

HAMPTON PLANNING BOARD

MINUTES

February 3, 2016 – 7:00 p.m.

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

ABSENT:

I. CALL TO ORDER

Chairman McNamara began the meeting by introducing the members of the Board and leading the Pledge of Allegiance.

Mr. McNamara stated the applicant for 325 Lafayette Road, 321 Lafayette Road and 35 Winnacunnet Road asked to be continued to February 17, 2016.

MOTION by Mr. Lessard to continue that application to February 17, 2016.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. McNamara noted that the applicants for 136 Little River Road also asked to be continued to February 17, 2016.

MOVED by Mr. Emerick to continue that application to February 17, 2016.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

Presentation – Hampton Academy Building Project

Ms. Kathleen Murphy (Superintendent - SAU 90) appeared. She said it is important for the school system to offer everyone an opportunity to hear about the plan for the middle school. Team members present are Architect Doug Proctor from HL Turner; Project Owner's Representative Paul Pandelena; Engineer Bill Hickey from HL Turner; and Mark McLeod is the civil engineer. Ms. Murphy wants to focus on the site. This project has been on the CIP for many years. Documents have been looked at since 1996. They looked at charettes. They surveyed the community to get an idea about what people wanted.

HAMPTON PLANNING BOARD

MINUTES

February 3, 2016 – 7:00 p.m.

Safety issues are #1. Heating, ventilation and plumbing issues are a concern. The building was originally built in 1939. There is a need for mechanicals to be updated. The curriculum and programs are most important. Ms. Murphy said they need a band room. Chorus needs room. Art also is included. Classrooms need new windows and doors (for safety reasons).

Every student has a computer. They use SmartBoards. Support areas need more private areas for confidentiality, etc. Protecting kids' privacy was discussed as well when they meet with guidance counselors, etc. They have a gymnasium that needs upgrading. The Town has had to rent space at The Rim. The Eastman Gym does not fit all students, faculty and visitors for concerts or programs. Two firemen have to be in attendance so they are covered by fire standards.

Mr. Proctor discussed the site. Keeping the space at the end of Academy Avenue and the corner of High Street was important for this project. The 6th grade wing will come down and that's where the new gymnasium will be. Classroom wings will be level with the school. They will preserve the field out back, baseball field and track area. The Town staff parking and bus loop were discussed.

Ms. Murphy said there are also the Martel and Arnold properties. The school has been leasing the Arnold property from the Town for a dollar. The school also has a right-of-way on the Martel property. The Town will transfer land upon the passing of the project. There is a Warrant Article on the Town accepting the property.

Mr. Proctor discussed increasing safety. The entrance and exit passes were discussed. Handicap access will be at the front of the building. There is a bus drop-off loop and a parent drop-off loop.

Trash bin storage was discussed. The lower section can be gated off from trash truck accessibility.

The possibility of adding a senior community space in the future was discussed (by relocating the basketball court).

Ms. Murphy said there will be a specific entrance for students. Adult visitors would come in through the front door of the building.

The site survey was explained. If the building can be wrapped, it can be turned into an auditorium.

BOARD

Mr. Lessard thinks it's a good idea. Ms. Carnaby thinks it's a great idea. Ms. Carnaby said she sees clusters of students during good weather on the High Street point near Academy Avenue and she hears that may be fenced off from getting up to that area. She hopes student use of that area continues. Ms. Murphy said kids work outside; they may be building ovens outside as part of STEM labs and taking data. Ms. Carnaby asked why it's safer to have students separated from adults. Ms. Murphy said because of intruder issues (happening across the country). Faculty are there to protect the children; when adults come through, they are not all known by the faculty.

Mr. McMahan discussed about the Town-owned property to the school. He asked if it's available to the general public. Ms. Murphy said "yes". There would be mixed parking. There is still room for patrons at the Library and the Fire Department, etc.

HAMPTON PLANNING BOARD

MINUTES

February 3, 2016 – 7:00 p.m.

Ms. Murphy said fees are paid to use the High School amenities currently. They have gotten great input from the Town's Recreation Department and the Library.

Mr. Olson thinks it looks good. He asked about areas across from the new courtyard. He asked if that's where the basketball court goes. He asked about a lay-down area/staging. Mr. Proctor said it shows an adjustment—the fitness area can move up the hill.

Mr. Bachand stated he had seen the concepts evolve and attended meetings on this project. He thinks they chose a very nice option and it's a great project. Mr. McNamara thinks it looks well thought out and planned. The recreational area for the Town would be a big plus. Mr. Proctor said there is the ability to shut off the school room so that the gymnasium can be used for different meetings.

This project should take 24 to 25 months per Ms. Murphy, if all goes well in March. The builders have been interviewed.

Mr. Emerick asked when the 6th grade wing is torn down (during construction), where will the students go. Ms. Murphy said there is a plan at Marston school to use 8 sections for the 6th graders. They will stay on the Middle School schedule. They will be bused over to the Academy for lunch; stay there for extracurricular activities.

Bond rates are low right now as well per Ms. Murphy.

III. NEW PUBLIC HEARINGS

16-001 26 Island Path

Map: 282 Lot: 17

Applicant: Kenneth G. Fisher

Owners of Record: Kenneth and Debra Fisher

Wetlands Permit: Installation of privacy fence (to be connected to existing fence).

Mr. and Mrs. Fisher appeared. They want to put a fence up. Family brings up dogs, they want it all fenced in.

BOARD

Mr. McMahon was on the site walk and at the Conservation Commission meeting. It was pretty straightforward. The Conservation Commission letter is pretty straightforward.

Mr. Olson asked why they had to come before the Board. It is because it is in the wetlands. They are digging holes in the buffer. The owners agree with the conditions.

PUBLIC

Ms. Sandy Glansberg, 24 Island Path appeared. She closed on her property March 31st of last year. All documentation she has shows a survey of boundary lines. She didn't realize when she purchased the property that the outside stairs on the house were not attached to her house. As snow melted, she found the stairs to be unsafe so she rebuilt them to be safe. There was a shower underneath the stairs. She rebuilt this also. Mr. Fisher has been mean to her. She would like to go out her kitchen door. She said she would never get down the stairs if there were a fire.

HAMPTON PLANNING BOARD

MINUTES

February 3, 2016 – 7:00 p.m.

She said Mr. Fisher wants to wall her in; she won't be able to come off her stairs. It's her only egress. She does not think it's fair to be walled in. The houses are 9' apart.

She is a year-round resident; they do not live at their house; tenants change weekly. She wants to maintain her safety and maintain her egress.

BOARD

Mr. McNamara feels it is unfortunate the fence will stop her from getting in and out the door. This Board can help with the wetlands and the Conservation Commission. Litigation for her issues may be needed.

Mr. Emerick recommended Mr. Cote survey Ms. Glansberg's property. She said it would cost another \$3,000. Mr. Emerick can give another name of a surveyor - he said that is too high (he is pinning only one side of the house). Mr. Emerick said she needs her property defined. Mr. Lessard said they are putting a fence between the properties.

Mr. Olson asked if Ms. Glansberg was previously going onto the applicant's property to get out to the street. She said she was walking on the neighbors' property in the past.

Mr. McNamara said she may need to talk to an attorney.

MOTION by Mr. McMahon to grant the Wetlands Permit along with the conditions contained in the Conservation Commission's letter dated January 29, 2016.

SECOND by Mr. Lessard.

VOTE: 7 – 0 - 0

MOTION PASSED.

16-002 252 Drakeside Road

Map: 157 Lot: 5

Applicant: ECHO Holdings, LLC

Owner of Record: Same

Driveway Permit Appeal (after the fact)

Mr. Olson recused himself.

Mr. Olson appeared. He is here for a driveway permit for the above property. It had two driveway curb cuts. It is a multi-family building. The driveway is the same size as it was previously. It is a minor driveway change in his opinion.

BOARD

Mr. Lessard asked if he was denied the permit and it was. It is paved per Mr. Olson (in the right-of-way). Frank Swift (DPW) told him "no". It is an after-the-fact, but Frank Swift denied it. Mr. Olson said he felt the change that was made did not necessitate a driveway permit.

