

HAMPTON PLANNING BOARD - MINUTES

October 2, 2002

PRESENT: Thomas Gillick, Chairman
Sharleene Hurst, Vice Chair
Jack Lessard, Clerk
Keith Lessard
Peter Olney
Bob Viviano
Jennifer Kimball, Town Planner
ABSENT: Skip Sullivan, Selectmen Member

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

Mr. Gillick read a letter dated October 1, 2002 from Mr. Montville requesting a postponement to November 6, 2002.

Mr. J. Lessard **MOTIONED** to continue the above application to November 6, 2002, following the previously scheduled new public hearings. Mr. K. Lessard **SECONDED**. **VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Gillick read a letter dated October 2, 2002 from Beals Associates regarding Mr. Phil Serowik requesting a postponement to October 16, 2002. Mr. Keith Lessard asked about the expiration of jurisdiction. Mrs. Kimball stated that jurisdiction expires October 11, and the Board would need a letter from the applicant agreeing to extend jurisdiction.

Mr. Viviano **MOTIONED** to continue the above application to October 16, 2002 contingent upon receipt of a letter from the applicant agreeing to extend jurisdiction, following previously scheduled new public hearings. Mr. J. Lessard **SECONDED**. **VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

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

I. NEW PUBLIC HEARINGS

1. Donna Mercer and Celine Frechette
Condominium Conversion at
39-41 Ocean Blvd.
Map 229, Lot 11
Owners of Record: Same as Above

Donna Mercer and Celine Frechette addressed the Board and stated that they wished to change the existing duplex to a condominium ownership. Utilities will be updated for separate stand-alone units. The applicants stated that variances have been received. Mrs. Kimball stated that it is actually a special exception for parking and it is noted on the plan.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to accept jurisdiction of and approve the above condominium conversion at 39-41 Ocean Blvd., Map 229, Lot 11, Plan #10030 (Rev. #1 9/9/02) subject to mylar and recording fees. Mr. K. Lessard **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

3. Charles Tavano & Kathy Champagne
2 Lot Subdivision Application at
6 Hemlock Street
Map 29, Lot 49
Owner of Record: Hilmar K. Gulseth

Mr. Charles Tavano, Attorney Kathy Champagne and Mr. Ernie Cote addressed the Board. Peter Olney stated that Meadow Farms Pond was an abutter to this application and he had not been noticed. Attorney Champagne stated that was correct. Board consensus was that this matter was improperly noticed and the applicant should withdraw this application and resubmit with a complete list of abutters.

Mr. J. Lessard **MOTIONED** to allow the applicant to withdraw and resubmit the above application, providing a complete list of abutters. The Board will waive the subdivision application fees, but not abutter notification fees. Mrs. Hurst **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

4. Golden Corridor, LLC
7 Lot Subdivision Application at
Harbor Road & Duston Avenue
Map 295, Lot 59
Waiver Requested: V.E.7 (Submittal of Stormwater Plan)
Owner of Record: Same as Above

Mr. Joseph Coronati and Attorney Peter Saari addressed the Board. Mr. Coronati stated that the parcel located at Hampton Harbor contains 62,000 square feet, with 380 feet of frontage on Duston Avenue. The proposed lots would be 50 feet x 100 feet, leaving 80 feet of frontage for the existing lot. Harbor Road, a private road running through the property, is not impacted. Public utilities are proposed for all the units. The applicant is currently negotiating with Aquarion Water and the State regarding water consumption for the site. A building, located on the third lot from the left, is to be removed.

Mr. Coronati stated that the applicant is requesting a Waiver (V.E.7 - Submittal of Stormwater Plan). This site is lower than Duston Avenue. The entire parcel drains down toward the lowest part of the property and the stormwater collects and will remain on the property prior to draining into the ocean. There is a proposed 20-foot wide easement across the lots for Phase II of the project.

Attorney Saari stated that this is Phase I of III. Twenty units are proposed for the remaining land. The applicant has submitted an application on the remaining land, which will require a hearing

before the ZBA prior to a hearing before the Planning Board. The plan is to tie this project in to the marina, as a harborside community. Mr. Gillick emphasized that the Board would be discussing the 7-lot subdivision on the agenda.

The Board, Mr. Coronati and Attorney Saari discussed Jennifer Kimball's 15-point memo dated September 30, 2002. Mrs. Kimball stated that her research indicates that Duston Avenue is not public past Harris Avenue. This needs to be determined. Attorney Saari stated that he has just received this memo, and will provide a response in writing to the Board. The Board had concerns about boat rack storage at the end of Duston Avenue, the need for a turnabout on Duston Avenue, double frontage lots, stormwater drainage, access to the marina, traffic problems, area wetlands, sewer manholes and a public/ private sewer relationship in a project this large. The Zoning Board of Adjustment meeting is scheduled for October 17 to discuss the next phase of the project. Attorney Saari stated that the marina is under contract for purchase by the applicant.

OPEN PUBLIC HEARING.

Mr. Jack Kavanagh, 14 Duston Avenue. He had concerns about stormwater drainage, ice buildup in the winter, water draining into the harbor, the question of whether or not Duston Avenue is public or private, and access between the marina and Duston Avenue which is a dead end. Eighty-five percent of the surface will be sealed over from this project, and water will be unable to go into the ground. He also had questions about the wetlands in the area, and the cost to update the sewer system at the beach.

Mr. Mike Buckley, 6 Harris Avenue. He had concerns about traffic backups created by the bridge between Hampton and Seabrook, and traffic in general between Harris Avenue and the project area.

Mr. Tim Poole, 20 Harris Avenue. He had concerns about where the sewage from the 6 units will go, and the location of the sewer main. Mr. Coronati explained Mr. Poole's questions.

Mr. Dave Belair, 2 Harris Avenue. He had concerns about public services, the amount of paved surfaces, and the current quiet, family-oriented neighborhood abutting the marina.

Mrs. Sheila Graham, 23 Harris Avenue. She had concerns about increased traffic, congestion, flooding, ice, and snow & trash removal. Mr. Gillick assured Mrs. Graham that all these matter will be taken care of at the appropriate time.

No further comment. SUSPEND PUBLIC HEARING.

Mrs. Kimball stated that the Board first needed to discuss the waiver request. If the waiver request is denied, then the applicant will need to work on the drainage analysis for the project. The Board could defer this question until they have received DPW input. Board consensus was that a drainage analysis should be required.

Mr. Viviano stated that the question of whether or not Duston Avenue is a public or private road had not been determined. If Duston Avenue is a private road, then the application is futile and

should be determined prior to accepting jurisdiction. Mr. Olney expressed concerns about the easement on the plan.

Mrs. Hurst **MOTIONED** to continue this application to November 6, 2002, with the condition that a drainage analysis plan and a determination of the status of Duston Avenue will be provided to the Board prior to that time. The applicant will commence discussions with DPW regarding sewer, and will withdraw the above waiver request in writing. Mr. J. Lessard **SECONDED**.
VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

5. The Village at Hampton Center, LLC
Special Permit to install a well within the Wetland Conservation District at
373 Lafayette Road & 55 High Street
Map 160, Lot 35 & Map 161, Lot 16
Owners of Record: Village at Hampton Center, LLC & Two K Realty Holdings, LLC

Mr. Ken Berry, Beals Associates, and Kevin O'Donnell addressed the Board. Mr. Berry distributed updated plans and Wetlands Bureau permit applications. The applicant requests the installation of a community well, with temporary impact to the Wetland Conservation District. The well will be located in an easement area that was retained on land of 2K Realty Trust. The reason for this application is the water moratorium issued by Aquarion Water. The new location adheres to the well radius guidelines.

Mr. Gillick read from the Conservation Commission memo dated September 25, 2002 concerning Section 2.3.3B3 of the Wetland Ordinance. They recommend that the Board grant this application with conditions.

OPEN PUBLIC HEARING.

Mr. Gillick read a letter dated September 23, 2002 from Edna & John Zappala, 18 Towle Avenue. The letter expressed concerns with the removal of trees which provide purification from emissions from trucks and Foss Mfg. Exhaust stacks. The Zappalas also expressed concerns about the existing drainage system under the old Post Office building and the saving of wetlands vs. adding a temporary well.

Mr. John Lofaro, 397 Lafayette Road. Mr. Lofaro is opposed to the granting of this application.

No further comment. CLOSE PUBLIC HEARING.

Mrs. Kimball stated that this application requires the approval of the Rockingham County Conservation District for review and comment. Keith Lessard stated that the original proposal placed 2 wells in a different location. Mr. O'Donnell stated that the State will not allow the use of 2 wells based on the number of proposed units. Therefore, one well is proposed with the required 150' radius, with nothing in the radius. In the original proposal, the footprint of the building and the parking lot were within the radius.

Keith Lessard asked if this is a permanent easement, and that nothing could be constructed within the easement in the future. Mr. O'Donnell stated that it is a permanent easement and would be maintained and owned by the condominium association. Mrs. Kimball stated this would be contained in the condominium documents. Mr. Gillick restated that the well would be owned and used by the condominium association. Mr. Lessard asked if the easement could be sold in the future and could a restriction be placed on the granting of the application that it could not be sold. Mrs. Kimball stated that permission for this would be needed by the State. Also further disturbance to the wetlands would thus need Planning Board approval, and the State Wetlands Bureau. Mr. O'Donnell stated that the maximum amount of water allowed to be drawn from this well per day is about 14,000 gallons.

Mrs. Hurst **MOTIONED** to authorize the Board to submit the above application to the Rockingham County Conservation District for review (at the applicant's expense), and to continue the above matter to November 20, 2002. Mr. K. Lessard **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

4. Saxonville Wholesale Lumber AND Thomas & Kim Walker
Lot Line Adjustment of
Map 126, Lots 31, 40, 49, 50 & Map 144, Lot 2
off Lafayette Road
Owners of Record: Same as Above

II. CONTINUED PUBLIC HEARINGS

2. Saxonville Wholesale Lumber
Site Plan Review to construct retail space including building and parking at
570, 578 & 580 Lafayette Road
Map 144, Lot 2 & Map 126, Lots 40 & 49
Owner of Record: Same as Above
Jurisdiction accepted 8/7/2002

Mr. Ken Berry updated the Board on the status of the application. All utility companies have been contacted and their design is in progress. All department heads have been contacted and their input is being applied to the design. DPW has approved the driveway location. The applicant has received a review letter from Ambit Engineering, requiring the performance of additional test pits. This is being done. Traffic studies have been submitted to Mrs. Kimball. Mr. Berry summarized the traffic study. Mr. Viviano asked what kind of retail space this would be. Mr. Berry stated that is not known at this point. Keith Lessard had concerns about the 40-foot wide entrance. Mr. Gillick stated that the Board would like to have peer review of the traffic study. Mr. Berry stated that he would provide additional copies for Board review. The traffic study was further discussed by Mr. Berry and the Board.

Mr. Berry stated that he will verbally grant the extension of jurisdiction of the Site Plan application and provide in writing to the Board. Mr. Viviano asked for the worst case scenario concerning traffic. Mrs. Kimball stated that when she wrote to the independent engineer for review, she will ask that they review this issue. Mrs. Kimball stated that the revised application

is now complete. Mr. Viviano stated that the Board should take action tonight on the lot line adjustment so both matters could be heard together at the November 20 meeting.

OPEN PUBLIC HEARINGS. No comment. SUSPEND PUBLIC HEARINGS.

Mr. Viviano **MOTIONED** to accept jurisdiction of the Lot Line Adjustment of Map 126, Lots 31, 40, 49 & 50 and Map 144, Lot 2 off Lafayette Road, Plan # 10034A (dated 7/3/02) and to continue this application to November 20, 2002. Mrs. Hurst **SECONDED: VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Viviano **MOTIONED** to continue the Public Hearing of the Site Plan Application of Map 126, Lots 31, 40, 49 & 50 and Map 144, Lot 2 off Lafayette Road, Plan # 10034A (dated 7/3/02), at the applicant's request, to November 20, 2002, extend jurisdiction of same, and send the traffic study out for independent review. Mrs. Hurst **SECONDED: VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

III. ATTENDING TO BE HEARD

1. BN Hampton – Thomas L. Nigrelli and Michael J. Donahue
Update and request for extension for conditionally approved
113-unit, elderly apartment project located off
Walker Circle
Map 157, Lot 3-2

Mr. Nigrelli and Attorney Mike Donahue addressed the Board. The applicant has received the sewer permit, wetlands permit, and site specific permit. However, the water moratorium has not been lifted yet. The Aquarion/public connection was denied, with the exception of fire protection only. A letter from Aquarion indicates same. Two wells have been drilled for an adequate water supply, with a sustained capacity. These tests have been provided to Aquarion Water. Based on this information Aquarion Water will look at the site for the potential to develop a municipal well for the town water system. Mr. Nigrelli will seek a permit from DES to provide their own small public water system. Most aspects of this project have been completed, i.e. DPW review, sewer pump station. This project should be completed in about 30-45 days.

