

**HAMPTON PLANNING BOARD**

**MINUTES**

**February 1, 2012 – 7:00 p.m.**

**PRESENT:** Fran McMahon, Chair  
Mark Loopley, Vice Chair  
Tracy Emerick  
Rick Griffin, Selectman Member  
Keith Lessard  
Mark Olson  
Brendan McNamara, Clerk  
Jamie Steffen, Town Planner

**ABSENT:**

**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.

**II. ATTENDING TO BE HEARD**

- Change of Use: Blue Lobster Brewing Company, LLC – 845 Lafayette Road - Restaurant to Nano Brewery

Attorney Eileen Nevins and Michael Benoit of Blue Lobster appeared. Attorney Nevins described it will be like a restaurant, and less than 2,000 barrels of beer will be brewed per year. It will serve food from third-party vendors. They cannot make food at the brewery. There is sufficient parking. Mr. McMahon stated that they may not even need to be here, but it's good for the public to hear about the business since it's a new type of use in Town. During the summer, they want to operate a concierge service. Local restaurants will be involved.

Mr. Lessard asked if you can buy the growler of beer and sit there and consume it. It was responded that it's up to each restaurant to decide. The “spoils” will be donated to local farmers as its good feed for pigs. All of the waste will be held inside until delivered to the farms.

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

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**III. NEW PUBLIC HEARINGS**

**12-001 16 Battcock Avenue**  
Map: 281 Lot: 59  
Applicant: Terrence & Kelly Connor

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Owner of Record: Same

Special Permit: Remove existing concrete foundation, gravel driveway and revetment along tidal marsh & construct 583 SF addition to existing residence with new, eco-paver driveway

Mr. Coronati of Jones & Beach Engineering appeared. He stated that he has been working with Frank Richardson and the Conservation Commission on refining this project. The property backs up to the tidal marsh. The existing conditions were discussed. It's currently a 500 square foot ranch style home. He noted that currently along the tidal marsh is a paved embankment. It was recommended to leave the asphalt to stabilize the embankment. The deck will be screened in. A variance was obtained to add the deck onto the front and enclose the screened porch. The driveway will be constructed of eco-pavers and will be pervious. The Town right-of-way portion of the driveway will be paved. Shrubs will be placed where the State and Conservation Commission requested; adjacent to the marsh. There will be a decrease in the impervious area on the lot. They have tried to incorporate the requests of the Conservation Commission on the plans. Mr. Coronati mentioned that there was discussion about adding a barrier so people cannot park on the lawn. Annual reporting of the eco-pavers/maintenance requirements has been added to plan set.

### BOARD

Mr. McMahon noted that he attended the meeting, but did not attend the site walk. Mr. Lessard thinks it's an improvement to the site.

Mr. Lessard asked about the driveway maintenance plan. Mr. McMahon stated it's for drainage purposes. It may need to be swept clean or vacuumed annually. The Conservation Commission is asking for an O&M plan to be submitted annually. It was noted that there may be a filing fee of \$25 requested. Mr. Olson stated that he feels that not every pervious pavement job should be required to do this.

Ms. Dionne, Conservation Coordinator, approached and discussed the techniques available. She stated that we need a way to know they are being properly maintained, and all we have now is the annual reporting. Mr. Emerick asked about maintenance of eco-pavers. Mr. Coronati stated it is done by sweeping and vacuuming up the dirt/dust that gets stuck in stone. This allows the water to properly drain through it. Mr. Olson stated that for larger projects he could see it, but not for small one or two unit ones. Mr. Coronati discussed pervious / impervious square footages on the plan.

### PUBLIC

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Mr. Emerick thinks to require these O&M plans are a burden to citizens. Mr. Griffin agrees.

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**MOTION** by Mr. Emerick to approve the special permit in accordance with the conditions contained in the Conservation Commission’s letter dated January 26, 2012, excluding Item 3.b.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

Mr. McMahon stated the Planning Board should re-visit the issue of O&M plans and driveway maintenance plans at a later date.

