

# Town of Hampton



## PLAN REVIEW COMMITTEE

### MINUTES

**January 27, 2016– 2:00 PM  
Selectmen's Meeting Room**

**PRESENT:** Jason Bachand, Town Planner  
Jameson Ayotte, Fire Chief  
Kevin Schultz, Building Inspector  
Jennifer Hale, Deputy Director DPW  
Jodie Bray Strickland, CMA Engineers  
Richard Sawyer, Police Chief  
Scott Wade, Unutil  
Mike Bernier, Aquarion  
Laurie Olivier, Office Manager, Planning

**Absent:** Rayann Dionne, Conservation Coordinator

### **71 & 73 Ocean Boulevard**

Site Plan - Expansion of existing business (Bernie's Beach Bar), 73 Ocean Boulevard. Merge the two lots and add decking and structures over the existing foundation (and to the rear) of building located at 71 Ocean Boulevard.

Mr. Henry Boyd (Millenium Engineering) appeared with Attorney Steve Ells. Al Fleury the applicant appeared as well. Bernie's Beach Bar is hoping to upgrade the buildings underneath and he will be expanding Bernie's Beach Bar. The deck is 10' in depth. There was an existing foundation there before. Elevations were discussed; 6.5 and door front is 13.8. Mr. Boyd feels the deck is pervious, but he read the Building Code. Mr. Boyd took time to do a test pit to reveal what the soils look like. The ground/base is beach sand with 4" of soil on top. It infiltrates one gallon a minute. The native material is beach sand. There will need to be a drainage infiltration. Roof-top run off was discussed. They are building the deck so it pitches at the high point in the center. Mr. Boyd wants to design a stone and pipe system. Water should be able to be handled by the soils.

Mr. Boyd discussed a 0 setback variance. He negotiated with Attorney Ells and Mr. Fleury; the lots are going to merge so there will be no set back violation. Sealed surface calculations have been arrived at (on plan).

Mr. Fleury discussed his vision. He wants to add more inside seating on the existing Bernie side. Some glass up will be added. He wants to move the stage over 100' away from the neighbor who has not been happy. There will be a wall (sound deafening) in the back. Noise is amplified down the road. A sound engineer was hired.

They will add seating on the ocean side. There used to be about 15 tables on the glass; now there will be 3 or 4 times more. Fire-wise, it should help. Hallways will be larger. He met with the new Fire Inspector.

Mr. Fleury has cleaned the area up a lot. All new siding and doors will be put there.

Chief Sawyer likes that the stage is being moved over for noise. He asked about the northwest corner (L Street side). He wanted to know if he could go higher. Mr. Fleury wants to enclose the whole area. Chief Sawyer said when the sound comes over the wall, it bounces off her (neighbor's) building. The stage should be moved and he's happy about that. Getting people out was discussed. Mr. Fleury said the new place will fit about 360 people. Maybe now 800 to 900 total. If there's a dance floor it will be less.

Chief Ayotte asked about the seating plan. There is no hard number. Chief Ayotte discussed the stairwell. Sub-terranean...people are coming from underneath the deck. Would people be coming out of the blue gate was asked? Mr. Fleury said he wants the exit to go a different way (not represented on drawing). Chief Ayotte said egress is trouble. The buildings need to be brought up to Code. Mr. Fleury said all lines are fine – over the building – which they would have to be per Chief Ayotte.

Points of egress were asked about by Chief Ayotte. Deck and stairs (calculations) need to be done. Mr. Schultz (Bldg) sees more than one point of egress. Not to the basement – through the gate to the street.

Mr. Ayotte said this is not the final plan and they concurred. They are going to follow the Codes and Life Safety Rules and Mr. Fleury concurred.

Mr. Schultz discussed the plot plan and site plan. After lots are merged, they are running on top of an existing structure that is already there and Mr. Boyd concurred. Mr. Schultz discussed the plot plan – on northeast corner, Mr. Fleury cannot do that because he will be violating the setbacks. Mr. Boyd does not see the edge of the proposed deck and he doesn't have it. Mr. Schultz said they blended some stuff with other stuff. The South side complies. Mr. Boyd said they don't have the information to finalize

everything. It has to stop 4' or it will have to have a variance. Mr. Schultz said it includes overhangs. The dash line is an overhang. 4.2 and 4.1 are to the overhangs. Building is labeled at 5'. Mr. Boyd will add that and understands. Mr. Schultz said setbacks need to be fine tuned. It has to comply with zoning.

