

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 6, 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 meeting. Mr. McMahon noted that the applicant for 974 Ocean Boulevard wishes to continue to June 5, 2019.

**MOVED** by Mr. Emerick.

**SECOND** by Mr. Loiseau.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**II. ATTENDING TO BE HEARD**

- **Change of Use: 438 Lafayette Road  
Retail (History Store) to Neighborhood Convenience Store**

Mr. Charles Sharpe appeared, owner of the Harp's Variety Store. They are looking to have a year- round operation in Hampton. They are opening a convenience store.

**BOARD**

Mr. Lessard asked for the hours of operation. They will be open 7 days a week; Sunday through Thursday, probably 10:00 a.m. to 8:00 p.m. and then Friday and Saturday 10:00 a.m. to 9:00 p.m. or 10:00 p.m. No coffee. They want to be more of an upscale convenience store. They want to sell Dom's marinated meats out of Malden, MA. There will be produce - fresh vegetables and fruits. They need to carry seven items to have liquor license. Cereal, bread, dairy, and snacks will be sold. It is all carry-out for liquor.

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

**SECOND** by Ms. Woolsey.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 6, 2019 – 7:00 p.m.**

**III. NEW PUBLIC HEARINGS**

**18-062 313 & 315 Ocean Boulevard & Kentville Terrace – Lot 1**

Map: 283 Lots: 1, 2 & 3

Applicant: Green & Company

Owners of Record: Kentville on the Ocean LLC (Lots 1 & 2) and Captain Morgan Inn, Inc. (Lot 3)

Site Plan: Demolish existing building and construct a 36-unit condominium building (32-one bedroom units and 4-two-bedroom units). The residential units will be located above a commercial level that also includes parking under the building.

Mr. Loiseau recused himself. Attorney John Bosen appeared with Michael Green, Rick Green, and Jenna Green from Green & Company. They have their full development team. Joe Coronati from Jones & Beach. Matthew Nyhan (architect), Steve Pernaw, traffic engineer and Rick Lundberg, Fuss & O'Neill (analyzed site distance). Jarrod and Cole (sp) who did a sun study appeared as well.

Attorney Bosen discussed the Kentville Hotel. The plans are for a 36-unit building with commercial on the bottom. On July 19<sup>th</sup>, the applicant received Zoning Board variances. The applicants went before the PRC several times. They read Town Planner Bachand's Memo, and understand he has some concerns. They are prepared to address everything tonight.

Mr. Bosen said this has been going on for over a year. The applicant is prepared to demolish the existing buildings now.

Mr. Coronati discussed the project. Three different parcels were involved. The proposal is to remove the Kentville Hotel. The site is almost all impervious, i.e. asphalt or gravel.

Parking will be in the rear. The building meets the setbacks (4' for walls and building all around). They obtained a variance for the overhang.

Curb cuts from Highland Ave and Kentville Terrace were discussed. Another curb cut for parking is under the building. Kentville Terrace is in poor condition. They will pave it.

They will have two commercial units in the front of the building. The back parking lot is porous pavement. Roof drains have an underground storage system.

A landscaping and lighting plan is proposed. Landscaping and planter boxes were shown. There is room in the back for landscaping and a fence. There is room for a three-phase transformer.

Mr. Coronati introduced Matt Nyhan (sp) (architect). He discussed the drawing and said this was designed in compliance with the guidelines for Hampton. Entrances are on the front. One will be on the side (Highland Avenue).

Mr. Nyhan said this will have 32 single-bedroom units and the 6<sup>th</sup> floor has 4, two-bedroom units. He discussed the colors. There will be 21 parking spaces underneath. Two will be handicap. The store out front will be at ground level.

## HAMPTON PLANNING BOARD

### MINUTES

March 6, 2019 – 7:00 p.m.

Steve Pernaw (traffic engineer) appeared. He discussed the site distance evaluation. He discussed his December 20<sup>th</sup> Memorandum. He stated this intersection is A-typical. He discussed Highland – approaching Ocean Boulevard at 90 degrees. One takes a right turn to head south; the other lane is a through lane and then one takes a left to go northbound. The parking field in the middle of the road was noted.

Drivers have to stop at two locations before going out to Ocean Boulevard. He noted the Town could increase the size of the Stop sign. The building as proposed should not block the site distance.

Rick Lundberg (engineer) appeared. He discussed the intersection. Moving the building back was discussed.

Mr. Pernaw discussed staff comments. It was noted to them that the study going on in July or August would have been better time. They care about the geometrics of the intersection. Single white lines and crosswalks are more important to them. He said his study would have the same results at that time as well. A site line is a site line.

### BOARD

Mr. McMahon discussed five variances granted. Mr. McMahon said the Planning Board re-visited Zoning in this area around three years ago and made revisions. The Board kept higher density to the south of here. The Planning Board said a 50 foot height is appropriate in this location. The Town's people voted and agreed with this. We see 64' 11" and then another 2 ½ feet going now before the Zoning Board. It will get this project to 67 plus feet in height. The density for this lot would allow for 7 units. We are seeing 36 units. It may be 40. Mr. McMahon asked the Board, "where does this end?". We have a number of parcels by Dave's Garage. What will it look like in the future was asked. He needs to express his frustration. This is the heart of the beach; an iconic location. It deserves something more than another box.

Ms. Woolsey discussed the elevation as an ugly box. It does not project any feeling of Hampton Beach. She asked about the brick sidewalk. Where does trash get stored was asked. Inside the building was noted; first floor. The Town does not pick up condominium waste per Ms. Woolsey. Ms. Woolsey said the State decides on Stop signs at Route 1A; not the Town. Ms. Woolsey thinks it's ugly, and inappropriate for Hampton Beach. It is way too high and she is opposed. She also agrees with the Planner's Memorandum. She does not want this mess going up down the Beach.

Mr. Lessard asked about the shadow study. Mr. Olson does not want to hear about shadows. Mr. Lessard discussed shadows. They were going to present everything. Mr. McMahon said the shadow requirement is not in this Zone. The distinction is that we talked about it not being required here because we have a 50' height. It was done in the context of the Zoning Ordinance. Is this in the spirit and intent of the Zoning Ordinance. Legally, they don't

## HAMPTON PLANNING BOARD

### MINUTES

March 6, 2019 – 7:00 p.m.

have to comply with the shadow requirement in this zone as he understands it. It's part of the BS1 Zone.

Ms. Woolsey said even if this was presented as a 50' high building; it is ugly.

Mr. Lessard said without sun on the sand, there is no reason to go to the beach. He is not a fan of buildings that cast shadows on the beach. Once they are there, they are there forever. He said this is not a New England style. In a warmer climate, you want more shade; not here. He is disappointed in the height of the building.

Ms. Carnaby agrees with all the comments thus far. She said it is not beachy nor attractive. It is not in the spirit of the community. It's fine to talk about traffic in the middle of winter. It's not a few people in the summer; there are easily hundreds at that intersection. They are not following lights and directions. They are herding children and containers and chairs/coolers. It's not easy intersection to get around no matter what. There is a big project for DOT to do soon on Ocean Boulevard and that is one of the areas of concern. There needs to be considerable discussion between the HBAC and that DOT project before anything like this happens.

Mr. Emerick said if the ZBA granted relief on height, we can't not approve it over height. Mr. McMahon was trying to express this. He noted this Board can write the Zoning Ordinance; then the voters implement it and it is put into place. Routinely, these come before us (the Planning Board) with taking the Ordinance that the Town wants and what the voters express their desire to have, and it gets disregarded through the Zoning Board process. There is something wrong. It is not the Zoning Ordinance that is the problem.

Ms. Carnaby wants time to figure out how to resolve this situation between variances and ordinances and the Boards because it is such a stretch.

