

HAMPTON PLANNING BOARD – MINUTES

March 3, 2004

PRESENT: Thomas Gillick, Chairman
Tracy Emerick, Clerk
Jack Lessard
Tom Higgins
Keith Lessard
Robert Bilodeau, Alternate
* Fran McMahon, Alternate
Skip Sullivan, Selectman Member
Jennifer Kimball, Town Planner

ABSENT: Robert Viviano, Vice Chairman

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. Sullivan to lead the Pledge of Allegiance.

Mr. Gillick requested the Board reorder the agenda. Mr. Higgins **MOTIONED** to reorder the agenda as necessary. Mr. Sullivan **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. ATTENDING TO BE HEARD:

1. Raymond E. Jeffs
Use Change from medical practice to business/professional office at
23 Stickney Terrace, Unit #9
Map 175, Lot 016-009
Owner of Record: Dan-Mel, LLC

Mr. Jeffs introduced himself and proceeded to explain the application. Mr. Jeffs would like to utilize this space as an accounting office and is requesting to change the use of the medical office that has been vacant for months. Mr. Jeffs counted about 85 parking spaces, informally, to be used for the entire condo complex. Additionally, Mr. Jeffs explained he would be utilizing the front half for his accounting firm and the back half would be rented out to a compatible, professional business using a similar (quiet) office setting. Mr. Jeffs expressed he and his wife formed the Dan-Mel, LLC expressly for ownership of this business. Mr. Sullivan **MOTIONED** to approve the Use Change Application. Mr. Emerick **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS:

1. 389 High Street Realty Trust
Site Plan Review – 7 Unit Building at
389 High Street
Map 180, Lot 3A-6 & 7
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee
Jurisdiction accepted December 3, 2003, extended by applicant
2. 389 High Street Realty Trust
Special Permit Application associated with 7 Unit Building at
389 High Street
Map 180, Lot 3A-6 & 7
Waiver Requested: Subdivision Regulations Section V.E. 8 (storm water drainage control plan)
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee
3. 389 High Street Realty Trust
Conditional Use Request associated with 7 Unit Building at
389 High Street
Map 180, Lot 3A-6 & 7
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee

Mr. Gillick read a letter dated February 27, 2004 from Attorney Peter Saari requesting this application be continued to the April 7, 2004 Planning Board meeting, and acknowledging that jurisdiction be extended as well. Mr. K. Lessard **MOTIONED** to continue the 389 High Street Site Plan Review for 7 Unit Building, Special Permit and Conditional Use Applications associated with the 7 Unit Building, at the applicant's request, to the April 7, 2004 Planning Board meeting. Mr. Sullivan **SECONDED**. **VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. OLD BUSINESS:

1. Vertical Building & Development Company, LLC
Site Plan Review for 42 Unit Condominium with 2 retail stores at
Ocean Boulevard, J & K Streets
Map 293, Lot 008; Map 290, Lots 144, 145, & 146
Owners of Record: Nancy J. Higgins Revocable Trust; Five Jay Street, LLC;
Jerelyn A. Gray & Peter B. Dineen; Captain Morgan Inn, Inc.
Jurisdiction accepted July 30, 2003, extended by applicant

Mr. Gillick read a letter dated February 27, 2004 from Attorney Peter Saari indicating submittal of a revised plan set for this project. Because the application was not heard by the Zoning Board, Attorney Saari requested Planning Board consensus whether to hear this application as scheduled this evening or be continued to the April 7, 2004 Planning Board meeting. Additionally, the applicant acknowledged that jurisdiction is extended as well. Mr. Gillick stated he and Mrs. Kimball discussed the options earlier with Attorney Saari. Based on that discussion, Mr. Gillick suggests the applicant submit a new application for re-notification along with the new plans, and the current application can still be heard by the Board as 'associated with'. Mr. Sullivan **MOTIONED** to continue the Vertical Building & Development Company, LLC Site Plan application, at the applicant's request, to the April 7, 2004 Planning Board meeting. It is the Board's understanding that the applicant has agreed to extend the jurisdictional period as necessary. It was also agreed that the applicant would submit a new application for the version of the project currently under consideration by the Hampton Zoning Board of Adjustments, if the variances were granted. Mr. Emerick **SECONDED**. **VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS:

