

HAMPTON PLANNING BOARD – MINUTES

November 6, 2002

PRESENT: Thomas Gillick, Chairman
Sharleene Hurst, Vice Chair
Jack Lessard, Clerk
Peter Olney
Bob Viviano
Jennifer Kimball, Town Planner
Skip Sullivan, Selectmen Member
Sandy Buck *
Tom Higgins, Alternate

Mr. Gillick called the meeting to order at 6:4500 p.m. and introduced the members in attendance. Mr. J. Lessard read the first item on the agenda.

I. 2003 CAPITAL IMPROVEMENTS PROGRAM

The Hampton Planning Board held a Public Hearing to review the 2003 Capital Improvements Program (CIP), prepared by the CIP Advisory Committee in accordance with RSA 674:5-8.

Mr. Gillick stated that a report of the 2003 CIP was prepared and the Board would be holding a Public Hearing. Appropriate department heads have given input for the report.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to approve the report as presented and authorize the Chair to present to the Board of Selectmen. Mr. J. Lessard **SECONDED**. **VOTE:** All. **MOTIONED PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Sullivan stated that the Capital Improvement Committee did a great job. Mr. Sullivan asked if the ambulance replacement and the fire alarm maintenance vehicles could be funded from the Special Revenue Accounts. Town Manager, Mr. James Barrington stated that perhaps half the total for the ambulance replacement, and possibly a larger portion, could be funded from that account. The fire alarm vehicle is used for the maintenance of the traffic lights and the bucket truck, and therefore might be inappropriate.

Mrs. Kimball suggested that the Board discuss other business on the agenda.

Mr. Viviano **MOTIONED** to take the agenda out of order. Mr. Sullivan **SECONDED**. **VOTE:** All. **MOTIONED PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

V. CONSIDERATION OF MINUTES – OCTOBER 16, 2002

Mr. Gillick recommended that on page 5, the word "laboring" be replaced with working through the CIP process.

Mr. Sullivan **MOTIONED** to approve the minutes of October 16, 2002 as amended. Mrs. Hurst **SECONDED. VOTE:** 6 - Yes. 1 - Abstain (Higgins). **MOTIONED PASSED IN THE AFFIRMATIVE.**

VI. CORRESPONDENCE

The Board received a letter dated November 1, 2002 from Ken Berry, Beals Associates, regarding the Site Plan Application of WCV, Inc. (Mr. Phil Serowik) on K Street. They request a site walk with the Board. Mrs. Kimball recommended that the site walk be done prior to the November 20 meeting. The Board agreed to perform the site walk on Saturday, November 16 at 10:30. Attorney Craig Salomon, who was present at the meeting, agreed to this time on behalf of his client. Mrs. Kimball asked that the applicant call her to confirm the time. Mrs. Kimball will contact the applicant by letter and telephone.

The Board received a memo dated October 21, 2002 from John Hangen, Public Works Director, regarding the application of U. S. Gas. The memo outlines the applicant's submission and DPW's approval of a single driveway entrance approximately 40 feet in width to service the new station on Lafayette Road. The applicant will submit a new drawing outlining the new entrance to DPW with a copy to the Town Planner, Mrs. Jennifer Kimball. Mrs. Kimball stated that the applicant and DPW have agreed on the one driveway. The plans have not yet been resubmitted to the Planning Office and Mrs. Kimball asked if the Board wished the applicant to come before the Board again due to this change. Mr. Gillick stated that the Board had approved this application with the condition that the applicant work out this issue with DPW. Board consensus approved the one driveway.

VII. OTHER BUSINESS

The Board will hold the first Public Hearing regarding zoning amendments on December 4, 2002 as a part of the regular Planning Board meeting. The zoning amendments are being worked out with Attorney Peter Loughlin, the Building Inspector, and Mrs. Kimball. They will have a list ready for the next Board by the next meeting.

II. CONTINUED PUBLIC HEARINGS

1. Golden Corridor, LLC
7 Lot Subdivision Application at
Map 295, Lot 59
Harbor Road & Duston Avenue
Owner of Record: Same as Above

Attorney Peter Saari and Joseph Coronati, Jones & Beach, addressed the Board. Attorney Saari stated that the issues discussed at the last Board meeting have been resolved. The remainder of the project is currently before the Zoning Board. This phase of the project is a stand-alone application. Mr. Gillick asked Attorney Saari to discuss this application in concept and the Board agreed. Attorney Saari agreed, but noted that this may differ from what is ultimately presented to the Board in a subsequent meeting.

