

HAMPTON PLANNING BOARD – MINUTES

December 18, 2002

PRESENT: Thomas Gillick, Chairman
Keith Lessard
Peter Olney
Bob Viviano
Jennifer Kimball, Town Planner
Skip Sullivan, Selectmen Member
Sandy Buck, Alternate
Tom Higgins, Alternate

ABSENT: Jack Lessard, Clerk
Sharleene Hurst, Vice-Chair

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

III. OLD BUSINESS

3. Jon & Judi Savage
2-Lot Subdivision at
3 Cessna Way
Map 57, Lot 44
Waiver Requested: Subdivision Regulations Section V.E.7 (Storm Drainage Plans)
Owners of Record: Same as Above

Mr. Gillick read a letter dated December 17, 2002 from Mr. and Mrs. Savage, requesting that the above application be postponed to January 8, 2003.

Mr. Viviano **MOTIONED** to continue the above application to January 8, 2003. Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. 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, Joseph Coronati of Jones & Beach and Steve Pernaw addressed the Board. Mr. Saari stated that he was prepared to discuss the departmental reviews and Board concerns. Mr. Saari stated that there are no double frontage lots, and one lot has been eliminated. The Board acknowledged that the application was now for a 6-lot subdivision. The plan now is to have 5 duplexes on 5 lots, with 22 units on the remaining land, and they have been oriented differently. Drainage is an integral part of the subdivision.

Mr. Coronati stated that the road has been moved to follow Harbor Road, with a connection to Duston Avenue. The number of lots has been reduced and the frontage for the larger lot increased to 100 feet along Duston Avenue. The parking overflow, fire lane, pool system, walk way and drainage have been

revised. There will still be a low spot. The 2 existing homes will be removed from the project, increasing recreation area.

Mr. Gillick asked Mr. Saari what action he wished the Board to take tonight. Mr. Saari stated that jurisdiction has been accepted, and unless the Board has further concerns, the applicant wishes the Board to approve this application based on the departmental reviews. Mrs. Kimball stated that the application is complete and jurisdiction was accepted on November 6, 2002. The Board still needed to discuss the Waiver Request and outstanding departmental reviews which have not been completed due to additional requested information.

The Board asked for building elevations and had concerns about the turnabout/cul-de-sac, traffic flow, the Fire Dept. review, wells, water availability, waste water, and many other issues. Mr. Coronati discussed traffic flow with the Board. He also stated that the 5 lots (Phase I) would have individual wells, and the other units (Phase II and III) will all entirely have public water hookup, with water release agreements on all lots.

OPEN PUBLIC HEARING. No comment. SUSPEND PUBLIC HEARING.

Mr. Olney stated that this is a very dense use for the 5 wells, wished to see the location of those wells, and had concerns that salt water would seep into the water supply. Mr. Coronati stated that the applicant had 28 credits for water hookup with Aquarion Water. Mr. Gillick recommended that the Board continue this application to January 8, 2003 due to further Board concerns, incomplete departmental reviews. Mr. Gillick requested that the applicant be ready for the Board to take action at that time, including water and traffic issues.

Attorney Saari asked what was the status of the water moratorium. Mr. Sullivan stated that the water ban was issued from Aquarion Water, and the water moratorium was issued from DES based on water availability. Mrs. Kimball stated that Aquarion, at an earlier presentation before the Board, advised the Board that they hope to bring 2 more wells on line shortly and make them a part of the permanent water supply. Hopefully, they could request that DES lift the water moratorium. Mrs. Kimball stated that will probably take several public hearings to get those wells on line. Mr. Lessard stated that may only address a portion of the 1,000,000 gallon/day deficiency currently experienced in this area. Mrs. Kimball has plans of the well locations for public viewing. Lots that are created are dependent on a water release from Aquarion prior to occupancy. Mr. Lessard commented that approving applications for building lots that can not obtain water access is poor planning. Mr. Olney stated that individual home owners can place a well on their property, which draws water from the same aquifer system, and the town does not regulate those.