Mr. Olson said he agrees with everything that was said. He discussed the proposed building in comparison to the ones to the North and to the Ashworth itself and south; it is not in keeping with what is going on there. It is not New England architecture. Other boxes are already built and other projects became what the Planning Board did not want. He noted Mrs. Mitchells (a building Green & Company built); the façade facing south, it is a blank space. The Green's noted there will be a building next to it. That building may not ever go up per Mr. Olson. Mr. Olson sees plastic brick that blew off. We don't challenge this. People come to Hampton Beach thinking it will be attractive and safe. It's not just this applicant. The crappy projects have to stop. He can get beyond the density and traffic issues. He noted the Planning Board does not want this at the beach. He agrees will all that was said.

## HAMPTON PLANNING BOARD

### MINUTES

March 6, 2019 – 7:00 p.m.

Ms. Woolsey wants to move this and continue to April 3<sup>rd</sup>.

### PUBLIC

### BOARD

Attorney Bosen said he can appreciate the subjective comments on architectural style. He is having a hard time about height. The applicant has the right to build this building at this height. It was granted by the Zoning Board. This building is 64' 8" high per Attorney Bosen; not 67'. He said the applicant has legal right to build at this height. He said the building will not catch a shadow till 5:30 at night. He can show that through a sun study. He said they have the right to build at this height. There were six variances; five were minor. Density is substantial per Mr. McMahon. The existing building is 37 units was noted per Mr. Green.

Mr. Bachand asked about the variance application before the ZBA now (this month), what is the status of that application was asked. Mr. Bosen said the plan is to build this building. The applicant is going back to seek an additional 30" to make the commercial floor space more attractive. The secondary reason is they are going back is for 40 one-bedroom units. If they get approval from the Planning Board tonight, they will stick with this plan. This is similar to other buildings approved by this Board. This is similar to three other buildings approved by this Board. Similar to style and density.

Mr. Bachand noted the line of sight was a big issue with the DPW and CMA, not only himself. Mr. Green said they could have a third party review. Ms. Carnaby said it should be in the summer when all people are here; not just a few more people. Mr. Green said it is not a unique circumstance. Sidewalks are constantly packed. Mr. Olson said this is at the end of 101. Mr. Green said it is an improvement to the site line. Two safety engineers studied this per Mr. Bosen. Mr. Bosen said thinks it will be the same whether it's summer, winter or fall. Mr. McMahon said there are more fundamental issues at hand.

Mr. Rick Green said there are pictures around that say these buildings are casting a shadow onto the sand during the middle part of the day. They went through considerable expense to do a sun study. Every 15 minutes shows where shadows are. From May through September; no shadows until after 5:30. The shadow thing is out of hand per Mr. R. Green. Ms. Carnaby said the height is too.

One bedroom density variance has been granted to many at the beach per Mr. R. Green.

Ms. Woolsey appreciates memo from the Town Planner. She moves recommending continuing this application to April 3<sup>rd</sup> along with Mr. Bachand's Memo. Many issues came out 'after' the

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 6, 2019 – 7:00 p.m.**

PRC process. Ms. Woolsey read a portion of Mr. Bachand's Memorandum (available at Planning Office). This project is still evolving.

Mr. R. Green thinks the building is nice looking. Mr. Olson said it is subjective. Mr. R. Green said they are not going back before the ZBA. What is before the Planning Board is what they are building. It can go to another agency for third party review (traffic); it is complete and it conforms. It does not have to be approved per Mr. Green. Mr. Olson said it's bigger and it's denser than it's supposed to be. It is our last chance to challenge this - it is nasty. Mr. Green does not think it's nasty. Mr. Green thinks it's a good looking building. A brief debate of the issue ensued between the Board and Mr. R. Green.

Attorney Bosen asked what is gained by continuing this. The evolving plan, given the application before the ZBA; continuing this gives the applicant a chance to go taller. Mr. McMahan said they don't have to go back (to the ZBA) to be shorter; they are going forward to go as high as they can. Mr. McMahan said we don't have to approve it. Mr. McMahan asked for him and their client to think about it. Mr. Olson said it's almost like there coming in here and this is what we are going to do. This is a 75-100 year site; let's do it right per Mr. McMahan, and for the benefit of the community as a whole per Ms. Carnaby.

Mr. Bachand said there is an application before the Zoning Board for March. In terms of the unknowns, he recommends not accepting jurisdiction.

**MOTION** by Ms. Woolsey to continue to April 3, 2019.

**SECOND** by Mr. Lessard.

**VOTE: 5 – 1 (Emerick) – 1 (Loiseau)**

**MOTION PASSED.**

Mr. Lessard asked the applicant for a copy of the shadow study/sun study. Mr. R. Green said it is an electronic video. Mr. Lessard asked if it can be forwarded to the Planning Office. Mr. M. Green said it is not something that can be done that way. He asked if Mr. Lessard wants to see it. Mr. Lessard wants to be able to see it privately. The Greens will see what they can do.

**19-008 27 Mill Road**

Map: 177 Lot: 16

Applicant: Marguerite McGirl

Owner of Record: Same

Subdivision: Lot with existing single-family home to be divided into two lots.

Waiver Request: Subdivision Regulations Section V.E. - Detailed Plans.

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 6, 2019 – 7:00 p.m.**

Mr. Henry Boyd (Millennium Engineering) appeared with Mr. McGirl. This case went before the ZBA. They asked for relief – it requires 125’ of frontage. They got 101’ of frontage on this. It is similar to what is existing in the neighborhood. He liked Mr. Bachand’s Memorandum and concurs. Setbacks with the new lot line are met; no waiver relief on this. They asked for a waiver on the detailed plan requirements. The new driveway location was discussed. They are not sure of the size of the house for the new lot. The intent is they are not asking for zoning relief. No relief in sealed surface. They have enough area.

Mr. McMahon said he and Mr. Bachand discussed this project, and said this is like a missing tooth on that portion of Mill Road. Ms. Carnaby enjoys the open space. It was noted it already looks like an individual vacant lot.

Ms. Woolsey asked about sewer and water. The old building will stay in place.

**PUBLIC  
BOARD**

Mr. Bachand said variances were granted for frontage and lot width. It is consistent with the rest of that area. There will be an impact fee due. He recommends approval with the conditions contained in his March 6<sup>th</sup> Memorandum.

**MOTION** by Mr. Emerick to approve the waiver.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Emerick to approve the subdivision with the March 6<sup>th</sup> conditions in Mr. Bachand’s Memorandum.

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**19-006 155 Island Path**

Map: 280 Lot: 22-3

Applicant: SOMA Properties, LLC

Owner of Record: Same

Condominium Conversion: Convert existing residential duplex into condominium form of ownership. Waiver Request: Section V.E. Detailed Plans.

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 6, 2019 – 7:00 p.m.**

Mr. Henry Boyd appeared, Millennium Engineering. This had wetland problems in the past. He met with Rayann Dionne (Conservation Coordinator) and Kevin Schultz (Building Inspector). There is compliant parking. Mr. Bachand's Memorandum is accurate and Mr. Boyd is agreeable with it. No need to change the plans. Everything is on one sheet. This is nearly an acre of land.

Mr. Bachand said there was a comment from the DPW about there only being one sewer service and that a sewer service agreement is needed. Mr. Boyd said it can be put in the condominium documents; it probably would not be on the plan.

Mr. Lessard asked about Parking Lot A. It is nearly parallel. Getting compliant parking to work was the tough issue. Mr. Lessard said we **need squares drawn so we can see it better**. Until you study it, it shows that the parking space goes right up to the building and goes over 18'.

Mr. Olson asked about the edge of the paving and parking stall; it's asphalt. A driveway curb cut is drawn; on either side of it's shoulder per Mr. Boyd. Mr. Boyd said you can park on it.