**PUBLIC
BOARD**

HAMPTON PLANNING BOARD

MINUTES

February 3, 2016 – 7:00 p.m.

Mr. Bachand said the denial is because Mr. Olson has two curb cuts. The width of one of the driveways is 28' on one of the curb cuts. Mr. Lessard said the Planning Board just went through this and noted that it is consistent with the applicants who have come before the Board - the 3-lot subdivision and the 10-lot subdivision.

MOTION by Mr. Emerick to grant the driveway permit appeal.

Mr. Lessard asked if the as-built is certified. Mr. Olson said the driveways have been there for a long time. He will make them comply if the Board would like. Mr. Emerick said if he wants to cut it back, that's fine, but he doesn't have to. The applicant can do what he wishes with cutting it back or not. Mr. Bachand said he drove out there and agrees it is consistent with the area. Mr. Lessard said it used to be an office years ago.

Mr. McNamara noted there was a motion by Mr. Emerick to grant the appeal.

SECOND by Mr. Lessard.

VOTE: 6 – 0 – 1 (Olson)

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

**15-061 Liberty Lane, 298 Exeter Road (continued from January 6, 2016)
(NH Route 27) & Route 101**

Map: 67 Lot: 1

Applicant: Cornerstone at Hampton, LLC

Owners of Record: Seacoast Crossroads Realty Co., LLC

Site Plan and Wetlands Permit: Construct Healthcare facility; Redevelopment of lot, including an access drive & all associated parking, utilities, landscape and stormwater management system.

Attorney Peter Saari appeared with Steve Paquette of Cornerstone Development. Attorney Saari said this is the 2nd hearing. They received and reviewed the Memo from Mr. Bachand. They want conditional approval tonight. Attorney Saari has some questions regarding the conditions of approval. Mr. Paquette wants to talk about the timing of some of the conditions.

On Condition #5 – one item brought up in the Wright-Pierce report was regarding the private pump station, in that it needs an emergency stand-by generator. The Montrones are willing to take care of that. They are asking from a timing standpoint, they would not look to start site work until early April at best; a build-out of 14 or 15 months. It is going to be about 1 ½ years before they will ask for a CO. It was requested that the Board consider placing the installation of an emergency generator in the conditions prior to issuance of a CO and not prior to recording.

Mr. Bachand clarified the purpose of placing this condition where it is - that a note to that effect be provided on the recorded plan. If the note is on the recorded plan, he feels that is acceptable and it is acceptable to Public Works.

HAMPTON PLANNING BOARD

MINUTES

February 3, 2016 – 7:00 p.m.

Attorney Saari asked about “residential health care facility in perpetuity”. The next sentence discusses no future changes in use that are not compatible with the approval, unless approved by the Planning Board. Attorney Saari said they want to be clear that they do not need to keep this health care facility forever; they would have to come back to the Board anyway. Mr. Emerick concurred.

Mr. Paquette discussed the private system maintained by the Montrone Group. (John Lorden - MSC Engineers, is in the audience and may discuss). Mr. Paquette agrees with the emergency generator.

Mr. Paquette asked about the Sewer Maintenance Agreement. He felt there is no reason why prior to initiating site work that that can't be put in place. Attorney Saari said it's drafted and submitted. It needs to be reviewed. It includes the hotel across the way and the restaurant.

PUBLIC

Jennifer Hale (DPW) spoke and confirmed the Sewer Maintenance Agreement will accommodate the hotel across the street. What the hotel in the future presents is for them (hotel) only. If a copy is required by the Board if/when the hotel comes forward, the hotel will have to prove its own capacity. She doesn't want the waters to be muddled between applications.

Mr. Lessard said there will be no piggy backing on other projects. Ms. Hale doesn't want to have any problems created in the future. Everyone (all projects) have their own responsibility.

Mr. McMahan said the agreement has to be open-ended (global). The Sewer Association is a good idea per Mr. Emerick. Ms. Hale said it's like a condo facility. Ms. Hale said each future owner becomes part of the Association.