4. Pickering Marine Corporation
Special Permit to construct a pier & gangway for private recreational use at
31 Harbor Road
Map 295, Lot 62
Owner of Record: Jane Gallagher

Mrs. Kimball reviewed some items of concern from the last meeting and pointed out an aerial view photo of the entire area was displayed (courtesy of Faye, Spofford, and Thorndike, a company hired by the Town to do some work down the Beach). Mrs. Kimball stated the input from the Harbor Master was not received as yet, a letter from the Fire Chief dated February 13, 2004, and a letter from Town Attorney Gearreald dated March 3, 2004 were received. Mr. Glenn Normandeau, President of Pickering Marine Corporation introduced himself as representing the applicant. Mrs. Kimball read from Attorney Gearreald's and Fire Chief Lipe's letters. Attorney Gearreald's letter noted the Board's jurisdiction in this matter extends to the high tide watermark. Mr. Higgins stated concerns of the closeness of surrounding docks and moorings.

OPEN PUBLIC HEARING:

Mr. Bob Nudd of 531 Exeter Road introduced himself. Mr. Nudd expressed concerns regarding the commercial uses of the Harbor diminishing. Mr. Nudd suggests the scheduled dredging at the Harbor should not have high expectations because of existing piers and moorings taking up space.

Mr. Ron Dube of 35 Harbor Road introduced himself. Mr. Dube utilized the aerial photo to point out his pier and mooring. He is concerned of where Ms. Gallagher would be storing her float and suggests Ms. Gallagher postpones this project until the dredging in the Harbor and the Golden Corridor Pier is done. Mr. Dube suggests possibly Ms. Gallagher shorten her pier 40 – 50 feet so not to interfere with his mooring and backing out of his dock.

CLOSE PUBLIC HEARING.

Mr. J. Lessard joins the Board at this time.

Mr. Normandeau commented on the proposed pier would be shorter than Mr. Dube' taking into consideration the low tide lines to have enough water for a small craft to moor. Additionally, Mr. Normandeau mentioned the dredging may not have much impact in the area in question as it may affect the existing piers having to be shortened or replaced. Mr. Gillick asks for additional Board comments. Hearing none, Mr. K. Lessard **MOTIONED** to approve the Pickering Marine Special Permit Application subject to:

- 1) Stipulations stated in the Conservation Commission memo dated January 31, 2004,
- 2) Receipt of the NH DES Wetland Bureau Permit of approval, and,
- 3) Receipt of the Army Corps of Engineers Permit of approval.

Mr. Bilodeau **SECONDED. VOTE: 5 = YES / 2 = OPPOSED** (Mr. Higgins & Mr. Emerick)
MOTION PASSES IN THE AFFIRMATIVE.

5. J.R. Russo Corporation
Site Plan Review to construct 6-unit residential condominium & coffee shop*
*proposal to amend to a 5-unit residential condominium at
7 F Street
Waiver Request: Site Plan Regulations Section V.E.8 (storm water drainage control plan)
Map 287, Lot 40
Owner of Record: J.R. Russo Corporation

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. Mr. Joe Russo, property owner, Mr. Ernie Cote, Surveyor, and Mr. Bill Medinger, Architect of MBA International were introduced as well. Attorney Saari proceeded to explain the proposal as reducing the size of the building to now have 5 units and eliminating the coffee shop completely. Mrs. Kimball questioned parking spaces #1 and #10 where the architectural renderings show obstruction to these spaces. Mr. Medinger stated the bottom level would be open space and landscaped to allow for easy access to the parking spaces in question and the driveway is proposed to be paved. Mr. Medinger stated that trash removal will be the responsibility of the unit owner for curbside pickup and this will be distinguished in the condominium documents. There was Board discussion about clarifying the elevations, stairwells, storm water drainage waiver request, snow storage, and access to parking space #1 being difficult.

Mrs. Kimball asked about the 'drop off' on the West Side of the property. Mr. Cote responded, because the drop off is on the applicant's property and the direct West abutter, there would be a catch basin on the West Side of the proposed project for the runoff to that abutter. Mr. Cote stated the proposed amount of impervious space would have to be recalculated.

OPEN PUBLIC HEARING: NO COMMENT SUSPEND PUBLIC HEARING.

Mr. Gillick asks for additional Board comments. Mr. K. Lessard stated he was not in favor of the waivers, and if the Board requires a cell tower to do a study, they should be consistent and deny this request. Mr. Emerick **MOTIONED** to deny the storm drainage Waiver request associated with the J.R. Russo Corporation Site Plan Review Application. Mr. K. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. J. Lessard **MOTIONED** to continue the J.R. Russo Corporation Site Plan Review Application to the April 7, 2004 Planning Board meeting subject to:

- 1) Review and comment by Fire Department regarding the proposed surfacing of the driveway, parking in the emergency access lane, and access around the building with respect to the parking spaces and landscaping, and,
- 2) Submittal of revised plans and detailed storm drainage plan to the Planning Office.

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

6. North Beach Investments, Inc.
Site Plan Review – 28 Unit Hotel at
703 Ocean Boulevard
Map 235, Lot 9
Owner of Record: North Beach Investments, Inc.
Jurisdiction accepted November 19, 2003, extended by applicant

Attorney Stephen Ells and Mr. Randy Radkay introduced themselves. Attorney Ells submitted a letter from VHB (Mr. Radkay's traffic engineer) commenting on the concerns from Mr. Eric Weinrib, President of Altus Engineering regarding the 4 Northerly most parking spaces, validating Mr. Henry Boyd's (the applicant's engineer) previous statements. Mrs. Kimball commented on the Board's 8 concerns of last meeting have been addressed by the applicant in the revised plans.

OPEN PUBLIC HEARING:

Mr. Dino Pantelis of 2 Kings Highway introduced himself. Mr. Pantelis submitted a letter summarizing his points of concerns since this project has been in front of the Board. He questioned the revised plans in regards to the lighthouse and the elevator access to the 5th floor; the office location on the 2nd floor and what security measures would be in place to control access to the building; clarification on the work allowed in the right of way; suggest the Board consider employee parking, visitor parking, and temporary guest parking requirements; a condition of approval be the bylaws state specific trash removal, snow & storage removal, no double parking, and the 4 compact car parking spaces only be used for that purpose. Mr. Pantelis also expressed concern that a variance is needed from Section 2.2.2.C of the Zoning Ordinance since no hedge was provided to screen the parking on Kings Highway. Mrs. Kimball stated that she did not think this ordinance applied, as the intent was more to provide screening from parking lots, and these spaces are garage spaces.

Mr. Radkay stated the elevator is proposed to take up space of 49 feet including the override; there will be surveillance cameras on the second floor and through the hallways, as well as buzzer type access for authorized uses.

Mrs. Kimball noted for the record, a letter was received dated February 29, 2004 from the Village by the Sea Condo Association, additionally, an email was received dated March 3, 2004 from Judith Parks of the Highway Safety committee was on record.

CLOSE PUBLIC HEARING.

Mr. Gillick asks for additional Board comments. Mr. Gillick polled the Board members as to the need for a variance from 2.2.2.C. Consensus was no. Mr. Emerick **MOTIONED** to approve the North Beach Investments Site Plan Review Application of plan #P03427, revision #4, dated 2/27/04 subject to:

- 1) Ambit Engineering sign off on comment #2/page 2, and comment #A3/page 3 of memo dated February 12, 2004,
- 2) No grading in right of way without permit, any changes shall be heard by Planning Board,
- 3) The final plan set shall include all three sheets, including the detail sheet,
- 4) Copy of condominium documents to be reviewed by Town Planner prior to recording. Documents shall include details on private trash collection, snow removal (comments #2 & #6 on DPW memo dated 2/9/04), maintenance of painted sidewalks, a statement that is limited to Hotel use, and that the individual parking spots shall be assigned on an as-need basis by hotel management,
- 5) Department of Public Works February 9, 2004 memo, comments #2 & #6,
- 6) Establish surety for Engineering Inspections/Certification of site work,
- 7) Submittal of final plan sets (7 copies), mylar, and recording fees,
- 8) Fire Department memo dated January 8, 2004, comments #2 & #3, and
- 9) Pedestrian warning signs to be posted on Kings Highway side of project.

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

II. NEW PUBLIC HEARINGS:

1. Drakes Appleton Corporation
Site Plan Review to construct 36 unit Townhouse condominiums at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Waiver Requested: Site Plan Regulations Section VII.D.2 (increase in stormwater runoff)
Owner of Record: Morgan Ryan Realty Trust
2. Drakes Appleton Corporation
Special Permit to work within the Wetlands District, associated with 36 unit Townhouse at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Owner of Record: Morgan Ryan Realty Trust

* Mr. K. Lessard steps down for this application. Mr. McMahon steps in.

Mr. Tom Nigrelli introduced himself as representing the applicant. Attorney Michael Donahue of Donahue, Tucker, & Candela and Mr. Joe Coronati of Jones and Beach Engineers were introduced as well. Mr. Nigrelli proceeded to explain the application for 36 town homes on approximately 25 acres, formerly known as the Page farm on Drakeside Road. This project is intended for similar design as the Hampton Woods (formerly Seacoast Woods) currently in progress using two bedrooms with a den and an optional elevator for sale to an adult market. The project is proposed to leave almost 20 acres of open space and does not require any wetland filling for development other than roadway access. Mr. Nigrelli states there has been interaction with the DES and Conservation Commission regarding this project and integrate their suggestions into this plan. Mr. Gillick suggested review of Mrs. Kimball's memo dated March 1, 2004 and there was considerable discussion regarding the Special Permit of which, Mr. Nigrelli offered comments regarding the item numbers and intends to provide further answers as the plan is reviewed. Mrs. Kimball clarified that there will be grading and filling in the wetland buffer associated with the utilities, roadway, and structures. The intent of the walkway is for private use, the applicant will shift some of the parking spaces from the front to the rear units, and disturbed areas will be re-vegetated.

OPEN PUBLIC HEARING:

Mrs. Kimball stated a letter was received from Hampton Meadows Condominium Association and is on record.

Mr. Gary Woodworth of 142 Hampton Meadows introduced himself. Mr. Woodworth's concerns is the increasing demands on the natural resources of water, natural gas. Additionally, he is concerned with the existing traffic flow and sees the necessity of a traffic study relating to this project.

Mr. Bob Langlois 47 Hampton Meadows introduced himself. Mr. Langlois concerns are with the traffic flow and agrees the a traffic study would be beneficial and suggests using a different engineering firm than in the past. Mr. Langlois observed Drakeside Road having sinkholes and bumps from re-paving and contributes those problems to the existing traffic conditions and asks the Board to consider that as a problem area regarding this project.

Mr. Kreon Cyros of 100 Hampton Meadows introduced himself. Mr. Cyros is new to the area and asks to clarify the purpose of hearing this application this evening. Mr. Cyros concurs the traffic in that area has been a problem and suggests the Board consider a traffic study as well. Additionally, he is concerned with the tide water in that area and suggests a broader look at that. Mr. Cyros also commented on the inadequacy of the parking spaces and is concerned with the overflow parking needs.

Mr. Gillick read a memo dated March 1, 2004 from the Conservation Commission into the record. Mrs. Kimball suggested, because of a disputed tidal boundary, the Rockingham County Conservation District should be contracted to investigate these concerns. Board consensus was to have RCCD re-delineate the wetlands.

Mr. John Gocłowski of 3 Hampton Meadows introduced himself. Mr. Gocłowski is states he the chairman of the engineering committee of the Hampton Meadows Condo Assoc. Mr. Gocłowski is concerned with the traffic flow and safety as well. He suggests the Police Department review and comment on this project. Additionally, the wetlands is a concern and should be considered greatly in future studies.

Mr. David Chesborough of 71 Hampton Meadows introduced himself. Mr. Chesborough suggests the Board consider to allow the land remain intact for perpetuity. He is concerned with the existing land use and future land use of the project in question being a refuge for wildlife of flora and fauna. Additionally, Mr. Chesborough is concerned with the water and the inadequacy of the drainage.

Mr. David Anderson of 50 Hampton Meadows introduced himself. Mr. Anderson considers the existing traffic flow a safety hazard and sees increasing problems with the proposed project.

SUSPEND PUBLIC HEARING.

Mr. Gillick asks for Board comments. Mr. Sullivan recommended an update to the existing traffic studies. There was Board consensus. Hearing none, Mr. Emerick **MOTIONED** to accept jurisdiction of the Drakes Appleton Corporation Site Plan Review to construct a 36 Unit Town Home Condominium and Special Permit to work in the Wetlands associated with the Site Plan. Mr. J. Lessard **SECONDED**. **VOTE: 6 = YES / 1 = OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. J. Lessard **MOTIONED** to continue the Drakes Appleton Site Plan and Special Permit Applications to the April 21, 2004 Planning Board meeting subject to:

- 1) Review and comment from Conservation Commission, Department of Public Works, Police, Fire, Ambit Engineering, and Highway Safety,
- 2) Independent review and comment from Rockingham County Conservation District, and,
- 3) Submittal of updated traffic study.

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

Mr. K. Lessard returns to the Board. Mr. McMahon steps down.

3. Jean Boudreau
Site Plan Review to demolish existing structures
& construct four (4) Residential Condominium units with parking at
35 Ashworth Avenue
Map 282, Lot 206
Waivers Requested: Site Plan Regulations Section V.E.8 (submittal of stormwater plan)
& VII.D (storm water drainage controls)
Owner of Record: Janet Reynolds

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. Also introduced were, Ms. Jean Boudreau, applicant, Dave Gleason, Architect, and Mr. Ernie Cote, Surveyor. Attorney Saari proceeded to explain the application is similar to another project of 5 units reviewed this evening, Ms. Boudreau' proposal is for 4 units. Mr. Gillick suggested review of Mrs. Kimball's memo dated March 2, 2004 and there was discussion of the Fire Department review and comments regarding issues surrounding this project. Mrs. Kimball noted the waiver request, and Board consensus was to deny the request. Next, Mrs. Kimball explained that the Site Plan approved in 1997 was for a gravel parking lot. Ms. Boudreau stated that she paved the lot after she purchased the property. The Site Plan was not recorded, so there was no indication of the prior approval. There was Board discussion as to whether or not a permit/approval would have been needed. Mrs. Kimball asked if an engineer should consider the existing conditions of the lot are as presented (paved) or as last approved (gravel). Board consensus was "paved". Attorney Saari and Mr. Cote offered comments regarding the item numbers and intend to provide further answers as the plan is reviewed.

**OPEN PUBLIC HEARING: NO COMMENT.
SUSPEND PUBLIC HEARING.**

Mr. Gillick asks for additional Board comments. Hearing none, Mr. Sullivan **MOTIONED** to deny the Waiver requests associated with the Jean Boudreau Site Plan Application. Mr. Bilodeau **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Emerick **MOTIONED** to continue the referenced Application to the April 7, 2004 Planning Board meeting subject to:

- 1) Review and comment by Fire Department (reference to proposed parking in the emergency access lane), and,
- 2) Submittal of revised plans and detailed storm drainage plan to the Planning Office.

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

V. CONSIDERATION OF MINUTES – FEBRUARY 18, 2004:
Postponed to the March 17, 2004 Planning Board meeting.

VI. CORRESPONDENCE:

Mrs. Kimball read a letter dated February 27, 2004 from Jack Hangen, Director of Public Works regarding his recommendation of setting a Surety for the Bley/Summerwood Drive Subdivision. Mr. K. Lessard **MOTIONED** \$152,741.00 Surety Estimate amount would be sufficient coverage for the construction of the Summerwood Drive Subdivision, Map 137, Lot 1. Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball read a letter dated March 1, 2004 from Ellen Goethel, Conservation Commission Chair regarding a previously approved Special Permit for Pamela Kopka at 63 Barbour Road. Ms. Goethel states the buffer was disturbed, the elevation raised, and the builder stated the proposed deck is to be no more than 2 feet off the ground, all of which is in violation of the permit. Ms. Goethel is requesting the fill be removed and the proposed deck to be built approximately 8 feet above ground as approved. Mr. Gillick stated he would write a letter to Kevin Schultz, Building Inspector to investigate the possibility of a violation of the approved Special Permit.

VII. OTHER BUSINESS:

Mrs. Kimball stated the Board is scheduled to meet for the Impact Fee work session on March 24, 2004 at the Town Meeting room has been reserved. Mr. Gillick suggested Mr. Bruce Mayberry should be invited.

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

Meeting adjourned at 11:10 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary