

HAMPTON PLANNING BOARD – MINUTES

April 21, 2004

PRESENT: Robert Viviano, Chairman
Tracy Emerick, Vice Chairman
Ken Sakurai, Clerk
Tom Higgins
Tom Gillick
Keith Lessard
Jim Workman, Selectman Member
Jennifer Kimball, Town Planner

Mr. Viviano called the meeting to order at 7:00 p.m. by introducing the Board members. He then asked Mr. K. Lessard to lead the Pledge of Allegiance.

I. CONTINUED 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
Jurisdiction accepted March 3, 2004
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. Viviano read a memo from Attorney Christopher Bolt of Donahue, Tucker & Ciandella dated April 20, 2004 requesting to continue the Drakes Appleton Corporation Applications, at the applicants' request, to May 19, 2004. Mr. Emerick **MOTIONED** to continue the Drakes Appleton Corporation Applications, at the applicants request, to May 19, 2004 Planning Board meeting. Additionally, the Board understands that the applicant has agreed to extend the jurisdictional period as necessary. Mr. Higgins **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

3. Lincolnshire Realty, LTD (Palm Beach, FL)
Site Plan Review to erect 2 Warehouse Buildings with utilities, access road,
& 23 parking spaces
at 343 Exeter Road
Map 51, Lot 3
Owner of Record: Lincolnshire Realty, LTD (Nassau Bahamas)
Jurisdiction accepted February 18, 2004
4. Lincolnshire Realty, LTD (Palm Beach, FL)
Special Permit to construct a 12' wide access driveway at
343 Exeter Road
Map 51, Lot 3
Owner of Record: Lincolnshire Realty, LTD (Nassau Bahamas)

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. Also introduced were Mr. Fred Sprague, of Millette, Sprague & Colwell, Ms. Amanda Barker of New Hampshire Consultants, and Mr. Rich Correll, Architect for the project.

Attorney Saari stated in order to address the Fire Departments concerns, the plans now reflect water is to be brought in from Liberty Lane to the site. Mrs. Kimball stated that item #3 of the Fire Department memo dated March 9, 2004 can be removed as a condition if the proposed water plan is satisfactory and proper permits are obtained. Mrs. Kimball reviewed memos from Scott McDonald, Fire Prevention Officer dated April 15, 2004, John Hangen, Director of Public Works, and the Conservation Commission dated March 1, 2004. Mr. Gillick asked Mrs. Kimball if all the departmental reviews were returned and reviewed. Mrs. Kimball stated that things such as design of the water system would need further review and approval, additionally, outstanding state permits are in the process of being obtained. She also stated certain permits (i.e. town trench permit, etc...) will be required for the water hook-up should the Board approve this project. Mr. Emerick asked to clarify how the water was going to get to the site. Mr. Sprague stated there was conversation with Aquarion and it was agreed a 12" main would satisfy this project, and added that the line could eventually be used by residents on the "west side." Mr. Sprague added that the proposed line would be coming through the State Turnpike Maintenance Garage of Liberty Lane, across the Park-N-Ride at Timber Swamp Road to Exeter Road, then East, hooking in to Liberty Lane West. Mr. Correll clarified that the structure is proposed as one floor (mezzanine), no onsite maintenance, no gasoline, strictly storage of antique vehicles, utilizing 7-9 employees in an office type situation related to storage of these vehicles, and a car wash has not been designed for this project.

OPEN PUBLIC HEARING:

Ms. Ellen Goethel, Conservation Commission (C.C.) Chair introduced herself. Ms. Goethel highlighted the concerns from their meeting and in her memo dated March 1, 2004 explaining: the C.C. suggests no paving of the driveways (permeable surface only) to accommodate the runoff; the C.C. suggests, because this property has extensive wildlife, at least 3 to 4 wildlife crossings should be accommodated; C.C. concerns are the impact for a 12' driveway indicate the actual permanent impact will be 20' wide, most of which will be cutting numerous trees down and adding ditches on the sides which will cause safety concerns; the C.C. suggests putting some of the site into Conservation Easement for future concerns of this property. Ms. Goethel also stated the C.C. was not aware of any employees proposed, and stated concerns for snowplowing and snow storage would indicate winter use (which the C.C. was told there would be no use in the winter). Ms. Goethel noted the Supreme Court Decision (Cherry v. Hampton Falls, April 16, 2004) where an application was denied because the applicant did not seek to show a driveway with the least possible impact. Lastly, Ms. Goethel asked for several stipulations the C.C. would request be on the approval letter: No car wash (interior or exterior), no maintenance, no gasoline use or storage, granite markers along the wetlands borders, and a Conservation Easement be considered.