Mr. Schultz discussed the handout. The system under the deck was discussed. He thinks they are pitching the deck so water will get to corners into down spouts and then into infiltration system. Mr. Boyd concurred. Mr. Schultz asked how that is permeable. Mr. Boyd said the deck should not be classified as impervious. Mr. Schultz said the Zoning Ordinance makes this non-permeable. Attorney Ells said unless it is designed to infiltrate water. Mr. Boyd said the system underneath will infiltrate water. What Mr. Fleury handed out does not do that. Attorney Ells said those sketches just came out. We need to provide more. Permeable means something passes through. Attorney Ells asked who made the pavers okay.

Ms. Hale (DPW) said a paver is 3 x 5 or 4 x 6. A paver is not pervious. It goes to the spacing that takes water and pulls it through with an engineered system directly underneath to absorb. It takes a lot longer than a little paver. Ms. Hale said every roof in Town would be considered porous. Ms. Hale said it's a stretch to believe the intent of the Ordinance was what is shown on Mr. Fleury's plan.

Attorney Ells is asking about the process. At some point pavers (Town) said okay. He asked what process we go through. It was noted that it is more by State Regulations. Attorney Ells asked what the deal is with decks.

Mr. Schultz said it's not as easy as it appears; it's not whatever Kevin says goes, i.e. that is not how it works. It can be challenged. Mr. Schultz said in this case, he feels sure a deck system can be designed where it is permeable where water passes right through it. The question is what is it; what does it look like – can Mr. Schultz say “water is falling right through it”. Is it still permeable with chairs, umbrellas, tables, etc. Mr. Ells said they are temporary structures (but not brought in every day/night). Attorney Ells is looking for a roadmap to the process.

Mr. Fleury talked to 10 engineers. The engineers said it is pervious. Mr. Schultz said nobody wants to put up roadblocks. It was to avoid this committee. Attorney Ells could have had meetings with Rayann (Con Comm) and others. Attorney Ells got feedback from Mr. Schultz. Mr. Fleury said Rayann told him it was brought forth for low-height decking. Mr. Fleury went over everything with Rayann. Kevin said nobody is denying there are flaws in the ordinance. 6' or greater off the ground – doesn't count. Mr. Schultz is baffled also. Mr. Boyd said plants can grow in those areas. Calculations are different all the way around through the State per Mr. Boyd. Mr. Boyd said they may need relief before moving forward.

Mr. Schultz asked if they could take the center part out-exposing the foundation below, and incorporate the existing building out front. Mr. Boyd didn't do it but he can. Mr. Boyd ended up with 73.6 without including the deck. Ms. Hale said the area that is roofed (open) it is 73.6. If we include the roof it is 99+ percent. Mr. Boyd said he will have to look at it and he discussed treating run off.

Chief Sawyer (Police) asked when this would start; Mr. Fleury noted as soon as he could. Attorney Ells said convincing Mr. Schultz would be the right way to go. Attorney Ells said they need to do more work; if they have to go to ZBA - subject to

getting a variance. Mr. Schultz is open to having anything he could put his hands on that supports his belief that a deck is permeable.

Mr. Schultz needs everyone to agree with this. An infiltration system will be built underneath. Mr. Schultz is more concerned about setbacks and said they can't avoid the variance. Attorney Ells said it's the best idea for tourism. Attorney Ells will get Mr. Schultz more data. Ms. Hale said that one calculation is crucial. Ms. Hale noted the hatching out area – there is more than 75 percent coverage. First real double check has to be calculations. If it's over 75 percent, they are in a variance situation.

Mr. Boyd said the calculations are merged. He gets 73.6. Ms. Hale asked what he is calculating. Ms. Strickland (CMA) said there is concrete. Ms. Hale said a simple overlay would be great. Mr. Boyd can break it out. Ms. Strickland said for them to make sure they are not already in a variance situation.

Chief Sawyer left.

He asked applicants to keep warmer weather in mind with this project commencing, etc. He has no comments on Little River Road.

Mr. Fleury asked who he should talk to about decking. How does he get his answer. Ms. Hale said he should find a pervious roof. An engineered run off system. No travel time. A porous roof is considered porous. It becomes run off. Mr. Boyd said the cost involved comes into play. Mr. Boyd wants the Board (PRC) to decide if they need to go for a variance or not. Mr. Schultz thinks there may be 4 or 5' not sealed. Coming up southerly side is similar.

Ms. Hale said the existing concrete wall will remain – it's a retaining wall. Mr. Boyd said they could excavate and put stone in there. It's a huge area that receives storm water. Do they need relief or not. Mr. Schultz said in order for the applicant to comply, they may want to get on the agenda and convince the ZBA that it's permeable. Housekeeping in zoning - should be fixed for next year (noted for Jason Bachand – Planner).

Mr. Boyd read the definition from the Zoning Ordinance. It convinces him it is not impervious. The deck is not designed like a porous paver system. A porous paver alone is a concrete block. It is a system per Ms. Hale. This is not a deck system.

Ms. Hale asked when a system is designed (if solid floor decking) she asked what happens with spills with food. Soda and food will fall through also. She's wants them to think about it. Ms. Hale asked if it is a floor drain; if there's an infiltration system.

Rubbish was asked about by Ms. Hale. An O&M will be mandatory. Where is sewer service?

Jodie Strickland (CMA) asked about waivers and detailed plans – to waive submission of detailed plans. What waivers are being applied for was asked. They are not drawn by a licensed architect; they will need that. Calculations should be clear per Ms. Strickland. Test pit was asked about. Stormwater management and treatment was asked about. Mr. Boyd said they are planning to treat what is proposed and noted there will be roof systems. He needs to do that. Structural evaluation will need to be done also per Ms. Strickland. Mr. Boyd wants to make sure the foundation is not damaged. Ms. Strickland said make sure it is designed how the Ordinance states. She also asked how

buildings are connected. How do you get to the stairway was asked? Can you get to Bernies to/from the new building? Sheets 5 and 6 don't show the same thing. Utilities were asked about – Fire escapes. Underneath the building. Ms. Strickland asked what's happening with the bottom floor. She asked about the courtyard area – is it grassed or stone? It's sand per Mr. Fleury. Mr. Schultz said as to the existing foundation, he will look for structural reports on that. It is a huge foundation.

Unitil (Scott Wade) said one building – they can only provide one service. Hire electrical contractor. Figure out existing panel at existing building will be able to handle the load. Existing #71 – will have to be removed. Refrigeration and ice machines need to be dealt with. One service off L Street was discussed.

Mr. Bachand noted they will need another PRC meeting.

Mike Bernier (Aquarion) is all set.

They will go dry on sprinkler systems. Deck would have to be sprinklered under. Nothing aerial.

Mr. Bachand asked for more paperwork.

PRC is the 24<sup>th</sup> of February.

Kevin left and has no issues on 136 Little River. Applicants got their variances.

### 136 Little River Road

Subdivision of existing tract of land (contains single family residence) into two lots (second/smaller lot to have single family residence constructed).

Access to the two lots to be provided by one, single driveway off Little River Road.

Attorney Peter Saari appeared with Tom Power and Susan McDaniel (applicants). This is a two-lot subdivision. Chief Ayotte may have issues with access. There is a 20' shared driveway. It splits to allow the lot in the back access to the property. There is 18 ½ feet to back of lot. Attorney Saari is not sure if Fire is okay with that. Service by Town sewer and water; residential use, etc. They want to put another house in the back lot.