Mr. Nigrelli has a verbal commitment from the lender and they have stated that this letter has gone out. The applicant requested that the Board extend the conditional approval of the above matter.

Mrs. Hurst **MOTIONED** to grant a one-year extension from the date of expiration (October 17, 2003) for the conditionally approved 113-unit, elderly apartment project located off Walker Circle, Map 157, Lot 3-2. Mr. Viviano **SECONDED. VOTE:** 5 - Yes. Abstain - 1 (K. Lessard). **MOTION PASSED IN THE AFFIRMATIVE.**

IV. CONSIDERATION OF MINUTES – September 18, 2002

Mr. J. Lessard **MOTIONED** to approve the minutes of September 18, 2002. Mr. K. Lessard **SECONDED. VOTE:** 4 - Yes. Abstain - 2 (Hurst & Olney). **MOTION PASSED IN THE AFFIRMATIVE.**

V. CORRESPONDENCE

The Board received a letter dated June 26, 2002 from Doug Mellin concerning Sea Oaks, 400-404 High Street. The letter stated that the site work for both has been completed in accordance to the Town of Hampton's regulations and the Jones & Beach Engineers town approved plans. DPW memo dated June 27, 2002 states that Mr. Hangen has reviewed the certification from Jones & Beach Engineers. Upon visual inspection, the work appears to be completed, and they are satisfied that the bond may be released subject to any other conditions required by the Board. Mrs. Kimball stated that all conditions have been met.

Mr. J. Lessard **MOTIONED** to release the bond in the above matter per the recommendation of John Hangen. Mr. Viviano **SECONDED. VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

VI. OTHER BUSINESS

1. Update on Master Plan – P. Olney & J. Kimball

Mrs. Kimball stated that on several occasions the Board has worked with the Rockingham Planning Commission to receive non-competitive grant monies to update chapters on the Master Plan. Currently several chapters are being revised and have received and allocated monies for the next grant cycle. After talking with Glen Greenwood, Maura Carriell and Peter Olney, they have recommended that that the Town update their community profile subsequent to the 2000 census new data. Mr. Olney suggested that the Town update the future land use chapter. This is required by the State to be a part of the Master Plan and gives the Town its direction for growth and zoning regulations, etc. They are proposing a comprehensive draft of the update completed to work on with RPC in the next grant cycle. The Board agreed to authorize Glen Greenwood to draft a contract for final review and approval of the Board.

Mr. Gillick stated that he and Jennifer Kimball attended an all-day session funded by the Estuary Management Committee and the Coastal Program on smart growth. Several excellent presentations were made by RPC staff.

2. Update on RPC activities – P. Olney

Mr. Olney updated the Board on Rockingham Planning Commission. RPC wishes to increase communication between the local Planning Board and their organization. RPC is updating their own Regional Master Plan, with conservation issues, land use issues, affordable housing, natural resources, and getting control of water resources.

Next Wednesday is the annual legislative forum hosted by RPC. Promote regional and town planning. Mr. Gillick spoke with Mike O'Neil and they will be attending.

Keith Lessard informed the Board that Foss Mfg. has completed most of the dredging and reconstruction of the Batchelders Pond site. They are planting vegetation. Mrs. Kimball stated that

a one-year extension was granted in February to complete outstanding issues with off-site work on roadway. She has not received an update.

Mr. Gillick stated that the Capital Improvement Committee in the past has discussed possible recreational uses on that School Board land. Keith Lessard stated that The Board of Selectmen and School Board have also discussed this issue. This is quite expensive, but the children of the community need additional athletic fields. The fields are overrun, frequently used and hard to maintain. Mr. Gillick stated that as the impact fee ordinance goes forward, funds could become available for more needed projects. Mr. Gillick has met with Bruce Mayberry and the CIP Committee to discuss the RFP. The Town has accepted the proposal. Town counsel and the Town Manager are reviewing it a contract is being formalized.

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

Meeting adjourned at 9:30 p.m.

Respectfully Submitted,
Maryann Brickett,
Planning Board Secretary