

HAMPTON PLANNING BOARD

MINUTES

January 2, 2019 – 7:00 p.m.

PRESENT: Fran McMahon, Chair
Tracy Emerick, Vice Chair
Alex Loiseau, Clerk
Ann Carnaby
Mark Olson
Keith Lessard
Mary-Louise Woolsey, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT:

I. CALL TO ORDER

Chairman McMahon commenced the meeting at 7:00 p.m. by leading the Pledge of Allegiance and introducing the Planning Board members. Mr. McMahon noted that there is a request for one postponement and continuance; it is 226 Island Path. They requested to be continued to February 6, 2019.

MOVED by Mr. Emerick.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

- **Change of Use: 24 Stickney Terrace, Unit 1
Pet Grooming to Dental Product Office (extension of existing office)**

Mr. Jay Diener appeared with his wife, Carolyn Fetter. They are looking for a change of use. They want this change of use for the same use that they received in 2011 for Unit #1. Ms. Fetter described the practice. They currently own Unit 2. It is a dental products business. It is run by internet and they need more space. The space next door became available.

BOARD

MOTION by Mr. Emerick to grant the change of use.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0.

MOTION PASSED.

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III. NEW PUBLIC HEARINGS

18-076 Tide Mill Road & NH Route 101

Maps: 241, 230 & 231 Lots: 13, 29 & 6-1

Applicants: Unitil Corporation

Owners of Record: Landing Road Realty Trust; Alycia Brandt & Andrew Nally and Brian & Lisa Arakalian

Wetlands Permit: Removal, replacement and addition of new utility poles and associated guy lines. Maintenance of vegetative areas within existing utility easement.

Ms. Carnaby recused herself. Steve Riker from Ambit Engineering appeared. Mr. Sherwood, an engineer from Unitil appeared also. There is an existing right of way. They are proposing to remove five poles and install 10 new ones. Mr. Riker went over the project. They went to the Conservation Commission on December 18th and received favorable recommendations.

BOARD

Mr. McMahon asked about the removal of five poles and replacing with 10. Mr. Sherwood said there is one line currently that crosses over Tide Mill Road through the right of way. They are keeping that line and then building a second line parallel to that from the south side of 101, crossing 101 and crossing Tide Mill Road. It will be 1200 feet of new line. Mr. McMahon asked about the height of the poles. New poles are a little taller – 5’ taller on average. They will be about 45’.

Mr. Lessard asked about transformers. There will be no transformers. Mr. Lessard asked how the noise will be. Mr. Sherwood said it will be like it is now, if not, more quiet. There will be one tiny service transformer – smaller than ones on the streets. It’s not beside anyone’s home.

Mr. McMahon asked what the purpose is. This goes passed the Town landfill, and feeds the substation up there. Right now there are two lines. Outages will be shorter.

Ms. Woolsey asked about wetlands. There are swamp mats.

**PUBLIC
BOARD**

Mr. Bachand said the Conservation Commission did recommend this. He noted the colored key on the plan was helpful. He recommends approval along with the Conservation Commission’s letter of December 31, 2018.

MOVED by Mr. Lessard.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (Carnaby recused).

MOTION PASSED.

The project should start in February or March.

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18-077 94 Leavitt Road

Map: 205 Lot: 12

Applicants: Beverly & John Gamache

Owners of Record: Same

Conditional Use Permit for ADU: Approximate 556 Sq. Ft. ADU to be configured within existing family dwelling (attached).

Mr. and Mrs. Gamache appeared. Mr. Gamache wants to convert part of their home to an ADU. Only the interior will change; no change to the exterior or the dwelling. They will be leaving the bathroom as is and converting the family room to a kitchen, living room combination.

Mr. McMahon asked about parking on the site; for both units. Mr. Gamache said they have a 2 car garage (3 bays). There is a space on the side of the two bays. Two spaces for the residents will have off-street parking.

**PUBLIC
BOARD**

Mr. Olson asked who it is for. Mr. Gamache said they love living in Hampton and they are getting older, thinking of retiring. When it's time, they can come back to Hampton. They love the house and neighborhood.