Chief Ayotte had a hard time determining from the drawing where the structure will be on Lot 2. He discussed the Codes. Driveway lengths fall under new construction. For a building 250' plus back, Fire needs an access road. It is about 211' back per Ms. Hale. Chief Ayotte discussed an easement. According to the Code there should be 20' and he discussed height. The side bend – it's down to 18.5 feet. After 150' there should be turn around. He asked what the plan is for there. Hose length was discussed. 20' is a critical distance per Chief Ayotte. It's over 150'. Ms. Hale asked about sprinkler rules. Chief Ayotte needs 50' of first floor; if sprinklered it is 150'. Chief Ayotte said many places are looking for distance. If he's taking a fire engine down there, they need to get there.

Mr. Bachand said the driveway is over 150'. It has to be provided to the Planning Board. The driveway should be on the plan before the Planning Board approves it.

Mr. Bachand measured it on the sketch (separately provided) at 12'. The driveway is measured at 12'. That has to be widened to 20' to meet Fire requirements. The easement area may need to be extended back to Lot 2. This will be single family in the back.

Mr. Bachand said the easement area should show metes and bounds. Hatched easement area – metes and bounds should be shown. An easement deed will need to be filed.

Book and page numbers for abutters should be shown. It is in the Aquifer Protection District so it is subject to proposed amendment. He noted a Conditional Use Permit was also required and the applicant provided written finding of fact.

Rear lot – setbacks are being shown as 10' on all sides. The bordering on Lot 1 – he considers that frontage. Mr. Bachand researched prior files of rear lots, the rear lot should show the front setback as 20 feet and sides at 15 feet. Setbacks should be changed on the plan.

Mr. Bachand said the well is about 550 feet from the proposed rear lot. Aquarion may have comments. Variances should be listed on the plan.

The Planning Board will need new plans including the revisions. It should be continued – it won't make February 3<sup>rd</sup>. It could make it on the February 17<sup>th</sup> Agenda if we get revised plans by February 10<sup>th</sup>.

Ms. Strickland is all set because of variances.

Ms. Hale asked if the existing driveway will be removed and if they will go into a shared drive. Applicant concurred. Utility pole (radius) and plowing aspect was asked about by Ms. Hale.

Ms. Hale said if they go to a 20' drive – it does not have to be paved; it has to be able to support a fire truck. It is sealed surface. In the Aquifer Protection Zone – it allows 5,900 square feet of house – told applicants to not short change themselves on the size house that can be built per Ms. Hale. Mr. Cote should fix the footprint.

Residential system—for fire was discussed. 20' driveway width or sprinkler system. Actual driveway made out of gravel. Applicant asked about driveway. They have 20' but pavement was discussed (neighbors). At water works - trucks go by. Road is like 8 to 10'. They are 8' driveways. Width needs to be supportable for fire truck under the Code. Roadway construction material has to support the truck. Applicant says driveways around them are longer than theirs.

Attorney Saari said 20' has to be made with gravel or asphalt. Unobstructed width was discussed. 20' between trees. He asked if he can have a 10' driveway. Chief Ayotte said he will contact the Fire Marshal. He will confirm and get back to them hopefully by Friday or Monday.

Attorney Saari asked if the front of the house can be less than 250' from road; it is 150'. Ms. Strickland said two firetrucks have to pass on same road.

Unitil said driveway comes out where pole is. It will need to be relocated and it will be costly. It's about 6' from end of driveway and that should be fine. Unitil can check it out later today. It can be served without any problem.

Mike Bernier (Aquarion) discussed contaminants and hazardous waste. Heating fuel was discussed; if they are going gas or oil. Oil was an issue with Carl McMorran.

He wants natural gas or propane for fuel. Length issue – meter will need to be put out front because of length of service. Pesticides on lawn etc were discussed. The property is all downhill to the location of the well.

Ms. Hale asked about sewer service. She asked if the intent is to go to the frontage part or will they need a sewer easement because it's crossing over someone's property.

Mr. Bachand said we do not need another PRC, but the Planning Board will want more complete plans. If plans can be updated by the 10<sup>th</sup> of February they can be on for the 17<sup>th</sup> of February. The Planning Board can vote to continue at the February 3<sup>rd</sup> meeting. Mr. Bachand said we will need letter to continue.

Meeting ended at 3:35 p.m.

Laurie Olivier  
Office Manager/Planning Department