

HAMPTON PLANNING BOARD – MINUTES

June 2, 2004

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

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

II. NEW PUBLIC HEARINGS:

1. Angelina Marquis & Theresa Vitagliano
Special Permit to remove existing 2-family structure & shed and construct new, 2-family
condex structure within the Wetlands Conservation District at
7 & 9 Gill Street
Map 223, Lot 32 & 35 * * this proposal includes a voluntary lot merger
Owners of Record: Same as above

Mrs. Kimball read a letter from Attorney Peter Saari dated June 1, 2004 requesting postponement of this application. There was public concerns regarding continued postponement of applications, and questions were asked as to the Rules and Regulations regarding time limits. Mr. Viviano and Mrs. Kimball answered that the Board considers the reason(s) behind the postponement before any decision is made to recommend postponement or withdrawal of any application. Additionally, Mrs. Kimball stated that abutter notices are not required each time because the application is being continued as a public hearing. Mr. Gillick **MOTIONED** to postpone the Angelina Marquis & Theresa Vitagliano Special Permit Application, at the applicants request, to the September 1, 2004 Planning Board meeting. Mr. Higgins **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

5. David MacFarlane & Peter L. Curtis
Lot Line Adjustment at:
15 Norton Road & 8 Curtis Street
Map 146, Lot 43 & 47
Waiver Requested: Subdivision Regulations V.E. (submittal of detailed plan)
Owners of Record: Same as above

Mrs. Kimball read a memo Attorney Michael McCarthy dated June 2, 2004 notifying the applicant is withdrawing this application. A letter will be sent stating the Board acknowledged the applicant's request to withdraw the David MacFarlane & Peter L. Curtis Lot Line Adjustment Application. Mr. Emerick asked for clarification that abutter notices would be sent should the applicant re-file. Mrs. Kimball stated the Rules and Procedures would apply (i.e. legal notices, fees due, abutter notices, etc...). No Board action is required on this application withdrawal.

Mr. Viviano asked for reorder of the agenda. Mr. Emerick **MOTIONED** to reorder the agenda as necessary. Mr. Sakurai **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. ATTENDING TO BE HEARD:

1. Julie Lewis
Use Change Application to convert office/retail space (as approved by the Planning Board)
to a Wellness Center & Spa
570 Lafayette Road
Map 126, Lot 49
Owner of Record: Saxonville Wholesale Lumber

Ms. Julie Lewis introduced herself and her husband David Lewis. Ms. Lewis proceeded to explain the Use Change Application to convert 4200-sq. ft. of proposed office space to a Wellness/Holistic Spa to include a Yoga Studio, Chiropractic care, Acupuncture, and Massage. Mr. Sakurai **MOTIONED** voted to approve the Julie Lewis Use Change Application to convert office/retail space to a Wellness Center & Spa at 570 Lafayette Road, Map 126, Lot 49. Mr. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. 1st & Ten Property Corporation
Parking Lot Permit Application at
373 & 375 Ocean Boulevard
Map 275, Lots 8 & 25
Waivers Requested: Site Plan Regulations Sections VI.E.8 (stormwater calculations) & VIII.B.1 (parking lot design, pavement)
Owner of Record: Same as Above

Attorney Steve Slovenski introduced himself as representing the applicant. Attorney Slovenski proceeds to explain the application to install a permanent parking lot on what the Board previously recalls as a seasonal parking lot with temporary approval. He stated the significant improvements have been the existing structure has been renovated, there is new fencing and lighting. Attorney Slovenski reviewed the Waiver Requests and some comments from the applicant's Engineer were: the storm water calculation waiver is requested because there is no change in total site and impervious surfaces therefore, no increase in runoff; the existing screen gravel parking area will not change; the existing parking lot is a crushed stoned surface that prevents any increase in runoff; the underlying soil is sandy which promotes infiltration of storm water and the existing drainage pattern will not change. Attorney Slovenski stated that the parking area will remain as crushed stone, the existing stone surface provides a clean, stable surface with no mud being tracked or created, the site is level and no erosion is occurring. Mr. Malcolm Smith, III, Principal of 1st and Ten Properties joins Attorney Slovenski at this time. There was Board discussion regarding the history of the Temporary parking requests and drainage oppositions. Mrs. Kimball stated this is "Attending to be Heard" on the agenda and a public hearing would not be held, additionally a Site Plan would not be required and the proposed parking lot surveyed plan will be recorded at the registry (should the Board approve the application). She stated further that she was not aware if the Site Plan Regulations could apply if the Application is not a Site Plan. Mr. Emerick **MOTIONED** to grant the Waiver Requested: Site Plan Regulations Section VIII.B.1 (parking lot design, pavement). Mr. Higgins **SECONDED. VOTE: 4 = YES / 3 = OPPOSED** (Mr. Lessard, Mr. Viviano, & Mr. Workman). **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Emerick **MOTIONED** to grant the Waiver Requested: Site Plan Regulations V.I.E.8 (stormwater calculations). Mr. Higgins **SECONDED**. **VOTE: 5 = YES / 1 = OPPOSED** (Mr. Lessard). **MOTION PASSES IN THE AFFIRMATIVE**. Mr. Sakurai **MOTIONED** to approve the 1st & Ten Property Corporation Parking Lot Permit Application at 373 & 375 Ocean Boulevard, Map 275, Lots 8 & 25, of plan #P3142, revision #3, dated 4/28/04 subject to:

- 1) Notes #5, 6, 8, & 10-14 on the referenced plans, and
- 2) No paving of said lot with out further Planning Board approval.

Mrs. Kimball informed the applicant a final mylar and recording fees prior to opening of the lot would be required. Mr. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE**.

3. John Privitera
Use Change to convert Motel office to Hair Salon and 4 Motel rooms to a Restaurant at
86 Ashworth Avenue
Map 287, Lot 043
Owner of Record: Same as above

Attorney Michael Belanger introduced himself as representing the applicant. Mr. John Privitera was also present. Attorney Belanger proceeded to explain the application to convert the existing Motel office to a Hair Salon and convert 4 Motel rooms to a Restaurant. Mrs. Kimball stated there were floor/architectural plans on file, however, a Site Plan has not been filed. Mrs. Kimball added, when the Building Permit was applied for, it was apparent the proposal was different than what the Planning Board previously approved as a Use Change and there now shows an extension of the structure with a 'bump out' of 6 ft. This type of 'addition' would require a Site Plan review and meeting all Regulations of Surveyor for plot plan, meeting application deadlines for abutter notification, etc... Attorney Belanger, Mr. Privitera, and the Board discussed options if the applicant decides to not go forward with the 'bump out' plan and stay with the Use Change. The applicant agreed to withdraw the Use Change Application at this time. A letter will be sent stating the Board acknowledged the applicant's request to withdraw the John Privitera Use Change to convert Motel office to Hair Salon and 4 Motel rooms to a Restaurant at 86 Ashworth Avenue, Map 287, Lot 043. No Board action is required on this application withdrawal.

I. CONTINUED PUBLIC HEARINGS:

1. 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, extended by applicant
2. 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. He also introduced Mr. Fred Sprague of Millette, Sprague & Colwell, Ms. Amanda Barker of New Hampshire Soil Scientists, and Mr. Rich Correll, Architect for this project. Attorney Saari stated the applicant has met and discussed with the Conservation Commission regarding the recommendations they have made. Mrs. Kimball read a memo dated May 31, 2004 from the Conservation Commission stating they now recommend granting the Special Permit. Mr. Sprague reviewed the plan changes: additional critter crossing, easement area, etc... he stated all the Conservation Commission recommendations have been agreed to. Attorney Saari clarified the Boards question that the deed restriction would require no dumping, no refuse, keeping the grounds in the state they are now in. Mr. Gillick stated his approval on the amount of changes the applicant has made to the plans and the efforts are appreciated.

OPEN PUBLIC HEARING: NO COMMENT
CLOSE PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Emerick **MOTIONED** to approve the Lincolnshire Realty, LTD (Palm Beach, FL) Special Permit to construct a 12' wide access driveway associated with Site Plan Review at 343 Exeter Road, Map 51, Lot 3, subject to:

- 1) Stipulations noted in the Conservation Commission memo dated May 31, 2004,
- 2) Submittal of revised plans to reflect Conservation Commission stipulations, and
- 3) Review of the deed restrictions, by the Planning Office, prior to recording.

Mr. Workman **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. Lessard **MOTIONED** to approve the 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, of plan #03133, revision #1, dated 2/26/04 subject to:

- 1) Site use restricted to warehouse/storage only (no sales/repairs of vehicles; no storage of fuel oils; offices incidental to primary use are permissible),
- 2) No car wash (interior or exterior),
- 3) Easement from Map 51, Lot 6 for ingress/egress shown on plan; recorded prior to issuance of Building Permit; copy of recorded documents to Planning Office,
- 4) Recommendations listed in Ambit Engineering memo dated April 21, 2004,
- 5) Water main permit and approval of system by Aquarion Water prior to issuance of Building Permit (completed, tested & approved by appropriate agencies prior to Certificate of Occupancy),
- 6) Revise plan to note that driveway may flood,
- 7) Certificate of Monumentation on all corners (may be included in Surety),
- 8) Establish sufficient Surety for road construction, off-site work, and on-site utilities (including Fire Department requirements). Amount based on cost estimate, Department of Public Works recommendation and Planning Board approval,
- 9) Submittal of final plans, mylar, and recording fees,
- 10) Updated payment of outstanding independent review fees prior to final approval,
- 11) Additional Planning Board approval required if site is to be used in a more intense way (other than Basic warehouse/storage),
- 12) Establish sufficient escrow to cover independent Engineering Inspection (amount determined via recommendation by Department of Public Works) prior to final approval, and
- 13) Change note #15 on Sheet 3 of 9 to reflect the actual proposed building construction.

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

3. 389 High Street Realty Trust
Site Plan Review – 7 Unit Building and Conditional Use Request at
389 High Street
Map 180, Lot 3A-6 & 7
Waiver Requested: Site Plan Regulations Section V.E.8 (storm water drainage control plan)
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee & 389 High Street
Realty Trust, Jerome Sakurai, Trustee
Jurisdiction accepted December 3, 2003, extended by applicant
4. 389 High Street Realty Trust
Special Permit Application 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 & 389 High Street
Realty Trust, Jerome Sakurai, Trustee

Mr. Sakurai steps down for this application.

* Mr. Bilodeau joins the Board at this time.

Mr. Emerick assumes the Clerk position at this time, reading the necessary agenda items.

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. He also introduced Mr. Joe Coronati of Jones & Beach Engineers, Inc., and Mr. Sakurai, Principal of this property. Mrs. Kimball gave a brief review of the history on this application, stating previous applications on an 8-Unit Building have been denied; the applicant filed a new application for a 7-Unit Building which required variances from the Zoning Board and were granted those variances; the detention pond is now shown on sheet C4 and should the Board agree with this change the Waiver Request should be withdrawn; Mrs. Kimball noted comments from Ambit Engineering in their memo dated May 10, 2004 and some may recommendations from them may be required as conditions of approval; and the recreation area is now shown on the plan. Mrs. Kimball stated the concerns regarding the changes as: ***Wetlands Conservation Commission has not reviewed the detention pond, which is now shown in the Wetland Buffer***, Ambit Engineering requested Handicap access and a ramp is now shown – documentation will be needed to show adherence to ADA requirements; a 10 X 12 (120 sq. ft.) stone recreation area and patio (sheet C3) does not meet the necessary footage requirement and a note 12 on sheet asks to include the Conservation Easement as recreation area; Hampton Fire Department reviews have been addressed in their comments of May 20, 2004; the recent Zoning approvals will need to be updated on the plans; the water moratorium has been lifted so there is no well being proposed; the Conservation Commission concerns are the detention pond in the Wetland Buffer; no outstanding issues from the Department of Public Works or Police Department, and she noted those review and comments were from the 8-Unit proposal; the driveway is now showing ecopavers; the building has shifted to one less unit; the elevations have stayed the same. Mrs. Kimball provided elevations for the Board to review at this time. Mr. Coronati answered Mr. Higgins concern stating the Conservation Easement has actually enlarged and runs from the edge of the tree line. Mrs. Kimball stated for the record the variances granted from the Zoning Board are Section 8.2.3: Multi-family 40-ft. setback, 8.2.4: parking requirements of 25 ft. away from structure, 8.2.6: 20 ft. buffer around the property and there has been a request for a rehearing, however, any request for rehearing is independent of Planning Board action. Additionally, Mrs. Kimball stated the use of multi-family is allowed in the “RB” zone.

OPEN PUBLIC HEARING:

Mr. Jim Shawtall, a resident of Alexander Drive introduced himself. He stated for the record there are 18 residents that have requested the rehearing at the Zoning Board of Adjustment. His concerns are the intensity of the project, the wetlands impact; traffic, fire, & safety related concerns; and the impact on property values in the area.

Mrs. Kimball read from Fire Department memo of May 27, 2004, item #1 states the fire protection concerns have been addressed on sheet C3 #16, 17, & 18, (which says the proposed building will have an automatic sprinkler system within the state and town ordinance requirements; the proposed building shall have a fire alarm system in accordance with state fire codes and town ordinances; both protection systems shall be connected to the Town of Hampton Municipal Fire Alarm Box system via Master Box). In addition, the Fire Department has also noted their vehicles can get into the area and make the turns. Lastly, should the Board approve this application a condition would be: the access driveway shall be designated as a fire lane, free of all obstructions, lanes shall be marked with free standing signs or marked curbs, sidewalks or other traffic surfaces that have the words "fire lane/no parking". Mrs. Kimball added, the Police Department reviewed the 8-Unit proposal in July of 2003, their memo states 'does not believe that this proposed 8-Unit building will cause any additional traffic or pedestrian safety problems, in that area, at this time. Additionally, the Department of Public Works previously commented on the intensity of the use and have not reviewed the current drainage proposal. Also, the Conservation Commission has reviewed the change in the location of the driveway and now that ecopavers are to be used, that did address some of their concerns. However, they have not seen the current plans with the additional impact to the Wetland Buffer. There was Board discussion regarding abutter concerns of barbecue grill use and Mr. Viviano stated the Fire Department and the Condominium Association would determine what is deemed appropriate use.

Tracy Kelley of 9 Alexander Drive introduced herself. Ms. Kelley stated concerns for the Board to consider the Police Department to review the current plans as the Town has had many changes after one year. Other concerns are density, setting of precedent, and traffic. Ms. Kelley read from an opinion of a New Hampshire Supreme Court decision (Summa Humma Enterprises, LLC versus the Town of Tilton) asking the Board to consider their regulations that set forth their purposes served by site plan review. Ms. Kelley is concerned with the applicant of this project holding a seat on the Board and being allowed to vote on other applications, especially when his Attorney is representing other applicants of that vote.

Mrs. Kimball stated when a Department or Agency is asked to review and comment, certain reviews are continued based on outstanding issues needing to be addressed. The Board agreed the 7-Unit proposal is less dense and there were no outstanding issues from these Departments, thus the reason why Police and Department of Public Works were not asked to review and comment again. Mr. Viviano stated any time there is a Board position and application conflict of interest, the Board member steps down. He assured Ms. Kelley the Board will hold every applicant to the highest responsibility to adhere to all Rules and Regulations.

Rosanna Spizziri resident of Alexander Drive introduced herself. Ms. Spizziri states concerns of who is investing in the Trust of this application. She states other concerns are the Wetlands identified on the plans seem to be incorrect and would like the Board to consider a more detailed look at that. She states for the record, she is concerned that the Zoning Variances and other abutters she got signatures from are not cautioning future development.

Additionally, she has concerns for the construction/equipment phase storage needs during development and the site does not have adequate space for these larger vehicles.

Mrs. Kimball stated since this site is an existing lot of record, the Applicant may count the wetland and buffer area in determining lot size per dwelling. If it was a new lot, there are limits as to how much Wetland and Buffer can be counted to meet the density requirements. Mr. Viviano stated any other abutter concerns will have to be brought before the Board individually, that no one abutter can speak for another (or party there of).

CLOSE PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. There was Board discussion regarding soil types and what determines Wetlands. Mr. Gillick stated the presence or absence of water is not a defining characteristic of Wetlands. Mr. Coronati, stating he is not a Soil Scientist, gave a brief outline; hand augers are used and the colors of the soils are unique; different colors are different soils; the State bases a number of factors which the Army Corps of Engineers manual defines across the Country; Hampton still uses Town jurisdiction.

Mrs. Kimball suggested Board consensus to have the Waiver Request withdrawn because the detention pond is now shown on the plan. The applicant agreed to withdraw the Waiver Request at this time. There was Board discussion and the consensus was to keep the detention facility on the plan. There was Board discussion and the consensus was the Board was satisfied with the Recreation area on the current plan. There was Board discussion and the consensus was the Board was satisfied with the Handicap/ADA accessibility shown on the plan. There was Board discussion and the consensus was the Board was satisfied with either drainage plan presented (as was the Department of Public Works). There was Board discussion regarding the trash pick-up and clarification was made (as shown on the plan) there would be curbside trash pick-up. There was Board discussion and consensus was the Board was opposed to the density of the project. Clarification was made that multi-family use was not being disputed.

Mr. Coronati re-stated the applicant agreed to withdraw the Waiver Request. Mrs. Kimball stated a letter will be sent stating the Board acknowledged the applicant's request to withdraw the Waiver Requested: Site Plan Regulations Section V.E.8 (storm water drainage control plan).

Mr. Higgins **MOTIONED** to approve the 389 High Street Realty Trust Special Permit Application at 389 High Street, Map 180, Lot 3A-6 & 7 subject to:

Stipulations in the Conservation Commission memo dated August 27, 2003:

- driveway to be of permeable surface;
- a Conservation Easement be reviewed by Town Counsel and accepted by the Town through the proper procedures under State Law;
- proper sediment and erosion control be utilized;
- Conservation Commission notification at start and end of project;
- Monumentation of Conservation Easement and Wetland Edge be marked by granite bounds as shown on sheet C3.

Mr. Gillick **SECONDED. VOTE: 2 = YES / 5 = OPPOSED** (Mr. Bilodeau, Mr. Emerick, Mr. Lessard, Mr. Viviano, & Mr. Workman). **MOTION FAILED.**

Mr. Workman **MOTIONED** to deny the 389 High Street Realty Trust Special Permit Application at 389 High Street, Map 180, Lot 3A-6 & 7, after considerable Board review and discussion, due to the inconsistencies with intent and purposes set forth in the ordinances.

Mr. Emerick **SECONDED. VOTE: 6 = YES / 1 = OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Gillick **MOTIONED** to deny the Site Plan Review – 7 Unit Building and Conditional Use Request, and Special Permit Application at 389 High Street, Map 180, Lot 3A-6 & 7, because it cannot be constructed without the Special Permit. Mr. Bilodeau **SECONDED. VOTE: 6 = YES / 1 = OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS:

2. Robert W. Bridle, Sr.
Special Permit to remove & replace existing shed & construct a fence within the Wetlands Conservation District at:
597 Ocean Boulevard
Map 235, Lot 20
Owner of Record: Robert W. Bridle, Sr. Trust

Mr. Russell Bridle, Trustee, introduced himself. Mr. Robert Bridle Jr. was introduced as well. Mr. Russell Bridle proceeded to explain the application to remove and replace the existing shed of 8' X 16', using the same footprint, as well as construct a fence on the South Side between 595 and 597 Ocean Boulevard. Mrs. Kimball noted a memo into the record from the Conservation Commission dated May 31, 2004 stating their recommendation and stipulations to approve the Special Permit.

OPEN PUBLIC HEARING: NO COMMENT CLOSE PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Emerick **MOTIONED** to approve the Robert W. Bridle, Sr. Special Permit to remove and replace the existing shed and construct a fence within the Wetlands Conservation District at 597 Ocean Boulevard, Map 235, Lot 20, subject to:

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

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

3. David A. Joaquin
Special Permit to remove and replace existing cinder block foundation within the Wetlands Conservation District at:
77 Island Path
Map 281, Lot 50
Owner of Record: Same as above

Mr. David Joaquin introduced himself. He stated his application is requesting to remove and replace the existing foundation of 30 + years old. Mr. Joaquin stated having discussion and correspondence with the Conservation Commission which recommends approval of the Special Permit. Mrs. Kimball noted for the record there is email correspondence from NH DES stating a DES permit is not required. Additionally, Mrs. Kimball noted for the record a memo from the Conservation Commission dated May 31, 2004 stating their recommendation and stipulations to approve the Special Permit.

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

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Gillick **MOTIONED** to approve the David A. Joaquin Special Permit to remove and replace existing cinder block foundation within the Wetlands Conservation District at 77 Island Path, Map 281, Lot 50, subject to:

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

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

4. Jane E. Gallagher
Lot Line Adjustment at:
31 Harbor Road
Map 295, Lot 63 & 62
Waiver Requested: Subdivision Regulations V.E. (submittal of detailed plan)
Owners of Record: Jane E. Gallagher & Golden Corridor, LLC

Mr. Cory Colwell of Millette, Sprague & Colwell, Inc. introduced himself. Ms. Jane Gallagher was also introduced. Mr. Colwell proceeded to explain the application to relocate a Lot Line between Ms. Gallaghers' property and the recent conditionally approved Golden Corridor, LLC property. The existing Lot Line on the Easterly side of Ms. Gallaghers' property will be moved 4 ft. East to the existing fence. Mr. Colwell continued to explain circumstances of the Golden Corridor conditional approval have not been satisfied as yet and the proposed plan presented shows shaded 'hatches' of the agreed property to transfer from Golden Corridor, LLC to Ms. Gallagher. There was considerable Board discussion regarding the two separate tracks, the proposed plan shows existing only, and the possibilities of seeing an overlay of the conditionally approved Golden Corridor, LLC versus what is being proposed by the applicant. Areas of concern are the Harbor Road details and the fire access lane that may impose on Ms. Gallaghers' proposal. The Board expressed concern regarding how to proceed with the intricate details of relocating the Lot Line for Ms. Gallagher and who owns what portion of any part of the Lot Line Adjustment. Mrs. Kimball recommended the Board consider Town Attorney Gearreald review and comment. The applicant stated intention to record the plan upon Board approval and not wait for Golden Corridor, LLC to record their plans. Additional Board concerns were: should Golden Corridor, LLC, for some unknown reason, not record their plans Ms. Gallaghers' lot would then be an uneven measure with a 'handle' in the easterly corner. Mr. Colwell submitted for the file, a copy of the agreement between the applicant (Ms. Gallagher) and Golden Corridor, LLC. Mrs. Kimball recommended the Board may need to approve this Lot Line Adjustment in a two step process.

OPEN PUBLIC HEARING:

Mr. Ron Dubie of 35 Harbor Road introduced himself. Mr. Dubie stated he has not seen the plan and requested permission to view it more extensively at this time. He stated he has no objection to the Jane Gallagher Lot Line Adjustment.

SUSPEND PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Gillick **MOTIONED** to grant the Waiver Requested: Subdivision Regulations V.E. (submittal of detailed plan). Mr. Higgins **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Lessard **MOTIONED** to accept jurisdiction of the Jane E. Gallagher Lot Line Adjustment at 31 Harbor Road, Map 295, Lot 63 & 62, and continue the Application to the July 21, 2004 Planning Board meeting subject to:

- 1) Review of plan by Town Attorney Gearreald,
- 2) Submittal of an overlay/superimposed plan showing the proposed lot line as well as Harbor Road, the identified fire access, and any other pertinent information currently under conditional approval from the Golden Corridor Phase II Site Plan application of December 2003.

Additionally, the Board expressed interest in showing the proposed Lot Line Adjustment in two separate sections: one strip adjacent to the existing lot, and a second piece adjacent to the conditionally approved Lot Line Adjustment from the Golden Corridor project. Mr. Gillick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. CONSIDERATION OF MINUTES:

May 5, 2004:

Mr. Lessard **MOTIONED** to accept the minutes as written. Mr. Emerick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

May 19, 2004:

Mr. Higgins recommended a change to page 4, 1st paragraph, last sentences to read:

The conceptual plan would include *filling* of approximately one acre of *Wetland Conservation District* along Drakeside Road, with “flat-style” apartments. The number of units would increase over the existing, *36-unit* proposal.

Mr. Workman **MOTIONED** to accept the minutes as amended. Mr. Emerick **SECONDED. VOTE: 5 = Yes / 1 = Abstain** (Mr. Emerick). **MOTION PASSES IN THE AFFIRMATIVE.**

V. CORRESPONDENCE:

1. Conservation Land purchase:

Mrs. Kimball read a memo dated May 31, 2004 from the Conservation Commission suggesting the purchase of a piece of property off of Barbour Road adjacent to the Conservation Land at White’s Lane. The Conservation Commission is requesting the Board discuss the purchase and make a recommendation to the Selectman to set the purchase in motion. There was Board discussion regarding the actual Map and Lot. The Board consensus was to table the matter until review of the actual Tax Map to distinguish exactly what lot(s) are to be purchased can be completed.

2. 2004 Municipal Board Training Series:

Mrs. Kimball noted the Rockingham Planning Commission and Rockingham County Conservation District Regions are holding the 16th year Municipal Board Training Series workshops on June 2 and June 23, 2004. Both sessions are free of charge, however, pre-registration is required. Please contact Mrs. Kimball at the Planning Office if you would like to attend. Further information and details can be found on the flyer located at the Planning Office.

3. Town Budget:

Mrs. Kimball noted for the record a memo from Town Manager, James Barrington that the Town Budget is now in process. Mrs. Kimball informed the Board that she is involved as she has worked on this in the past.

VI. OTHER BUSINESS:

1. Defining Aisle Width:

Mrs. Kimball provided a copy of a memo she wrote dated May 27, 2004 to the Board for their review regarding the revision of the definition of Aisle Width as follows:

***Aisle Width** means the unobstructed distance measured from the rear of a parking space to one of the following:*

- 1. another parking space;*
- 2. an obstruction created by a wall, fence, structure, or any other permanent fixture;*
- 3. a property line, unless said property line abuts a roadway.*

In situations where a support column and/or wall (or any other obstruction) is located “in between the parking spaces” but to the rear of a parking space, the aisle width shall be measured from the edge of the obstruction adjacent to the aisle to any one of the items listed above in 1, 2 or 3; thereby rendering the aisle free of all obstructions within the required width.

No aisle is required for parking spaces pulling out directly onto a roadway; however, the Planning Board reserves the right to require adequate space between a parking space and a property line and/or roadway in the interest of public safety or any other of the review standards listed in Section IV.D of the Site Plan Regulations.

In addition, the Board will consider noting for the record that it interprets Section VII.B (Parking Lot Design) to apply to both commercial (for pay) lots, as well as privately used lots.

Mrs. Kimball recommended the Board adopt the revision as 'interpretation' and she would notify any Agencies that consistently rely on the information (ie Jones & Beach Engineers, Inc. etc...). Mr. Gillick **MOTIONED** to adopt the revision of Aisle Width as 'interpretation' and notify any Agencies as necessary. Mr. Workman **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Capital Improvement Program

Mrs. Kimball noted that the Board had previously recommended Mr. Gillick for the Chairman of the 2004-2005 Capital Improvement Program (CIP) and a formal vote would apply as the CIP has a start up date of June 15, 2004. Mr. Emerick **MOTIONED** to nominate Mr. Tom Gillick as the Chairman of the 2004-2005 Capital Improvement Program. Mr. Higgins **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Additionally, a Planning Board member must be elected to serve on the CIP as well. Mr. Workman **MOTIONED** to nominate Mr. Fran McMahon, Planning Board Alternate to serve as Planning Board Representative on the Capital Improvement Program of 2004-2005. Mr. Viviano **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

The Capital Improvement Program will hold its start up meeting on Tuesday, June 15, 2004 at 6:00 PM at the Town Offices. A memo has been distributed to all Departments and Agencies necessary and other election/nominations will be forth coming.

3. Case Law on Site Plan Review authority:

Mrs. Kimball provided a copy of a Supreme Court Hearing between Summa Humma Enterprises, LLC versus Town of Tilton (New Hampshire) attached to her memo dated May 24, 2004 to the Board for their review. There was considerable Board discussion regarding the details of Planning Board Authority and consensus was this Hearing information was valuable to their future decision making.

Mr. Bilodeau **MOTIONED** to adjourn. Mr. Lessard **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Janine L. Fortini
Planning Board Secretary

Minutes as amended June 16, 2004