Mr. Coronati stated that revised plans have been submitted to the Board. Steve Pernaw, who was also present, has submitted a traffic report and noted the end of Duston Avenue is proposed, with an axe-head turnaround. A drainage report has been submitted for the project. He has met with John Hangen, DPW Director to discuss utilities. Mr. Hangen's recommended that the sewer line be placed in the shoulder of the roadway as Duston Avenue was recently paved. Aquarion Water has done calculations and determined that there is sufficient water for the remainder of the project. Five lots will need to be serviced with wells. Water service to these lots will not be installed if wells are used, and thus minimize cuts on Duston Avenue.

Mr. Coronati discussed the revised drainage plans which include a swale to pick up all the stormwater on the far side of Duston Avenue. There will be a gravel infiltration trench, with overflow being directed into the low area where the stormwater currently goes.

Mr. Gillick asked Attorney Saari what he hoped to accomplish this evening. Mr. Saari asked that the Board accept jurisdiction. Mrs. Kimball stated there was much to discuss on this project. It has already been continued, and reviews need to be discussed. Board consensus was to discuss the project conceptually in its entirety. Mr. Olney asked if the issue of Duston Avenue has been resolved. Mrs. Kimball stated that the road was completed in the mid-nineties, with 2 lots at the end of Duston Avenue. The developer posted a surety to complete the work. The work was not completed, and the Town called the surety and DPW completed the road.

Mrs. Kimball did some research and the road is in fact all Town right-of-way. DPW also provides services for the entire length of Duston Avenue. Mrs. Kimball stated that the application is complete as presented and discussed the items in her 15-point memo. Mrs. Kimball pointed out that subdivision regulations require that when storm water facilities are proposed, they need to be contained on one lot, or a Waiver would be required. Mr. Viviano reiterated that the Board needs to hear a conceptual plan of the entire project.

Mr. Higgins asked Mr. Coronati to point out the location of the berm. Mr. Higgins also expressed concern about the possibility of double-frontage lots and the actual size of the lots. Mr. Coronati stated that the lot size indicated on the plan is the actual size and the gravel road behind the lots would be private. Mr. Gillick stated that the Board is unanimously opposed to double-frontage lots.

Mr. Coronati stated that the application (Phase II) proposes 20 units in 3 separate building locations. They propose to relocate the through portion of Harbor Road to another area in the back of the six lots.

The applicant was asked to remove the access and utility easement on the back of the lots and that is why it is not shown on the new plan. The road would continue to the end by the marina. They propose to connect Duston Avenue and Harbor Road to allow for better traffic circulation. All units have an at-grade garage, with additional parking noted on the plans. The location of a fire lane and a possible spot for emergency access parking was discussed with the Fire Dept. as well as a turnaround. The marina building and dock will remain, but any other buildings on the site will be removed. Two cottages will be removed to allow for beach extension. The sea wall will be completed. Mr. Coronati showed the location of the proposed drainage and basin. The

pipe will daylight at the edge of the sea wall. Mr. Coronati pointed out some amenities, walkways, and the pool.

Mr. Saari stated that the lot size for each of the 6 new lots is the same, with an easement across the back. Mr. Viviano believed that allowing people to travel across the back portion of their lots in essence created double-frontage lots. The easement would be maintained by the condo association. Mrs. Kimball stated that at the last meeting, the Board requested that this easement be removed from the plan, and would be included in Phase II of the project. Mr. Saari stated that all potential buyers will be fully informed.

Mr. Olney inquired and Mr. Coronati confirmed that the conforming heights of the proposed buildings (duplexes) would not require a variance. Mr. Coronati stated that all roads in the project are 2-way roads. The rear buildings will most likely not have a direct view of the harbor. Mr. Higgins had questions about the public having access to the marina, through the complex via Harbor Road, a private road. Mr. Saari stated that is correct, but the road will eventually look different.

OPEN PUBLIC HEARING.

Jack Kavanagh, 14 Duston Avenue. Mr. Kavanagh had questions about the road easement, 7 undersized lots with one lot having less than 100' road frontage for multi-units. This will create lots that don't conform to zoning regulations, and he felt there should be 5 lots. He asked about a discussion of the traffic study. Mrs. Kimball stated that the applicant voluntarily submitted a new traffic study, and it will be submitted for independent review. Mr. Kavanagh asked about the location of the town easement. Mrs. Kimball stated that this will be discussed at the Zoning Board meeting.

