

Town of Hampton



PLAN REVIEW COMMITTEE

DRAFT MINUTES

October 23, 2019 – 2:00 PM
Selectmen's Meeting Room

PRESENT: Jason Bachand, Town Planner
Jodie Strickland, CMA Engineer
Jennifer Hale, Assistant DPW Director
Rayann Dionne, Conservation Coordinator
William Paine, Fire Prevention Officer
Laurie Olivier, Office Manager, Planning

Absent: Richard Sawyer, Police Chief
Kevin Schultz, Building Inspector
Cathy Gilman, Unutil
Mike Bernier, Aquarion
Tobey Spainhower, DPW

19-059 431 & 435 Ocean Boulevard

Map: 266 Lots: 27 & 47

Applicant: East Coast Development, LLC

Owners of Record: Michael Napier, Keir Family Entrepreneurs, Inc.

Site Plan (Amended): Remove existing buildings and construct 23, 2-bedroom condominium units in a single building. (See Amended Wetlands Permit File 19-031).

Joe Coronati, Jones & Beach appeared with Bernie Pelech, Esquire (representing East Coast Development). Dave and Bob (applicants) are in the audience. This was the Riviera. They came to us (PRC) a couple of times. They went to the ZBA and received Planning Board approval; they went before the PRC and received comments; they made adjustments to plans; obtained approval for site plan and wetlands permit. One of the conditions of the ZBA was if any changes are made, it would have to go back to the ZBA. They went back to the ZBA for review of changes to the plan. They were not in favor. Pulling the building forward 5' and pulling the parking lot closer to the building that resulted in removal of pool area was discussed. They had approved the Planning Board and the Conservation Commission plan; had approved the Zoning Board plan; the two didn't match. So they reapplied for amended site plan approval. They want to go forward for Planning Board approval.

The parking space in front – not being a viable parking space was discussed. They wanted motorcycle parking. The concrete pad is still on plans. Drainage comments were brought up about storm water. All design information is the same as the Planning Board and PRC approved. The parking lot location is different. Still porous pavement.

Joe Coronati discussed developed property; two lots of record—The Riviera and then a big sprawling single-family house is there. He noted 3,800 s.f. is in wetland buffer.

Joe Coronati said the proposal is to have the exact same layout as the ZBA saw; the building is back – more on the west side of the building. The pool and half of the parking lot are outside of the buffer. Transformer pad (impervious) is being added into the buffer. It's a 93 percent reduction. He noted 2200 s.f. restoration area was shown per Eban Lewis' design.

The difference between what the Planning Board approved and the ZBA approved was shown. There is a 10' difference. Ten parking spaces plus 3 ½ spaces on the right are within the wetland buffer. The building and pool are not within the wetland buffer.

Jennifer Hale (DPW) asked if the first two PRC meetings didn't count. Jodie Strickland (CMA) said the ZBA approved it 10' closer into the wetland buffer. It then changed and moved toward the road. When the building was moved closer, did that require a variance was asked. It did not require changes to variance. One condition was any changes to the plan had to go back to the ZBA.

Joe Coronati discussed the layout from 2008.

Rayann Dionne, Conservation Commission Coordinator, said they met last night. The Commission stands with its previous recommendation. They do not want to see the parking – the most rear end of the parking to get any closer to the wetland edge than the plan they recommended that got approved by the Planning Board. Outside the 50' – whatever needs to be done – the Commission understood that by shifting the building closer, they were getting a height variance. Getting it closer, it looms more over the street. The Commission feels the applicant should make adjustments that accommodates the ZBA, Planning and Conservation Commission.

Ms. Strickland, discussed motorcycle parking. Was that included in calculations and Mr. Coronati stated 'yes'. Does motorcycle parking count toward parking space was asked.

Jodie said on demo plan, Joe should remove the picket fence.

She asked about heated walkways. How can they be permeable and heated was asked. Something about a heated mat. Mr. Coronati said the old approval discussed walkways. He discussed 2008 conversations. They make a product that is not a solid mat; it's like a grid. It goes inside the stone under the eco-pavers. It is for exits; not main entrances.

Test pit information was asked about from Ms. Strickland. Where is the location was asked. Ms. Hale said one is in the pool and one inside porous area.

