

HAMPTON PLANNING BOARD – MINUTES

July 2, 2003

PRESENT: Thomas Gillick, Chairman
Jack Lessard
Tom Higgins
Keith Lessard
Fran McMahon, Alternate
Mike O’Neil, Alternate
Skip Sullivan, Selectman Member
Jennifer Kimball, Town Planner

ABSENT: Robert Viviano, Vice Chairman
Tracy Emerick, Clerk

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. McMahon to lead the Pledge of Allegiance.

I. NEW PUBLIC HEARINGS:

1. Magplane Technology, Inc. (Bruce Montgomery)
Special Permit Application to set up a test track for a prototype magnetically-suspended train within the Wetlands Conservation District at
NH DOT Railroad Tracks, between Route 1 and the Taylor River
Map 227, Lot 5
Owner of Record: New Hampshire Department of Transportation

Mr. Bruce Montgomery, President of Magplane Technology, Inc. introduced himself, as well as, Mr. Damon Burt of NH Soil Consultants. Mr. Montgomery proceeded to explain the Special Permit Application request, highlighting areas of: power to come from Unitil transformer located at the site; no noise; no fuel; no live rail; chain link fence will be installed; no impacts on the bridge area that attracts local fishing.

Mr. Gillick asks for comments from the Board: Mr. K. Lessard asks what will this ‘train’ look like, will it go fast; Mr. McMahon asks the hours of operation; Mr. O’Neil asks how long until the project is complete; Mr. Higgins questions the security fence, leasing the tracks or the entire abutment, and the public using the access road; Mr. K. Lessard asks about the trains being stored. Mr. Montgomery answers: it averages 50 m.p.h. and will look like a small streamline subway car; on any given day it may run most of the working day, it will not run in off hours, and it will not run everyday; there is an approved five year lease, the test program is aimed at roughly one year, it may go over that time frame, the real system has to be installed in two years; leasing the entire abutment and the public will be able to use the access road; additionally they have permission from the Wetlands Bureau to put some gravel to smooth out the driving access road; they will be parked on site closer to Route 1. Mr. Gillick reads a memo into the record dated June 30, 2003 from the Conservation Commission and their comments say they are not opposed to the project.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. K. Lessard **MOTIONED** to approve the Special Permit Application to set up a test track for a prototype magnetically suspended train within the Wetlands Conservation District at NH DOT Railroad Tracks, between Route 1 and the Taylor River, Map 227, Lot 5 subject to:

- 1) Submitting a copy of NH Department Of Environmental Services Wetland Bureau approval,
- 2) Proper erosion and sediment controls in place during construction,
- 3) Notification to Conservation Commission prior to commencement and upon completion of project, and,
- 4) Submit a copy of finalized lease with NH Department of Transportation.

Mr. Higgins **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Mary H. Maher
Revocation of approved Condominium Conversion Plan per RSA 676:4-a, I(a)
(at the request of the original applicant) at
391 B High Street
Map 165, Lot 10
Owner of Record: Same as Above

Ms. Mary Maher introduced herself and proceeded to explain her decision to not continue with the condominium conversion at said property. Mrs. Kimball noted this decision is allowed through **RSA 676:4-a**.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. K. Lessard **MOTIONED** to revoke the referenced condominium conversion which was previously granted on June 5, 2002 (and recorded on June 21, 2002) on plan #D-29917. The revocation was granted at the request of the owner/applicant. Additionally, original notice to be filed at the registry 30 days after public hearing (August 1, 2003). Mr. O'Neil **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

3. Nancy E. Wheeler
Special Permit to add a second floor to the existing one-story cottage with foundation and a ground deck within the Wetlands Conservation District at
143 Island Path
Map 281, Lot 43
Owner of Record: Same as Above

Mr. Bob Casassa introduced himself as representing the applicant. Ms. Nancy Wheeler was also present. Mr. Casassa proceeded to explain the Special Permit Application to add a second story to the cottage and a deck where the above ground pool was. Mr. Gillick reads into the record a memo dated June 30, 2003 from the Conservation Commission where they state no opposition to the project. Mr. Casassa noted there would not be any such grading or paving of driveway and currently is not on the submitted plan. Mr. Gillick asks for the Boards comments: Mr. K. Lessard asks the deck will be open deck, no roof over; and how high off the ground is it.

Mr. Casassa answers: it is designed as a 'slotted' deck to have drainage, light and air, the height will be consistent with ordinances and is now designated as a ground deck (at grade).

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. J. Lessard **MOTIONED** to approve the Special Permit Application to add a second floor to the existing one-story cottage with foundation and a ground deck within the Wetlands Conservation District at 143 Island Path, Map 281, Lot 43, subject to:

- 1) Submittal of a copy of NH Department Of Environmental Services Wetland Bureau approval,
- 2) Proper erosion and sediment controls are established,
- 3) Notification to Conservation Commission prior to commencement and upon completion of project, and,
- 4) Re-vegetation of the disturbed areas around the new deck and as shown on plan 3-56-3440, dated 5/23/03.

Mr. O'Neil **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

4. Raymond E. Jeffs
Lot Line Adjustment at
40 Windmill Land and 205 High Street
Map 177, Lots 7 & 3
Waiver Requested: Subdivision Regulations V.E (Detailed Plan)
Owners of Record: Raymond E. Jeffs and Theodore W. & Joyce S. Sharples

Mr. Raymond Jeffs introduced himself and proceeds to explain his intention with the Lot Line Adjustment to increase his lot larger by about 20', keeping the Sharples lot conforming. Mr. Gillick inquires there will not be any additional lots created and Mr. Jeffs replied that is correct.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. J. Lessard **MOTIONED** to grant the Waiver Request : Subdivision Regulations V.E (Detailed Plan). Mr. McMahon **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. J. Lessard **MOTIONED** to accept jurisdiction of and approve the Lot Line Adjustment at 40 Windmill Land and 205 High Street, Map 177, Lots 7 & 3, plan #P-03414, dated 6/30/03 subject to:

- 1) Submittal of mylar and recording fees to the Hampton Town Planning office.

Mr. McMahon **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

5. Hampton Woods, LLC
Amended Site Plan review to add 5 units for project formally known as "Seacoast Woods," conditionally approved on November 7, 2001
off Walker Circle
Map 157, Lot 2A
Owner of Record: Same as Above

6. Drakes Appleton Corporation
Amended Special Permit application associated with changes proposed to project
formally known as "Seacoast Woods," conditionally approved on November 7, 2001
off Walker Circle
Map 157, Lot 2A
Owner of Record: Hampton Woods, LLC/Drakes Appleton Corp.

Mr. K. Lessard steps down for these applications.

Mr. Tom Nigrelli, Manager of Hampton Woods, LLC introduces himself. Also present were Mr. Joseph Coronati of Jones and Beach Engineering, Ms. Elizabeth Ware, Staff of Mr. Nigrelli, and Mr. Michael Donahue, Attorney representing the applicant. Mr. Nigrelli proceeded to explain the revised plan has substantially less paved area; increasing the project by 6 units; all the buildings are in the same place as originally planned, with the exception of one new duplex; unit owner will have option of adding an elevator on any unit; design is for senior level. Mr. Gillick reads a memo into the record dated June 30, 2003 from the Conservation Commission and their comments say they are not opposed to the project. Mr. Gillick opens for questions from the Board – no comments at this time. Mrs. Kimball discusses her memo dated June 30, 2003 and points out items that are completed and some that are outstanding.

OPEN PUBLIC HEARING: NO COMMENT - CLOSE PUBLIC HEARING.

Mr. O'Neil asks to point out the 5 added units; Mr. Higgins suggests not having the original plan to see the changes to this amended plan is difficult, the elevator situation is at the maximum height, and his concern for Public Works review as the granite curbs and widths may have changed since the original plan approval. Mr. Nigrelli points out the additions; old plans are provided; the elevators are totally inside the building taking the occupant from the garage level to the first floor living area and then up to the bedroom level – there are no penthouse or roof access's needed; Mr. Nigrelli offers this elevator is an option, the space is provided for it, the matter would be if the condo owner would choose this option.

Mr. J. Lessard **MOTIONED** to accept jurisdiction of the Amended Site Plan and continue the referenced applications to the August 6, 2003 meeting subject to:

- 1) Reviews by Department of Public Works (driveway location), and Fire Department, and,
- 2) Ambit Engineering (drainage).

Intention is to have these reviews back to the Planning Office no later than July 25, 2003, for the Board to review prior to the August 6, 2003 meeting. Mr. O'Neil **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

7. Hampton Woods, LLC
Amended Site Plan review to relocate approved driveway location at
Hampton Woods Apartments
off Walker Circle
Map 157, Lot 3-2
Owner of Record: Same as Above

Mr. K. Lessard steps down for these applications.

Mr. Tom Nigrelli, Manager of Hampton Woods, LLC introduces himself. Also present were Ms. Elizabeth Ware, Staff of Mr. Nigrelli, and Mr. Michael Donahue, Attorney representing the applicant. Mr. Nigrelli proceeded to explain the revised plan of relocating the driveway for this project. The new driveway location will be located on the adjacent site, previously called "Seacoast Woods" and then turn onto the Hampton Woods site. Mrs. Kimball suggested that the DPW review the change, but that DPW was in favor of a "t-style" driveway for these sites in the past.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

The Board discussed the merits of making Walker Circle a private Road and eliminating the cul-de-sac. Mrs. Kimball noted that the two lots discussed this evening would require variances if the road was made to be private. The Board agreed to solicit comments from DPW, Police, and the Fire Department.

Mr. Sullivan **MOTIONED** approve the Amended Site Plan to relocate approved driveway location at Hampton Woods Apartments, off Walker Circle, Map 157, Lot 3-2, subject to:

- 1) Approval of driveway relocation from Department of Public Works.

Mr. J. Lessard **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. K. Lessard rejoins the meeting in progress.

Mr. J. Lessard **MOTIONED** to rearrange the agenda (as written). Mr. Sullivan **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. CORRESPONDENCE:

Mr. Gillick reads into the record a memo dated June 26, 2003 from Drakes Appleton Corp., and a memo dated June 30, 2003 from John Hangen, Director of Public Works, regarding the release of \$10,000.00 surety for the Tide Meadow Condominium (now Hampton Woods, LLC) project. Mr. J. Lessard **MOTIONED** voted to approve the release of the \$10,000 surety of the Tide Meadow Condominium (now Hampton Woods, LLC) property. Mr. Sullivan **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. NEW PUBLIC HEARINGS CONTINUED:

8. 750 Exeter Road, LLC
Condominium Conversion of existing office space and garage at
750 Exeter Road
Map 6, Lot 14
Waiver Requested: Subdivision Regulations V.E (Detailed Plan)
Owner of Record: Same as Above

Mr. Craig Salomon introduces himself as the applicant. He proceeds to explain his application to convert an existing office space and garage into two condominiums; the proposal is not to change use or to change anything on the site; to create a condominium for the garage to maintain separate ownership.

OPEN PUBLIC HEARING:

Mr. Pat Pendergast of 744 Exeter Road approached to ask what substantial changes would be from what it is now to proposed plan. Mr. Salomon answered none, all changes are to be on the inside.

CLOSE PUBLIC HEARING.

Mr. J. Lessard **MOTIONED** to grant the Waiver Requested: Subdivision Regulations V.E (Detailed Plan). Mr. O'Neil **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. J. Lessard **MOTIONED** to accept jurisdiction of and approve the Condominium Conversion of existing office space and garage at 750 Exeter Road, Map 6, Lot 14, plan #3-62-3438, dated 6/12/03 subject to:

- 1) Certification of monumentation, as well as submittal of mylar and recording fees to the Hampton Town Planning office.

Mr. O'Neil **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. CONSIDERATION OF MINUTES – June 18, 2003:

Mr. Higgins would like the wording rewritten on page 5, 3rd paragraph: “concluding with a detailed discussion of a ‘painted’ island versus a ‘raised’ island within the road *should be shortened to allow South Bound traffic(boat trailers) to turn onto Harbor Road*” – as well as – “Mr. Pernaw agrees to review the input and send a revised proposal to Vanasse, *who he hopes will submit a revised plan*”.

Mr. Gillick points out on page 5, 4th paragraph, to correct the spelling of Mr. *Kavanagh*.

Mr. K. Lessard **MOTIONED** to approve and amend the minutes as discussed. Mr. Sullivan **SECONDED**. **VOTE: 4 = YES. 2 = ABSTAIN** (Mr. O'Neil and Mr. K. Lessard) **MOTION PASSES IN THE AFFIRMATIVE.**

III. CORRESPONDENCE:

- 1) Mrs. Kimball reads a memo dated June 18, 2003 from Ken Sakurai requesting to continue the 389 High Street applications to August 6, 2003. Mr. K. Lessard **MOTIONED** to continue the 389 High Street applications to the August 6, 2003 Planning Board meeting, at the applicants request, subject to:

- 1) Submittal of revised plans addressing review comments to the Planning Office by August 1, 2003.

Mr. Sullivan **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 2) Mrs. Kimball reads a memo dated June 30, 2003 from Greg Smart of the Conservation Commission referencing his resignation from his position of Chairman effective July 23, 2003. Mr. Gillick suggests the Board take this matter seriously and be aware of the critical affect the Conservation Commission has on the Planning Board decision. Additionally, Mr. Gillick will send a letter sent to Mr. Smart requesting a new candidate be appointed to represent the Conservation Commission on the Master Plan/Future Land Use Update Subcommittee.

IV. OTHER BUSINESS:

Mr. Sullivan announced he was served legal papers regarding a decision that was made with this Planning Board (Garland Street off Island Path). Mrs. Kimball states that she and Mr. Gillick will be meeting with the Attorney regarding this case. Additionally, Mr. Sullivan stated he will be on vacation and not be attending the July 16, or 30, 2003 meetings.

Mr. J. Lessard **MOTIONED** to adjourn. Mr. Higgins **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 9:15 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary

Minutes as amended July 16, 2003