**12-002 20 Robin Lane**

Map: 133 Lot: 1

Applicant: Ellen Lavin

Owner of Record: Same

Special Permit: Rebuild fire-damaged home on same foundation

Mr. and Mrs. Ray Lavin appeared. On December 1<sup>st</sup> of last year they had an extensive fire. They want to save the foundation and rebuild the home. It is in the wetlands buffer zone.

**BOARD**

It was asked if the only difference was adding the bulkhead. The Lavins answered “yes”.

**PUBLIC**

**BOARD**

**MOTION** by Mr. Lessard to approve the special permit in accordance with the stipulations contained in the Conservation Commission letter dated January 26, 2012.

**SECOND** by Mr. McNamara.

**VOTE: 7 – 0 - 0**

**MOTION PASSED.**

**12-004 18 Ocean Boulevard**

Map: 296 Lots: 108 & 131

Applicant: Drift Resort, LLC

Owner of Record: Same

Condo Conversion: Convert existing manager’s apartment unit to the 25<sup>th</sup> unit/no changes to exterior of building or to existing site plan.

Waiver Request: Section V.E Detailed Plan and Section V.D. Site Plan

Attorney Steve Ells appeared on behalf of the Drift Resort, LLC, owner of the convertible space at the Drift Resort Condominium. Mr. Steve Dumont, Manager, appeared

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as well. Attorney Ells explained that it was built as a motel in the 50's or early 60's. In 2005, the Board approved the condominium conversion of the motel. He noted that Plan D-34077 which was handed out to the board was approved several years ago. He further explained that in developing the project they combined some of the smaller units to make larger units. They ended up with 24 units rather than 40. They were registered with the State AG's office and all 24 have been sold. They are now asking the Planning Board to approve the conversion of the manager's unit. There will be no physical change to the unit. It's a residential unit, and will remain as such. It will be known as Unit #25. He stated that an amendment to the floor plans has been provided to the Board, and that needs to be recorded if approved. He asked for waivers for the Detailed Plan and Site Plan as the overall project has already been approved by the Planning Board. The conversion will have no impact on the exterior of the building as it currently exists.

### BOARD

Mr. McMahon asked about parking. Attorney Ells stated it is unusual. When it was approved as a motel, there was valet parking. In 2005, when it was converted, there were 37 spaces or 39 and he believes that was the limit allowed. The developer has shrunk the parking, so there are now 33 spaces for the proposed 25 units. There are no assigned parking spaces and it is in the condominium documents. It is on a first come/first serve basis. Overflow parking would have been provided by valet parking. Mr. Steffen stated the lot was merged so that the parking is now all on one lot - it was one of the conditions of approval in the original decision.

Mr. Lessard asked for a copy of the approved plan. Mr. Lessard viewed the plan and noted that parking spaces 1 through 6 and 33 shouldn't have been approved. Mr. Lessard explained that he doesn't like that parking is on Town land. Mr. Steffen stated that they were not approved on Town land. Attorney Ells handed out copies of the recorded plan. Mr. Steffen stated it was a condominium conversion that had pre-existing, non-conforming parking. There was no change to the parking and it was approved that way. As a motel, it was supposed to be valet parking, but it never happened that way. Mr. Lessard stated he is not comfortable approving something that shows six parking spaces on State property.

Mr. McNamara read the parking requirements. He noted that these were put in place in 2007, so this project was prior to that. Mr. Lessard stated the six parking spaces are misleading to potential buyers. Mr. Loopley wants to see a correct plan. Attorney Ells stated he's asked for a waiver from the plan requirement, but noted that if the Planning Board wants a new plan, he will provide that. He stated that if the Planning Board feels there's a need to make it accurate, then the waiver request can be denied. Mr. Lessard stated Ocean Boulevard needs a facelift and this is misleading. Mr. McMahon asked who did the striping of the spaces. It was noted that Number 33 is a parallel parking space.

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Denise Wirtz, owner of Unit 1 of the Drift Resort appeared. She asked Mr. Dumont to explain the layout of the apartment - is it just a kitchen living room? Mr. Dumont stated it is also includes the basement. It was explained that all of the utilities for the condominium association are in the basement. All of the meters - gas, electric, hot water, etc. are in the basement. She asked how he could sell that as part of an apartment. Mr. McMahon stated some issues may not be able to be solved by the Planning Board. The apartment is connected to the office and common area and it was asked if that will be included. Mr. Ells stated it will not. The only change will be a doorway that goes from the existing office to the apartment will be removed, and a solid wall constructed there. She would like the utilities to be separate from the other owners. Mr. Ells stated he will segregate all utilities.

Mr. Lessard asked the applicant to show on the plan where the utilities are. Mr. Dumont stated they are all outside of the building. The hot water tank is inside and the sprinkler equipment.

Dave Gwiazda, President of the Drift Resort condominium association appeared. He further discussed the utilities in the basement. He explained that the gas / forced hot air mechanism takes care of the whole complex. He is afraid that no heating or air will be provided to the rest of the complex after this conversion. Mr. McNamara asked if the association has discussed their concerns and Mr. Gwiazda stated it has. He again explained that the heating and electricity has to be in the basement. There is no separate gas meter for 25<sup>th</sup> unit or service panel. The office area is relied upon for utilities. The taxes need go to Mr. Dumont as well. The association also needs access to get into the basement. They pay their mortgages with the rent they get and they want things to run correctly.

Lee Vogel, of Unit 23 expressed his concern because the sprinkler system controller, the air compressor and the maintenance equipment are in the basement. He questioned that nothing would be done outside because there has to be a gas meter to accommodate his gas stove, plus the heater. The cooling of the office space would need to be taken care of as well, and this should not be at association's expense.

Pauline LaGueux, Unit 14 appeared. Her concern is that it could be a single family residence with year-round inhabitants. The condominium association feels it should be a 25<sup>th</sup> unit and set up just like all the other units. Any new owner would have to follow the same rules as everyone else.

Mr. Griffin asked if there are limitations on how long people could live in the condominium units. Mr. Ells stated he believes 89 days. He believes the original approval is for 39 units and year round one manager's apartment.

Barry Moores of Unit 22 of the Drift Resort appeared. He asked if the existing office space loses access to Mr. Dumont's proposed condominium is it possible to have the space available without bathroom facilities. The bathroom facilities will be removed. Mr. McMahon stated maybe not on site, but there should be accessible.

Mr. Gwiazda stated at times the basement is used as an apartment. People should not be living there. No beds should be in the basement. It cannot be used as an apartment per Mr. McNamara.

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Mr. Lessard asked if this was converted as a condominium, how is this not a condominium now. Mr. Ells stated it is common space and they all own an undivided interest, subject to reservations made in the Declaration. They had advance notice for this to occur. This is convertible space. He is exercising his right to convert. Mr. Ells stated the residents don't have the right to vote on changing this; they bought with knowing the stipulations. You can get into the basement from the street. Mr. Ells stated if he knew about the issues of the residents they could have been addressed, and the splitting off utilities has to be done. The unit and office will be independent of each other. These issues can be worked out now that he knows about them. Mr. Loopley asked about continuing this and having Mr. Dumont meet with the Association and then come back.

**MOTION** by Mr. Lessard to deny the waiver request on Section V.E. Detailed Plan. They will need to amend the plan to show that the applicant does not have approved parking off-site.

**SECOND** by Mr. McNamara.

Mr. Ells presented the as-built site plan. He indicated that it can further cleaned up, but that is the most recent plan. Mr. Emerick stated the right of way and parking is the biggest issue. They are numbered and striped.

**VOTE: 7 – 0 - 0**

**MOTION PASSED**

Mr. McMahon stated that a heating/cooling unit that may need to penetrate the wall impacts the Zoning Board of Adjustment decision. He doesn't know what the setbacks are, but he wants Attorney Ells to look into that.

Mr. Steffen stated there is wording in the Zoning Ordinance on office requirement for motels that was adopted in 2007. He read it aloud.

Attorney Ells stated there is a laundry facility there as well. Mr. Ells stated they can work that out with the association.

**MOTION** by Mr. Loopley to continue the matter to the March 7, 2012 meeting.

**SECOND** by Mr. Lessard.

**VOTE 7 – 0 - 0**

**MOTION PASSED.**

It was noted that the public hearing will be continued.

**12-005 1048 Ocean Blvd**

Map: 116 Lot: 4

Applicant: Dean Koravos

Owner of Record: Same

Special Permit: Demolish existing home and rebuild new home that will conform to setbacks

Mr. Don Cook, home builder from Greenland, NH appeared. He stated that it is currently a single-family home. They wish to remove all of the impervious material and start

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from scratch. The new plan for the residence meets all the setbacks. The existing house is non-conforming. There currently is a lower deck, an existing concrete sidewalk and an upper deck. There's an existing foundation there as well, which he does not know why it is there. It is about 838 square feet. It is within the 50 foot buffer. They would like to add a new deck. It would be 392 square feet. They are decreasing the amount of impervious in the 50 foot buffer. He is considering a crushed stone driveway or eco-pavers. The final landscaping plan is not available at this time.

**BOARD**

Mr. McMahon noted that he received an email from Mike S. at 1044, Unit #1 and from Karin Theodoros, and both spoke in favor of the permit.

**PUBLIC**

Ms. Stonie, owner of 1050 Ocean Boulevard and one of condominium units at the Dory Inn appeared. She is delighted something is going to happen with this property. She asked to see the plan. She asked if setbacks are set. They are. She asked for a set of plans and she was given both. It was noted that the house plan isn't etched in stone. Ms. Stonie stated if it is all conforming, she has no problem with it.

Kathy Sowerby, President of the Association of the Dory Inn, appeared and thanked him for fixing up the property.

**BOARD**

**MOTION** by Mr. Lessard to approve the special permit in accordance with the stipulations contained in the Conservation Commission letter dated January 26, 2012.

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 - 0**

**MOTION PASSED.**

**12-006 21 Riverview Terrace**

Map: 292 Lot: 34

Applicants: Albert & Linda Scranton & Jangel Trust

Owner of Record: Same

Special Permit: Re-build porch, add new siding and gutters and plantings around dwelling

Mr. and Mrs. Scranton appeared. Mr. Scanton explained that the existing porch was rotted and fell off. They wish to rebuild it and add 72 square feet (6' x 7'). They would like to extend the porch over and make it look better.

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**MOTION** by Mr. Lessard to approve the special permit in accordance with the stipulations contained in the Conservation Commission letter dated January 26, 2012.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**IV. CONTINUED PUBLIC HEARINGS**

**11-026 546 High Street (continued from 12/7/11 & 1/18/2012)**

Map: 151 Lot: 008/007

Applicant: Douglas H. Reed, Jr.

Owner of Record: Same

Special Permit: Construction of low platform deck beneath the existing 3-season deck.

Ms. Linda Meissner and Mr. Doug Reed, co-owners appeared. Mr. Reed explained that when they initially applied, the Conservation Commission stipulated that they use pervious material. He then discussed the other stipulations of the Conservation Commission letter. On #1, they do not intend to close it in. They want to build it with space maintained between the boards for water to pass through. He explained that no rain gets under the current structure, and nothing grows under it for vegetation. There is 3/4" p stone placed there now.

The second item was discussed. Relative to the concern about flooding he discussed fluid dynamics. He doesn't think the deck structure will adversely impact it.

He stated on the third item they were embarrassed by that and they have made changes to the drawings. They did not have elevation drawing so the Conservation Commission couldn't tell 2' x 6's would be open to the end. It was discussed having the deck secured.

On the fourth item he does not understand the sealed surface/mitigation issue. There is no water that gets in there now. Any water would get to the gravel underneath the deck.

They have reapplied for the special permit because they don't understand the concern of the Conservation Commission relative to the low platform deck.

**BOARD**

Mr. Lessard asked if it is approved, could they utilize the same type of decking that was recommended on Battcock Avenue. He asked Ms. Dionne to address this.

Mr. Olson explained that there is a room above the deck. The decking for Battcock Ave. was pervious and if they used that material for their deck it would be more palatable, but he explained that the Battcock Ave. deck wasn't covered up above.

Mr. Olson noted said nothing is growing under the porch. Mr. Lessard stated that we shouldn't approve it. It was an open deck and the previous owner agreed to keep it open. Mr. McNamara stated we need to deal with each application on its own merits. He feels we would not be setting a precedent with this case. Mr. Olson said there is nothing to mitigate.

Ms. Dionne appeared. She stated that the Conservation Commission was unanimous in its feeling that they should stay with the 2006 approval. There are plenty of permeable

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materials they could utilize. She thinks it would be a reasonable compromise to have them use permeable material.

Mr. Emerick stated we don't approve or disapprove applications based on past decisions. We discuss "yay" or "nay" based on each application. Mr. Olson further discussed the 7' x 17' area. He explained that 50 percent of the area is already impervious. They are leaving air space in the deck so water can go through. Mr. McNamara stated he looks at each application and how it impacts the Town - this is not impacting the rest of the Town. Mr. Lessard stated he would still like a flow-through material for the deck. Mr. Olson said it is unfair to dictate to applicants what materials to utilize for the decking.

**MOTION** by Mr. Lessard to approve the special permit in accordance with the stipulations contained in the Conservation Commission letter dated November 23, 2011, but that the decking material utilized allows water to flow through it.

**SECOND: no second.**

**MOTION** by Mr. Emerick to approve the special permit as presented.

**SECOND** by Mr. McNamara.

**VOTE: 5 – 1 – 0 (opposed by Mr. Lessard)**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES of January 18, 2011**

**MOTION** by Mr. Lessard.

**SECOND** by Mr. Emerick.

**VOTE: 5 – 0 – 1 (Mark Olson abstained).**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

Mr. Steffen went through the proposed zoning amendments for the public's benefit prior to the Deliberative Session. He noted that these are available at the Planning Office and will be displayed at the meeting on Saturday. The Board discussed the proposed amendments for sandwich board signs. The allowable signage surface was discussed. It was noted that it is proposed to be six square per face. There was a brief discussion about calculating the sign area and what constitutes the sign face. It was also noted that the signs would put out in the morning and need to be brought in at the end of the day.

Mr. Loopley asked about the status of the traffic lights at the end of Winnacunnet Road. Mr. Steffen stated that there is money in the budget to do the first phase which is the preliminary design and an agreement with the State has been signed under the CMAQ funding approval. Mr. Loopley asked about the transfer of land to CVS and the Galley Hatch and the parking situation. He asked about controlling the parking. He stated coming out onto Winnacunnet Road there are

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no lines, or markings. He explained that leaving the Galley Hatch with the telephone pole, etc., one cannot see cars coming from the spur road. He asked about the process for restricting parking along there. He asked if the Town can line stripe Winnacunnet Road. Mr. McMahon stated if we wanted no parking along there it would have to go to the Selectmen. Mr. Lessard stated we never re-approved the parking layout after the land was purchased. He felt that it probably has to go to the Selectmen as well.

Mr. McNamara asked about the Plan Review Committee meetings. Mr. Steffen responded they have not had to have any applications yet.

Mr. Steffen discussed the progress of Vision Chapter update of the Master Plan. He reported that the Committee has been meeting once a month since the spring. Mr. Emerick joined the group last week filling for Maury Friedman and Mr. Olson is also on the Committee. A vision statement has been drafted based upon the input received so far and has been emailed to the group for editing. The next meeting is scheduled February 16<sup>th</sup>. Mr. Steffen stated the Committee received close to 30 responses out of the 70 to 80 sent out to people in Town seeking their input on the vision for Hampton. He feels that they are making good progress with the update.

**VIII. ADJOURNMENT**

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

**SECOND** by Mr. Loopley.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 8:45 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**