

HAMPTON PLANNING BOARD

MINUTES

July 6, 2016 – 7:00 p.m.

PRESENT: Brendan McNamara, Chair
Fran McMahon, Vice Chair
Ann Carnaby, Clerk
Tracy Emerick
Mark Olson
James Waddell, Selectman Member
Jason Bachand, Town Planner

ABSENT: Keith Lessard
Laurie Olivier, Office Manager/Planning

I. CALL TO ORDER

Mr. McNamara began the meeting at 7:00 p.m. by introducing the members of the Planning Board and leading the Pledge of Allegiance. He noted that the applicant for 8 Witch Island Way #A-B has asked to be continued to the Planning Board's August 3rd meeting.

MOVED by Mr. McMahon to continue 8 Witch Island Way #A-B to the Planning Board's August 3, 2016 meeting.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

- **Change of Use: 680 Lafayette Road** - Dancing Studio to Massage Therapy Practice

Mr. Xiao Wang (goes by "John") appeared. He is a licensed massage therapist and certified in the State. He would like to start up a massage studio in Hampton. He found a location at 680 Lafayette Road that is perfect for his practice of massage. He is here to apply for a Change of Use from the previous use of a dancing studio.

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Mr. Emerick said he thinks this is less intense use than the previous use of a dance studio. Ms. Carnaby asked the applicant if he is going to be the sole practitioner and he said he is. Ms. Carnaby asked about parking issues and Mr. Wang said there are no parking issues. Mr. Wang also brought his license. Mr. McMahon asked about the hours of operation and Mr. Wang said 2:00 p.m. to 6:00 p.m. There is no conflict with Hoaty's per Mr. Wang. A copy of Mr. Wang's business plan with the hours of operation for Hoaty's restaurant was passed around for the Board

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to view. Mr. Olson believes this is a less intense use. He asked about the dimensions of the signage as drawn on Mr. Wang's picture and this was clarified.

Mr. Bachand noted that he spoke with the applicant previously about concerns he has with the parking. He identified the three spaces along the side of the building, as shown on the sketch, and believes you can only realistically get two cars in there. Mr. Wang believes you can fit three decent sized cars, which Mr. Bachand questioned based on his site visit. He then asked about the five parallel spaces just off the property to the rear and if the applicant had any documentation for their use (as was discussed). Mr. Wang said he had not been able to get this information from the owner but they have legal use of those spaces as they are rented from Hampton Arms Apartments. Mr. Bachand believes this should be demonstrated as a condition of any approval. Mr. Wang says he only needs two parking spaces so there is no need to clarify, to his understanding. Mr. Bachand said he could not find a Change of Use file on the dancing studio, and Mr. Emerick said there was not one. Mr. McNamara asked Mr. Wang if he was going to be the sole employee or anticipated any additional hiring, and Mr. Wang said not for the moment. He does medical massage and it will just be him. Mr. Wang said he has parking spaces that belong to him and he has the right to park there. Mr. Bachand said he does not have concerns with the use, but reiterated it is the parking he is concerned about. He has been trying to figure out over the last several days how to address this. Mr. Olson asked how many spaces he needs, and Mr. Bachand said he needs seven based on the square footage of his space. Mr. Wang said he checked and he needs 1 car per 300 and his property has 1,200 square feet. Mr. Bachand clarified it is actually one space per 200 square feet and his property is a little over 1,200 square feet, resulting in 7 spaces required. Mr. Bachand said the applicant may not use 7 spaces, but it is what zoning requires. Mr. Emerick said this is a case where the zoning came after the property; there is no way the property will ever have that many spaces. This is a less intense use than a dance studio per Mr. Emerick.

MOTION by Mr. Emerick to grant the Change of Use.

SECOND by Mr. Waddell.

VOTE: 6 – 0 – 0

MOTION PASSED.

III. NEW PUBLIC HEARINGS

16-025 Ina Avenue (Lot #9)

Map: 280 Lot: 9

Applicant: June Kulakowski

Owner of Record: David Maher

Wetlands Permit: Construction of new home, driveway, rain garden and grading within 50' buffer. This permit was previously granted, but expired approx. 2 years ago.

Ms. Kulakowski appeared. She has this property under agreement subject to permits being in place. The Building Permit has expired. The Wetlands Permit (State) is good through

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2017. They went to the ZBA and last week they met with the Conservation Commission. The Conservation Commission forwarded the applicant its stipulations which are fine to her. Mr. McNamara was on the walk and there were no problems on this project with the Conservation Commission.

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Mr. Bachand said it was previously approved and that the previous application had expired. One of the concerns noted were proposed pavers in the right of way. Mr. Bachand noted it is not a paved road. At the time of the driveway permit, they will have to work with the DPW. The applicant concurred. Mr. Bachand recommends approval per the stipulations contained in the Conservation Commission's letter dated July 5, 2016.

MOTION by Mr. Emerick to approve the Wetlands Permit along with the Conservation Commission stipulations contained in its letter dated July 5, 2016.

SECOND by Mr. Waddell.

VOTE: 6 – 0 - 0.

MOTION PASSED.

16-026 30 Taylor River Estates

Map: 184 Lot: 30

Applicant: Donna DeMarco

Owner of Record: Same

Wetlands Permit: Addition of 27' x 24' standard residential garage to be attached to side of existing residence.

Ms. Donna DeMarco appeared (homeowner) with Al Legendre, her friend. Mr. Legendre wants to use a space in Ms. DeMarco's garage later this year. Ms. DeMarco is proposing to attach the garage to her existing residence. She backs up to the Taylor River pond. The back, right corner of the garage is about 86' from the water line. She is within the 75' buffer line. They went to the Conservation Commission last week and it gave recommendations and conditions. They intend to comply with all conditions. Ms. DeMarco was asked to get the HOA modified (the letter) they provided. It didn't have a signature on it. The new one has been signed by the HOA President (she gave new letter to the Board). The garage addition adds very little impermeable surface; within 75' buffer line; it's just the back, right corner (55 square feet). The project plan will have Stormwater provisions. The rear gutter will drain into an infiltration trench with gravel in it. All water will be collected. They bought a rain barrel. Mr. McNamara went on that site walk as well. He did not see a problem with it and the Conservation Commission did not either.

Mr. McMahan is happy the letter has been received by the HOA.

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Mr. Bachand recommends approval of the Wetlands Permit along with the Conservation Commission stipulations contained in its letter dated July 5, 2016.

MOTION by Mr. Emerick to approve the Wetlands Permit along with the Conservation Commission stipulations dated July 5, 2016.

SECOND by Mr. Waddell.

VOTE: 6 – 0 – 0

MOTION PASSED.

16-027 31 Park Avenue

Map: 190 Lot: 12

Applicant: Julie Boccelli

Owner of Record: Same

Wetlands Permit: Remove existing attached barn and build new deck in its place. New deck will be within the footprint of the existing barn.

Ms. Boccelli appeared. She has a barn that is falling down and she wants to replace it with a smaller deck. Mr. McNamara asked if someone will take away the barn.

Ms. Carnaby asked if she contacted Chet Riley; Ms. Boccelli has not had a chance. Ms. Carnaby gave her the name of the barn guy. Ms. Carnaby thinks it's worth her checking with him.

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Mr. Bachand noted that the Conservation Commission asked if a barn easement had been applied to this property; he confirmed it is not an issue per his conversation with Assessing. The barn is in poor condition and he thinks this proposal is an improvement. Mr. Bachand recommends approval of the Wetlands Permit in accordance with the stipulations contained in the Conservation Commission letter dated July 5th.

MOTION by Mr. Emerick to approve the Wetlands Permit with the Conservation Commission stipulations contained in its July 5, 2016 letter.

SECOND by Mr. Waddell.

VOTE: 6 – 0 – 0

MOTION PASSED.

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16-028 20 Watson's Lane

Map: 72 Lot: 1

Applicant: James & Heather Bosco

Owner of Record: Same

Driveway Permit Appeal.

Mr. and Mrs. Bosco appeared. Mr. Bosco said based on the high traffic flow on their street, they want a second driveway entrance. The existing driveway is obstructed. There is a large tree and bushes. It is difficult to back out onto Watson's Lane. This second entrance is for safety reasons; it would help them back out.

Mr. Emerick fully understands their needs. Mr. Bosco met with Mr. Jacobs at DPW and there is a letter in the packet for the Planning Board as well.

