

HAMPTON PLANNING BOARD - MINUTES

June 5, 2002

PRESENT: Thomas J. Gillick, Chairman
Sharleene Hurst, Vice Chairman
Jack Lessard, Clerk
Keith Lessard
Bob Viviano
Skip Sullivan, Selectmen Member
Jennifer Kimball, Town Planner

Mr. Gillick called the meeting to order at 7:00 p.m. and introduced the members in attendance.

I. CONTINUED PUBLIC HEARINGS

1. Phil Serowik, WCV INC.
Site Plan Review to construct a 6-unit condominium at
9-11 & 17 K Street
Map 293, Lots 19 & 20
Owner of Record: Same as above
Waiver Requested: Section VIII-D, Site Plan Regulations (Storm Drainage)
Jurisdiction taken 02/06/02, extended by applicant

II. NEW PUBLIC HEARINGS

7. WCV, Inc.
Site Plan Application to construct two (2) 6-unit residential
condominium buildings with onsite parking and drainage at
9-11, 17 & 19 K Street
Map 293, Lots 18, 19 & 20
Owner of Record: Same as Above

Mr. Gillick read into the record a letter dated June 5, 2002 from Attorney Craig Salomon requesting that the above hearings be continued to August 7, 2002.

Mrs. Hurst **MOTIONED** to continue the above applications to August 7, 2002. Mr. Viviano **SECONDED: VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS

2. Royale Shores Vacation Resort, LLC
Site Plan Review for the construction of a luxury timeshare hotel/
condominium with up to 88-units and a sales center at
377, 379, 387, & 393 Ocean Blvd. AND a lot off Ocean Blvd.
Map 265, Lots 20, 28, 24, 29 & 5

Owners of Record: Fatima Realty Trust, K&S Realty Trust and Merco Realty Trust
Jurisdiction taken 05/01/02

3. Royale Shores Vacation Resort, LLC

Special Permit Application for the removal of existing cottage & pavement,
replace pavement and construct a drainage swale within the Wetlands
Conservation District in association with Site Plan Application at
377 Ocean Boulevard
Map 265, Lot 20

Owners of Record: Fatima Realty Trust, K&S Realty Trust and Merco Realty Trust

Mr. Gillick read into the record a letter dated June 4, 2002 from Attorney Stephen Ells. The letter stated that the applicant requests that the above two items be continued to the June 19, 2002 meeting of the Planning Board.

Mr. Gillick stated that the Chairman's hope to arrive at a decision at the June 19 meeting. He requested that the Board come to the June 19 meeting prepared to make a decision and raise any final questions they may have at that time.

Mr. Jack Lessard **MOTIONED** to continue the above applications to July 19, 2002. Mr. Sullivan **SECONDED: VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS

1. Morgan Ryan Realty Trust

4-Lot Subdivision Application
off Drakeside Road
Map 172, Lot 12-1

Owner of Record: Same As Above

Mr. Gillick read into the record a letter dated June 4, 2002 from Attorney Peter Saari. The applicant is requesting to withdraw the above application at this time as the sewer issue has not been resolved.

Mr. Sullivan **MOTIONED** to withdraw the above application at the applicant's request. Mr. Jack Lessard **SECONDED: VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

III. ATTENDING TO BE HEARD

1. Nicholas Riccio

Use Change Application to convert a portion of existing
3-Bedroom Apartment to Takeout Restaurant at
19 M Street
Map 293, Lot 096

Owner of Record: Same As Above

Mr. Gillick read into the record a letter dated June 5, 2002 from Mr. Riccio requesting that the Board withdraw the application. Mrs. Kimball stated that no Board action is required at this time.