Mr. Bachand stated there is an error in the Memorandum. The ADU is attached; not detached. He recommends it be approved with the conditions in his Memorandum dated January 2, 2019.

MOVED by Mr. Emerick along with the correction of the typo.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

19-001 105 Towle Farm Road

Map: 122 Lot: 1

Applicant: Finest Kind Brewing, LLC

Owner of Record: 105 Towle Farm, LLC

Site Plan (Amended): Expand outdoor seating at existing restaurant with eco-pavers. Waiver Request: Section V.E.8 - Detailed Plans (Drainage Analysis)

Mr. Joseph Coronati appeared, Jones & Beach. Andrew Hart (?) from Finest Kind Brewing attended. It is a small change to the site. The patio area was discussed. It had a paver patio design. It's currently constructed with peastone. They want to modify it from peastone to patio pavers. More eco-pavers will be added. A seating area will be added. It will all be eco-paver; pervious. There is a drain installed in the ground that leads to a rain garden. The waiver is for the detailed plans.

The number of seats was discussed. It was noted that 120 seats were allocated. They have 52 seats on the first floor and another 40 upstairs. They seat between 20 and 30 outside to get to their 120. More people want to sit outside. Mr. Coronati wants to keep seats the same. They can close the upstairs and move the seats outside on the patio for the summer months. Parking calculations won't be affected.

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Mr. Lessard asked if 90 seats are for the restaurant or for workers and the shop, etc. Mr. Coronati handed out parking information. It shows how parking is allocated. Calculations are taken from notes on the plan.

BOARD

Ms. Woolsey asked about parking being close to the wetland and leaking fluids. There are no nearby wetlands. Ms. Woolsey asked about run-off to adjacent properties. It is all part of the original approval.

Mr. Lessard asked how they regulate not opening upstairs if you're successful. Summer, rainy days. Mr. Lessard wants to believe the applicant. How many more would they need if the waiver is not granted. They would need 7 more parking spaces. Why ask for the waiver was asked. Sewage could be a reason. They do not need additional parking spaces. Mr. Lessard is going with the assumption that the whole place is full and there is a waiting line, etc.

Mr. McMahon asked if the upstairs is available for functions. During the winter, there are corporate functions. Having functions outside is a goal.

Ms. Carnaby asked about the incline coming up from the street. Does the land drop off beyond proposed pavement or will it have to be filled in was asked. Mr. Coronati said it's all level or higher, then slopes down to the crest, then slopes down to the wetlands. They are more than 150' from wetlands.

Mr. Olson asked about events. The production people are probably not there.

PUBLIC BOARD

Mr. Bachand said it's a minor proposal. He was waiting for information on the wastewater development and parking (provided this evening). If the Board is satisfied, he has no objections to approval subject to his memo dated January 2, 2019. He would include the wastewater development fee. It should be provided to the Department of Public Works.

MOTION by Mr. Lessard on the Waiver to grant it.

SECOND by Mr. Loiseau.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. Lessard to grant the amended site plan dated 12/5/18.

SECOND by Mr. Loiseau with Planner's Memo with modification and DPW fee.

VOTE: 7 – 0 – 0

MOTION PASSED.

19-002 Litchfield Drive (formerly Juniper Lane & Huckleberry Lane)

Maps: 97 & 96 Lots: 1,2,3,4,5,6,7 & 8

Applicant: JASAND, INC.

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

Subdivision (Amended): Consideration of roadway as-built plan which varies from the approved subdivision plan, including the type and location of monumentation used. Roadway is proposed to be accepted by the Town of Hampton. Waiver Request: Subdivision Regulations Section VII.F. (Lot Monumentation). (1) street construction and (2) lot corners; Subdivision Regulations Section V.C. - Application Fees.

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Mr. Joseph Coronati appeared. Dave Sanderson, son of Ted Sanderson appeared also. They need a change to amend the site plan (subdivision). The Town Attorney brought this forth. When monuments are set on properties, iron pins and granite bounds are placed. Sometimes, the bounds fall within the driveways or property corners may hit the transformer box. Mr. Coronati is asking for approval. He is requesting a waiver for where the markers are set. The As-built plan shows exactly what got set. It differs from the proposed plan. There is no change to the lots or roadway.

