by auction. The new owners wish to amend the site plan but wanted to get feedback before they do so. The biggest change is in the size of the buildings and the parking layout. The prior approval had garages under the buildings. Parking now would be surface parking and the buildings would be smaller. They know they need to meet the new storm water management regulations. There would be the same number of parking spaces as previously submitted.

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Mr. McMahon asked about additional outside parking and snow storage. Snow storage would be at end of parking lots. Mr. McMahon asked about trash disposal. Mr. Coronati stated two 10 x 10 dumpsters are being proposed. The Town does not do pick up for condominiums and that will be the case with this project. A land use agreement within the easement that is shown on the plan was discussed. Mr. Loopley asked about entry points to the buildings and Mr. Coronati showed the areas. The handicap parking spaces and stairs were outlined. Mr. McNamara asked about encroachments in wetlands. They are in wetlands buffer. The original design was very similar per Mr. Coronati. There are still wetlands areas that did not get filled. They walked the project with Frank Richardson of the NHDES Wetlands Bureau. He was the permitting agent from the Wetlands Bureau. Mr. Coronati discussed a prior water moratorium and the easement issue between Unutil and Aquarion. The 50' wide Town easement was also discussed.

Ms. Carnaby asked why the change in the plans. Mr. Coronati responded that it was to coincide more with the economy. He stated that underground parking garages are also very expensive to construct. Mr. McNamara asked about building elevations. Mr. White discussed the first floor elevations and the changes. He explained that the peak of the building is 12' lower. The buildings will have elevators and every unit will have a deck. Each unit will be about 950 to 1000 s.f. in size. Mr. Coronati explained the wetlands and buffer areas. Mr. Coronati stated the owners wished fill the remaining wetlands. Mr. Lessard asked about relocating the driveway. Mr. Coronati explained that the stone wall is prepared and the driveway entrance already built somewhat. The driveway could be eliminated. Mr. Lessard stated the paved recreational area / grilling area is not in a good location close to the road.

Mr. McNamara stated they may need more handicap parking spaces. Mr. Lessard asked about assigned parking spaces. Mr. White stated that there would not be assigned spaces. The Board stated they may need to rethink that.

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Mr. White stated the buildings are 9,000 square feet per floor. The buildings would be constructed of clapboards and shingles and have cased windows and gables. He noted that a flat-roofed building could be built under the ordinance. They received a variance previously, but still need to go to get a variance for height for this proposal. There would be 48 total units. Mr. Lessard is still curious about the handicap parking spaces – are they restricted to guests or owners of the units. There will be one handicap unit built.

Mr. McMahan stated this is a preliminary consultation. He asked Ms. Dionne, Conservation Coordinator, if she had any concerns with the project. Ms. Dionne stated she looked at the project earlier and noted that the Town special permit was approved in 2004. So that has expired and that will need to be re-applied for. She asked about their conversation with Frank Richardson. She noted that permit has probably expired as well and stated they would need to re-apply for both.

Mr. Loopley asked about the wildlife habitat notation on plan. He also noted that the field and the area in front are to be mowed once a year as per the plan. Mr. Coronati stated they are trying to apply to the ZBA a February hearing with them.

Mr. Robert (or Roger) of CPM asked the Board for any additional feedback or input. Mr. McNamara stated after they meet with Conservation Commission they will see where the issues stand from that new process. It was noted that the abutters will need to be notified as well.

#### IV. CONTINUED PUBLIC HEARINGS

##### **11-044 Juniper Lane & Huckleberry Lane (continued from 12/7/11)**

Map: 96, Lots: 2E & 2F, Map: 97, Lot: 1-10

Applicant: JASAND, Inc.

Owners of Record: Huckleberry Woodlands, Inc., Great Meadow Realty Trust & Candia Rangeway Realty Trust

Subdivision: 8-Lot Single Family Residential Subdivision

Mr. Joseph Coronati appeared. He noted that the plans have been sent out for Department review. He has not had time to make changes to the plans in response to those comments. He asked about the requirement in the Subdivision Regulations that states that the drainage ponds must be maintained on one lot. He discussed trying to contain the storm water runoff on one lot and the purpose of the drainage swales. CMA Engineers in their review stated they would need a waiver to have the drainage pond cross the property lines. He asked if that would be the Planning Board's desire, i.e. to get a waiver. He also stated the Deputy Public Works Director has asked to have a homeowner association formed to deal with storm water management systems. Mr. McMahan asked if the storm water regulations speak to this.

Mr. Coronati explained that there were two ponds, but they cross three lots. The proposed catch basins were discussed. Mr. McNamara mentioned the abutters being upset over flooding at the prior meeting and he discussed storm water run-off issues. Mr. Coronati asked if they should request a waiver. Mr. McMahan responded “yes” and we will have to notice it. Mr. McNamara asked about the O&M plan and the name change. Mr. Coronati will modify the title.

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**PUBLIC**

Ms. Dionne Conservation Coordinator appeared. Mr. McMahon noted there are plan changes that need to be made and we will see those at the next meeting. There will be another public hearing. Ms. Dionne asked about having a drainage study done. The Conservation Commission also wants each individual property owner to know who or what entity will maintain the system. They did not request a waiver from the drainage study. The vegetated swales, wetlands and blasting were discussed. Mr. Coronati stated a drainage study was performed and it's in the file.

Mr. Steffen stated the waiver request needs to be noticed to the public. It will need to be continued to the second meeting in February, which is the 15<sup>th</sup>.

**MOTION** by Mr. Lessard to continue the matter to the February 15, 2012 meeting.

**SECOND** by Mr. Emerick

**VOTED: 6 – 0 – 0**

**MOTION PASSED.**

**275 Ocean Boulevard (continued from December 7, 2011 & January 4, 2012)**

Map: 282, Lot: 87-1

Applicant: McKeon Family Realty Trust

Owner of Record: Same

Site Plan Review: Construct retail plaza for stores and restaurants

Waiver Request: Section V.E. - Detailed Plan of the Site Plan Review Regulations

Mr. Henry Boyd, of Millenium Engineering and Attorney Bob Casassa appeared. Mr. McKeon and his daughter were also present. Mr. Boyd noted that he had made plan revisions. They wish to develop the site in phases. They would proceed with the first phase of the project as soon as possible. Mr. Boyd discussed traffic flow through the parking lot issue. He also discussed paving the handicap parking spaces. He noted that he met with Fire Prevention Officer Steele about the concern from the Fire Department about their ability to enter and maneuver into the parking lot (entering the wrong way). The plans have been revised to correct this.

He also discussed his drainage calculations, and the post-development run-off rate. He explained that all roof runoff should run off into the beach sand area of the site. Test pits have been performed. The concern about puddles around the leaching basins was discussed. Signage has been added for the handicap parking spots and concrete bumpers will be put in to delineate the individual parking spaces. The paved area for the handicap parking spaces will be striped.

Snow storage was shown but it was noted that the parking lot will not be open in the wintertime. Mr. McKeon's daughter stated that the tenants may stay open though. The applicant can come before the Planning Board at a later date if the business hours change. Mr. Lessard asked if it is a temporary or permanent parking lot. He stated if it is permanent lot, we need to address this now. Mr. McMahon stated there would be a revised site plan as

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the as the whole site develops. The applicants stated this will be a temporary parking lot for now.

Mr. Boyd stated the pavement is not impervious. The Planning Board stated it is impervious. He explained that the grading will allow the land to accept rainwater and direct it to the proposed leaching basins. Mr. Lessard mentioned the zero lot line building going on now as well. Mr. Boyd stated the sidewalks in the area are 8' to 9' wide.

Mr. Steffen commented on CMA Engineers comments regarding drainage plans. Mr. Boyd did an analysis and CMA is saying that it appears that the proposed dry wells and infiltration system seem adequate to handle the 25 year storm event. He read an excerpt from the CMA letter. Mr. Steffen stated our current regulations need clarification on paving but we are dealing with a pre-existing condition with this application. Mr. McNamara wants the applicants to be able to go forward with their plans.

Mr. Emerick stated the applicant should go with a temporary parking lot until the Planning Board gets this issue straightened out. He stated that we are not in a position to set a policy. Mr. Emerick asked the applicant to give the Board some time to work on its regulations.

**PUBLIC**

**MOTION** by Mr. McNamara to approve the site plan and grant them permanent parking lot status because the Planning Board has not come to a decision on what the criteria is. If the applicants should decide to build further units, they will need to come back to the Planning Board at that time with regard to the parking situation.

**SECOND:** None

Mr. McMahan mentioned the waiver request.

**MOTION** by Mr. Emerick to grant the waiver from Section V.E. - Detailed Plan of the Site Plan Review Regulations.

**SECOND** by Mr. Lessard.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. McNamara to approve the site plan in accordance with the Planner's Memorandum dated January 13, 2012, with the exception of proposed condition number 5. That recommendation is omitted with respect to the landscaped islands since it is a temporary lot, so vegetation is not required. This would allow the applicants to begin building. It is noted that that the parking lot will be temporary. The applicants will need to come back next year with regard to the parking lot.

**SECOND** Mr. Emerick.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

Mr. Lessard added that a dust control plan needs to be in place.

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Attorney Casassa stated it is the intention for the five units to be built, unit by unit. Unit 1 will be built first, through Unit #5. The applicants do not plan to have the project ever appearing as half built.

**IV. NEW PUBLIC HEARINGS**

**V. CONSIDERATION OF MINUTES of January 4, 2012**

**MOTION** by Mr. Emerick to accept the January 4, 2012 Minutes.

**SECOND** by Mr. Loopley.

**VOTE: 4 – 0 – 2 (Ann Carnaby abstained & Keith Lessard stepped away from the table).**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

**• Paving requirement for parking areas**

Mr. William Straub of CMA Engineers appeared. Mr. Emerick asked how other towns handle pavement. Mr. Straub stated a compacted gravel lot is considered to be impervious. He explained as compaction increases, it performs more and more like an impervious surface. He thinks we need to consider gravel impervious unless we set criteria that would have a designer prove that is not. He discussed course sand on the surface and noted it will have a lot more infiltration capacity. He explained that manufactured gravel (stone dust) will bind right up and if it's put on top of clay or rock water will not go down anyway. A non-paved surface almost has to be designed that promotes infiltration, like permeable pavement. Drain size and soil characteristics of top layer must pass water through. Layers beneath the top surface have to accept water in order to act as a permeable surface. He believes gravel is likely to be impermeable.

He discussed further design of surface materials, compaction, etc. and the vacuuming up of surfaces. The slope matters he said - flatter grades can be infiltrated easier than 5 or 10 percent slopes. He said criteria should be established for engineers to be able to design in accordance with criteria set by the Board. He thinks we should get to a 65 percent or 55 percent figure and leave that as criteria, or consider criteria and lay it out as a design feature for people to work with.

He then discussed low impact designs and getting water back into ground. He explained having a strip around or downstream strips off of parking lots that are clearly infiltrated would be one feature. Again, he stated getting water back into the ground is key issue. A series of criteria that staff can evaluate is a good system to put in place.

Mr. Loopley discussed permanent versus temporary parking lots. He explained that the 15% area of parking lots has to be 100 percent pervious. Mr. Straub stated some run off happens on any material. He stated it depends on what is put down for gravel. There can be permeable, and there can be crushed stone gravel. He said we need to figure this out. Infiltration percentage

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in his opinion should be higher than 15 percent. Pervious should be 35, 40 or 50 percent going into the ground with respect to gravel. If it's gravel, they consider it pavement. He felt that we could allow a gravel parking lot if the plan is defined and maintained to infiltrate the water.

Mr. McMahon explained our problem with temporary parking lots at the beach. He noted that some have been there for many years. He said moving forward, there have to be ways to make it fair; specifying that they be permeable – that it be demonstrated that the water can infiltrate.

Mr. Emerick discussed 45 percent permeability. He explained that in our books now, gravel is allowed, but it does not incorporate gravel being permanent. Mr. Loopley stated we should consider it impervious.

Mr. McMahon about how it would be handled in the winter versus rest of the year. Mr. Straub stated with frozen ground most surfaces are considered impermeable - gravel will run off in the winter.

Changes to the regulation were discussed. It should be changed from anywhere between 35 and 45 percent. Mr. Emerick stated we would want 100 percent permeable of that 35 to 45 percent, but the 15 percent permeable requirement will still be needed. Mr. Loopley still wants 50 percent pervious to remain. A maintenance plan still would be required. Mr. Steffen will work with Mr. Straub to come up with new language for another meeting. A parking lot size limitation should be worked on as well. Mr. Emerick suggested that gravel parking lots not being any larger than (?--to be discussed).

#### • **Stormwater Management Operations & Maintenance Plan (O&M Plan)**

Mr. Straub discussed the practicality of single home owners being responsible for post construction O&M Plan maintenance. He feels having a homeowners' association is a superior way of dealing with that responsibility. Inspection and maintenance requirements in our regulations should be reviewed on an annual basis. Escrow accounts that involve the public have been set up in some instances. The Town takes that responsibility (Department of Public Works). He explained that some towns have storm water maintenance funds and some regulations say "in perpetuity", but does not say who will take care of it. If it is a condominium association, it would be the association that would take care of that. For conventional subdivisions where a town owns the road, but drainage features are on someone's lots with easements, who then is responsible. Should an escrow agreement be set up with easements regarding drainage features?

Mr. Loopley stated the Town would probably not want to take on an escrow situation. Mr. McMahon asked how the Planning Board makes that homeowners association arrangement happen. Mr. Straub responded that it is a problem developers need to solve, or, bite the bullet and have Town handle it all. Mr. Straub commented if post-construction O&M is part of the Planning Board's conditions, the Planning Board needs to handle how it will deal with it. Mr. Emerick agrees that a homeowner association is the way to go.

Joe Coronati likes the homeowner's association idea, although he noted that the homeowners' associations can also change.

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**VIII. ADJOURNMENT**

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

**SECOND** by Mr. Loopley.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 9:17 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**