Mr. Olney **MOTIONED** to continue the above application to January 8, 2003. Mr. Sullivan. **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Christopher and Madison Corporation
Site Plan Review to construct addition onto Wally's Pub at
144 & 148 Ashworth Avenue
Map 293, Lots 66 & 74
Waiver Requested: Site Plan Regulations Section V.E.8 (Storm Drainage Plans)
Owner of Record: Same as Above

Ed Walsh, Parker Survey and Deborah Styles addressed the Board. Mr. Gillick stated that the applicant wishes to have the Board approve the Waiver Request and accept jurisdiction. Ms. Styles informed the

Board that the applicant is in the process of obtaining a demolition permit with asbestos related issues, and a building permit to construct the retaining wall. Mr. Walsh stated that the applicant has made all the changes to the plan requested by the Board. Mrs. Kimball discussed those changes. Ms. Styles stated that the applicant has no plans to enlarge the outside patio seating area. Mr. Gillick commented on the Waiver Request. Mrs. Kimball stated that due to the fact that the existing site is impervious, there should be no change in the runoff from the site during peak volumes. The runoff should not increase on the south side where it currently goes into the current drainage system, but may in fact decrease slightly. Mrs. Kimball stated that the plan is complete if the Board grants the Waiver Request.

Mr. Lessard asked about the outside seating capacity and recommended that it be added to the plan.

OPEN PUBLIC HEARING. No comment. SUSPEND PUBLIC HEARING.

Mr. Sullivan **MOTIONED** to grant the Waiver Request for Site Plan Regulations Section V.E.8 (Storm Drainage Plans). Mr. Buck **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Viviano **MOTIONED** to accept jurisdiction of the Site Plan to construct an addition onto Wally's Pub at 144 & 148 Ashworth Avenue, Map 293, Lots 66 & 74, Plan #202334, Rev. 12/17/02 subject to police department, fire safety and DPW reviews and to continue this application to January 15, 2003. Mr. K. Lessard **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS

1. Pillar Investment Corporation
Request for Waiver: Site Plan Regulations Section VII.D.2 – Storm Water Control Standards in conjunction with Site Plan Review at
7 Merrill Industrial Drive
Map 142, Lots 4 & 4a
Owner of Record: Eddy G. Nicholson

III. OLD BUSINESS

1. Pillar Investment Corporation
Site Plan Review for a medical office and outpatient treatment facility at
7 Merrill Industrial Drive
Map 142, Lots 4 & 4a
Owner of Record: Granite Consulting, Inc.
Jurisdiction accepted on 11/06/02
2. 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 of Millette, Sprague & Colwell addressed the Board. Mr. Gillick stated that Ambit Engineering in their December 18, 2002 memo approves that the waiver request and redesign of the drainage is a positive step. The Conservation Commission commented that the revised, enlarge wetlands area is noted on the plan. Mrs. Kimball stated that all departmental reviews have been received. Mr.

Moulton stated that the applicant is seeking conditional approval tonight from the Board. Mrs. Kimball asked if the wetlands were State jurisdictional wetlands and Mr. Moulton stated they were not. The applicant did a site walk with the Conservation Commission, and they are satisfied that the expanded wetlands adjacent to the parking area are not a significant wetlands area. They met with the Conservation Commission and discussed the revised parking layout. The runoff from the site actually will be increased during low-frequency storms.

The Board discussed departmental reviews and they are positive. Mr. Lessard stated that he wished to see additional handicapped parking spaces. Mrs. Kimball stated that the ratio is 1 handicapped parking space for every 25 parking spaces. Mr. Moulton noted the ambulance entrance, which would sometimes drop off patients. There will be no overnight patients.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. K. Lessard **MOTIONED** to approve the Waiver Request from Site Plan Regulations Section VII.D.2 – Storm Water Control Standards, in conjunction with Site Plan Review at 7 Merrill Industrial Drive, Map 142, Lots 4 & 4a. Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. K. Lessard **MOTIONED** to grant 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 subject to the November 26, 2002 Conservation Commission memo. Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. K. Lessard **MOTIONED** to approve the Site Plan for a medical office and outpatient treatment facility at 7 Merrill Industrial Drive, Map 142, Lots 4 & 4a, Plan #02132, Rev. 12/10/02 subject to the following conditions:

1. Surety of \$5,000 for on-site inspection;
2. Submittal and approval of outstanding items requested in DPW 12/18/02 memo;
3. Compliance with and approval of outstanding items in 12/18/02 Ambit Engineering letter;
4. Compliance with Fire Safety memo dated 12/10/02;
5. Submittal and subsequent filing of voluntary lot merger simultaneous with Site Plan;
6. Final plans, mylar, recording fees.

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

IV. ATTENDING TO BE HEARD

1. Teresa Perzanosk
Use Change from Office to Hair Salon at
387 Lafayette Road
Map 160, Lot 034
Owner of Record: John Raleigh

Ms. Teresa Perzanosk and the owner, John Raleigh, addressed the Board and stated that she wished to change 387 Lafayette Road into a hair salon.

Mr. Sullivan **MOTIONED** to approve the Use Change from office to hair salon at 387 Lafayette Road, Map 160, Lot 034. Mr. Buck **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball recommended that the Board suspend the agenda and discuss items V-VII prior to IV. Attending To Be Heard, 2. the Steve Yas matter.

Mr. Sullivan **MOTIONED** to suspend the agenda. Mr. Buck **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

VI. CORRESPONDENCE

Mrs. Kimball stated that she received a letter from Attorney Craig Salomon regarding Brookes Lane, LLC dated December 6, 2002 requesting an extension. This application was approved in January 2, 2002.

Mr. Viviano **MOTIONED** to grant a one-year extension for the Brookes Lane application. Mr. K. Lessard **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

VII. OTHER BUSINESS

Mrs. Kimball stated that on November 18, 2002, the Board of Selectmen accepted Wayside Farm Lane and all criteria have been met on this application. The applicant requests that the remaining surety in the amount of \$4,000 be released.

Mr. Buck **MOTIONED** to release the \$4,000 surety in the Wayside Farm application. Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball stated that in the matter of U.S. Gas, Lafayette Road, the applicant has submitted an estimate to DPW. DPW responded in a memo dated November 27, 2002 in which they recommend that the Board may reduce the estimate provided by Jones & Beach by \$40,000 due to the fact that they included cost for demolishing the existing structures.

Mr. Buck **MOTIONED** to set the surety at \$135,400 in the matter of U.S. Gas, Lafayette Road per the recommendation of DPW. Mr. Viviano **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball stated that the Board received a memo from DPW in the matter of the Barney Subdivision, Exeter Road. DPW recommends that the surety be set at \$12,000.

Mr. Buck **MOTIONED** to set the surety on the Barney 3-Lot Subdivision, Exeter Road, at \$12,000 per the recommendation of DPW. Mr. Olney **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball stated that at the last meeting, Mr. Nigrelli and the Board discussed possible outstanding surety amounts with regard to Walker Circle. It has been ascertained that there is no surety in place, and DPW has recommended an amount of \$18,000 for the work to be completed for Walker Circle.

Mr. Buck **MOTIONED** to set the surety in the matter of Walker Circle at \$18,000 per the recommendation of DPW. Mr. Sullivan **SECONDED. VOTE:** 6-Yes. 1-Abstain (K. Lessard). **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball addressed the letter from Ambit Engineering regarding infiltration basins. The Board has expressed to several applicants that they would like to see water remain on site to help recharge aquifers. The problem Ambit Engineering and John Chagnon pointed out is that these types of designs are not adequately addressed in "The Green Book." The Green Book is being revised and this will be addressed in the new book.

Ambit Engineering met with Ed Minnick, of the Rockingham County Conservation District, one of the authors of The Green Book, to discuss infiltration basins. Based on that discussion, they made some suggestions for design standards. Ambit recommends that a clarification letter stating this position be sent to engineers that frequently prepare plans for the Town. Since changes to The Green Book are eminent, a change to the Hampton Town ordinance may not be required. They recommend that the Board adopt these changes as a policy until The Green Book is amended.

Mrs. Kimball stated that the Board may wish to hold public hearings on this matter. Mr. Olney stated that a problem with the drains is that they collect silt. Mr. Lessard asked who would maintain them. Mrs. Kimball noted that the information is about the design, and maintenance was not specifically addressed; however, the proposed amendment contains the language: "When calculating stormwater runoff for a proposed site, no credit for infiltration shall be taken in the routing calculations." That basically means that you can't always count on infiltration. Therefore you can not include it when designing the size of the basin, so if no one maintains, it should not cause a problem. The basin will function per the Town regulations. The applicants are usually required to identify this in their plan and determine who will maintain the catch basins.

Mr. Gillick stated that John Chagnon and Ambit Engineering, who have done a fine job assisting the Town, and other professionals at the Rockingham County Conservation District who author The Green Book, and the Town's in-house experts have met and are recommending that the board adopt the changes as a policy on an interim basis until The Green Book is officially amended.

Mr. Sullivan **MOTIONED** to adopt as policy for the Town of Hampton the proposed guidelines outlined by Ambit. Mr. Olney **SECONDED. VOTE:** All. **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball stated that the Board received a memo from Glen Greenwood of the Rockingham Planning Commission with regard to the proposed Coastal Zone Boundary change. The Coastal Program wishes to amend the boundary of what is considered under the Coastal Program. They wish to geographically extend the Coastal Program to include the full jurisdictional boundary of the 17 coastal municipalities. The current program averages about 1,000 feet from the high tide of the coastal waters. This does not extend the jurisdiction of any State laws or permitting process. This makes communities eligible for grants under the Coastal Program and Estuaries Program that currently are not eligible. They are accepting comments through February and are asking all Towns in this jurisdiction to send a letter of support to the Office of State Planning.

Mr. Gillick stated that he represents the Town of Hampton on the Estuaries Board. The Shorelands Protection Act deals with the waters of the United States. The Coastal Program deals with waterways in the coastal area. Mr. Gillick recommends that the Town of Hampton send a letter of support in order to be eligible for these grants.

Mr. Buck **MOTIONED** to authorize the Chairman to send a letter of support to Mr. Brian Mazerski, Office of State Planning, NH Coastal Program on behalf of the Town of Hampton. Mr. Viviano **SECONDED. VOTE:** 6-Yes. 1-Abstain (Olney). **MOTION PASSES IN THE AFFIRMATIVE.**

V. CONSIDERATION OF MINUTES – November 20 and December 4, 2002

Mr. K. Lessard **MOTIONED** to approve the minutes of the November 20, 2002 meeting. Mr. Sullivan **SECONDED. VOTE:** 4-Yes. 3-Abstain (Olney, Buck, Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Sullivan **MOTIONED** to approve the minutes of the December 4, 2002 meeting. Mr. K. Lessard **SECONDED. VOTE:** 5-Yes. 2-Abstain (Buck, Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

IV. ATTENDING TO BE HEARD

2. Steve Yas, Yas/Fischel Partnership
Preliminary Consultation
83, 89, & 91 Ocean Blvd. and 5 J Street
Map 293, Lot 8 and Map 290, Lots 146, 145, & 144
Owners of Record: Nancy Higgins Revocable Trust, The Captain Morgan Inn, Inc., Jerelyn A. Gray & Peter B. Dineen, and Five Jay Street LLC

Mr. Stephen Yas, Joseph Coronati and Attorney Peter Saari addressed the Board. Attorney Saari stated that this is a unique and valuable piece of property at Hampton Beach. This is the third of several informal meetings to gather information. Jack and Pam Kopka, and Martin Wolons, principals of Vertical Development, were also in attendance.

Mr. Yas stated that The Hampton Beach Master Plan desires to upgrade the entire beach area. Mr. Yas gave an in-depth presentation on the proposed site plan, which includes 4 penthouses, 3800 square feet of retail space, and other units on 4 floors, recreational spaces, with a total of 56 units.

The Board had concerns about height, density of use, lower level parking, shadows at other times of day/night and year other than those presented, setting a precedent, water supply, and other issues. Mrs. Kimball will meet with the applicants tomorrow to further discuss these issues.

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

Meeting adjourned at 9:40 p.m.

Respectfully Submitted,
Maryann Brickett,
Planning Board Secretary