

**HAMPTON PLANNING BOARD – MINUTES**  
September 1, 2004

**PRESENT:** Robert Viviano, Chairman  
Tracy Emerick, Vice Chairman  
Ken Sakurai, Clerk  
Tom Gillick  
Tom Higgins  
Keith Lessard  
Jim Workman, Selectman Member  
\* Fran McMahon, 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. Higgins to lead the Pledge of Allegiance.

**II. NEW PUBLIC HEARINGS:**

6. Sean Marshall  
Special Permit to construct a 2-story dwelling unit with garage, both attached to the existing structure within the Wetlands Conservation District at  
31 Harbor Road  
Map 295, Lot 62  
Owner of record: Jane Gallagher

Mr. Viviano read a facsimile memo dated September 1, 2004 from Mr. Sean Marshall of Dynamic Solutions, Inc., representing the applicant, requesting postponement of the Sean Marshall Special Permit application. Mr. Gillick **MOTIONED** to postpone the Sean Marshall Special Permit application, at the applicant's request, to the October 6, 2004 Planning Board meeting. Mr. Lessard **SECONDED**. **VOTE: 6 = YES / 1 = OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

10. Fatima Realty Trust  
Site Plan Review to construct a 5-story residential Condominium building with 2 parking levels, drainage, grading, necessary paving & utility connections at  
377 Ocean Boulevard  
Map 265, Lot 20  
Owner of record: Fatima Realty Trust, Janet Reynolds-Trustee

Mr. Viviano read a facsimile memo dated September 1, 2004 from Mr. J. Corey Colwell, President of Millette Sprague & Colwell,, Inc., representing the applicant, requesting postponement of the Site Plan Review application. Mr. Viviano asked to clarify a reason for the applicant's request. Mrs. Kimball stated after she reviewed the request, the site plan was missing information, thus becoming an incomplete application. Mrs. Kimball notified the applicant and it was agreed to postpone for additional time to provide the missing information. Mr. Emerick **MOTIONED** to postpone the Fatima Realty Trust application to the September 15, 2004 Planning Board meeting. Mr. Gillick **SECONDED**. **VOTE: 2 = YES / 5 = NO** (Mr. Gillick, Mr. Higgins, Mr. Lessard, Mr. Viviano, Mr. Workman). **MOTION FAILS.** There was additional Board discussion regarding the agenda for September 15, 2004, and to give the applicant the opportunity to be heard thoroughly, a date further out would suffice. Mr. Lessard **MOTIONED** to postpone the Fatima Realty Trust application to the October 6, 2004 Planning Board meeting. Mr. Gillick **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Viviano suggested the Board consider reordering the “attending to be heard” application because of the lengthy agenda to be heard this evening. Mr. Gillick **MOTIONED** to reorder the agenda as necessary. Mr. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

### **III. ATTENDING TO BE HEARD:**

1. Gino Carestia  
Use Change from Computer Sales to Auto Repair at  
9 Ann’s Lane  
Map 126, Lot 16  
Owner of record: Thomas Moulton

Mr. Gino Carestia introduced himself and proceeded to explain the Use Change application proposing to operate an Auto Repair shop. Mr. Carestia proposes to offer general auto repair; working mostly on imported cars; using the existing bay doors in the back of the building and the bulk of the work would take place inside. There was Board discussion regarding previous uses on the site and the number of bays being proposed. Mr. Carestia clarified the existing partitions would have to be taken down to allow adequate space for his services. Mr. Lessard expressed concern regarding how many cars would be able to be repaired at one time, as well as, how many cars would be waiting to be repaired. Mr. Carestia provided pictures of the existing (back) parking lot and stated there is adequate space for his operation. He stated that he currently is doing business in Seabrook, NH, and seeking alternative avenues to continue because the building he operates in now is being torn down. Mrs. Kimball stated the tax map shows the area from the back of the building to the property line is approximately 125ft. X 50ft., which could fit approximately 20 outside parking spaces. Mr. Carestia answered Mr. Lessard’s question that approximately 95% of the cars would be registered (an example of an unregistered car would be something being restored). There was Board discussion regarding adequate parking spaces, stripping and disposal of car parts, and the need for a parking plan and/or viewing the previous site plan. Mr. Carestia answered Board questions that no auto sales would take place, nor would there be any spray painting booths.

