

## HAMPTON PLANNING BOARD – MINUTES

November 20, 2002

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

ABSENT: Peter Olney

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

Mr. Gillick read a letter dated November 18, 2002 concerning item 1 under New Public Hearings, from Mr. Bruce Montville indicating his desire to withdraw his application for a Special Permit on Francine Street.

### I. CONTINUED PUBLIC HEARINGS

#### 1. 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, extended by applicant*

#### 2. 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

*Jurisdiction accepted 10/02/2002*

Mr. Ken Berry and Scott Cole, Project Manager, of Beals Associates addressed the Board. Mr. Gillick stated that at the August 7, 2002 meeting, the Board had concerns about drainage and traffic. Mr. Cole stated that they have worked with Ambit Engineering, and discussed the revisions to the new Site Plan. The size of the drainage pond has been increased. They have addressed all the concerns outlined in departmental reviews, and have received verbal approval of the driveway location from DPW. Additional test pits have been performed on the property. Steve Shope of Exeter Environmental performed a water infiltration study for the subsurface material in the old catch basin. The green space has been increased by removing 4 parking spaces in front and adding one in the rear of the building. Mr. Steve Pernaw performed a traffic study and submitted to Vanesse and Associates for review, who requested additional data.

Mr. Gillick and Mrs. Kimball discussed this application yesterday, and at that time there remain some unresolved issues regarding drainage. Mrs. Kimball stated that considerable progress has been since yesterday, but there are still concerns about the detention facility as proposed. Mrs. Kimball spoke today with Mr. John Chagnon, Ambit Engineering. He indicated in his review memo dated November 20, 2002, that he can now approve the application with conditions. Ambit Engineering's 11/15/02 letter discusses a drainage easement because the overflow was adjacent to the property line. Mrs. Kimball questioned whether or not this was necessary due to the redesign in the drainage basin. Mr. Gillick stated that this is a significant issue, because the outfall/emergency overflow goes to an abutter's property. Mr. Keith Lessard asked about several 100-year storm events.

Ken Berry referred to a letter he received today at 5:30 pm from Ambit Engineering and discussions with them and Skip from the DPW office, and Ambit's 11/15/02 letter. The pond storage volume has been increased to a point where a 100-year, 24-hour storm event can be stored without any overflow into the emergency spillway. Mr. Berry believes this issue has now been addressed. Keith Lessard felt that the Board would need a letter from the abutter acknowledging their understanding of the situation. Mr. Lessard was also concerned about the possibility of several sequential 100-year storm events.

Mrs. Kimball stated that in this event, there would be a lot of water in many areas, and a drainage easement would not necessarily prevent water overflow or erosion under extreme conditions, but would not allow the adjacent property owner to alter the drainage course so that it would be adversely impacted. Mr. Gillick emphasized that Ambit Engineering has stated that the revised retention pond would hold close to a 150-year storm event even if the bottom were frozen and water could not drain into the ground below. Mr. Gillick added that the Capital Improvement Committee recommended that funds be designated to improve the Route 1 and Scott Road drainage system as a lot of water flowed toward the railroad tracks.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Kimball stated that the application is complete, and the existing pavement that comes on to this lot from Lot 50-will be removed.

Mr. K. Lessard **MOTIONED** to approve the Site Plan for Saxonville Wholesale Lumber to construct retail space including building and parking at 570, 578 & 580 Lafayette Road, Map 144, Lot 2 & Map 126, Lots 40 & 49, Plan #10034A, (rev. 11/20/02) subject to:

1. Outstanding items in the Ambit Engineering letter dated November 20, 2002;
2. Receipt of a letter of acknowledgement from abutters (Map 126, Lot 31) regarding the overflow/spillway;
3. Fire Dept. September 5, 2002 memo;
4. DPW September 4, 2002 memo;
5. Recommendations regarding traffic issues as outlined in the Vanesse & Associates letter dated November 11, 2002;
6. Final approval of Vanesse & Associates, per their November 11, 2002 letter;
7. Certificate of Monumentation;

8. Approval and filing of lot line adjustment;
9. Outstanding items as outlined in Jennifer Kimball's August 5, 2002 memo;
10. Posting of surety for any off-site, right-of-way work and engineering inspection of the on-site drainage, grading and site work;
11. Submittal of the mylar, final plans, and recording fees.

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

OPEN PUBLIC HEARING for Saxonville lot line adjustment. No comment. CLOSE PUBLIC HEARING.