BOARD

Mr. Coronati discussed Section VII.F.3 for alternate monumentation. There is a section that discusses if monuments can't be set exactly where proposed. They need a waiver from the previous sections. Mr. Emerick said it sounds like the applicant does not need it according to our Regulations. Mr. Bachand said he discussed this with the Town Attorney and that is why it is being brought forth.

It was noted the plan would have to be signed before being recorded.

Mr. Olson said the bounds are there, they are at an offset; they are installed. The Selectmen will take up acceptance of the roadway.

PUBLIC

Attorney Gearreald said the Selectmen will be presented with a Deed of the road soon so it can be accepted. A distance from the offset and road has to be shown; Mr. Coronati said it is. Courses/long line needs to be shown. It is the same plan as approved per Mr. Coronati. No lot lines are changing. Attorney Gearreald said because we are doing a Deed, he wants the course on offsets where they aren't on the line itself.

BOARD

Ms. Woosley thinks this should get sorted out; it can't be done because one doesn't know where houses will be located.

Mr. Bachand said the Board's approval would be subject to final review by the Town Attorney and himself. The as-built plan needs to be recorded showing the change in monumentation. Attorney Gearreald said the signature of the Chairman will be needed along with the waivers requested also.

MOVED by Mr. Emerick to grant all the waivers.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOVED by Mr. Emerick to grant the amended subdivision along with the stipulations contained in the Planner's Memorandum dated January 2, 2019.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

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IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of December 19, 2018

MOVED by Mr. Emerick to accept and approve.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (Lessard)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **Capital Improvements Plan (CIP) 2019-2024 Report**

Mr. Emerick said this is an administrative project. It is required in order to get favorable borrowing rates. There are big numbers. Subject to further dialogue from the Board of Selectmen. It will go to the Selectmen and Budget Committee as well.

MOTION by Mr. Lessard to accept the report and forward it to the Selectmen.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

- **Notification for PRC Meetings**

Attorney Gearreald discussed the Memo provided. This contained the Order of the Superior Court on the Arakalian matter. This case required a certified record. It had 75 entries.

Attorney Gearreald discussed the PRC process. Verified mailing to abutters was discussed. If it was Design Review, it would need abutters notified via certified mail. If it's a conceptual review, no such notice is needed. The Court discussed why this was not design review. Attorney Gearreald said for future PRC meetings, procedure in 2017 did not call for abutter notices; in 2018, a new version made a change. Our notices of PRC he feels should be certified. He suggests an amendment to the PRC process.

This is an amendment to our Regulations. It will have to be noticed. Attorney Gearreald thinks this should start the first meeting in February. He wants to get the ball rolling on this for future PRC's. He noted the Court found in our favor.

The Planning Board wants an opportunity to discuss this further.

Mr. Bachand discussed conceptual consultation and design review, which are Planning Board reviews. He noted the PRC meetings are for staff level review.

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Attorney Gearreald said when the Planning Board delegates reviews to other staff, its conceptual review or design review.

Mr. Olson asked if there is a loophole. Considered conceptual or design. The design changed about 3 times.

Mr. Lessard needs a roadmap. He said we are encouraging people to come forward with a concept to bring a proposal to the public before bringing for internal review (Planning Board). It is a way for the public to see what's happening at their neighborhood. Now certified mail--it's becoming more complicated.

Attorney Gearreald discussed Mary Batchelder. Ms. Carnaby stated she wants a roadmap as well and to have time to digest this. She wants this put out two weeks, at least. Mr. McMahon agrees. The road map will show 'when this happens, that happens'. The Planning Board's role is not served by the PRC. The PRC is advisory. If we do certified does that imply to people that they have a greater ability to participate was asked.

We will re-visit this.

Ms. Woolsey discussed capital reserve fund for sidewalks. Sidewalks in neighborhoods was discussed.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:20 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