

Town of Hampton



PLAN REVIEW COMMITTEE

DRAFT MINUTES

February 24, 2021 - 2:00 PM

Via Teleconference

Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, in order to properly ensure the safety of the public and that of the PRC members, this body is authorized to meet electronically. Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, the PRC are utilizing a teleconference service for this electronic Meeting. The Public may join the teleconference by calling **1-857-444-0744** and using the code **156034**.

PRESENT (Telephonically):
Jason Bachand, Town Planner
William Straub, CMA Engineer
Mark Gearreald, Town Attorney
Laurie Olivier, Office Manager, Planning
Cathy Gilman, Unutil
Tobey Spainhower, DPW
Bill Paine, Fire Prevention Officer
David Hobbs, Police Chief
Mike Bernier, Aquarion
Mike Collins, Comcast

ABSENT: James Marchese, Building Inspector
Jennifer Hale, DPW

Mr. Bachand commenced the meeting and read the above criteria. Attendance was taken.

Mr. Bachand announced for the PRC members and the public listening in that the application for 465, 467 and 469 Ocean Boulevard would not be heard at this meeting.

6 Riverview Terrace & 144 Ashworth Avenue (2nd PRC Meeting)

Applicant: Zoo Property Management, LLC

Owner of Record: Same

Site Plan: Merging of both lots to expand the existing restaurant (Wally's Pub). New four-season addition to include additional bathrooms, additional dining space & abundance of air flow for patrons.

Waiver Request: Section VE. Detailed Plans.

Mr. Bachand asked Attorney Scully to speak about the project along with Kat Racine from Millennium Engineering. The plan is pretty much the same. Ms. Racine is going to address changes.

Ms. Racine discussed the project changes. They showed where the water and sewer ties are. Sealed surface was shown. Two back areas and picnic areas were discussed. Ramps and new building were discussed.

Mr. Bachand noted Al Fleury (applicant) and Charles Hoyt (architect) have joined the meeting and are on the line.

Mr. Bachand asked Cathy Gilman (Unitil) if she had comments. She discussed the service needs to be updated. It's maxed out with overhead. Not three-phased right now.

Mike Collins (Comcast) asked if there will be poles in the area. Ms. Racine said not at this time. Mr. Collins will wait to hear from them.

Mike Bernier (Aqurion) asked about fire service; it's in the building. He believes the water service may be able to handle the load, but they will know later on.

Mr. Bachand acknowledged receipt of the revised plans and a cover letter. There were a number of changes since the last meeting. Some things shown in the proposed conditions have changed. Mr. Bachand said we need more information relating to noise. How this affects the adjacent neighborhoods is important. The pavilion area needs further clarification on its exact uses. A written summary was requested at the last meeting. The Planning Board needs a clear understanding of what they are being asked to approve. How will it interact with the neighborhood. He wants more information for the Planning Board. Attorney Scully asked what they want? Mr. Bachand said we need a clear cover memo. The response letter – it did not spell out exactly the comments from the last meeting, and if they were addressed. It made things tricky with this review. Having an item-by-item response letter is what we like to see.

Mr. Bachand said this is still being called a pavilion. He asked Mr. Hoyt to explain why it is considered a pavilion. Mr. Hoyt said it is for people to sit outside. It's a steel barn. Service bar and small stage will be there for entertainment. It's an outside gathering/outdoor seating area.

Mr. Bachand asked about square footage of the proposed structure. How many square feet. Including the length, it will be 2,270 s.f.

Mr. Bachand asked about the patio areas; proposed retaining walls. Is there a detail for that was asked. Ms. Racine said an elevation detail can be included. The intent is to be able to raise the grade to Wally's; doing that requires a retaining wall around the areas. It will be for safety. 2' x 10' to act as a handrail and if someone were standing and socializing they could put drinks there. It will be more elegant and more permanent.

Mr. Bachand discussed parking. He discussed a 2012 approval for a parking lot behind Wally's; variances were granted. The way it was actually constructed is not consistent with the approved 2012 plan. It should match what was approved in 2012. Ms. Racine said they reviewed this and noted the paved striping as shown on the plans in front of the Board – they are not shown that way. They have clarified it. They can push lines so they go back in. They will put lines in to match the completed plans.

The waiver request of the detailed plan requirement was discussed. There is a new porous pavement plan. Should there not be a stormwater management plan as well was asked. Additional lighting was asked about. Mr. Bachand said the proposed project is creative.

Attorney Gearreald's memo was sent to the the applicant's attorney so they could follow along with his comments. It's a follow up to the memo from the January 6th meeting.

Attorney Gearreald asked if Attorney Scully has everything. Completeness of application was discussed. Five lots are involved (this includes those for the parking area). Ownership was discussed. Mr. Fleury should be an applicant as well.

Traffic and parking issues and variances were discussed. *At this time, Attorney Gearreald disconnected from the teleconference due to clarity, and we moved on to other comments while he called back in.*

Bill Paine (Fire) had no questions. They met with Jeff and they're all set. They need final plans.