Mr. J. Lessard **MOTIONED** to approve the Lot Line Adjustment for Saxonville Wholesale Lumber and Thomas & Kim Walker, Map 126, Lots 31, 40, 49 & 50 and Map 144, Lot 2 off Lafayette Road. Mrs. Hurst **SECONDED: VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

3. 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

*Jurisdiction accepted 8/7/2002, extended by applicant*

Attorney Craig Salomon, Ken Berry and Scott Frankiewicz of Beals Associates, and Phil Serowik were present to address the Board. Attorney Salomon stated that Departmental reviews are complete. Ambit Engineering has reviewed the on-site traffic pattern. The Board did a site walk of the property on Saturday, November 17 to gain a better understanding of the application. The Board and applicants discussed these issues as well as water, dumpster/trash, parking, cars backing out on to K Street, traffic flow, and other issues.

Skip Sullivan stated that he is in favor of the revitalization of the Hampton Beach area. Mr. Salomon stated that he met with Beals Associates 2 days ago and have talked with a water expert (Prescott). Mr. Prescott advises that Aquarion will provide water to 3 of the units based on current use. A private well (less than 15 hookups) can be drilled on site to provide water to the other units. The criteria used is less than 25 people, 2.5 persons per unit average. There is no septic system on site. The radius is a function of septic design. Thus a well can be place on site to service the site, and the State regulates water quality.

Mrs. Kimball stated that the applicant will need a variance for public water and sewer for a multi-family unit. Mrs. Kimball stated that, notwithstanding any variances that may be needed and Planning Board approval, if a well can be located on site and meet setbacks, a building permit can be issued. Hampton does not require that the well be actually drilled prior to construction, and may wish to consider this option. A letter from Aquarion Water will also be needed prior to the issuance of a building permit. Mr. Berry stated that Mr. Prescott has

indicated that salinization of water in that area is not a problem, and in general water in the area is of good quality.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. Salomon stated that he and the applicant have worked with Mr. Mercier and his attorney. His concerns have been addressed. The retaining wall is actually below grade from the applicant's side. A fence on top of the retaining wall and a Cape Cod berm will be used to keep surface drainage on site. A deed restriction calls for a 3 foot fence, which is mentioned on the landscaping plan. Mr. Mercier also requested that any proposed dumpster be kept 15 feet from his property line. Mr. Salomon assured the Board that the applicant has addressed and resolved all of Mr. Mercier's concerns. Mr. Salomon stated that there is no good location for a dumpster and none is proposed. Snow will be removed off site. Mr. Sullivan stated that individual unit trash compactors could considerably reduce the volume of trash. Mr. Serowik stated that he is proposing trash compactors as part of the kitchen design.

Mrs. Kimball discussed with the Board Ambit's recommendation that the shoulder area in front of the garage be striped for no parking. The Board also discussed low vegetation, Aquarion Water approval, and Zoning Board approval of the well and all other requirements.

Mrs. Hurst **MOTIONED** to approve the Site Plan Application to construct (2) 6-unit residential condominium buildings with on-site parking and drainage at 9-11, 17 & 19 K Street, Map 293, Lots 18, 19 & 20, Plan NH-026.1, Rev. 11/13/02 subject to:

1. Commitment from Aquarion Water, or its successors, for public water supply for entire project prior to final approval and signing of plans;
2. Trash/rubbish collection shall be contained within the individual units/garage/storage areas. No dumpster shall be allowed on site. These provisions shall be contained in condo docs;
3. Low vegetation maintained at entrance, and not to impede site distance;
4. Review and comment by DPW as to striping for a setback "no parking" area at driveway entrance;
5. Maintenance of interior (on-site) catch basins is the responsibility of the condo association. The catch basins shall be cleaned a minimum of every 2 years and as requested by DPW;
6. Preconstruction conference with DPW (and other departments as needed);
7. Posting of surety for off-site work and engineering inspection of the on-site drainage, grading, and site work;
8. Sewer permit is required prior to issuance of building permit;
9. Snow removal shall be the responsibility of the condo association and shall be removed off-site;
10. Filing of voluntary lot merger prior to/simultaneously with filing of Site Plan. Existing easement between lots 19 and 20 shall be abandoned;
11. Landscape areas shall remain pervious;
12. Site Plan shall be stamped by LLS. Submittal of final plans, mylar (sheets 1 & 2), recording fees, and payment of outstanding independent review fees;
13. New map and lot number (293/18) added to Sheet C1;
14. Review of condo documents prior to the recording of said documents.

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

### III. OLD BUSINESS

1. 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 and Scott Frankiewicz of Beals Associates, Amanda Barker a wetlands biologist for NH Soil Consultants, and applicant Kevin O'Donnell addressed the Board.

Mr. Berry stated that the Board required that the Rockingham County Conservation District review the plans prior to approval. In their November 6, 2002 letter to Mrs. Kimball, they enclose a 11/5/02 report from Mr. Comeau, a NH soil and wetlands scientist, in which he recommends approval of the well construction in the wetland buffer. The well is physically located on an abutter's land. A well easement and permission to place a well on this parcel was obtained when this parcel was purchased. This will be a community well, and as such no activities are allowed within the well radius. The well is physically located within the wetlands and there is a temporary crossing for the water line between the well and the building itself. Ms. Barker will address the expedited wetland permit submitted to the Board. The NH DES granted a wetland permit (2002-02142 dated 11/8/02). Mr. Berry requested that the Board approve this permit tonight so that the applicant can receive back the bond posted.

Amanda Barker commented on the wetlands permit, construction sequence, repairs and maintenance of the access road. No stumps will be removed except where the water line is to be located. Mr. O'Donnell stated that the binder coat is on the driveway. He hired Geosphere to work with Aquarion Water and they do not foresee any problems with water volume, as just under 9 gallons per minute is required. Keith Lessard requested that the Board approve with the condition that the well be used exclusively by the condo owners/residents.

Mr. Sullivan **MOTIONED** to approve the Special Permit to install a well within the Wetland Conservation District at 373 Lafayette Road and 55 High Street, map 160, Lot 35, and Map 161, Lot 16 subject to:

1. Conditions outlined in NH DES Wetlands Bureau permit #2002-02142 dated 11/8/02;
2. Notification of Conservation Commission upon completion/approval;
3. Well to be for the exclusive use of the condominium owners/residents and its landscaping.

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

#### IV. ATTENDING TO BE HEARD

##### 1. Donna Faye DiGiovanni

Use Change from arcade to retail sales at  
703 Ocean Blvd.

Map 235, Lot 009-001

Owner of Record: North Beach Investments

Donna Faye DiGiovanni addressed the Board and stated that she wished to create a gift shop at this location.

Mr. Sullivan **MOTIONED** to approve the Use Change from an arcade to retail sales at 703 Ocean Blvd., Map 235, Lot 009-001. Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Barton E. McGirl  
Use Change from beauty salon to dental office at  
30 High Street  
Map 161, Lot 1  
Owner of Record: Estate of Doris Huot

Dr. Barton McGirl addressed the Board. He has a specialized and small practice. Mrs. Kimball stated that the site does not currently have any on-site parking. She and Dr. Barton discussed adding on-site parking. Dr. Barton stated that many of his patients are special needs patients in wheelchairs, and are sedated when they leave his office. It is crucial that they be able to walk on a solid surface. The Board suggested the use of pervious pavers for parking. The Board also requested that the site be used exclusively as a dental office, with no apartment or residence.

Mr. J. Lessard **MOTIONED** to approve the Use Change from a beauty salon to a dental office at 30 High Street, Map 161, Lot 1 as presented in the plan submitted on 11/4/02, with the condition that it will be used exclusively as a dental office, with no residents/tenants. Mrs. Hurst **SECONDED**: **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

3. Cindy Sostak  
Use Change from beauty salon to retail sales (children's clothing) at  
860 Lafayette Road  
Map 71, Lot 18  
Owner of Record: Hope Dube

The applicant was not in attendance, and the Board decided to postpone this application. The applicant will need to contact Mrs. Kimball to indicate if she will be in attendance at that time.

Mr. Viviano **MOTIONED** to continue the above matter to December 4, 2002. Mr. Sullivan **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

#### V. CONSIDERATION OF MINUTES – NOVEMBER 6, 2002

Mr. Gillick commented on one minor change, i.e. the time the meeting commenced.

Mrs. Hurst **MOTIONED** to approve the November 6, 2002 minutes as amended. Mr. Sullivan **SECONDED**. **VOTE: 5 - Yes. 1 - Abstain (K. Lessard). MOTION PASSED IN THE AFFIRMATIVE.**

#### VI. CORRESPONDENCE

NONE.

#### VII. OTHER BUSINESS

Mrs. Kimball stated that she has drafted a meeting schedule for 2003 and requested that the Board review and approve.

Mr. K. Lessard **MOTIONED** to approve the 2003 meeting schedule for the Board. Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball stated that the zoning amendments for the December 4 meeting are in the Board's packets. The remaining amendments that are not quite ready for recommendation will be heard in January. The deadline for citizens petitions is December 11, 2002.

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

Meeting adjourned at 8:40 p.m.

Respectfully Submitted,  
Maryann Brickett,  
Planning Board Secretary