Ms. Woolsey said property was the subject of prior applications for wetlands permitting along with other addresses. Ms. Woolsey discussed wetlands. She will never vote for anything on wetlands.

Mr. Lessard asked about elevation of the garage floor. First floor is 11.8'.

**PUBLIC BOARD**

Mr. Bachand discussed his Memorandum. He agrees the spaces should be delineated on site. Define 9' x 18' on the plan per Mr. Bachand. Attorney Gearreald will review condominium documents. He recommends approval along with the conditions in his Memorandum dated March 6<sup>th</sup>.

**MOVED** by Mr. Emerick to approve the waiver

**SECOND** by Mr. Olson.

**VOTE: 6 – 0 – 1 (Woolsey)**

**MOTION PASSED.**

**MOVED** by Mr. Emerick to approve the condominium conversion with Mr. Bachand's conditions in his Memorandum of March 6<sup>th</sup>

**SECOND** by Mr. Loiseau.

**VOTE: 6 – 0 – 1 (Woolsey)**

**MOTION PASSED.**

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 6, 2019 – 7:00 p.m.**

**19-007 105 Towle Farm Road**

Map: 122 Lot: 1-2

Applicant: Finest Kind Brewing, LLC

Owner of Record: 105 Towle Farm, LLC

Site Plan (Amended): Construction of three new tanks (to be constructed in a future phase) along with a pre-fabricated utility building on an existing concrete pad with new utility connections.

Waiver Request: Site Plan Regulations Section V.E. - Detailed Plans.

Hilde Karpawich, Engineer with Nobis Group appeared. She discussed the utility shed. Building elevations were shown. She showed pictures of what this will look like and gave dimensions. It will have a warehouse feel but will be more welcoming looking as a brewery. It will be located on existing impervious area. It is concrete already. Three new tanks are proposed. Two are for the future. One is likely to be constructed this summer. One is existing. This is a requirement set by the DPW. They are doing what the DPW wants. It is for wastewater treatment. It is outside of the wetland buffer.

Mr. McMahon asked Mr. Bachand if the approval expires. The site plan is one year for the plan to be signed. Two years for active and substantial, but that is not usually defined on these types of projects. Mr. Bachand said in this case it would be within five, and he believes that is fine.

Mr. McMahon agrees it should be constructed within five years.

Ms. Woolsey said there would be four digesters. All they need now is two digesters. Ms. Woolsey said the need will increase. She said two digesters are necessary for cleanup. More beverages put out will increase the need for more digesters.

Mr. McNair appeared – Finest Kind. They are laid out for four digesters. They have been working with the DPW. They are looking at building this out for the future of the facility. There is one existing tank currently. It is from the previous company (uncompleted project). They will remodel the tank and add a second tank. They want approval for all four. When they work with the DPW as they grow, they will be set up with what they need moving forward. They can come back after five years. There should be four in total; one is existing.

Mr. Lessard asked about the new building. Is it going over something that exists was asked. Mr. McNair discussed the waste treatment facility. This is using the existing footprint that was originally approved. On the pad where the building is going – there was going to be a tank in the building. Now it will be a building with a tank next to it.

Mr. Lessard asked about odor. Is it odor free was asked. Will there be a processing smell was asked. The processor engineer appeared, Mr. Hirsh Kuthry (sp). They built several

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 6, 2019 – 7:00 p.m.**

of these projects. No release of gases. It will be a system that combusts the gas. They have projects close to neighborhoods and retail. He will make sure there is no uncontrolled process to release odors. How will it be burned off was asked. Mr. Kuthry said it will collect gas and combust it in a furnace of sorts.

There will be flames at the top of the chimney. There is a metal shroud around it. Mr. Lessard asked what if it fails. There is a monitoring system per Mr. Kuthry.

Mr. Lessard asked about holding capacity – to hold gas on site. Effluent can be stored until it is back on line. Mr. McNair said it's tough to put out the flame. It will also shut itself off. Mr. Lessard asked who is controlling the gas if it goes off. If it clogs, etc. As long as the spark ignition is functioning, it should be all set.

