

Town of Hampton



PLAN REVIEW COMMITTEE

DRAFT MINUTES

April 24, 2019 – 2:00 PM
Selectmen's Meeting Room

PRESENT: Jason Bachand, Town Planner
Bill Straub, CMA Engineer
Jennifer Hale, Assistant DPW Director
Jamie Ayotte, Fire Chief
Rayann Dionne, Conservation Coordinator
Mike Bernier, Aquarion (audience)
Cathy Gilman, Unitil (audience)

Absent: Richard Sawyer, Police Chief
William Paine, Fire Prevention Officer
Kevin Schultz, Building Inspector
Laurie Olivier, Office Manager, Planning

19-015 535 & 537 Ocean Blvd (2nd PRC)

Map: 255 Lots: 8 & 9

Applicant: Donik Corporation

Owner of Record: Hunter Investments, Inc.

Site Plan & Wetlands Permit: Demolish existing building and construct a 32-unit condominium building (26-two bedroom units and 6-three bedroom units. Wetlands Permit: Project to address Section 2.3.1 of the Wetlands Conservation District

Joseph Coronati, Jones & Beach appeared with Paige Libbey (Jones & Beach) and Don Garcia (applicant). Joe said that he needs to bring the PRC up to speed, as there have been overlapping jurisdictions to keep up with.

Joe said they met with the ZBA last week with a proposal to change the style of the building and reduce the number of units. They needed extra height to accommodate structural changes. The ZBA did not approve. They were miffed at the request for more height and change in building style. They like the original “layer cake” design at the top of the building – that’s why they approved. It is the wider units that created the deeper beam and added height. The ZBA voted to continue the application. They want more detailed architectural renderings. The client feels the original approval is buildable, and is no longer proposing the ZBA change. They want to do 36 units, but the Planning Board application is for 32.

Joe discussed a second item - the meeting today with DES regarding the 50 foot buffer and how it affects this site. They also met with the Conservation Commission last night. There were other approved projects less than 50 feet from the marsh in the past, Keefe Avenue, 377 Ocean Boulevard, etc. DES said today that they cannot build in the 50 foot setback to the tidal marsh. They said it’s state law and cannot be waived. The law says 50 feet to primary buildings is required per DES. Parking lots are by rule, meaning they can be waived and can be 20 feet away from the marsh. Joe showed DES the plan; it is the best they can do environmentally. There is porous pavement, they pulled the building as far as possible from the marsh, restoration plantings, consolidated curb cuts, etc. They thought this was good. Joe said that now they would need to pull the building to Ocean Boulevard with parking behind. Joe handed out copies of a new potential layout showing this design.

Rayann Dionne (Conservation Coordinator) asked why the building need to be pulled all the way forward to Ocean Boulevard. Joe has not talked with the state yet about the new layout; it is for discussion.

DES told Joe that he could pursue an urban exemption, but it requires Town approval. Portsmouth has done it. This would allow them to bypass the 50 foot requirement. If the Town prefers the original plan, DES will work with us. The lack of vegetation may be justification as to why it (urban exemption) could work for Hampton Beach. The Selectmen would need to approve of an urban exemption per Joe.

Rayann said that DES would need to educate us on the urban exemption. We are not familiar with it.

Jen Hale (DPW Deputy Director) said that when she thinks “shoreland”, she thinks of lakes, streams, etc. The buffer is to prevent repetitive loss and filling the marsh with sediment. Flood studies are anticipated to be done. There is water in parking lots at the 10 year storm. She needs to have a better understanding of this.

Joe said the Town’s rules do not go away; it’s the state rule.

Joe said the original plan is a better situation environmentally. DES agrees but cannot approve without an urban exemption per Joe. The new plan is a massive change, and the abutters may not like it. Views may be restricted. They would also need to utilize adjacent parcels to do it.

Rayann asked how they would accomplish porous pavement in the buffer.

Joe said they prefer not to proceed with the new design. The original is better. They got their shoreland permit, but DES was granting 100-250 feet, not 50 feet. They feel like they are spinning in circles.

Jen asked about the limits of the DOT paving project. It's a concern. The utilities in Route 1A were further discussed.

Joe doesn't know where to go from here. He would like to start the urban exemption process.

Bill Straub (CMA Engineers) asked if they considered a smaller project for this site. The site constraints are what they are.

Joe said DES told him they can alter a building or expand laterally, but they can't build new (in the 50 feet).

Bill said that he has found that DES is tightening their interpretation of their requirements.

Jen has concerns about the urban exemption and has a limited understanding of how it would work, especially with different regulations involved.

Rayann said the Town regulations do not allow parking in the 50 foot buffer. Not much of the building (on the original plan) is within the 50 foot buffer. Can it be tweaked to keep parking out of the 50 foot buffer was asked.

Bill asked how the HOTL (highest observable tide line) is determined. It is by a wetland scientist per Joe.

Joe asked if DES should meet with Town staff on the urban exemption. To gain an understanding is fine.

Jen said it sets a huge precedent Town-wide. Things were built back then and there was no talk of climate change, sea level rise, etc. That doesn't mean they should get an exemption now. Jen sketched, for discussion purposes, an idea that could work for this site. Maybe they lose around 10 units. Something can still be done with the site.

Joe said the number of units is based on the price of the land. These are two bedroom units, year round. They need to be 22 feet wide. Width and depth are fixed, then the parking lot is figured in.

There was a general discussion of ideas on how the plan could be reconfigured without an urban exemption.

Jamie Ayotte (Fire Chief) noted that he had to leave for another meeting. He spoke about his support for items in the original plan. He spoke about support for curb cuts. The new plan that Joe showed today would be challenging for the Fire Department.

Jason Bachand (Town Planner) said there is not much that can be resolved with this application today. He suggested they go back and redesign.

Don Garcia asked about the parking rules in the buffer, and Rayann discussed the requirement. No parking in the 50 foot buffer.

Rayann said the density will be a challenge for the Conservation Commission with this project.

Rayann said that she thinks the PRC process should happen before going to the ZBA. The ZBA is only getting simplified plans. There cannot be engineered plans for the ZBA per Joe. The approximate cost of \$5,000 - \$6,000 (ZBA plans) vs. \$40,000 or more (engineered plans) was discussed.

All PRC members agreed they need to understand the urban exemption better. A meeting with DES should be scheduled. Rayann asked Eben Lewis to send the language. The PRC cannot say at this time whether or not it would be acceptable.

Bill asked Joe to explain the sight distance issue. Joe said the northerly curve prevents good sight distance. The DOT would allow the curb cut to go where it works best. Joe said that he is trying to schedule a meeting on this issue with DOT.

Jason said the application should be tabled for now. A meeting can be scheduled with DES to better understand the urban exemption, and whether or not it would work for the Town of Hampton. All in attendance agreed.

Meeting ended at 3:10 p.m.
Jason Bachand, Town Planner