

# Town of Hampton



## **PLAN REVIEW COMMITTEE DRAFT MINUTES**

**April 28, 2021 - 1:00 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  
Jennifer Hale, DPW  
Jodie Strickland, CMA Engineer  
Laurie Olivier, Office Manager, Planning  
Cathy Gilman, Unitil  
David Hobbs, Police Chief  
James Marchese, Building Inspector  
Bill Paine, Fire Prevention Officer  
Kara Campbell, Conservation Coordinator

**ABSENT:** Mike Bernier, Aquarion  
Mike Collins, Comcast  
Mark Gearreald, Town Attorney

Mr. Bachand read the above COVID-19 meeting criteria above. A roll call attendance was taken, including the locations of attendees and whether anyone was with them.

Kara Campbell was introduced to everyone. She is our new Conservation Coordinator.

**21-030 16 L Street** *(2nd PRC Meeting)*

Map: 293 Lot: 34

**Applicant: 158 Ashworth Avenue, LLC. Owner of Record: Same**

**Site Plan: Conversion of residential site into a commercial restaurant. Front home to be demolished with improvements to rear structure to create a mainly outdoor Mexican-themed restaurant. Waiver Request: Section V.E. Detailed Plans.**

Kat from Millennium called in with Attorney Tim Phoenix, new counsel for the above applicant. Al Fleury is with Attorney Phoenix.

Kat added in revised comments. Courtyard had changes. Cobblestones are now pervious pavers. It is better for maneuverability. Stormwater was discussed. Gutters have been added.

There is a new landscaping layout. They are in the process of getting lighting in order. To be in compliance.

Cathy Gilman, Unutil, said they have a project going down L Street now. Service to this location should be fine.

Dave Hobbs, Chief of Police is all set. Bill Paine and Mike McMahon (Fire) do not have anything at this point. They want plans.

Jim Marchese, Building. He is concerned with the conversion of the residential building and relationship to neighboring location. He asked about a fire wall. Is it needed. 10' high fence and location. It is a structure due to its height. It would need to be designed by an engineer so the wind does not blow it over. Existing dwelling to the east; it may be blocking light. How will that work out was asked. Setback is 4' and he thinks it should be set back on the property line 4' so that maintenance on both sides of the fence can be accomplished.

Kat asked if there is a certain height. Typically, a 6' fence is the highest that a fence that can be installed without engineering design.

Jennifer Hale, DPW discussed comments. She noted on the response memo provided, she asked for table and sealed surface to be 74. 70.8 was listed. Is there a response for them? Is it clarified on plans. Make sure revised plans are clarified. Sealed surface

calculations need clarification. Kat left it at 75 and 74 because 74 percent was originally the number that ZBA sought for existing non-conforming setbacks. Proposed sealed surface has been changed showing 38.5 percent reduction. Jennifer is completely confused. Existing sealed surface was 82.5. Proposed sealed surface was discussed. If 44 percent is the building and anything sealed; any covered walks remaining. It needs to be what it is. The math is what that calculation is. Kat will change the note. Jennifer said charts show up on multiple pages. Minimum area is 75; ZBA is 74; a variance wasn't granted. It should be as proposed. If you received a variance you're saying ZBA said we can have it. If there is no variance, it should be out. Jennifer said the whole purpose of two different charts are to call out what is required and what is actually being built. Regardless of variance granted or not, it is what you are building.

Kat can say "as proposed". If a variance was granted, say "variance granted".

Jennifer said sewer connection is on the property line. Make it cleaner using existing line, angle it. Clean out path for angle. Clean out on sidewalk also was discussed.

Jennifer will provide comments to Planning/Applicant.

Jodie Strickland (CMA) noted it lacks necessary details. Detailed stormwater analysis is needed. **She is reiterating that this is necessary.**

Items in legend don't apply. She will send her comments to the Planning Office/Applicant as well.

Curb cuts were discussed. Sewer detail was discussed. Detail for water and sewer connection. 2" steel cover.

Complete stormwater analysis is not provided. She wants all items provided. **O&M Plan needs revising.**

Mr. Bachand discussed the waiver request. It was previously stated it is not appropriate for this proposal. He believes a full detailed plan is needed and the waiver excluded.