Ms. Carnaby asked about the original company saying they were going to get money to put in a pumping station and do some process and they never did. Ms. Carnaby asked if there are dots connecting from that not happening to this. That is why this is before us now per Mr. McNair.

**PUBLIC BOARD**

Mr. Bachand discussed his Memorandum. The amended site plan (Sheet C100) will be unrecordable in the provided format. It also needs the Chairman's signature. A recordable sheet (can be called C100-R) that includes the information necessary for recording would be acceptable.

**MOTION** by Mr. Lessard to approve the waiver.

**SECOND** by Ms. Woolsey.

**VOTE: 7 - 0 - 0**

**MOTION PASSED.**

Mr. Bachand noted if all four digesters are not constructed within 5 years, the applicant shall return to the Planning Board for further consideration. This will be added as a condition.

**MOTION** by Mr. Lessard to approve the amended site plan application with the conditions in Mr. Bachand's Memorandum dated March 6, 2018, and with Mr. Bachand's update regarding the 5 year construction.

**SECOND** by Ms. Woolsey.

**VOTE: 7 - 0 - 0**

**MOTION PASSED.**

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 6, 2019 – 7:00 p.m.**

**IV. CONTINUED PUBLIC HEARINGS**

**18-063 974 Ocean Boulevard** (continued from November 7, 2018 & December 5, 2018)

Map: 152 Lot: 17

Applicant: Michael Desmarais

Owners of Record: Michael Desmarais Revocable Trust

Wetlands Permit: Replace existing house with a larger house that is 6' further from the HOTL and includes a new pervious driveway and pervious patio; reducing the percent of impervious area

*See Above – Continued to June 5, 2019*

**V. CONSIDERATION OF MINUTES of February 6, 2019**

**MOVED** by Mr. Emerick to approve and accept the February 6, 2019 Minutes.

**SECOND** by Mr. Olson.

**VOTE: 6 – 0 – 1 (Lessard)**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

- **Article 10 – Town of Hampton Master Plan Update (Phase I)**

Mr. Bachand discussed the Article for the Phase I Master Plan Update. He hopes this Article is something the public will support, it is very important. Mr. McMahon concurred on how important this is for the Town as did Ms. Carnaby. Mr. Bachand discussed how the Master Plan will be crafted with input from the Town's residents, we need assistance from another organization as well. We need public outreach. Having a useable Master Plan is in line with the State Statutes. (Information on the Master Plan is at the Planning Office at the Town Hall).

- **236 Winnacunnet Road – Photo-documentation of existing house and barn**

This project was approved in June of last year. Ms. Carnaby and Mr. Bachand were both present for the photo-documentation on February 19<sup>th</sup>. A member of the Historical Society and a barn preservation expert were also present. The barn was modified over time. There is unfortunately not much historic value to it. The house had modifications as well.

Ms. Carnaby said Karen Raynes from the Historical Society took many pictures, and she is giving them to the Town Planner tonight. A barn expert for the State (Chet Riley) was also present at the location (he worked for the State for 20 years in this capacity). The two main

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 6, 2019 – 7:00 p.m.**

beams that hold the side walls together were sawed off. It appeared it had been done so that an illegal apartment could be put in there.

Mr. Riley commented he only had to condemn two barns in his lifetime. This would have been his third. The house was disappointing in terms of finding historic value. Much of it had been restored or replaced.

There is a packet of information available at the Historical Society. A map of 1806 is available from the Historical Society. She turned over all the information. She wants these documents to be given to a newly-formed Heritage Commission. She asked the voters to please vote to reinstate the Heritage Commission. It will be their job to retain their records.

It was noted again that the documents will be made available in the Planning Office.

**VIII. ADJOURNMENT**

**MOTION** by Mr. Emerick to adjourn.

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**MEETING ADJOURNED: 8:50 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**