Mark Maynard, owner. No pavement is proposed for any of the phases of this project. Permeable cobblestone will be used for the driveways, and stone for other areas.

No further comment. CLOSE PUBLIC HEARING.

Mr. Sullivan **MOTIONED** to accept jurisdiction of the 7-Lot Subdivision Application, at Harbor Road & Duston Avenue, Map 295, Lot 59, Plan # 01048 dated September 13, 2002 subject to:

1. Departmental reviews;
2. Independent engineering review of drainage/site engineering;
3. Independent engineering review of traffic study;
4. DOT review of intersection of Duston Avenue & Route 1A;
5. Continued to December 18, 2002.

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

III. NEW PUBLIC HEARINGS

1. John Adams

Special Permit to complete construction of a 12' x 20' pool located within the Wetlands Conservation District at
14 Vrylenas Way
Map 209, Lot 112-3
Owner of Record: Same as Above

Mr. Olney stepped down from this matter. * Alternate member Sandy Buck sat in to hear this matter. Attorney Craig Salomon, Adele Fiorillo, (Certified Wetlands Soil Scientist and Marine Biologist), and John Adams addressed the Board. Mr. Salomon has read the recommendation of the Conservation Commission. The pool construction began after Mr. Adams obtained a building permit. It was then discovered that the pool was within the wetland buffer area. A cease and desist order was issued. Mr. Adams discussed with the Town Manager to secure the construction that was in place. Town Counsel drafted an agreement which stated that the liner could go in, and the apron poured at Mr. Adams risk. Mr. Adams signed the agreement on the 25th and it was delivered to the Town Manager. Mr. Adams consulted with the Conservation Commission, with correspondence from another soil scientist. The applicant is requesting that the pool remain. Some of the Conservation Commission's recommendations are agreeable to the applicants.

Mr. Gillick stated that most of the Board members did go on a site walk to familiarize themselves with the situation. Mr. Gillick read the Conservation Commission's October 23, 2002 memo into the record. Mr. Buck was not in favor of the recommendations listed by the Conservation Commission. Mr. Sullivan felt that removing the pool would create a financial hardship for Mr. Adams. Board consensus was to hear from the public.

OPEN PUBLIC HEARING.

Eric Bailey, 18 Vrylenas Way. Mr. Bailey stated that he is a professional engineer. When Mr. Olney sold the properties on Vrylenas Way, owners asked about pools. Buffer boundaries were not delineated. Mr. Olney developed the property, and Mrs. Olney is on the Conservation Commission. Mr. Adams did not know that his back yard was in the wetlands buffer zone and did not purposely violate the Town's regulations.

Peter Olney, 39 Esker Road. Mr. Olney is the owner of Meadow Pond Corporation, which abuts Mr. Adams' property. Mr. Olney stated that he discussed the issue of buildable area with all the owners, and their properties have a portion of the wetlands on their properties. These plans are submitted to the neighborhood Design Review Board and will show the wetlands line and buffer line of each lot. Mr. Adams original approval shows both of those lines, as well as his original house building permit. The wetlands location on each of these lots is the most rigorous impediment as to what can be built on these lots and is very clear. A couple of months ago, one of Mr. Olney's carpenters stated that Mr. Adams was interested in building a deck on his house and had asked for a price. Mr. Olney replied that he needed to find out how this fit within the wetlands buffer area, and Town approval would be needed. The original lines were delineated by NH Soil Scientists. Mr. Adams did know where these lines were.

Tom Chisholm, Florida Casual. Mr. Chisholm build this pool to the specifications of the building permit which was attached to the plan. This indicates that the pool must be 13 feet from the fence and 13 feet from the house. The pool is 13 feet from the fence and house with a 3 foot deck, and is thus 10 feet from all the boundaries. The pool backwash was placed next to the house, as it must be 75-85 feet from the wetlands and would not affect the wetlands. Mr. Chisholm felt that the chlorine and chemicals would not affect the atmosphere.

Brian Warburton, 24 Sanborn Road. Mr. Warburton stated that he is present tonight specifically for this issue. The Conservation Commission is a committee of the Board of Selectmen. He received a call and had not met John & Amy Adams until 3 weeks ago. He researched this matter, and spoke with Jennifer Kimball and James Barrington. The town was involved in this matter from the beginning. On September 4, a building permit was issued for the construction of a pool. The pool was 70% completed when Mr. Adams received a memo dated October 3, 2002 from Jennifer Kimball and Kevin Schultz notifying him to cease and desist. The Conservation Commission asserts that Mr. Adams was verbally told to cease and desist. Mr. Warburton stated that the town must abide by what is in writing and wished that the Conservation Commission give more consistency of approvals. If this matter is denied, then it will again come before the Board of Selectmen and cost the town a great deal of money. Mr. Warburton was in favor of Board approval of this application.

Jim Workman, 470 Winnacunnet Road. Mr. Adams was issued a building permit by the town. He relied on that prior to contracting with Florida Casual to build a pool. When he received notice that he was in violation, he applied for a special permit. He worked with the Town Manager and town counsel to form a hold harmless agreement to secure the site. This is not a pristine buffer area and has always been maintained as a lawn. Mr. Workman recommended that the Board approve this application.

No further comment. CLOSE PUBLIC HEARING.

Attorney Salomon stated that Mr. Workman is correct and addressed the Conservation Commission's four recommendations. The berm is acceptable to Mr. Adams. The planting of shrubs is not. The removal of debris is acceptable. Per Florida Casual, the outflow is outside the buffer. The applicant, with regard to trucking water off site, is agreeable to placing a tub under the area to catch the discharge of water which will allow the chlorine to evaporate.

Adele Fiorillo, NH Soil Consultants, certified wetlands scientist for the State of New Hampshire, addressed the Board. On October 31 she was consulted to meet with Mr. & Mrs. Adams to review this matter and make an evaluation on the potential impact to the wetlands buffer and the Conservation Commission's recommendations. There will be no loss of habitat as the area has been maintained as a lawn. There was no change in the grade or topography. As an alternative to chlorine, the applicant could use bromine acid or hypobromice acid. Ms. Fiorello consulted a web site (poolcenter.com) to research the damage from the use of chlorine, and it stated that the use of chlorine in pools has little impact on the environment as it is an enclosed system and impacts nature very little. The amount of backwashed water is about 8-10 gallons, and can be caught in a tub. The amount of chlorine in a pool is less than the amount found in city tap water

for watering lawns, etc. Another web site indicates that the impact to the atmosphere is benign and the chlorine in the water will evaporate within 24 hours.

Mrs. Hurst felt that she did not wish to ask the applicant to remove his pool. However, the Board would not want to set a precedent that indicated that people could circumvent the law without applying for the proper permits. She believed that some punitive action should be taken, such as the planting of some vegetation, a swale, a fence and debris removal per the Conservation Commission's memo. Mr. Gillick asked for Board consensus to approve with conditions, and they were in agreement. Mr. Buck felt that conditions may not be necessary, i.e. #3 - the use of the tub, #2 - cleanup of debris. The installation of a berm may also not be necessary as the small amount of water will be absorbed into the grass. Mr. Viviano felt that some mitigation should be performed. Mrs. Hurst felt that perhaps only half the plantings could be used, the debris removed, #2 and #3 could be left out, and #4 should be a condition. Mr. Higgins stated that the applicant has already agreed to the berm and fence, and felt vegetation could be planted in the mowed area outside the fence.

Mr. Salomon restated that the applicant agreed to the berm, but not plantings as it is his wish to keep the lawn area. The debris will be removed. As the backflow is outside the buffer, the applicant will use a tub to catch the water. The Conservation Commission will review the mitigation efforts. Board consensus was to approve with conditions.

Mr. J. Lessard **MOTIONED** to grant the Special Permit to complete construction of a 12' x 20' pool located within the Wetlands Conservation District at 14 Vrylenas Way, Map 209, Lot 112-3 subject to:

1. The conditions outlined in the Conservation Commission memo dated October 23, 2002 with the exception of the reference to the plantings and mowing - #1, and item #3;
2. Backflow flushing area to be located outside of the Wetland Conservation District and contained in a tub to allow for the evaporation of the chlorine.

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

2. Laurice Haines

Special Permit to construct a 4' x 20' deck with outdoor shower over an existing concrete pad within the Wetlands Conservation District at

26 Tuttle Avenue

Map 292, Lot 55

Owner of Record: Same as Above

Mrs. Haines stated that she wished to place a deck over the existing 4' x 20' cement pad and have a shower at one end. Mr. Gillick read the October 23, 2002 memo from the Conservation Commission recommending granting the Special Permit with conditions.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. Higgins asked about possible deed restrictions, as lot 24 & 26 used to be one lot, and there are deed restrictions referenced in the abutting deed. He asked that Board make this a condition of approval. Mrs. Kimball stated that a copy of the deed could be obtained in the Assessor's

Office, and any work would require a building permit to be issued by the Building Inspector. Mrs. Kimball suggested that the owner could review her deed for any possible restrictions with her and the Building Inspector.

Mr. J. Lessard **MOTIONED** to grant the Special Permit to construct a 4' x 20' deck with outdoor shower over an existing concrete pad within the Wetlands Conservation District at 26 Tuttle Avenue, Map 292, Lot 55 subject to:

1. Conservation Commission memo dated October 23, 2002;
2. Any deed restrictions of record.

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

3. Arthur M. Brown
2-Lot Subdivision at
85 Barbour Road
Map 91, Lot 4
Waiver Requested: Subdivision Regulation Section V.E – Detailed Plan
Owner of Record: Same as Above

Attorney Bob Casassa and Arthur Brown addressed the Board. Mr. Casassa stated that the applicant has 4 acres of land with a house and garage at 85 Barbour Road. The applicant desires to subdivide the 4-acre lot into 2 lots. The existing house and garage to be on a half acre lot, and the remaining land contained in a single lot of approximately 3.9 acres. This would allow Mr. Brown to lease or sell the house. Mr. Brown also owns property at 93 Barbour Road, his current residence. He acquired this property from Mrs. Blake, who resided at the property since 1931. The property has been in its current configuration since 1931.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Kimball stated that the applicant has requested a waiver from the detailed plan. This is a small subdivision being requested, and there is an existing house on the property so conditions would not change significantly. Mrs. Kimball asked what the "boundary line agreement to be recorded here within between lots 914-1 and 92-5" refers to. Mr. Casassa stated that the boundary line agreement was brought to Mr. Brown's attention by the surveyor, Parker Survey and refers to that portion of the boundary that the surveyor did not find in the public record to be able to state to his complete satisfaction. Mr. Brown contacted his neighbor, the Tobeys and the boundary line agreement simply stated that the boundary line is as shown on the town tax maps. Mr. Casassa stated that the plan and boundary line agreement would be recorded at the same time. The well indicated on the plan is dry and not in operation, and 85 Barbour Road is serviced by town water and sewer.

Mr. Viviano **MOTIONED** to approve the Waiver Request (Subdivision Regulation Section V.E – Detailed Plan) with regard to the 2-Lot Subdivision at 85 Barbour Road, Map 91, Lot 4. Mr. Olney **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Olney **MOTIONED** to accept jurisdiction of and approve the 2-Lot Subdivision at 85 Barbour Road, Map 91, Lot 4, Plan #202206 subject to the outstanding items noted in Jennifer Kimball's memo dated November 4, 2002. Mr. Viviano **SECONDED. VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

4. Robert Bridle, James E. Rogers, Sr., Paul & Karin Breen
Lot Line Adjustment at
597, 599 & 601 Ocean Boulevard
Map 235, Lots 20, 19 & 18
Wavier Requested: Subdivision Regulation Section V.E – Detailed Plan
Owners of Record: Same as Above

Rusty Bridle stated that he had letters from his father and the Breens authorizing him to represent them at this meeting. Mr. Gillick stated that an action at last year's Town Meeting approved this lot line adjustment (Article #45). Mr. Bridle stated that these old properties have had fences there for years. Mrs. Kimball's discussed several items in her November 4, 2002 memo.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to approve the Wavier Request (Subdivision Regulation Section V.E – Detailed Plan), at 597, 599 & 601 Ocean Blvd., Map 235, Lots 20, 19 & 18. Mr. J. Lessard **SECONDED. VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Sullivan **MOTIONED** to approve the Lot Line Adjustment at 597, 599 & 601 Ocean Blvd., Map 235, Lots 20, 19 & 18 subject to Jennifer Kimball's memo dated November 4, 2002. Mrs. Hurst **SECONDED. VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

5. Kevin S. & Deanne M. Durant
Lot Line Adjustment at
46 & 44 Reddington Landing
Map 43, Lots 20-H05 & 20-H04
Wavier Requested: Subdivision Regulation Section V.E – Detailed Plan
Owners of Record: Kevin & Deanne Durant AND James & Karyl Misserville

Kevin Durant addressed the Board, and was representing the Misservilles also. He is requesting a lot line adjustment in order to make the lot line more perpendicular to the road. The Misserville wish to erect a fence on the property line. Another marker was mistaken for a boundary marker, and the Durants and Misservilles will essentially be doing an equal land swap.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to approve the Wavier Request (Subdivision Regulation Section V.E – Detailed Plan), at 46 & 44 Reddington Landing, Map 43, Lots 20-H05 & 20-H04. Mr. Sullivan

SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

Mr. Sullivan **MOTIONED** to approve the Lot Line Adjustment at 46 & 44 Reddington Landing, Map 43, Lots 20-H05 & 20-H04, Plan #2-56-1819 subject to Jennifer Kimball's memo dated November 4, 2002. Mr. J. Lessard **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

6. Lianne C. Tonry
Special Permit to upgrade and widen existing dirt road to meet Town specifications for a driveway through the Wetland Conservation District at 8 John Stark Lane
Map 21, Lot 1
Owner of Record: Alice L. Tonry, Trustee of the Alice L. Tonry Trust – 1992

Lianne Tonry addressed the Board and stated that she wished to widen an existing dirt road off John Stark Lane in the Wetland Conservation District buffer from 10 feet to 12 feet wide. Mr. Gillick read into the record the Conservation Commission memo dated October 23, 2002. Ms. Tonry stated these conditions were acceptable to her. Mrs. Kimball stated that the plan shows the well in the edge of the buffer, the applicant has filed the appropriate papers with the State to move the well, and this should be a condition of approval.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. Sullivan **MOTIONED** to approve the above Special Permit to upgrade and widen existing dirt road to meet Town specifications for a driveway through the Wetland Conservation District at 8 John Stark Lane, Map 21, Lot 1 subject to:

1. Conservation Commission memo dated October 23, 2002;
2. Well to be located outside the buffer.

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

7. Charles Tavano & Kathy Champagne
2 Lot Subdivision Application at 6 Hemlock Street
Map 29, Lot 49
Wavier Requested: Subdivision Regulation Section V.E.7 – Storm Drainage Plan
Owner of Record: Hilmar K. Gulseth

Mr. Olney stepped down from hearing this matter as Meadow Farm Corp. is an abutter. Mr. Ernie Cote, engineer, Charles Tavano, and Attorney Eileen Nevins addressed the Board. All abutters have been property notified. Mr. Cote stated that the applicant wishes to subdivide this parcel, with one lot being a little over 15,000 square feet and the other lot being 39,000 square feet. A portion of Lot 49-1 is affected by the tidal setback wetland, with approximately 3,540 square feet of wetlands and 35,950 of uplands. The second lot will have its own well and will add sewer. The first lot will have town water and sewer.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Kimball discussed her September 30, 2002 memo.

Mr. Viviano **MOTIONED** to approve the Wavier Request (Subdivision Regulation Section V.E.7 – Storm Drainage Plan) at 6 Hemlock Street, Map 29, Lot 49. Mrs. Hurst **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Viviano **MOTIONED** to accept jurisdiction of and approve the 2-Lot Subdivision Application at 6 Hemlock Street, Map 29, Lot 49, Plan #3-57-6670, Rev. #1 dated 10/12/02 subject to conditions in Jennifer Kimball's memo dated September 30, 2002. Mrs. Hurst **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

8. Pillar Investment Corporation
Site Plan Review for a medical office and outpatient treatment facility at
7 Merrill Industrial Drive
Map 142, Lots 4 & 4a
Wavier Requested: Site Plan Regulation Section V.E.13-14 – Architectural Rendering & Floor plans
Owner of Record: Granite Consulting, Inc.
9. Pillar Investment Corporation
Special Permit for work within the Wetlands Conservation District associated with
construction of a medical office and outpatient treatment facility at
7 Merrill Industrial Drive
Map 142, Lots 4 & 4a
Owner of Record: Granite Consulting, Inc.

Mr. Dennis Moulton, engineer with Millette, Sprague & Colwell addressed the Board. The proposal before the Board is an existing building on a lot at Merrill Industrial Drive. The applicant proposes a merger of two lots and expansion of the existing two-story building, with the addition of a canopy, and on-site parking. There is currently paving and parking on site, a portion of which is currently in the wetlands buffer. This paving will be removed and the area restored to a natural landscaped area. The proposed facility will be a by appointment, radiation treatment center for outpatient services only. Approximately half the one-story proposed building will be for storage of equipment. The accelerators required for this industry are quite large, and the building itself requires 4-foot wide concrete walls for radiation protection.