Noise was discussed. Mr. Bachand discussed mitigation. Live entertainment and music over loud speakers was discussed. The Planning Board needs to understand what kind of noise mitigation will be proposed on site for the project. The Board will look for that. They have such authority for the site through their Site Plan Regulations.

Hours of operation should be noted for the Planning Board. How will this function during inclement weather – will there be tents? People out in the rain? Umbrellas? This needs to be clearly understood.

Flood information was updated on revised plans as previously requested, but he did not see if there is confirmation if the project reaches the threshold for substantial improvement under the Floodplain Management Ordinance.

Fence, RSA 41:14-a – fence not being more than 3' in height Has to go before the BOS and recommendation by the Planning Board and the Conservation Commission (RSA 41:14-a process). It can be made a condition of approval.

Elevations should be forwarded to the HBAC. Their architectural review was requested. See if they have comments.

This was 2<sup>nd</sup> PRC. He asked Jennifer and Jodie if they feel this needs a 3<sup>rd</sup> PRC, or if it can come out of PRC at this time.

Jennifer thinks everything can be addressed outside of PRC. **Trash and recycling needs to be shown on plan.** Selectmen ordinance. Add it there. It may not need an additional PRC. Drainage information is essential. If no negative effect occurs, she has no problem moving it forward.

Jodie agrees with Jennifer.

Next deadlines. Resubmittal deadline is the 12<sup>th</sup> of May. Contingent upon the feedback on the revised pdf's to be sent, including the extent of Jennifer and Jodie's additional comments, this could be heard on June 2<sup>nd</sup>.

Henry Boyd, Millennium, discussed flood elevation. Substantial improvement – he's anticipating that it is flood compliant with FEMA. It's on Sheet 3 of 5. Doesn't represent 50 percent figure. Foundation should not be affected by sea level change. Just be sure to be consistent with the Floodplain Management Ordinance per Mr. Bachand. Henry said there is a reduction in sealed surface.

Kat asked about lighting. She wants to use bistro lighting. There's no good way to model bistro lighting. Light can't spill over onto other's properties. Using the right bulbs was discussed.

**20-060 144 Ashworth Ave; 6, 8 & 10 Riverview Terrace & 6 Johnson Ave.** (3<sup>rd</sup> PRC Meeting)

**Map: 293 Lots: 65, 66, 73, 72 & 71**

**Applicant: Zoo Property Management, LLC & Albert Fleury**

**Owner of Record: Same**

**Site Plan: Merging of lots 66 and 73 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.**

Attorney Tim Phoenix is on the phone with Kat from Millennium. The lighting plan was discussed. Patio and lighting was discussed. Plantings were discussed.

Mr. Bachand said this went to the Planning Board on April 7th. At the April 7<sup>th</sup> meeting, the Planning Board denied the waiver request of the detailed plan. That is why this (more extensive plan set) is submitted now.

The parking lot behind Wally's was discussed. In the 2012 ZBA approval, this was tied to Wally's. It is for employees, patrons. What is constructed there today is not close to the 2012 approval. Striping is not compliant with zoning. We need 9' x 18' spaces. They are all crooked (many). They do not comply with the Zoning Ordinance. He can't recommend the Planning Board approve this with the parking lot non-compliant. The applicant needs to continue working on this in his opinion.

Noise mitigation was discussed. There needs to be some form of sound baffling and mitigation on site. Once the overhead doors are opened on the proposed pavilion, sound will channel its way to the RB zoned residences on Johnson and Riverview. This proposal can't be allowed to be a detriment in terms of noise. The Board will be looking for this, and has such authority for the site under its Site Plan Regulations.

The ramps need to be discussed, but we will wait for comments from Jim Marchese.

The Town Attorney provided a Memorandum on February 24<sup>th</sup> to Attorney Scully. Not everything has been addressed; easements, etc. Tim Phoenix may want to touch base with Mark Gearreald.

Cathy Gilman-no comments; she's all set.

Dave Hobbs – Noise was mentioned; it's an ongoing discussion. He will work with the business owner to reduce noise.

Fire – All set.

Conservation – Kara is all set.

Jim Marchese – He has concerns with the ramps. He wants to hear what Jodie (CMA) has to say about it.

Jennifer Hale (DPW) wants to know about what water line is active. Sewer services were asked about. Retaining wall was asked about. Fence to easterly side was asked about. Clarify on the plan.

Jennifer will provide her comments to the Planning Office and the applicant.

Many questions have been cleared up per Jennifer.

Southerly patio (Riverview Terrace) **if required by Planning Board, it needs to be set a minimum of 2' from property line.** If it goes on the property line of a street (Town's right of way) it could be damaged. Move it slightly away. The DPW is responsible for snow removal on Riverview Terrace.

Curb on Riverview Terrace – it could tie into the retaining wall. A small island can be created.

Flow of people was discussed; the rail. No drink rail can be created. It should not be clogged by a drink rail; it would obstruct the flow of people.

“No parking” signs need to remain or reinstalled.

**The DPW issue related to driveway -- she is giving it to the Planning Board to determine if it remains in front of the proposed bathroom area. If it is used for a driveway – the applicant must request the Board's acceptance of it.** One is greater than what DPW can approve. Bituminous apron is required by the DPW.

Trash and recycling. 20+ barrels – The DPW wants them along Ashworth. Jennifer will send her comments. Noise to residents was discussed. Dumpster discussion and fencing was discussed.

Jodie Strickland (CMA). The access ramps are part of the structure. Lots 55 and 72 – a waiver (variance from the ZBA) of 4' rear setback was discussed. Jodie will elaborate her comments separately in an email. Access ramps need railings. **They need to be shown on the plans.**

Jodie discussed stormwater report and ordinances.

Henry Boyd (Millennium) discussed striping of parking on the plan. He feels the parking lot was not part of Wally's. Attorney Phoenix will check that out. Plan as submitted – they can stripe parking lot to make it work. Aisle width was discussed. They will put a note stating the parking lot will be re-striped.

Jodie asked Jennifer if she explained stormwater clearly. She is hired to deal with this. We can look at a site – coastal flooding and hazardous tides; we're not doing our jobs if we don't look at site development. Issues in regulations are defined. No additional water leaving the sight – porous pavers. You can write infiltration information.

Attorney Phoenix discussed the parking issue. He understood that the Wally's building does not require parking. He saw Mark Gearreald's comment. The 2012 and 2013 plan was to convert the residential area to parking which is not permitted in residential zone. He should speak to Attorney Gearreald on this.

Mr. Bachand said they had to go to the Zoning Board to get relief to allow a parking lot in the RB Zone. One of the conditions specifically was for the parking lot to be for the patrons, exclusively of Wally's Pub. While the Ordinance does not require parking for the commercial use, the ZBA tied it to it by issuing a condition as part of its approval. Otherwise, the parking lot construction would not have happened. Mark Gearreald can provide additional comments.

It goes to Planning (Board) after Zoning (Board).

Attorney Phoenix will look into the noise - Hampton has a noise ordinance. Otherwise, he feels it is a policing issue. Attorney Phoenix asked if the Committee feels this can move along.

**Mr. Bachand said if this is allowed to go back to the Planning Board on May 19<sup>th</sup>, we will need a 100 percent complete re-submittal addressing everything covered today. Everything will need to be submitted by the May 12<sup>th</sup> re-submittal deadline. If it can be sooner – that would be better. Just be sure it is complete.**

Ms. Hale said its mainly addressing clarifications. Trash and recycling, etc. It needs to be documented what is done for stormwater that meets regulations. Okay to move forward. She feels these things can be addressed. Other items are Planning Board decisions.

Jodie agrees. Technical issues are remaining. **Mr. Bachand said pdfs are needed for the PRC members and hard copies for the Planning Board.**

**21-021 157 High Street**

**Map: 162 Lot: 40**

**Applicant: Chimera Realty Trust, Raymond & Sheila Buttaro, Trustees**

**Owner of Record: Same**

**Site Plan: Demolish rear structure (garage) and construct new four (4) bay garage with two dwelling units above. One existing unit to be removed from front structure (currently 8 units). Reshape and reconstruct portions of existing paved parking area.**

**Waiver Request: Section V.E. Detailed Plans.**

Ray Buttaro is on the line. Henry Boyd from Millennium is on the line. Two structures are on the site. Existing building in the back is a garage. **They failed to add variances that were granted by Zoning Board to the plan.** Mr. Buttaro went also to the ZBA. He has the approval.

Existing garage is to be torn down. There are 11 parking spaces on site. There will be two apartments in the rear building. One within the main structure will be removed.

Infiltration basin was discussed. Building in the back is further away than what was proposed.

Cathy Gilman, Unitil. Servicing back building was discussed. Getting pole set was discussed.

Mr. Buttaro wanted to bury electric service.

Chief Hobbs – Traffic concerns were discussed.

Fire - Wants fire separation from garage and other space.

Conservation –Kara is all set.

Jim Marchese (Bldg) discussed revised ordinances. A new ordinance was discussed. He asked Mr. Bachand to address it.

Jennifer Hale. She can provide comments to the applicant and Planning Office separately.

Is a landscape plan included? She did not see this. Additional trash and recycling – how will it be handled? Adding two units? How many bedrooms – it should be clarified.

Show erosion control.

Jodie Strickland (CMA). Variances should be on the plan. She will also send her comments directly to Henry Boyd and the applicant and the Planning Office.

Jodie was confused with 8 units/9 units. Make it clear on the plan.

Jason Bachand discussed variances needing to be listed on the plan. They were granted October of 2020. No basement in the garage per the ZBA conditions.

Mr. Bachand said an additional variance is needed. The ordinance was not in place when this originally went to the ZBA. Section 2.7.D.5.b – in the POR District. This section speaks to minimum lot area per dwelling unit of 5,000 square feet. This amendment moved to ballot in December of 2020. It was voted in March of 2021. The Planning Board application was submitted in April of 2021, so this variance is in fact



needed from the ZBA. POR District, Section 2.7.D.5.b. Minimum lot area per dwelling unit. It can't be met with 9 units on site. There is also an increase from existing conditions (8 to 9 total). Relief would be needed. The Planning Board does not act on these applicatins until the variances are in place.

Mr. Bachand discussed the driveway. Two existing curb cuts, but parking on site would change somewhat. The Planning Board could do what they've done in the past via a condition to accept. It is not consistent with Driveway Regs as they read today.

**Abutters not included in the submittal. 164 High Street and One George Avenue. They need to be noticed for public hearing.**

Construction – this is next to Hampton Academy – they may want to be in touch with the school. Kids walking around or being at play – no conflict with the school's daily activities should occur as a result of construction.

Mr. Bachand noted it was asked for a waiver request of the detailed plan requirement. He asked for an opinion as to whether this waiver request is appropriate. Jennifer Hale said there are minimum things they need to see. She does not support not answering questions that she asked today. What they are looking for today are minimum requirements they want to see on the plan. They want basic information.

Henry Boyd said the detailed relief is lighting. The applicant wants to provide affordable living. He agrees with infrastructure changes. He is okay with what Jennifer said. Mr. Bachand said as long as comments from today are addressed, asking for a waiver seems fine in this instance. Jodie Strickland (CMA) worries about things missing with full detailed plan waivers.

Henry Boyd said maybe asking for a partial waiver would be better. Mr. Bachand asked Henry to note what is specifically being requested in his waiver (partial). If he does this, the PRC finds the request to be fine.

The applicant has to go back to the ZBA; it could then be heard by the Planning Board; May is the next submittal deadline for the June ZBA meeting. The Planning Board could hear this in July if variances are granted then. They should work on issues in the meantime and return for one more PRC. The resubmittal deadline is May 12th; go back before the PRC to refine on May 26<sup>th</sup>. Then, the Planning Board would hear this July 7<sup>th</sup>, provided the variance is granted.

The applicant asked about zoning. The issue of 5,000 square feet was raised; there was some discussion. It was not in effect at the time. He has to go back to the Zoning Board. In October of 2020, there was nothing in the Ordinance about this. It was since amended in the Ordinance, a hearing was held in December of 2020 and voters adopted it in March of 2021. It depends on when it is submitted to the Planning Board. Relief is needed now.

**21-011 465, 467 & 469 Ocean Blvd**

**Map: 266 Lots: 31, 32 & 33**

**Applicant: RJS Consulting, LLC (Attn: Rick Smith)**

**Owners of Record: Elaine & Frederick Ayotte (465); J. Hunter Properties (467) & The Stephen LaBranche Living Trust (469)**

**Site Plan: To construct residential condominiums with associated parking at 465 & 467 Ocean Boulevard (to be merged) and to re-build parking area on 469 Ocean Blvd.**

**Waiver Request: Section V.C. Application Fees.**

Joe Coronati (Jones & Beach ) is on the line. Rick Smith is on the phone. This is the first PRC on this application. They went back and forth with the ZBA. They got ZBA approval for layout and they want to go forward with this. This is to build a new building. Parking lot changes and driveway changes will occur. The building will be going on two lots. The vacant lot has been vacant for over 10 years. Steve LaBranche owns Lot 33; that building will remain. They will do some pavement removal and put in porous pavement. Eight unit building on 31 and 32; parking is under and behind the building. Utility plan is provided.

The driveway used to be on the right side of the building; they got approval from the ZBA; it got appealed. They talked to neighbors (Seabreeze and Mr. LaBranche). The driveway will be on the left side and Mr. LaBranche and Lot 32 share an easement. Mr. LaBranche forewent the easement. He will have an easement through the property so he can get in the back of his lot.

All abutters agreed with the plan going forward. They dropped the lawsuit.

Cathy Gilman - She has notes and driveway on the right hand side. She has concerns on street lighting that comes from back of property. Once the overhead line gets removed, what will occur. Cathy also asked about express line. What will power needs be.

Joe Coronati asked about street light (only one). Cathy said there is one north of it. Two lights fed off that line. Joe discussed rizer pole coming off from the pole behind Lot 31. Cathy will have to re-visit that.

Dave Hobbs – work in the roads – make sure you contact PD for notice on traffic.

Fire- Driveway accessing rear parking was asked about. It is 22 feet. Mr. Smith, doing structural – utility rooms are in back of structure, Fire needs FDC to be on the Ocean Blvd side. All piping has to be run to the front.

Kara, Conservation Coordinator, noted the following:

1) They will need a Town Wetlands Permit for any work within the 50' buffer.

- 2) They will need a State Shoreland Permit as well.
- 3) Snow Storage issue - concern of running into marsh without treatment, and it is being stored *over* the retaining wall?

She needs clarification.

Porous pavement was discussed by Joe. Kara will check with the Commission on the concerns of Joe Coronati. Joe discussed snow storage. There is a parking lot behind them; there is a small space for snow storage. They can haul it off site.

Jennifer asked how does snow get over the retaining wall. Lifting it up and over retaining wall; let it melt and freeze in lot behind them? It needs something. More information is needed.

Joe Coronati thinks the retaining wall may be removed.

Jim Marchese, Building, - no comment.

Jennifer Hale – she will provide her comments in writing.

Jodie Strickland gave her comments and will provide them to the applicant and Joe and Jones & Beach separately.

**Jodie asked if Joe needs to seek a waiver on the lighting. Jason Bachand said it seems he probably should do that.**

Mr. Bachand discussed variances. Variances should be listed on the plan. Also provide a zoning table – required and proposed.

The HBAC wants to look at this. They may have input on this project.

Merged parcels; they need to be in same ownership first. He asked if it is correct that they currently are not. It was stated that is correct. They will have to be in the same form of ownership before being merged.

Mr. Bachand discussed the proposed building height – 58.5 feet. The Planning Board frequently comments on building height; it's a long standing concern of the Board. Variances are often granted, as is the case here, but the Planning Board appreciates the 50' maximum allowed by our Town Zoning Ordinance in the BS zone.

Mr. Bachand asked about the retaining wall. He also had concerns about the snow storage area as shown.

Porous pavement and its ability to function properly was discussed. This was a concern on another nearby project

FEMA flood maps were updated January 29, 2021. That is the latest date of maps. Plans should reflect the latest flood maps. Curently shows 2005.

Wind mitigation was asked about, as a modular building is being proposed.

The waiver request of fees was discussed. There was a prior application that was never heard and withdrawn. Fees were paid for the first application; this request is understandable.

Building elevations were discussed. He noted the Planning Board looks closely at architectural design. They may have comments on what is being proposed.

Porous asphalt section; note regarding impermeable liner was dicussed. Jodie will add to her plans. Note on the detail may be wrong per Jodie.

The PRC wants to see this again. The resubmittal date is May 12<sup>th</sup> ; the next PRC is May 26<sup>th</sup>.

Adjourned: 3:31 p.m.

Laurie Olivier  
Office Manager