Mr. Olson asked if this driveway is already in place. Mr. Bosco said unfortunately the contractor did already start; they did not know the contractor was going to do that.

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Mr. Bachand said he drove by the residence and noted that it looked like the driveway was already carved out; not paved. He acknowledged the email from Mr. Jacobs stating there are no issues with a second curb cut here. Mr. Bachand noted that the Planning Office also received two letters from neighbors in support of the driveway permit. He supports granting the appeal.

Mr. McNamara said that the Town generally does not like that this is an after-the-fact, in essence. That is one thing that creeps up on the Board at times. Mr. Bosco said it caught his wife and him by surprise as well.

Mr. McMahon wanted to note that it (the driveway permit appeal) is specific to this request. It is not a change in policy. They are acting on this request only. Mr. Emerick concurs (seconds) with Mr. McMahon.

MOTION by Mr. McMahon to grant the driveway permit appeal along with the addition to the record that this is not for the whole Town or neighborhood. In this case, they should be okay.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0

MOTION PASSED.

16-030 8 Witch Island Way #A-B (continued as noted above).

Map: 183 Lot: 1-H

Applicant: Holly Bauer

Owners of Record: Same

Wetlands Permit: Removal of existing duplex; rebuild single-family dwelling. Reduction of patio size; reduction of impervious coverage.

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IV. CONTINUED PUBLIC HEARINGS

16-022 630 Lafayette Road (continued from June 1, 2016)

Map: 126 Lot: 12

Applicant: Hannaford Bros. Co., LLC

Owner of Record: Same

Wetlands Permit: Site improvements including general maintenance and repairs of degraded pavement and site features (fencing, cracked pavement, etc.) to improve safety. Work will not result in new impervious area or structures within the delineated wetland or 50' wetland buffer.

Mr. Lord appeared (Maple Rock Marketing and Project Development), representing Hannaford. He neglected to meet with staff. He was told at the last meeting to prepare a Stormwater Inspection & Maintenance Plan. He re-did a draft of that document. He did not get signatures yet because the Hannaford people are on vacation. He is looking to get signatures on what was submitted earlier.

The plan has been provided per Mr. Bachand. It is in the works.

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Mr. Bachand said the applicant did provide the O&M Plan as was directed. The content and format is consistent what the Town looks for. The Conservation Commission comments are addressed. There may be more comments from DPW. Mr. Bachand recommends approval of the Wetlands Permit along with the stipulations contained in the Conservation Commission's letter dated May 31, 2016, plus the added condition that the O&M report gets filed in triplicate to the Planning Office by December 31st of each year. It should be added to Conservation Commission stipulations. The time frame of getting this document in final form can be handled internally.

Mr. Lord asked about DPW responding and Mr. Bachand stated we need to hear from DPW before signature(s) are obtained for the O&M by the applicant.

MOTION by Mr. Emerick to approve the Wetlands Permit along with the stipulations contained in the Conservation Commission's letter dated May 31, 2016, as well as the addition to have the O&M annual report and certification submitted to the Town by the 31st of December each year.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

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V. CONSIDERATION OF MINUTES of June 1, 2016

MOTION by Mr. Emerick to approve and accept the June 1, 2016 Minutes.

SECOND by Mr. Waddell.

VOTE: 4 – 0 – 2 (Olson and McMahon).

VI. CORRESPONDENCE

- **Complete Streets Multimodal Event**

Mr. Bachand provided an email from Scott Bogle of the RPC. This Friday from 9 to 12, there is a Complete Streets event; he wanted to pass this along in case anyone from the Board wants to attend. Mr. Bachand is attending. We are working on Safe Routes to School now regarding sidewalks and pedestrian improvements, bicycle transportation, etc. It is a timely topic. Mr. Bachand can let the RPC know if anyone is interested in attending. Mr. Emerick said we are complying with streets as far as tip downs, etc. Mr. Bachand said we can use the additional information. Ms. Carnaby asked for a summary of this event for the next meeting.