Sheet L2-lighting plan – it doesn't state that lumens at the property line have to be '0'. She asked a lighting person to look at that again (neighbors to the east). It goes on the front sidewalk; it should not go over the front. The ZBA wants the front sidewalk to be lit up. The ZBA is making them put up year round sconces.

Brian Provencal, ZBA, discussed height. It was noted 5 ½ feet was for the fire trucks. There is parking in the back. The alley way would be too narrow. The fire truck has to go through the building. North of them, they are back 20 feet; so they matched it with that and that's why it went back. The ZBA found this had a courtyard and pool which is an amenity. The ZBA likes the amenities. Parking had to go in the back, in the buffer. Mr. Provencal felt this was a good give and take.

Parking space in the front; it had space there. It made sense to have a place to park. 8' into buffer versus 4' into buffer was discussed.

Ms. Hale said parking may not work. It's a buffer; not the wetlands per Mr. Provencal.

Ms. Dionne said they have some parking there now. The wetlands ordinance says parking is not allowed in the buffer. The State has its own set of rules. Joe Coronati put Eban Lewis on ice. We said plans might change. Eban looked at the one the Planning Board approved. The one removed out of the buffer. He's in favor of either of them per Mr. Coronati.

Ms. Hale asked if the buildings flood back there. Pam Keir owned it for 35 years. She's been sending Mr. Coronati pictures of every storm. There does not appear to be flooding coming in.

Ms. Hale discussed non-named storms that had flooding in the parking areas. At the end of Keefe Avenue, where it was built up off of Ashworth. We don't want it to flood, but don't want to take away flood storage either. Moving it forward – their outlets are at elevation 5 ¼. Flood elevation is at 5. Seasonal high water table at the back is at about elevation 4 and change. This is the first one where we are in the ground water in our porous area. Tidal influence on top of this.

That's why moving it out, we picked up extra elevation. Wetlands with engineering balance was discussed. There's a lot going on on this property.

The DPW spent a lot of time trying to compromise; where they look at amenities and sight; she is looking at flooding. Ms. Hale said there are things that have to be addressed.

Mr. Coronati said on C3, we have drainage and grading design. Roof drains come into the man hole. Elevation 5.7. with 9" of stone underneath per Ms. Hale. Ms. Hale said if stone is filled with water, it will not allow it to drain. Mr. Coronati said it's for erosion control.

Ms. Hale discussed using it as a level spreader; 5.7 sitting on stone like a French drain and water elevation is at bottom of stone or higher, there's no water getting out of that system until the water table goes down.

Mr. Coronati said they are happy to lift it up.

Ms. Dionne said it gets back to the DES; if you are adding fill just to make section work (porous), that is not okay with them.

To get drainage to function, it cannot be in water. Porous pavement section appears to be well out of flooding and ground water based on test pits. Ms. Hale is worried if water can't get out....

Mr. Coronati said Pam Keir (prior owner) sent pictures of Hurricane Dorian storm where the ocean is raging. No water was shown.

Ms. Dionne said the Commission had a hard time with this with parking in the back. They have other existing condominiums that are experiencing flooding; if they aren't now, it's common for many of these properties. We are going to end up with 23 new property owners that you are going to have a lot of issues with that condominium and five spaces won't be able to be used. As a Town board we need to protect new property owners.

Ms. Hale said people say because of Keefe Avenue, they flood. It's perception. These elevations are getting raised so there is perception there. Every ounce of this property is being developed except for the part that our Ordinance says please don't develop – the wetlands area.

Ms. Dionne said that's unfortunate because our Boards should work together. I think it's up to the applicant to work with us. Mr. Provencal said the applicant can come to the ZBA for relief on wetlands issues. Ms. Dionne finds it insulting. Ms. Dionne said our ordinance protects the wetlands and the buffer. Ms. Dionne said it's called the Wetlands Conservation District. She said the challenge we are facing here is the fact that we are trying to cram 23 units; that's driving parking and parking is driving the issue.

Ms. Hale said there needs to be compromise. They go for relief for units per Ms. Hale. She said just because it was done in the past does not mean it was done right.

There are problems now because they are over-developed.

No one is against redevelopment.

Ms. Strickland asked if there are less units, there can be a bigger outdoor area. Mr. Provencal said they (ZBA) don't design.

Ms. Hale said we are making comments on plans before us and on first plans. It's getting jammed right back at our throats. We spent hours reviewing this.