Chief Hobbs (Police) discussed noise complaints. He wants to see what the plan is for the new space. Acoustic style; radio. There are increasing complaints out there.

Attorney Gearreald re-joined the teleconference.

Attorney Gearreald said the application needs to be complete. One of the five lots is **owned by Al Fleury-both should be applicants. Al owns the lot – 293, Lot 65. 6 Johnson Ave.**

There are missing abutters based on the 5 lots being discussed. They need to be notified in advance of the meeting.

Which variances are being utilized was asked. Those variances not being utilized should be abandoned per Attorney Gearreald.

Traffic and parking issues were discussed.

The Planning Board has jurisdiction to talk about noise issues with site plans. He gave Attorney Scully that information. Light, glare and odors were discussed. This is explained in the legal memo from Attorney Gearreald.

Attorney Scully said #1 (in Attorney Gearreald's memo), this application has nothing to do with the parking lot. This parking lot does not need to be used for Wally's. They do not need to notify abutters to the parking lot; it has nothing to do with this application. It's for the property owned by Zoo Property. They will discuss this with the Planning Board. If the Board agrees with Attorney Gearreald, they will deal with it.

#2 (memo), Attorney Scully said the parking lot is not part of this process.

#3 (memo), Attorney Scully does not know of any law to abandon any variances that were granted to this property. He can provide a Memo.

#4 (memo), Attorney Scully said he is happy to discuss this with the Planning Board. He said nothing needs to be addressed.

With noise, he agrees this is a Planning Board issue; he looks forward to discussing this with the Planning Board. This is in the BS Zone. Ms. Racine can discuss easements.

Attorney Scully wants to go to the Planning Board to discuss the issues. Attorney Gearreald asked about the Planning Board proceedings on 11/7/2012. The Planning Board was presented with that parking lot, and when they granted approval they put conditions saying Wally's employees and patrons can use the parking spaces. He wants Attorney Scully to be aware of this. Attorney Scully will look at that. He did not see the previous approval.

Tobey Spainhower (DPW) has Ms. Hale's comments and read through each of them; they will be provided to the applicant.

Lot merger needed? Yes, there will be.

Trash being on Lot 71 was discussed; all properties should be included. Any foundation? Erosion control.

A stormwater plan and O&M should be provided. The Planning Board should discuss how to enforce this requirement. Reports are not coming in timely on many projects.

Is the trailer staying on the property was asked? Does this have to go to the Building Department or Planning Board was asked?

Motorcycle parking on pervious pavers was asked about.

Trash area needs to be defined; dumpster, fence, concrete pad. Carts on site?

Mr. Bachand will send the DPW comments to the applicant this afternoon.

Bill Straub (CMA) discussed how many of the comments from the previous submittal have not been addressed. Having detailed comments/responses is much easier. He will provide his comments to the applicant.

Stormwater is a big issue. There should be a stormwater management plan on this. There should be an O&M. Roof drainage and run off was discussed.

Mr. Straub will send all comments to Mr. Bachand after the meeting to send to the applicant.

Where does motorcycle parking start and stop was asked.

Ms. Racine said the Stormwater Management Plan can generate this to show infiltration rates, etc.

Ms. Racine said for the ramps – pervious paver walkway is not intended to be ADA ramp or acceptable walkway. It's just a blank walkway – those ramps are ADA compliant.

Mr. Bachand will forward CMA's comments to the applicant this afternoon.

Mr. Bachand discussed next steps. He wants a structured cover letter with comments and responses to each addressed. Revised plans and other necessary items. After the next PRC meeting, provided we receive a clear and complete resubmittal, he is hopeful this can move forward to the Planning Board.

Attorney Scully wants it to go to the Planning Board at this juncture. They feel they can address the comments appropriately. They know it won't be one swing at the bat at the Planning Board. Putting this off for another month would be a detriment to the applicant. They want it moved to the Planning Board.

Mr. Straub said moving this forward is not recommended. This would be unusual. Mr. Bachand agrees. Ms. Racine said a detailed list, etc., they said some comments were no longer relevant.

Mr. Henry Boyd, Millennium, is on the line. What is so insurmountable to not make it to the next meeting was asked. They are getting last minute comments as well. They just received Attorney Gearreald's comments a couple of hours ago. Mr. Bachand clarified these were not last minute comments. Attorney Gearreald's memo was sent in advance of the PRC meeting to Attorney Scully as a courtesy. Comments are usually not provided in advance of PRC meetings.

Mr. Bachand said the next resubmittal date is March 10th. He offered a suggestion that we see what comes in from the applicant on March 10th; it will then be forwarded to the

PRC members. If there are still significant outstanding items, he will suggest the Planning Board does not hear the application on April 7th. If the PRC members are happy, then it will be fine to move forward.

Attorney Scully believes that is fair. Mr. Straub noted he cannot pre-judge the quality of the O&M document. It will be to the applicant's advantage to have everything in a clear and concise order. Mr. Boyd thinks that is fair.

Mr. Straub said it was submitted in plenty of time, but detail was not included.