VII. OTHER BUSINESS

- **Liberty Lane, 298 Exeter Road (NH Route 27) & Route 101 (Cornerstone at Hampton) – Request to reduce building height from 3 stories to 2 stories.**

Mr. Bachand said we (staff) have been working with Cornerstone (it was acknowledged that John Lorden of MSC Engineers is present). The Board approved the Cornerstone project on February 3rd. We need to make sure conditions have been met prior to recording the mylar. They are dealing with conservation easement issues. One question that came up last week – the applicant wants to reduce the assisted living component of the structure from three stories to two stories. He asked if the Board would want this to be a minor field modification or does Board want to see an amended site plan. Mr. Bachand thinks it is a minor field modification, but it was suggested that he bring this to the Board for its consideration. Mr. Lorden said they are carving off an area; less impact to the area. They have their variance for parking. Mr. Emerick said you can always make something smaller. Mr. Bachand asked about the proper course of action. Mr. McMahon asked about the number of units/census. Mr. Lorden said 107 total units were approved; with occupancy of 130. They are dropping it down to 98 units--9 less units and 22 less capacity. The height changes from three stories to two stories.

Ms. Carnaby asked why. It was from a recent study performed per Mr. Lorden. There were some two-bedroom units; those will be removed. They will all be studio. Ms. Carnaby asked if this comes into some certificate of need and Mr. Lorden does not know.

Mr. Olson asked about parking. Parking is not smaller. It is a reduction of a whole floor, but they didn't cut an entire floor—just broke into smaller units. Everything else stays the same.

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Mr. Bachand said he thinks it can be handled as a minor field modification. Mr. Emerick thinks it's a field modification. Otherwise, there would have to be an amended site plan application.

Mr. McNamara said it's the consensus of the Planning Board to have it be a minor field modification.

- **19 Cole Street – Status of Condominium Site Plan/Floor Plan.**

Mr. Bachand said this project was a condo conversion approved a couple of years back. A one-year extension was granted last year. Mr. McNamara signed the plan, but the Registry did not accept it. It was prepared by Ernie Cote—issues are minor. It has been redone in CAD – identical to hand-drawn plan, but the extension expired. Mr. McNamara would have to sign the CAD drawing. Attorney Gearreald and Mr. Bachand said this should be discussed with the Board. Mr. Bachand asked if the applicant needs to start over or if Mr. McNamara can sign the CAD-drawn plan. All stipulations were met prior to the expiration except that the Plan was unable to be recorded. Attorney Ells also asked this to be brought to the Board.

Mr. Emerick said this should not be the applicant's fault. If the professionals can't do it right, that's a shame. Mr. Emerick said Mr. McNamara should sign it and move on with life. It will be a dated now per Mr. Bachand. A record of this should be put in the file.

Mr. Emerick stated the Board should grant the extension until it can be signed and filed. Mr. Bachand said this does not require an extension. Mr. Bachand said all was done, but Registry did not accept the mylar. Mr. Olson said it's not the applicant's fault it could not be recorded. Mr. McNamara can sign it and let's record it.

- **10 Piper Lane – Update on test well results (associated with May 6, 2015 approval).**

Mr. Bachand said on May 6, 2015 the Planning Board approved the site plan for the Hampton Airfield, at which time the Board asked for test well results to be provided. We followed up on that and the results were provided to the Planning Office and to the Board. The results are for the Planning Board's information. No action is necessary.

Mr. McMahon asked about the Aquifer Zone. He asked if North Hampton has Aquifer criteria as well. Mr. Bachand does not know if that Town is imposing certain requirements, but wonders what they do. Mr. Bachand said coverage requirements in Aquifer Protection Zones are pretty standard in his experience.

Mr. Bachand noted the HBAC had a transportation grant meeting on June 16th. It was mostly staff in attendance. As that continues to move forward, we will keep the Board updated on progress. There will be a similar presentation, likely at one of our August meetings per Mr. McMahon. The Planning Board will have the opportunity to see where things are at with the HBAC.

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Mr. Emerick said the CIP update is underway. A copy is available if anyone wants to read it. We are looking at Mid-October to have it completed.

SB146 was asked about by Mr. Emerick. He asked if Planners are getting together on this. Mr. Bachand said that topic will be brought up at the next meeting. A few different planning items will be discussed that evening and this will be addressed. Mr. Emerick does not want to be behind the eight ball on this.

Volunteers for the Christmas Parade are needed per Mr. Waddell. Get in touch with Nancy Waddell. She is going to be coordinating the parade this year.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Waddell.

VOTE: 6 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 7:46 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