Mr. Bachand said it is common practice that the documents are reviewed by the Town Attorney and recorded simultaneously with the plans. The document would be filed with the Site Plan.

Mr. Paquette discussed the Conservation Commission's decision letter. Local mitigation was discussed. **The deed will be provided to the Conservation Commission.** This condition is that that deed will be in place prior to or simultaneously with Site Plan.

Mr. Paquette said architectural drawings will be in process and conditions will be met. He would like conditional approval so this process can go to the next level.

Ms. Rayann Dionne (Conservation Coordinator) said they looked at the project regarding local mitigation. It is a 6-acre parcel on the corner of Timber Swamp Road and Exeter Road. It has about 4 acres of wetlands and 2 acres of uplands. The Commission thinks it's a valuable piece worth protecting. They are pleased with the offer. The Montrone Group provided a letter stating they will hold the adjacent parcel for potential future mitigation dependent on future development of the area. It's not a guarantee, but they are aware of the importance of local mitigation.

Mr. Paquette said the State would have made this a much longer process.

Mr. McNamara asked if anyone else from the public wished to speak.

HAMPTON PLANNING BOARD

MINUTES

February 3, 2016 – 7:00 p.m.

Julie Moore, 52 Falcone Circle appeared. She served on the Zoning Review Subcommittee. The sewer was a big concern and she asked how big the pipe is to have all the additional toilets flushing, etc. along with a potential hotel project across the street. The Town's water treatment facility being able to handle this was discussed. She said this needs to be looked at carefully.

Mr. Lessard asked about bacterial content at Taylor River. Ms. Hale said they are concerned. She wanted all to know that the private system does connect to the public system. She noted that the Town does have capacity for this project at the Hampton plant. The sewer assessment fee is all set. She also noted that the articles in the paper recently are not related to this project. The source to that problem has been identified and isolated. She stated the DPW does take concern for impact to the sewer system. If the sewer overflows, it is the Town's responsibility. She is confident that they will be able to work through conditions.

Mr. Paquette said they feel that the items will be addressed to the Town's satisfaction.

Condition #21 was discussed regarding Unutil. The final design will happen after full load calculation is done. They can't get a building permit without that information. They would like that tied to the issuance of a building permit.

BOARD

Mr. Bachand discussed the Wright-Pierce report, which was received shortly after the January 6th meeting. He noted the first follow-up received from the applicant on this report was yesterday. As a result, Ms. Hale and Mr. Bachand were scrambling for the last two days for this meeting. Mr. Bachand was looking for some time to digest the information, resulting in his recommendation to continue to February 17th. Ms. Hale said if she had more time to review, she would say no problem with it. She just hasn't reviewed it. Still, she feels it's not a reason to not go forward with the conditions. The applicant did provide an agreement and letter, etc. Police concerns were addressed. She spoke with Wright-Pierce.

Mr. Emerick said everyone still has a hurdle to put in front of this project. The DPW can still say it can't go forward. In two weeks, the DPW can still stop the project. He asked what would be gained by putting it off for two weeks.

Ms. Carnaby said she is sensing a level of discomfort, or a sense of being pushed into a decision tonight without quite enough time to actually study the issue. Mr. Waddell says if it can still be stopped, and if they have to follow DPW, he's fine. Mr. Emerick is saying let's move it along.

Safeguards are put in place per Ms. Hale.

Mr. Paquette said they are not pushing, but he feels confident that where conditions exist, that the Board will be satisfied. Two weeks matters to them as they cannot call architects, etc. He wants the go ahead to get going. It was noted that there is a 30-day appeal period.

Mr. Bachand discussed the Certificate of Need, which he confirmed with the NH Department of Health and Human Services – Health Facilities Administration is not required

HAMPTON PLANNING BOARD

MINUTES

February 3, 2016 – 7:00 p.m.

for this project. However, he confirmed that Licensure with the State is required and was told the applicant should begin that process immediately. The State Fire Marshal will also want to see the plans.

Mr. Bachand suggested an additional condition (per his contact with the State) that Licensure from the NH Department of Health and Human Services – Health Facilities Administration is obtained before a foundation permit is issued.

Mr. Paquette said he will not have the license in hand by the time of foundation permit. That is ongoing and that will evolve over construction. Bob Larkin (in audience) said the licensure process takes longer than that. Mr. Bachand indicated he was told they must go through the State process before breaking ground.

Mr. Larkin noted he has done many of these projects and knows the process. The licensure process has to begin before ground is broken. The State will not necessarily issue a license before ground is broken per Mr. Larkin.

Full and thorough walk thru has to be occur before the License is issued. Mr. Paquette can't do that until it gets going. This is a State approval process.

Mr. Bachand said if the Board is inclined to approve the project this evening, he recommended Condition # 5 be modified to read "A note requiring an emergency standby generator to be installed to serve the Liberty Lane Sewer Pump Station shall be provided on the final recorded site plan." He reminded the Board that they are voting on two items - a Wetlands Permit and a Site Plan.

MOTION by Mr. Emerick to grant the Wetlands Permit along with the conditions stated in the Conservation Commission's letter dated January 29, 2016.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. Emerick to approve the Site Plan along with the conditions contained in the Town Planner's memo dated February 3, 2016 (revised) and the edit to Condition #5.

SECOND by Mr. Lessard.

The Board asked if Condition #4 has been resolved. Mr. Bachand clarified that condition was generated from the fact that a variance was granted for a substantial reduction in parking and the health care facility is a low traffic generator use. A different use could substantially change that site. (The condition was not modified)

VOTE: 7 – 0 – 0

MOTION PASSED.

V. CONSIDERATION OF MINUTES of January 20, 2016

MOTION by Mr. Emerick to accept the January 20, 2016 Minutes.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

HAMPTON PLANNING BOARD

MINUTES

February 3, 2016 – 7:00 p.m.

VII. OTHER BUSINESS

Mr. Emerick discussed House Bill 146 – it is a Senate Bill; when House approved it, it goes to the Governor for signature. He doesn't know where it stands. He thinks it's moving down the hall to the Governor. Mr. Emerick said "unless a Town has its own regulations". Mr. Emerick thinks we do have regulations that talk about additional dwelling units; that it can't be a full living space –can't have a stove. Mr. Bachand discussed his understanding of a conditional use permit as part of the Bill. The Board would have discretion.

Mr. Emerick asked Mr. Bachand to check with the Town Attorney to verify if our Zoning Regulations are sufficient; whether we have something on the books so this does not apply.

Mr. Bachand discussed initial architectural concepts he received for a hotel across the street from the health care facility. He would like feedback from the Board. Mr. Lessard would like it to look more colonial. The Board would like to see some flair. Mr. Bachand sketched some modifications on one of their concepts for the Board's thoughts. Tipping back the 3rd level and bring out those windows was discussed. Dressing up the façade was also discussed. **Mr. Emerick suggested that Mr. Bachand to talk to someone on the Precinct Committee; their architectural committee - they may have documents. Mr. McMahan suggested that Mr. Bachand look to other sources.** The Board would like to see something more New England Seacoast looking. Mr. McNamara said it's not something we would want in Town. Lighting, signage, landscaping...needs addressing. Visibility was discussed.

Ms. Carnaby said now the intention is to develop the whole property. Looking at one box was discussed. She wants to see how building placement would work on the property.

Mr. Olson asked what if the hotel is upstairs with stores underneath, like what is done at the beach. Something in keeping with that idea.

The Board agrees that asking them to come in for a Preliminary Conceptual Consultation would be a good idea. Mr. Bachand noted the concept discussed previously with the Zoning Review Subcommittee was different than what is being considered now.

Mr. Bachand said the Zoning Amendments were presented Saturday. The Planning Board is asking the citizens to support the Planning Board Articles.

Mr. Olson discussed RPC about interchange. The 29th of February is the meeting with the Board of Selectmen. The Planning Board is invited to be there. This involves the Route 1/101 Interchange Study.

VIII. ADJOURNMENT

MOTION by Mr Emerick to adjourn.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:43 p.m.

HAMPTON PLANNING BOARD

MINUTES

February 3, 2016 – 7:00 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**