The plan provides a retention and infiltration basin on the lot, just outside the wetland buffer area. It is designed to contain the water from more common storms, up to 10-year event storms. Beyond that, water will be allowed to flow over a level spreader structure, and then flow by a vegetative filter strip toward the wetlands. The applicant has requested a waiver from the Site Plan Regulation Section V.E.13-14 - Architectural Rendering & Floor plans. Mr. Moulton did receive a drawing from the architect for the revised floor plan, which is undergoing some minor

revisions. One of those revisions is the rotation of the accelerator room so that the entire building will be outside the buffer area.

The project is very straight forward, the applicant has endeavored to meet all the zoning requirements, and has provided storm water calculations to the town. The applicant would be amenable to any town or independent reviews.

Mr. Olney asked about the drainage design and the maximum permeable surface on this lot. Mr. Moulton said he would have to research this in order to be able to answer that question. Mr. Olney believed this information would be on the original subdivision plan. Mr. Sullivan asked about any federal or state permits required. Mr. Moulton stated that the hospital has applied for those necessary permits. This is a joint venture between Wentworth Douglas Hospital in Dover and Portsmouth Regional Hospital.

Mrs. Kimball and the Board reviewed the issues in her November 6, 2002 memo. Mrs. Kimball recommended that the applicant may wish to field verify the wetland boundaries, as delineated using federal guidelines, also conform to the Town's requirements.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. J. Lessard **MOTIONED** to approve the Waiver Request (Site Plan Regulation Section V.E.13-14 – Architectural Rendering & Floor Plans) for a medical office and outpatient treatment facility at 7 Merrill Industrial Drive, Map 142, Lots 4 & 4a. Mrs. Hurst **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Hurst **MOTIONED** to accept jurisdiction of and approve the Site Plan Review for a medical office and outpatient treatment facility at 7 Merrill Industrial Drive, Map 142, Lots 4 & 4a, Plan #02132, subject to:

1. Departmental reviews;
2. Independent review of site engineering;
3. Input from Aquarion Water Company regarding the water service availability for the expanded use of site;
4. Review of original subdivision plans for limits on impervious surface and drainage;
5. Continue to December 18, 2002.

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

Mr. Viviano **MOTIONED** to continue the Special Permit for work within the Wetlands Conservation District associated with construction of a medical office and outpatient treatment facility at 7 Merrill Industrial Drive, Map 142, Lots 4 & 4a to December 18, 2002. Mr. Olney **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

10. Bruce D. Montville

Special Permit to construct a single family home with one corner
of the footprint in the Wetlands Conservation District at
Map 262, Lot 2
off Francine Street
Owner of Record: Same as Above

Mrs. Kimball stated that she has spoken with Mr. Montville and he will be sending the Board a letter requesting an extension. The Board will need to continue this matter to allow Mr. Montville to either withdraw or request a continuance.

Mr. Sullivan **MOTIONED** to continue the above matter to November 20, 2002. Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. ATTENDING TO BE HEARD

1. The Captain Morgan Inn, Inc.

Use Change Application from a 5-unit apartment building
to a 10 unit (1-bedroom each) motel at
11 A Street
Map 282, Lot 137-001
Owner of Record: Same as Above

Attorney Saari addressed the Board and stated that the applicant wishes to change this 5-unit apartment building to a 10-unit motel. The applicant has proposed 2 exterior modifications, to shorten the deck to allow for parking underneath and to connect the 2 buildings. This will allow for 2 means of egress from each building. Mr. Saari stated that the parking spaces are non-conforming and asked the Board if the number of parking spaces from one use to another would remain the same, or would an easement across adjacent land also owned by the applicant be needed. Mr. Gillick suggested that the Board discuss the Use Change only, and not the parking spaces.

Mr. Lessard **MOTIONED** to approve the above Use Change Application from a 5-unit apartment building to a 10-unit (1-bedroom each) motel at 11 A Street Map 282, Lot 137-001, Plan #3-58-5862. Mr. Higgins **SECONDED: VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

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

Meeting adjourned at 9:43 p.m.

Respectfully Submitted,
Maryann Brickett,
Planning Board Secretary