It came back to the ZBA because they made changes to the building.

Ms. Hale said she feels the ZBA did not do anything wrong. We sit here as departments acting on behalf of our areas of interest. Right now, the two boards – different actions, do have

conflict. We liked the amenities. Where does an amenity show a hardship. Mr. Provencal said they can take the pool out.

Ms. Hale said if they kept the building the way they want it and lost two units and brought it in to get it 10' out of the buffer. Mr. Provencal said there are no issues with that. There are ways to do this project per Ms. Hale.

Drainage and flooding into the wetland buffer into the back is our (Town/Engineering) hardship.

Ms. Dionne said a better way to go about it- put it on the applicant to meet everyone's concerns. The ZBA doesn't like it if you don't like it, it circumvents our whole review process. Ms. Dionne said it's unfortunate to shut the door to make additional changes that can meet everyone's concerns. Ms. Dionne said everyone has concerns. To meet everyone's concerns is the responsibility of the applicant.

Dropping things economically is unfeasible per Attorney Pelech.

Ms. Strickland said granting variances sets the Town up with issues. She said we discussed prior to the ZBA these are variances that make sense and these are ones that do not. There are strict definitions of economic hardship.

Bill Paine (Fire) asked about parking spaces. He said the only building likek this in Town is about 4 buildings south of this one. There are 4 raised parking spaces with a lift. Do those count as two parking spaces or one was asked. They count as one.

To get lift, they need a variance, it's stacked parking.

Joe discussed 23 units. That was approved in 2008. Ms. Strickland said 2008 to 2019 are totally different years-a lot of time has gone by.

Mr. Bachand said the ZBA wants the building where it wants it and the Conservation Commission took it up; they are not happy with parking where it is. They want a revised plan. Mr. Bachand thinks the solution is to carve off 9' or 10' off the back of the building where spaces are; bring the parking forward. Put it (building) where the ZBA wants it in the front. The Planning Board would probably be fine with it. Mr. Bachand wants to see the project go forward. There needs to be a compromise. Remove the pool and cut 10' off the building; keep the building where it is. Units would get smaller; lose one unit because you're losing 2 parking spaces. Mr. Coronati said it is 6 units per floor. One is a work-out room. You lose 6 units. There are 3 per side.

Each unit could be 3' narrower.

Ms. Dionne said it's not the number of parking spots. She looks at it from a square footage standpoint. Impervious coverage does not change either way. Mr. Coronati said there is 7300 s.f. in the buffer.

Ms. Dionne asked about relief for one bedrooms units to have one parking space. Mr. Provencal said parking is too important to give relief for at the beach.

The Conservation Commission has its recommendation. It will go to the Planning Board. There should be a summary memo from the PRC group summarizing the project overall and highlight concerns.

Ms. Hale discussed her comments and will forward them to Mr. Coronati.

It was noted 23, 2-bedroom condo units were in Mr. Coronati's Memo. They still need the parking. There are 43 bedrooms. The plan needs to be changed. Ms. Hale said sewer flow is done by bedrooms. Parking is tight with no room to move around back...around corners. Tenants can't have a large vehicle. Bump outs are usually five feet.

Pool is accessed from a walkway. Snow storage areas aren't shown. Note needs to be revised. Waiver for snow storage?

Mr. Coronati has heard nothing from the DOT. Every utility plan needs to be updated per Ms. Hale. Ms. Hale wants to know what is happening with utilities.

Mr. Bachand said we have a conflict where the ZBA is adamant and the Conservation Commission has issued their non recommendation. Mr. Bachand can only see making adjustments to the building as a solution. He thinks they will have a hard time to go before the Planning Board. Ms. Strickland thinks the applicants should be able to handle all of the Boards'/Commission's wishes.

Ms. Dionne thinks everyone can be satisfied.

Ms. Strickland said zoning ordinances are in place for a reason, most projects come through with multiple variances. Why are they in place if they are going to be ignored. She is asking this, not just professionally, but as a taxpayer.

Ms. Dionne said she'd be surprised, where this is desirable land, that they could come up with something else.

Mr. Coronati wants to go to the Planning Board and get its opinion. Ms. Hale said plans changed. She said this is not a positive recommendation. November 6th is resubmittal date for December 4th meeting.

Adjourned 3:00 p.m.

Laurie Olivier
Office Manager/Planning