II. NEW PUBLIC HEARINGS

2. Mary H. Maher
Condominium Conversion at
391B High Street
Map 165, Lot 10
Owner of Record: Same as Above

Mrs. Mary Maher addressed the Board. The applicant lives at 391B High Street. She stated that she has a two-family home that she wishes to condex out. She lives on one side of the building. She has received a special exemption for the necessary items under the zoning ordinance. Mrs. Kimball noted that the applicant requested a waiver from Plan Scale, but that it did not get noticed properly. Land Surveyor Ernest Cote, will submit a new plan drawn to scale. Mrs. Kimball noted that the water and sewer lines do cross the limited common areas and should be noted in the documents.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to approve the condominium conversion at 391B High Street, Map 165, Lot 10, Plan 4-54-2732 subject to:

1. Conditions outlined in Jennifer Kimball's memo dated June 3, 2002;
2. Mylar, final plans, and applicable recording fees.

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

3. Sue Leary Menici
Amendment of conditionally approved Special Permit (granted March 6, 2002)
for construction of new home within the Wetland Conservation District off
Hutchinson Drive
Map 167, Lot 19
Owner of Record: Paul F. Leary

Ms. Sue Leary Menici addressed the Board. She has revised the Plan per the Board's conditional approval granted to her on March 6, 2002. She has hired a Wetlands Soil Scientist, Richard Parker. He has drafted a letter dated June 5, 2002 to the Board. He addresses the flags on the lot and trespassing onto abutters' land. Abutting lots have previously been filled. Mr. Gillick read Conservation Commission memo dated May 30, 2002 into the record. They state that the wetland delineation on the plans is not accurate, and as provided for in 2.3.6(b)1, they recommend an independent review and delineation of the area by a certified Wetland Soil Scientist, for example, Michael R. Cuomo from the Rockingham County Conservation District.

Ms. Menici stated that Parker Survey did the best they could without trespassing onto abutters' property. Mr. Keith Lessard stated that the Conservation Commission requested that the edge of the wetlands be verified by an independent soil scientist.

OPEN PUBLIC HEARING.

Charlie Bradshaw, Hutchinsom Drive: Mr. Bradshaw stated that the property was staked and no markers were removed. The applicant is granted permission to come on to his property to accurately stake the wetland boundary.

No further public comment. CONTINUED PUBLIC HEARING.

Mrs. Kimball addressed Mr. Parker's concern about flagging adjacent lots. The Board requested this due to a regulation that requires that the proposed building can be no closer to the wetlands than any structure 100 feet to each side. This is also a condition of approval. It was determined that the adjacent house was actually much further away from the wetlands. The edge of the wetlands drops off significantly which makes it impossible for the applicant to meet the conditions required. Mr. Cuomo is a Rockingham County Conservation District certified soil scientist who has frequently worked with the Board in the past.

Ms. Menici expressed that she felt the Board's choice would be more favorable toward the Board. Mr. Gillick stated that the Board would feel more comfortable in reaching a decision having an independent review by a certified soil scientist.

Mr. Viviano **MOTIONED** to continue the above application to July 10, 2002 subject to independent review and wetland delineation by the Rockingham County Conservation District and the applicant will submit this recommendation to the Conservation Commission prior to their June 25, 2002 meeting. Mrs. Hurst **SECONDED: VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

4. Foss Manufacturing Company, Inc.
Special Permit to dredge Batchelder Pond and repair outlet structure as mitigation for wetland impacts associated with facility expansion off Towle Farm Road
Map 124, Lot 001
Owner of Record: Town of Hampton School District

No one was present for the applicant. Mr. J. Lessard read the next item on the agenda.

5. Pride Development
Special Permit to remove existing home & leachfield from Wetland Conservation District and replace with a duplex outside of the Wetland Conservation District at 101 Drakeside Road
Map 187, Lot 01
Owner of Record: Martin O'Keefe

Mr. Joseph Coronati, Jones and Beach Engineers, addressed the Board. He stated that the applicant wishes to remove the existing house and construct a duplex at 101 Drakeside Road. The existing parcel is surrounded on 3 sides by tidal wetlands. The existing house and leach field are partially located within the wetland buffer. They would propose to remove the existing house, build a duplex, remove the leach field and tie into town sewer. There is an existing well on the property which the applicant intends to use. They have contacted Hampton Water Works, but have not heard from them yet. They have met with the Hampton Conservation Commission, and they are in favor of the project because of the removal of the leach field. The driveway will have to be upgraded to allow for each unit to have its own parking and drive under garage. The proposed temporary impact to the wetlands buffer is 2,800 square feet.

Mr. Coronati has spoken with the Town Manager, Mr. Barrington regarding tying into the force main along Drakeside Road. Mr. Gillick read the Town Manager's May 29 letter and the May 29 memo from the Conservation Commission into the record. The Conservation Commission recommends that the wetland buffer be marked with granite bounds.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Board comment. Mrs. Kimball stated that the Board jurisdiction is to review the impacts to the wetlands buffer area; however the Board may note concern with the applicant's proposal to tie into the force main sewer and only proposing to use one pump. Mrs. Kimball noted that the Conservation Commission requested monumentation of the wetland buffer edge, which is contrary to the Board's policy of placing granite bounds at the edge of wetland and Conservation Disks at the edge of the buffer. Mrs. Marcotte stated the reason for the alternative method of marking the wetlands buffer is due to the lack of trees. Mr. Lessard asked if there is a landscape plan. Mr. Coronati stated that he did not have a landscape plan. The applicant agreed to mark both the wetland edge and buffer with granite markers. Mr. Sullivan referred to the conditions outlined in the DPW memo. The Board expressed several concerns about tying into public sewer and the possibility of a future blowout. Mr. Gillick will send a letter to DPW and the Town Manager expressing the Board's concerns.

Mr. Viviano **MOTIONED** to approve the Special Permit to remove existing home & leachfield from Wetland Conservation District and replace with a duplex outside of the Wetland Conservation District at 101 Drakeside Road, Map 187, Lot 01, Plan #02042, subject to the following:

1. NH DES Wetlands Bureau Permit;
2. Obtaining necessary building and public sewer approvals/permits;
3. Recommendations of Conservation Commission memo dated May 29, 2002;
4. Monumentation of the wetland edge with granite markers (similar to monuments required by Conservation Commission at wetland buffer);
5. All monumentation and granite bounds installed prior to certificate of occupancy;
6. Final stabilization and restoration of site and notification to the Conservation Commission prior to certificate of occupancy.

Mrs. Hurst **SECONDED: VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. J. Lessard read the next item on the agenda.

6. Joseph J. and Deborah J. Karpiak
Special Permit to install fence, expand deck and construct 8' x 12' shed
within the Wetland Conservation District at
28 Pearl Street
Map 223, Lot 20
Owner of Record: Kevin O'Donnell

Mr. Joseph Karpiak addressed the Board. He has a Purchase and Sale Agreement on the property. He stated that he has discussed his request for the 3 items with the Conservation Commission. He stated that he wished to construct a fence along the property line. He requested that his application be modified to withdraw his request to expand the deck and construct an 8' x 12' shed within the Wetland Conservation District.

OPEN PUBLIC HEARING.

Rosemary Buckley, 52 Kings Highway. Mrs. Buckley requested that the trees on the east side of the lot not be disturbed.

No further comment. CLOSE PUBLIC HEARING.

Mr. Jack Lessard **MOTIONED** to approve the Special Permit as amended to install fence within the Wetland Conservation District at 28 Pearl Street, Map 223, Lot 20 subject to:

1. Revised Site Plan noting the installation of fence only;
2. EPA approved permeable pavers for driveway and front door entrance area;
3. Lawn care to follow the guidelines of the Shoreline Protection Act;
4. Large trees on east side of property not to be disturbed or removed.

Mrs. Hurst **SECONDED: VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. CONSIDERATION OF MINUTES - May 15, 2002.

Mrs. Hurst **MOTIONED** to approve the May 15, 2002 minutes. Mr. Viviano **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

V. CORRESPONDENCE

The Board received a letter dated June 5, 2002 from Ellen Lavin, Treasurer, regarding the release of funds in the Mobil Oil and Reddington Landing accounts. The Board authorizes Mrs. Lavin to resolve these matters.

Mr. K. Lessard **MOTIONED** to approve the release of funds in the Mobil Oil and Reddington Landing accounts per the recommendation of the Treasurer, Ellen Lavin. Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

The Board received a letter dated May 17, 2002 from Attorney Peter Saari regarding Pride Development, Acadia Avenue. His letter states that the approval for the plan makes specific mention of the zoning requirement that multi-family housing be connected to public water, although Hampton does not have a public water supply. At that time, the developer felt that water would be available from Hampton Water Works, but was later told that the company would provide domestic water to only 8 of the 10 homes for the time being. Because of that, on April 25, 2002 the applicant obtained a variance from Article 8.1.2. Mr. Saari recommends that, if it is agreeable with the Board, that connections be made to Hampton Water Works at such time as they are allowed, and require a note to be added to the plan that the Association would be responsible for the cost of the service from the well.

Mrs. Hurst **MOTIONED** to approve the request of Pride Development to amend the conditions of approval to include hookup to public water supply as available, and to allow the applicant to use private wells at the expense and maintenance of the Condominium Association. Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball stated that the Board received a letter from John Hangen dated May 29, 2002 regarding the surety for the Pride Development, 50 Acadia Avenue project. A cost estimate was submitted by the engineer. DPW has reviewed the estimates and recommends that the performance guarantee (surety) be set at \$130,000.

Mr. J. Lessard **MOTIONED** to accept the recommendation of DPW to set the surety for the Pride Development, Acadia Avenue project at \$130,000. Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Gillick stated that on Wednesday, June 26, from 9-12 pm in Brentwood, there will be a workshop for code officers, building inspectors, Planning Board and Conservation Commission members, and Selectmen to discuss understanding and enforcing shoreland regulations.

The Annual dinner for the Rockingham Planning Commission will be held on June 12, 2002. Mrs. Kimball stated that she needed to hear immediately if anyone wishes to attend.

VI. OTHER BUSINESS

Subdivision and Site Plan Regulation Amendments

Mrs. Kimball stated that she has made some revisions to the Site Plan and Subdivision Regulations. She has received several responses back and would like Board comment in order to post a Public Hearing for July 10, 2002. Mrs. Kimball needs Board comment by June 17 at 3 pm.

Mrs. Hurst **MOTIONED** to hold a Public Hearing on July 10, 2002 to amend the Town Site Plan and Subdivision Regulations. Mr. Viviano **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball will submit the recommendations to all Town departments, engineers and legal counsel, Mark Gearreald, for review.

Mr. Lessard called item 4 under New Public Hearings again. No one was present for the applicant.

Mr. Sullivan **MOTIONED** to continue item 4 under New Public Hearings, Foss Manufacturing Company, Inc. to the June 19, 2002 Planning Board Meeting or request that the applicant to withdraw this item. Mr. J. Lessard **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

The Board agreed to send a get well card to John Nickerson.

Mr. Gillick updated the Board on the Impact Fee process. Several Hampton residents attended the RPC Impact Fee workshop on May 29. The workshop included discuss from Attorney John Ratigan and Bruce Mayberry. Mrs. Kimball will move forward with a Request for Proposal for an impact fee study. There are funds in the budget for this project.

Mrs. Kimball stated that the Capital Improvement Committee will be meeting next Tuesday, June 11 at 6:30 pm. They will be serving as the Impact Fee Ordinance Subcommittee. They will report back to the Planning Board with a recommendation.

Mrs. Hurst **MOTIONED** to adjourn. Mr. Viviano **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 8:45 p.m.

Respectfully Submitted,
Maryann Brickett,
Planning Board Secretary