Mr. Lessard asked for clarification to varied questions (i.e. was the applicant asked to run the road under the powerline easement). Ms. Goethel answered the applicant was asked if they had looked into a lesser crossing. Ms. Barker stated the applicant did investigate that alternative at the request of the Department of Environmental Services Bureau. Ms. Barker explained that due to the size of the utility easement, poles, and their supports, to reconfiguration to the driveway would cause going into wetland areas on the powerline easement location and would result in a much longer road. The applicant's determination was this would not be the "least impacted" route. Additionally, Ms. Barker clarified: the buffer impacts are less than 3% of the project property; the applicant proposes using sand (no chemicals, no salt) to treat the driveway and the plowing proposal is for fire access; the amount of impervious surface of the driveway is not substantial to change the stormwater or flood situation; additionally they propose creating a buffer to the vernal pool using same species that exist; limit the cutting of the greens to no more than 25% of the canopy cover.

SUSPEND PUBLIC HEARING.

Mr. Viviano asked for additional comments. Attorney Saari stated any changes to the proposed driveway plan would be minimal and not make much difference in the wetland impact.

Mr. Emerick stated concerns for future use under the 'warehouse' designation should the need for large (semi) trucks be utilized at this site. Mr. Sprague confirmed a statement in Ambit Engineering review indicating the turning radius was adequate for large trucks to turn. Mr. Gillick **MOTIONED** to continue the Lincolnshire Realty LTD Applications to the June 2, 2004 Planning Board meeting subject to:

- 1) Continue communications with the Conservation Commission regarding their memo dated March 1, 2004.

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

5. Caddy Shack, LLC
Site Plan Review to remodel interior of existing building & convert to a restaurant with a drive-through window and retail space at
369 Lafayette Road
Map 175, Lot 2
Owner of Record: Caddy Shack, LLC & Village at Hampton Center Condominium
Jurisdiction accepted February 4, 2004

6. Caddy Shack, LLC
Special Permit to remove & add asphalt within the Wetlands Conservation District at
369 Lafayette Road
Map 175/160, Lot 2/35
Owners of Record: Caddy Shack, LLC & Village at Hampton Center Condominium

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. Mr. Joe Coronati of Jones & Beach Engineers, and Mr. Steven Pernaw of Pernaw & Company were introduced as well. Mrs. Kimball reviewed previous Board discussions at the last meeting and addressed the changes to the plan. The Board received a response from Mr. Pernaw to Vanasse memo, and Mr. Giles Ham sent a final review letter dated April 20, 2004. Mrs. Kimball reviewed the April 21 letter from Police Chief Wrenn, who stated concerns that need to be addressed regarding the potential for high traffic problems during peak hours. She also indicated that Ambit Engineering has not reviewed the revised plans. She questioned about the confusion over employee parking noting that at the first meeting Mr. Mitchell stated that Dunkin' Donuts would require 7 employees, but the new parking calculations only account for 5. The plan shows employee parking for up to eleven spaces. Mr. Coronati stated that the "Employee Only" signs would only account for 5 spaces. She asked if there was going to be an ice cream shop, and Mr. Coronati responded that Dunkin' Donuts may sell ice cream as one of its products.

Mrs. Kimball stated that the revised crosswalk would need DPW approval and noted that the Highway Safety Committee did not have a second review, but that the revised information from Mr. Pernaw does not address their concerns. Mr. Pernaw referenced the Vanasse memo dated April 13, 2004 and stated the comparison report was concluded using the Seabrook & Stratham, NH maximum queues. Mr. Viviano asked if the North Hampton, NH location was considered for this review. Mr. Pernaw stated the North Hampton, NH location was not considered as it was determined not a good comparable based on the franchise owner's knowledge of the amount of business that the store will attract. Mrs. Kimball stated she confirmed with Mr. Giles Ham, he had measured North Hampton, NH has 190 ft. stacking versus the proposed location having 240 ft. for stacking, but Mr. Giles did not do a comparison analysis. Mr. Ham noted in his memo that in his opinion, the site would be very busy, but that there is adequate queue storage on site. Mr. Giles suggested limiting the number of items available during peak hours if the queue becomes a problem. Mr. Pernaw confirmed that would be approximately 12 vehicles to the speaker box, and 3 more vehicles to the drive through window. Mr. Coronati clarified these figures are based on a 20 ft., bumper-to-bumper vehicle.

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

Mr. Viviano asked for additional comments. There was Board discussion on outstanding items. Mrs. Kimball reminded the Board that Ambit Engineering had not reviewed the revised plans, and suggested continuing to next week's meeting (April 28, 2004). Mr. Gillick stated that the traffic issues have been discussed at length and that if the traffic is too difficult, patrons will go elsewhere for coffee. Mr. Gillick **MOTIONED** to approve the Caddy Shack, LLC Special Permit Application subject to:

- 1) Stipulations noted in the Conservation Commission memo dated January 31, 2004.

Mr. Emerick **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. K. Lessard **MOTIONED** to approve the referenced Site Plan Review Application of plan #03123, dated 4/16/04, subject to:

- 1) Sign off by Ambit Engineering on outstanding issues,
- 2) Approval from Department of Public Works on moving the crosswalk,
- 3) Modify entry radius as noted in Vanasse memo dated 4/20/04,
- 4) Stipulations noted in the Department of Public Works memo dated 2/27/04,
- 5) Submittal of appropriate surety commitment,
- 6) Revise plans to show correct crosswalk location on all sheets,
- 7) Submittal of recorded copy of the easement with Map 160, Lot 35, denoting ingress, egress, utilities, and storm water drainage maintenance, to the Planning Office prior to issuance of Building Permit or commencement of site work,
- 8) Signage placement subject to Building Department review and permit,
- 9) Licensed Land Surveyor, Professional Engineer, and Wetland Soil Scientist stamp on final plans,
- 10) Locus map on C2,
- 11) Submittal of certificate of monumentation (may be included in surety),
- 12) Submittal of final plans, mylar, recording fees, and payment of independent review fees,
- 13) Construction of a sidewalk on south side of driveway, to the property line,
- 14) Sidewalks to be painted across both driveways.

Mr. Gillick **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. CONSIDERATION OF MINUTES – APRIL 7, 2004:

Mr. Gillick requested corrections as follows:

Page 3: J.R. Russo Corporation end of paragraph typographical error: Mrs. Kimball suggested some of the proposed infrastructure upgrades *may* include this, and that DPW should review and comment.

Page 5: Jones & Beach Engineer middle of paragraph, rewrite the sentence: The site consists of 10 cottages and a 3-unit condominium building and is currently being serviced by a 1" water line that *does not lay far enough* down resulting in freezing, maintenance and pressure problems. The proposal is to upgrade to 2" water line and install short section of underground electric further down. The *proposed* impacts are temporary *and* it is all below ground installation.

Page 6: Rosewood Manor Condominium middle of paragraph, rewrite the sentence: At the litigation over (1 1/2 years ago) the Judge suggested a Lot Line Adjustment be requested in order for Rosewood Manor Condominium *to* put up a fence to secure their area, and then Mr. Blondeau's area of interest for parking would be separate as well.

Mr. Gillick **MOTIONED** to accept the minutes as amended. Mr. Emerick **SECONDED**. **VOTE: 4 = YES / 2 = ABSTAIN** (Mr. K. Lessard & Mr. Workman). **MOTION PASSES IN THE AFFIRMATIVE.**

III. CORRESPONDENCE:

- 1) Mrs. Kimball noted an email distributed to the Board members regarding wetland regulations on a court case in Hampton Falls. The email noted the standards for granting a Special Permit and explained the court upholding the Board's decision to not grant a Special Permit based on the applicant not seeking the least wetland impact for their project. This memo and the court case decision are available for review at the Planning Office.
- 2) Mrs. Kimball noted a letter from Cliff Sinnot, Executive Director of the Rockingham Planning Commission regarding the reorganization of certain functions and duties of state agencies. Mr. Sinnot stated he is not in favor of this bill and expressed his appreciation of continued support for local planning and conservation efforts. This memo is available for review at the Planning Office. Mr. Gillick stated that he is in favor of the bill.
- 3) Mrs. Kimball read a memo from Ms. Janet Reynolds of Royale Shores, LTD. dated April 6, 2004 requesting a one-year extension to their previously approved application. Mr. Emerick **MOTIONED** to grant a one-year extension, at the applicants' request, for the Royale Shores Vacation Resort conditionally approved application to June 19, 2005. Mr. Sakurai **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. OTHER BUSINESS:

- 1) Mr. Workman stated Gerry Ridzon, Rockingham Planning Commissioner has submitted his resignation from his position. There was Board discussion and consensus that Mr. Fran McMahon be recommended for the position, if he will accept. Mrs. Kimball will contact Mr. McMahon and advise the Board when they can send their recommendation to the Selectman.
- 2) Bank of NH
40 High Street
Discussion of sewer upgrade

Mrs. Kimball stated she reviewed the previously approved site plan, at the Boards request, and the current request to remove a parking spot to upgrade the storm drain line will not affect the parking regulations. Additionally, she read a memo from Doug Mellin from the Department of Public Works dated April 6, 2004 that recommended the upgrade. Mr. Lessard **MOTIONED** to grant permission to modify the Bank of New Hampshire Site Plan and approve the recently proposed drainage improvements. Mr. Sakurai **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**
- 3) Mrs. Kimball stated the Board would notice a Public Hearing for the Impact Fees on April 28, 2004 at 7:00 p.m. in the Town Meeting room, which Mr. Bruce Mayberry will attend.

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

Meeting adjourned at 8:56 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary