

HAMPTON PLANNING BOARD – MINUTES

October 1, 2003

PRESENT: Thomas Gillick, Chairman
Tracy Emerick, Clerk
Tom Higgins
Jack Lessard
Keith Lessard
Fran McMahon, Alternate
Skip Sullivan, Selectman Member
Mark Fougere, Interim Town Planner

ABSENT:
Robert Viviano, Vice Chairman
Jennifer Kimball, Town Planner

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

Mr. Sullivan gave a public service announcement regarding the Master Plan/Future Land Use Subcommittee. The first public session was on Tuesday, September 30, 2003. It was a productive session with a successful turn out. There will be another opportunity for residents, business owners, and seasonal owners to attend on Saturday, October 4, 2003 at 9:00 a.m. at The Inn of Hampton Conference Center.

I. CONTINUED PUBLIC HEARINGS:

1. 389 High Street Realty Trust (Jerome Sakurai)
Special Permit to remove a duplex and construct one 8-unit building
within the Wetland Conservation District at
389 High Street
Map 180, Lot 3A
Owners of Record: 389 High Street Realty Trust and Four B Realty Trust
2. 389 High Street Realty Trust (Jerome Sakurai)
Site Plan application to construct one 8-unit building and associated
Conditional Use Permit for development within the Aquifer Protection District at
389 High Street, Map 180, Lot 3A
Waiver Requested: Site Plan Regulations Section VII.D (Storm Drainage),
waiver only needed for Drainage Plan Option A
Owners of Record: 389 High Street Realty Trust and Four B Realty Trust
Jurisdiction Accepted June 4, 2003, extended by applicant

Mr. Fougere commented that the applicant submitted new plans today and that there were copies sent out for departmental review (by the applicant). Mr. Gillick was concerned because an adequate time allotment for the Board to review any of the new submittal was not met. Mr. Fougere commented he did a minimal review of the new plans and it appeared there were some slight changes (i.e. removed one unit). There was Board discussion that the revised plans received on October 1, 2003 must be resubmitted as a new application. Additionally, the department reviews must be re-sent once the application is received and the Planning Board accepts jurisdiction. Mr. Fougere confirmed the deadline for the Board's November 5, 2003 meeting is October 17, 2003 by 5:00 p.m. and the applicant is welcome to re-submit for that deadline. Mr. J. Lessard **MOTIONED** to deny the 389 High Street Realty Trust Special Permit and Site Plan application at 389 High Street, Map 180, Lot 3A, due to failure to comply with Board deadlines. Mr. Sullivan **SECONDED**. **VOTE: 6=YES / 1 OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS:

1. Andrew Kyriazis Special Permit
Planning Board consideration of compliance with condition #6 of its
May 7, 2003 conditional approval per RSA 676:4 I(i)
at 90 Island Path
Map 281, Lot 25
Owner of Record: Andrew Kyriazis

Mr. Gillick commented that the applicant was not present and there were outstanding issues regarding this application that requires the Board to postpone this hearing. Mr. Sullivan **MOTIONED** to postpone the Special Permit/Planning Board consideration of compliance conditional approval application at 90 Island Path, Map 281, Lot 25, to the November 5, 2003 Planning Board meeting. Mr. J. Lessard **SECONDED**. **VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. ATTENDING TO BE HEARD:

1. Shane Smith
Use Change Application to convert from Auto Sales (Dealer) & Repair to Surf Board Sales (Retail Sales) and Surf Board (light) Manufacturing and Repair at
19 Lafayette Road
Map 236, Lot 006
Owner of Record: Scott J. Connolly

Mr. Shane Smith introduced himself. Mr. Michael Baltis was also present. Mr. Smith proceeded to explain his application to convert an existing Auto Sales & Repair shop to Surf Board Sales and light manufacturing/repair shop. Mr. Emerick expressed concern that the paint booth will comply with current exhaust standards. Mr. Smith explained they intend to comply with all regulations, intends to modify the inside shop somewhat, and is in the process of obtaining a building permit for renovations. Mr. Emerick **MOTIONED** to approve the Use Change Application to convert from Auto Sales (Dealer) & Repair to Surf Board Sales (Retail Sales) and Surf Board (light) Manufacturing and Repair at 19 Lafayette Road, Map 236, Lot 006. Mr. J. Lessard **SECONDED**. **VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Hampton Meadows Phase III (Betsy Ware/Drakes Appleton Corp.) Elderly Housing Unit
Release of \$50,000.00 Surety
Drakeside Road
Map 172, Lot 6

Mr. K. Lessard excused himself from hearing this application. Mr. Tom Nigrelli, Developer and Builder of this project, introduced himself. He explained the request for release of surety was to complete the drainage, landscaping, and final asphalt phase of this project. He assured the Board that he is aware of the current drainage concerns that are being raised by homeowners. That he and the engineers are working together to fix the problem(s). The meeting was then interrupted by a homeowner asking if there would be any "open hearing" scheduled for this application. Mr. Gillick asked for clarification of this request, and stated that the 'attended to be heard' applications do not have open public hearings. Because of the nature of the homeowners concerns, Mr. Gillick asked for Board consensus to allow brief discussion and presentation and the Board agreed unanimously.

OPEN PUBLIC HEARING:

Mr. Lynn Bernard of 133 Hampton Meadows introduced himself. He submitted a letter with pictures to the Planning Office earlier that day that outlined his concerns. He wanted to clarify what the surety bond was for and was concerned that once the money was release there would still be a puddle/drainage issue at his property.

Mr. Ron Todd of 132 Hampton Meadows introduced himself. Mr. Todd's concerns were that the drainage issues were not being handled properly because of the sewer/street drain is further up from the collecting site and the collection of water is creating unnecessary mosquito increases. He then passed pictures of the area in question for the Board to review. He stated the concept of giving up the bond before the work is completed is a concern because there are several areas of standing water after it rains.

Mr. Nigrelli explained to the Board that the last top grade of asphalt needed to be finished. The issues regarding the puddles were being dealt with and, as in all construction, was being done in stages. Work was done and when the problem was not completely fixed, he called in the engineer and together they discussed, and implemented, various options. Mr. Nigrelli stated the bond money would be to complete the last phase of the asphalt (shim) and landscape, which is part of the drainage issues. He assured the homeowners that he and the engineers would continue to institute other options of resolving the drainage issues as they have at past properties, utilizing different techniques. Mr. Nigrelli assured the Board and the homeowners that he, and the engineers, would continue trying different applications, giving a 'test' period in between, until the puddle/drainage issue is resolved.

Mr. Gillick expressed his concern that this appeared to be leaning on a civil matter. There was Board discussion regarding what exactly was, and was not, finished for drainage and landscaping. Mr. Gillick read a memo from John Hangen, Director of Public Works dated September 24, 2003, where he states the Millette & Sprague certification meets with DPW approval and Mr. Hangen recommends release of the surety. There was Board consensus of a 'relationship' between the final coat of paving and the drainage. Mr. Gillick read a memo dated September 19, 2003 from Millette and Sprague engineers regarding final certification of the project. Additionally, Mr. Gillick read a memo dated August 6, 2003 from Betsy Ware requesting release of the surety base "compliance with on-site drainage and landscaping for this project". Mr. Gillick suggested to the Board the he would write a memo to request that Mr. John Hangen, Director of Public Works, Town of Hampton inspect and comment on the onsite conditions of roadway drainage upon completion of the project. Mr. J. Lessard **MOTIONED** to release the \$50,000.00 Surety related to the Hampton Meadows Phase III Elderly Housing Unit at Drakeside Road, Map 172, Lot 6 (as requested by Betsy Ware of Drakes Appleton Corp.) Mr. Sullivan **SECONDED**. **VOTE: 4=YES / 2=ABSTAIN (Mr. Emerick & Mr. Higgins) / 1=EXCUSED (Mr. K. Lessard).** **MOTION PASSES IN THE AFFIRMATIVE.**

3. Warren Bambury – Presentation of RPC map set

Mr. Bambury introduced himself as one of the Commissioners from the Rockingham (Regional) Planning Commission. He presented an aerial view map of the entire Town of Hampton. This project was being done every 5 years by the Commission, and he stated it, was with great pleasure they were able to provide aerial views of each section of Town recently used in the Master Plan/Future Land Use Subcommittee public sessions. These ortho-digital maps will be available on CD versions next week. Additionally, in order to print these there will be a program needed (ARC VIEW) training will be necessary on how to use this program. Mr. Gillick expressed his appreciation to Mr. Bambury and thanked him for his presentation and contribution on behalf the Town.

IV. CONSIDERATION OF MINUTES – September 17, 2003:

Page one: Mr. Sullivan suggested to change Temporary Town Planner to: *Interim* Town Planner.

Page three: Mr. Higgins asked for the fourth bullet to reflect: *the easement and widening of road did not show on the plans.*

Mr. K. Lessard **MOTIONED** to approve and amend the minutes as discussed. Mr. Sullivan **SECONDED**. **VOTE: 5=YES. 2=ABSTAIN (Mr. McMahon, Mr. Sullivan).** **MOTION PASSES IN THE AFFIRMATIVE.**

V. CORRESPONDENCE:

WCV, Inc.:

Mr. Fougere read a memo dated September 23, 2003, from Attorney Craig Salomon requesting a one year extension of the WCV, Inc. Site Plan application. Mr. Sullivan **MOTIONED** to grant a one-year extension, at the applicant's request, for the WCV, Inc., 9 through 11, 17, & 19 K Street, conditionally approved application to November 20, 2004. Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Royale Shores Vacation Resort:

Mr. Fougere read a memo dated October 1, 2003, from Janet Reynolds requesting a Planning Board meeting as soon as possible. There was Board discussion regarding the fact that this project has already received conditional approval, thus closing the public and planning process, any changes must be handled as a new application. Mr. Fougere commented that in order to comply with the Board's notification and meeting requirements, submittal of a completed application is now necessary. Additionally, items including but not limited to, new plans and drainage report, abutter information, fees, and all other items as required in the Town Site Plan Regulations must be to the Planning Office by October 10, 2003. Mr. Gillick commented that failure to provide the necessary information in a timely manner would result in changing the hearing appointment date. Mr. K. Lessard **MOTIONED** to hold a meeting on October 29, 2003 exclusively for Royale Shores Vacation Resort, 377 Ocean Boulevard. Mr. Sullivan **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

V. OTHER BUSINESS:

None.

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

Meeting adjourned at 8:40 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary