

## HAMPTON PLANNING BOARD – MINUTES

September 17, 2003

**PRESENT:** Thomas Gillick, Chairman  
Robert Viviano, Vice Chairman  
Tracy Emerick, Clerk  
Tom Higgins  
Jack Lessard  
Keith Lessard  
Cliff Pratt, Selectman Alternate  
Jennifer Kimball, Town Planner  
Mark Fougere, *Interim* Town Planner

**ABSENT:**  
Skip Sullivan, Selectman Member

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick acknowledged that Planning Board Alternates Mr. Bilodeau and Mr. McMahon were present in the audience. Mr. Gillick then asked Mr. McMahon to lead the Pledge of Allegiance.

Mr. Gillick introduced Mark Fougere, gave a brief background history of his qualifications pertaining to his temporary status with the Board, and welcomes him.

Mr. Gillick offered brief foresight on the continued application being heard this evening and referenced that Mrs. Kimball has written up an extensive overview regarding outstanding items and possible considerations (memo dated September 17, 2003).

### **I. CONTINUED PUBLIC HEARINGS:**

1. Golden Corridor & Hampton Harbor Condominiums, LLC  
Lot Line Adjustments at  
3 Ocean Blvd.; 31 Harbor Road; and Duston Avenue/Harbor Road  
Map 298, Lot 6; Map 295, Lot 62; Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Helen C. Gilmore & Catherine F. Silver; James E. Gallagher;  
Golden Corridor LLC; Hampton Harbor Condominiums LLC
2. Golden Corridor & Hampton Harbor Condominiums, LLC  
Site Plan Review for 21-unit Townhouse Condominium Development at  
Duston Avenue/Harbor Road  
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC
3. Golden Corridor & Hampton Harbor Condominiums, LLC  
Special Permit Application for work within the Wetland Conservation District  
associated with the multifamily Site Plan application at  
Duston Avenue/Harbor Road  
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC

## II. NEW PUBLIC HEARINGS:

1. Golden Corridor & Hampton Harbor Condominiums, LLC  
Waiver Request: Site Plan Regulations Section VII.D.2 (increase in stormwater runoff) at  
Duston Avenue/Harbor Road  
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC

Mr. Peter Saari, Attorney for the applicant, and Mr. Joseph Coronati of Jones and Beach Engineering introduced themselves. Mrs. Kimball explained the reason why the Board did not previously accept jurisdiction of this application was because of the concerns in Town Attorney Gearreald's memo (dated July 17, 2003). Mr. Joseph Coronati explains current revisions made to the plans: fire lane, parking, entrance, a unit moved. Mrs. Kimball reviewed items in her memo dated September 17, 2003. After extensive discussion, the Board asked the applicant for more information regarding the following items (per Mrs. Kimball's referenced memo) prior to final approval:

- Additions of existing features to private pier on plan (i.e. number of slips, trash removal, power, permits for additions, etc...).
- Who will maintain the private pier?
- Private pier will be for commercial uses only, a limited common area, and these type items need to be addressed in the condominium documents. Additionally, items of concern are: How will the private pier activities impact the parking allotment? No onsite parking has been allotted, applicant is providing boat parking only. No 'off pier' sales of boat tickets, sales of foods, restricted use of the dockage, etc... Attorney Saari stated a separate condominium document governs some of these items (a separate single person owner) and will not be the responsibility of the 21 unit owners.
- Applicant to delineate the existing businesses, where they are located, and what type business is being run, etc... It was noted that this is a BS zone where parking allotment is not required.
- Regarding current plan sheets A1 & C2: clarification was made that the new lot line is, in fact, a limited common area and should be changed to read correctly. Control of this area, and the private pier, will be under separate authority. Although, everyone in the association will have a right to its use (meaning 21 units, 5 duplex lots, and Hampton Marina). The Board requested specific details of the limited common areas.
- Regarding the clubhouse: concerns were raised referenced to what can it be used for?, lease ability?, must you live in the association?. These type items must be defined in the condominium documents. Attorney Saari noted there were no proposed, structural changes to the clubhouse intended at this time. Mr. Gillick asked for existing floor plans and elevations (renderings) to be provided for the Board's review.
- Attorney Saari agreed to also provide draft condominium documents for review.
- The Board questioned the flood levels and elevations on Map 298, Lot 1 and Map 295, Lot 66 brought up by Ambit Engineering's letter. Mr. Coronati clarified the elevation is 8 feet. Ambit suggested an easement be included across these lots to prevent development of the flood areas. It may need to be put underground or Mr. Coronati suggested the drainage pond at 298/1 might need to be enlarged as well. Mr. Coronati will offer a proposal for the Board's review regarding such items.

- Mr. Coronati clarified the specifications on the ‘downstream defender’ is in the storm water plan. The Board asked for additional information regarding maintenance upkeep and issues to be addressed more clearly: i.e. impacts of high tide during a storm event (not a 100 year flood), impact on ingress/egress, what happens when the system shuts down during high tide/storm event? Mr. Coronati will run calculations and bring back for Board review.
- Regarding a gate at Duston Avenue: The Board consensus was not to install a gate.
- Regarding sight distance at the intersection of Harbor Road and “Old Bridge Road” access: Mr. Coronati verified some trees would be removed, improving sight. The Board expressed concern to have the top of the slope be a smooth transition with no blind spots. Mr. Coronati agreed to provide additional information.
- Regarding signage: The Board expressed the need for clear language to define the way to the marina on the existing sign at Map 295, Lot 66. Additionally, the Board asked for a detailed picture of the sign to be incorporated into the plan, and suggested an easement might be needed here (*the easement and widening of road did not show on the plans*).
- A future dumpster sight is to be shown on the revised plans.
- Applicant was advised they will need a letter from the abutters (Gebhart’s) for DES permit
- Maintenance of retaining wall to be addressed in the condominium documents
- Will the owner renew the jet-ski business after it expires?

#### **OPEN PUBLIC HEARING:**

Mr. Jack Kavanagh of 14 Duston Avenue introduced himself. Submitted a signed petition that reads: “We the undersigned respectfully request that the Hampton Planning Board do not allow access to or from Duston Avenue to vehicles entering the Hampton Harbor, LLC/Golden Corridor, LLC Condominium complex. To allow such access would put an unnecessary amount of traffic onto streets in the adjoining neighborhood”. His other concerns were regarding the current plan changes were not adhering to the variances requested. Mrs. Kimball will be seeking advice from Town Attorney Gearreald if the unit moved from the west building to the east building impacts ZBA approval.

Mr. John Gebhart of 4 Bailey Avenue introduced himself. Stating his concern being the unauthorized parking problem at the exit onto Ocean Boulevard. Mr. Gillick has confirmed there are towing signs in the area, however, painting of the grounds will be done upon completion of the project. Mrs. Kimball will notify Chief Wrenn of the newly placed towing signs and hope the Police Department can help alleviate the parking problem at this corner.

Mr. Justin Gallagher of 31 Harbor Road (Map 295, Lot 62) introduced himself. His concerns were who is going to have access to the Government dock. Additionally requested a 35’ boat length be allowed. Mr. Gillick mentioned the M.O.U. clarifies the boat lengths allowed. Mrs. Kimball will get clarification on dock limitations, who will be allowed, etc...

Mrs. Linda Gebhart of 4 Bailey Avenue introduced herself. She states various concerns and Mr. Gillick advised her that she may need to seek private counsel to get the answers as her concerns were of legal/civil nature. Mr. Gillick asked if there were ‘meaningful’ conversations being held between her and the applicant. Mrs. Gebhart verified there were conversations of 5-minute lengths after the Planning meetings. There were no private meetings of any length up to this time. Mr. Gillick advised the applicant to engaged in more worthwhile attempts.

#### **SUSPEND PUBLIC HEARING.**

Additional conversation between the Board and the applicant were regarding such items as: the coloring on the plans reference to new sea wall should reflect properly (ie sand, grass, etc...) - Mr. Coronati will revise; have the rights to Bailey Avenue been abandoned? - Attorney Saari answered, yes, it has been agreed to.

Mr. Higgins **MOTIONED** to grant the referenced Waiver Request: Site Plan Regulations Section VII.D.2 and close the public hearing on the Waiver. Mr. Emerick **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. K. Lessard **MOTIONED** to accept jurisdiction of the Lot Line Adjustment and Site Plan Applications of plan #01048, revision dated 9/11/03. Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Higgins left the meeting at this time.

Mr. Viviano **MOTIONED** to continue items 1, 2,& 3 of the Golden Corridor Phase II applications to the October 15, 2003 Planning Board meeting. Mr. J. Lessard **SECONDED**. **VOTE: ALL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Higgins returned at this time.

**III. CONSIDERATION OF MINUTES – September 3, 2003:**

Mr. K. Lessard **MOTIONED** to approve the minutes as written. Mr. Viviano **SECONDED**. **VOTE: 6=YES. 1=ABSTAIN (Mr. Pratt). MOTION PASSES IN THE AFFIRMATIVE.**

**IV. CORRESPONDENCE:**

Mrs. Kimball announced the State of the Estuaries Conference is being held October 20 & 21, 2003. The registration form deadline is October 9, 2003, if anyone would like to attend please notify Mrs. Kimball. Mr. Gillick mentioned he would be in attendance as representing the Town.

**V. OTHER BUSINESS:**

Mrs. Kimball announced the Master Plan-Future Land Use Subcommittee (in conjunction with Rockingham Planning Commission) is in full swing and ready to hold two Public Sessions on Tuesday, September 30 from 7-9pm, and Saturday, October 4, 2003 from 9-11:30am. Additionally, the Public questionnaire has been printed and is available at varied locations throughout the Town. Drop boxes have been set up at the Library and Town Offices or the questionnaire has been printed to conveniently become a mailer. Mr. Gillick mentioned that the Portsmouth has recently held a like version of these public sessions and surveys (Portsmouth Listens) and expects Hampton to fully benefit from the extensive work this Subcommittee is putting forth.

Mrs. Kimball explained that during her leave of absence Mr. Fougere will not be at the Town Offices full time and his hours would be posted once defined. She stated Janine could be reached on Tuesdays and Fridays from 9am-12pm at the Planning office. Between Janine and Mark, every effort will be made to help with Planning issues so please be patient.

Mr. J. Lessard **MOTIONED** to adjourn. Mr. Emerick **SECONDED**. **VOTE: 6=YES / 1=ABSTAIN (Mr. Pratt). MOTION PASSES IN THE AFFIRMATIVE.**

Meeting adjourned at 9:35 p.m.

Respectfully Submitted,  
Janine L. Fortini  
Planning Board Secretary

*Minutes as amended October 1, 2003*