Mr. Fleury wants to be clear and up front. He can make a better Wally's.

Mr. Bachand said the next resubmittal deadline is March 10th. If everything looks good, it will be with the Planning Board on April 7th. Comments will be sent over today.

21-012 12 Epping Avenue

Map: 299 Lot: 17

Applicant: Kim Minasalli & Jason Leboeof

Owners of Record: Same

Site Plan: Demolish existing building and reconstruct a new 2-unit building. The rear building will remain unchanged. Waiver Request - Section V.E. Detailed Plans

Kevin Schultz is on the line, and Attorney Scully. The project was discussed. He read Attorney Gearreald's memo. It was leased land. No issues.

Ms. Gilman at Unitil asked if a pole will be relocated. Re-doing underground and the house at 12 rear was discussed. An estimate is out to the customer.

Mr. Collins with Comcast is all set.

Mr. Bernier at Aquarion asked if they will be individually monitored. They will be individually metered and no fire suppression system is needed.

Mr. Bachand said the current plans are called Variance Plans. This is for Site Plan review and needs to be reflected properly on the revised plans. The variances granted by the ZBA should be listed and explained on the plan.

The four parking spaces along the frontage will require a waiver from the Planning Board; this does not comply with the Driveway Regulations. They are closer than 2 feet from the property line and greater than 24 feet in total curb cut width.

Attorney Scully asked about the waiver. Can they ask for this now was asked? Mr. Bachand explained that the Board has approved, as a condition of approval, of accepting parking/driveway configurations that do not meet the Driveway Regulations. As long as it is being done in a public hearing on an application. Otherwise, there is a rejection by DPW then a separate appeal. The DPW will have authorization to approve the Driveway

Permit through the Planning Board's conditional approval. Mr. Bachand said Attorney Scully can request this.

Flood Insurance Rate Maps; new maps took effect January 29, 2021. Mr. Bachand checked, it is in Zone X. The plan note should be updated to reflect the new maps.

Henry Boyd (Millennium) said zoning plans were used. The plan date pre-dates acceptance of the maps.

Mr. Bachand discussed the staircase. He asked about maneuverability of the parking space. To the south of the staircase, 12-1. Mr. Schultz provided updated plans. The updated plan has no issue.

Mr. Bachand asked about an O&M Plan. There is porous paver parking. A full stormwater plan should not be necessary.

Mr. Bachand noted this is formerly leased land.

Attorney Gearreald asked if Attorney Scully received his Memo. Attorney Scully agrees with it. No issues. If relief is needed for deed restrictions, there is a process. Attorney Scully should get that started.

When Mr. Boyd turns in the revised plan, it needs to include the variances.

Attorney Gearreald said there is an encroachment on the current building that is going to be razed. It does not show. He asked about the encroachment. Mr. Boyd said the overhang is a tenth of a foot on the abutting property.

Mr. Boyd thinks they do not need relief.

Attorney Gearreald said on abutter notification – 3 involved: gas, water, and underground electric should be notified. Sewer line runs under the existing building.

Mr. Boyd will be working with Mr. Spainhower on the sewer line.

Attorney Gearreald discussed parking in relation to the new outside stairs. Parking space 12-1 was discussed. Mr. Boyd said it shows there is a raised area. A cantilevered landing was discussed.

Attorney Gearreald asked about floor plans for the new building. Mr. Schultz said they show all four elevations; shows roof lines and floor plans for each apartment. They are to scale. Mr. Bachand has them in the file.

Mr. Schultz said the rear building is a single dwelling unit. They are not putting these into condominium form of ownership. Mr. Schultz said who knows what will happen down the road.

Bill Paine (Fire) asked Mr. Schultz how many stories is the new building; it is two stories.

David Hobbs (Police Chief) has no comments.

Mr. Spainhower read Jennifer Hale's comments. They will be provided to the applicant. Flood map note should be changed.

Driveway needs approval from the Planning Board.

#11 on Jennifer Hale's comments needs to be addressed from the Planning Board.

Mr. Schultz asked Mr. Spainhower and Mr. Boyd – he (Mr. Schultz) wants to be present when they get together to discuss sewer.

Mr. Schultz asked Mr. Spainhower – this is one lot with two separate structures. When he worked on Island Path; you were only allowed to tie into the street sewer once. Yes, per Mr. Spainhower. Exterior of both buildings.

Mr. Straub will send comments to Mr. Bachand. Waiver of detailed site plans; there are a lot of questions that need to be added to it; for parking and water and sewer.

Mr. Straub wants notes on demolition. Stamped by a licensed engineer.

Lighting was asked about. Landscaping and screening?

Stormwater – probably no need for a full stormwater plan, but O&M should be done for pervious pavers. Show where the new roof drain goes; drip line, etc.

Mr. Bachand will send comments to the applicant. This can move forward to the Planning Board. The deadline is March 10th for resubmittal; we want PDF's of the materials with a complete cover letter, and hard copies of the same for the Board. If all is well, it will be heard on April 7th.

Adjourned: 3:25 p.m.

Laurie Olivier
Office Manager/Planning