Mr. Lessard **MOTIONED** to approve the Gino Carestia Use Change from Computer Sales to Auto Repair at 9 Ann’s Lane, Map 126, Lot 16 subject to:

- 1) No storage of salvage vehicles outside of structure.

Mr. Workman **SECONDED**. Mr. Gillick asked where the Use Change authority lies. Mrs. Kimball stated the Use Change would go to the building/structure on the site of 9 Ann’s Lane. Additionally, should Mr. Moulton (owner of property) sell the property, or another lessee contracts, the Use Change would carry to the new owner/lessee. Mr. Gillick stated concerns to have only 15 parking spaces to maintain some control. Mr. Gillick suggested the motion be amended to include allowance of only 15 outside parking spaces. There was additional Board discussion and Mr. Lessard **AMENDED** the **MOTION** to now read: approve the Gino Carestia Use Change from Computer Sales to Auto Repair at 9 Ann’s Lane, Map 126, Lot 16 subject to:

- 1) No storage of salvage vehicles outside of structure, and,
- 2) Submittal of a parking plan.

Mr. Workman **SECONDED**. There was considerable Board discussion regarding vehicular traffic at the site. Mr. Lessard **WITHDREW THE MOTION**. Mr. Lessard **MOTIONED** voted to continue the Gino Carestia Use Change Application to the September 15, 2004 Planning Board Meeting subject to:

- 1) Submittal of a parking plan.

Additionally, Mrs. Kimball offered assistance to research the former site plan regarding 9 Ann's Lane. Mr. Higgins **SECONDED. VOTE: 4 = YES / 3 = OPPOSED** (Mr. Emerick, Mr. Sakurai, Mr. Workman). **MOTION PASSES IN THE AFFIRMATIVE.**

**I. CONTINUED PUBLIC HEARINGS:**

1. Jillian R.E. Development, LLC (Paul Lepere)  
Site Plan Review for an existing two bedroom, 2 level apartment at  
94 Kings Highway  
Waiver requested: Site Plan Regulations V.E (detailed plan) & VI.A (traffic analysis-if needed)  
Owner of record: Same as above

**II. NEW PUBLIC HEARINGS:**

11. Jillian R.E. Development, LLC (Paul Lepere)  
Special Permit to work within the Wetlands Conservation District for work associated with Site  
Plan Review at  
94 Kings Highway  
Map 196, Lot 8  
Owner of record: Same as above

Mr. Workman and Mr. Sakurai step down for this application.

\* Mr. McMahan joins the Board at this time.

Attorney Craig Salomon introduced himself as representing the applicant. He also introduced Mr. Paul Lepere principal developer of Jillian Real Estate Development, LLC. Attorney Salomon proceeded to previous Board concerns regarding the parking layout and pavement extending Westerly. He continued to state the expenses of removing the pavement, and miscommunication regarding Zoning Board approvals were keeping this project from moving forward. Attorney Salomon stated a memo went to the Town today stating the applicant would agree to conditions of the parking spaces abutting Kings Highway; instead of removing the pavement, placement of a barrier(s) to prevent vehicles from parking beyond the designated spot, limiting parking to a maximum of eight spaces. Attorney Salomon stated New Hampshire Soils corresponded with the Conservation Commission and the outcome was no important wetlands functions are being affected despite the intrusion into the buffer, nor were they affected during construction. Mr. Gillick retracted his previous statement that the pavement be removed and stated the plans should be revised to show the resolution to the parking issues of 36ft. Attorney Salomon stated the plans will be revised. Mr. Higgins suggested any barriers should be permanent.

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

Mr. Lessard **MOTIONED** to approve the Jillian R.E. Development, LLC Special Permit. Mr. Gillick **SECONDED**. Mrs. Kimball read a memo into the record dated August 31, 2004 from the Conservation Commission, noting this memo addresses five different Special Permits, and continued to read the section pertaining to Jillian R.E. Development, LLC. Mr. Lessard **AMENDED** the **MOTION** to now read: approve the Jillian R.E. Development, LLC Special Permit subject to:

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

Mr. Gillick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** There was considerable Board discussion regarding vehicles passing the 36 ft. limit and use of an effective barrier be placed preventing further vehicular intrusion on to the paved area. Mr. Gillick **MOTIONED** the parking arrangement be approved as conditioned by the Zoning Board of Adjustment using a substantial barrier at the 36 ft. boundary. Mrs. Kimball suggested this should be a condition of approval and not a separate motion.

The Board and the applicant discussed different types of boundary markers. Mr. Gillick **WITHDREW** his motion. Mr. Gillick **MOTIONED** to grant the Waiver Requested: Site Plan Regulations V.E (detailed plan) & VI.A (traffic analysis-if needed). Mr. Emerick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. Gillick **MOTIONED** to accept jurisdiction of and approve the Jillian R.E. Development, LLC Site Plan Application of plan #P04547, revision #3, dated 8/13/04 subject to:

- 1) Installation of three (3) permanent posts (bollards) placed at the Westerly end of the parking spaces for Units #3 & #4, (36 feet from property line). The posts shall be placed at mid-point and between the spaces,
- 2) Submittal of recorded Voluntary Lot Merger form(s),
- 3) Submittal of Certificate of monumentation, and,
- 4) Submittal of final plans, mylar, and recording fees.

Mr. Emerick **SECONDED. VOTE: 5 = YES / 1 = OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Workman and Mr. Sakurai return to the Board at this time.

\* Fran McMahan steps down.

## **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

Mr. Gillick stated this proposal is in his residential neighborhood and feels he has no conflict. The applicant acknowledged the statement and agreed to proceed.

Attorney Peter Saari of Casassa & Ryan introduced himself. Mr. Ed Vitagliano introduced himself as spouse of an applicant. Attorney Saari proceeded to explain the applicant's family has owned this property for at least 50 years; a variance was granted in 1988 to build a two family, unfortunately the water moratorium was in effect and prevented further production; this proposal is devised to keep the property in the family, while separating the units to prevent any legal issues should any family disputes erupt; the existing units are small and this proposal would be consistent with the new developments that presently exist; instead of shifting the lot lines and creating unnecessary wetland disturbances, the proposal is to not reconfigure the lines, instead, making one big lot and build on the upland portion; almost all of the front lot is in the buffer, thus the reason for the Special Permit. Mrs. Kimball read two memos from the Conservation Commission dated April 28, 2004 and August 9, 2004. There was Board discussion regarding parking, landscape interference, possibilities of a deck, and questions were answered regarding street address issuance being done by the Assessors Department. Mr. Sakurai raised a concern regarding the bylaws definition of a two family being attached by a common wall. Mrs. Kimball clarified if the applicant was proposing that, a variance would be required. However, that term was changed with the last Zoning Amendment in 2003, and two structures on a lot was considered a two family use, not a two family structure; this proposal is removing the two family use and proposing a two family structure.

## **OPEN PUBLIC HEARING:**

Mrs. Kimball noted a letter was received from Ms. Rosemarie Buckley of 52 Kings Highway dated August 31, 2004.

Ms. Rosemarie Buckley of 52 Kings Highway introduced herself. Ms. Buckley distributed pictures for Board review. She stated concerns regarding: the lot being wet/flooded; having no opposition of a two family structure; suggests safeguards for the flow of water not to be directed towards her property; information of the height of the slab the house will sit on. Ms. Buckley presented plans of the proposed site that were shown at the Zoning Hearing and she pointed out more visible Wetland areas, and the possibilities of a swale on the East Side to divert any runoff; additionally, she suggested keeping the tree and any landscape that helps take the water in.

#### **CLOSE PUBLIC HEARING.**

Mr. Viviano asked for additional Board comments. Mr. Vitagliano commented that the condition of Lot 32 is caused by water flowing from the adjoining lots, and his inability to fill the lot caused the wetland. Mr. Vitagliano answered Mr. Lessards question that the footprint will not remain the same. Mrs. Kimball noted recording of a Special Permit is not required, and she stated additional comments/cautions with regards to conditions of approval the Board may want to consider. There was additional Board suggestions to the applicant regarding the grading of the lot to lessen the runoff problems. Mr. Lessard **MOTIONED** to grant the Angelina Marquis & Theresa Vitagliano Special Permit Application of plan #3-65-3436, dated 4-12-04 subject to:

- 1) Swale between the East side of the structure and property line leading to the "back land",
- 2) Stipulations noted in the Conservation Commission memo dated April 28, 2004 with ending note added to #1 & #2 stating, "unless a Special Permit is applied for and granted",
- 3) Monumentation shall be in place prior to Certificate of Occupancy, & Certification of Monumentation shall be submitted, and
- 4) Plan shall be recorded at Rockingham Registry.

Additionally, the Board noted submittal of final plans, mylar, and recording fees are required to the Planning Office, as well as submittal of the Voluntary Lot Merger form(s) with recording fees. Mr. Higgins **SECONDED. VOTE: 6 = YES / 1 = OPPOSED** (Mr. Workman). **MOTION PASSES IN THE AFFIRMATIVE.**

8. Village at Hampton Center, LLC  
Special Permit to erect a fence within the Wetlands Conservation District at  
373 Lafayette Road  
Map 160, Lot 35  
Owner of record: Same as above

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. He proceeded to explain the application where a previously approved application (Caddy Shack, LLC) has prompted the concerns of abutting property owners. The owners in the Condominiums of Village at Hampton Center conferred with the Caddy Shack, LLC owner regarding the issues of erecting a fence behind the proposed Dunkin Donuts location to shield any interference that may upset the abutting property. Attorney Saari was informed that both parties mutually agreed that erecting a fence is a solution to the concern. He noted the Special Permit is being requested because of the minimal area of wetland buffer that would be disturbed for this fence process. Mrs. Kimball read a memo into the record from the Conservation Commission dated August 31, 2004 stating there were no objections to this Special Permit request. There was Board discussion regarding the Conservation Commission site walk.

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

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Lessard **MOTIONED** to grant the Village at Hampton Center, LLC Special Permit Application of plan #03123/sheet C2, revision #4, dated 7/14/04, subject to:

- 1) Notification to the Conservation Commission at start & upon completion of construction, and,
- 2) Installation of proper sediment and erosion control.

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

9. Paul Lepere  
2-Lot Subdivision Application at  
47 Little River Road  
Map 128, Lot 29  
Waiver Requested: Subdivision Regulations Section V.E.7 (storm drainage control plan)  
Owner of record: Nancy & Walter Lynch

Mr. Sakurai stepped down for this application.

\* Fran McMahan joins the Board at this time.

Mr. Ernie Cote, Surveyor, introduced himself as representing the applicant. Mr. Paul Lepere, Property owner was introduced as well. Mr. Cote proceeded to explain the application to subdivide the 60,000 sq.ft. lot. He continued to state the lots meet all the set back requirements; there are two wells: one is filled in, and the other well is being used, and will continue to be used, by the existing house on Lot 47; the new lot will be serviced by Aquarion Water and both lots are proposed to have Town sewer hook ups; There was Board discussion regarding the existing lot, water & sewer proposals, and frontage requirements.

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

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Gillick **MOTIONED** to grant the Waiver Requested: Subdivision Regulations Section V.E.7 (storm drainage control plan). Mr. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. Gillick **MOTIONED** to accept jurisdiction of and approve the Paul Lepere 2-Lot Subdivision application of plan #3-34-0310, revision #1, dated 8/3/04 subject to:

- 1) Jennifer Kimball's memo dated August 30, 2004, and,
- 2) Note on plans that Lot #47 (existing structure) will be using the existing well for domestic use.

Mr. Lessard **SECONDED.** There was Board discussion regarding accepting jurisdiction and this not being a complete plan and the issues of the easements with existing wells (and the possibilities the well going dry). Mr. Gillick **WITHDREW** his motion. There was considerable Board discussion regarding service of Public water to both Lots and the applicant agreed to install water service to both properties. Mr. Gillick **MOTIONED** to accept jurisdiction of and approve the Paul Lepere 2-Lot Subdivision application of plan #3-34-0310, revision #1, dated 8/3/04 subject to:

- 1) Jennifer Kimball's memo dated August 30, 2004,
- 2) Both lots to be serviced by public water and sewer, and,
- 3) Plans to show the existing septic system.

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

Mr. Sakurai returns to the Board at this time.

\* Fran McMahan steps down.

10. Hampton River Boat Club  
Special Permit to resurface existing launch ramp & add concrete slab for stabilization within the  
Wetlands Conservation District at  
115 Landing Road  
Map 239, Lot 1  
Owner of record: Same as above

Mr. Ron George introduced himself and proceeded to explain the application to resurface an existing boat launch ramp and add a concrete slab for stabilization at Boat Club. Mr. George answered Mr. Gillick's question regarding the area to service the concrete slab is the mud, at the bottom of the river. Mrs. Kimball questioned if the State Permit has been granted, the applicant stated he has applied for this permit. Mrs. Kimball read a memo into the record from the Conservation Commission dated August 31, 2004.

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

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Higgins **MOTIONED** to approve the Hampton River Boat Club Special Permit subject to:

- 1) Notification to the Conservation Commission at start and upon completion of construction,
- 2) Installation of proper sediment and erosion control, and,
- 3) Obtaining proper State of New Hampshire, Department of Environmental Services permit of approval.

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

11. Richard P. Tessier, Jr.  
Condominium Conversion at  
6 & 8 Brown Avenue  
Map 274, Lot 45  
Waivers Requested: Subdivision Regulations Sections V.E (detailed plan) & VII.C (storm drainage design)  
Owner of record: Same as above

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. Mr. Ernie Cote, Surveyor was also introduced. Attorney Saari proceeded to explain the application to convert the property to Condominiums; basically a paper process; no condominium regulations violated; no construction proposed. There was Board discussion regarding access to the parking spaces. Mrs. Kimball, and the applicant, confirmed access would be on the Northerly side from Brown Avenue and Highland. The applicant stated the driveway would not be paved.

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

Mr. Viviano asked for additional Board comments. There was Board discussion regarding comments from the Hampton Beach Commission. Board consensus was no comment would be necessary. Mr. Sakurai **MOTIONED** to grant the Waivers Requested: Subdivision Regulations Sections V.E (detailed plan) & VII.C (storm drainage design). Mr. Gillick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. Sakurai **MOTIONED** to accept jurisdiction of and approve the Richard P. Tessier, Jr. Condominium Conversion Application subject to:

- 1) Bearing along the Southern property line be listed on the plans, and,
- 2) Submittal of final plans, mylar, recording fees, and Certification of monumentation.

Mr. Emerick **SECONDED**. There was additional Board discussion regarding the change in ownership versus change to the site, parking, curb cuts and the need for DPW comments instead of Hampton Beach Commission comments. Mr. Sakurai **WITHDREW** his motion. Mr. Gillick **MOTIONED** to accept jurisdiction of and continue the Richard P. Tessier, Jr. Condominium Conversion Application to the October 6, 2004 Planning Board meeting subject to:

- 1) Review and comment from Department of Public Works with respect to the “curb cut” location off Brown Avenue.

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

Mr. Viviano stated due to time constraints he was notifying the rest of the applicants they may not get to be heard this evening.

7. Forest Homes of Massachusetts  
Site Plan Review to construct a 3-story multi-use building with retail & lodging and associated parking at  
428 Lafayette Road  
Map 160, Lot 23  
Owner of record: D.L.R., Inc.

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. Dirk Grotenhuis, Civil Engineer for the project was also introduced. Attorney Saari proceeded to explain the application to attempt to design this project with out the need for variances. He continued that the proposal is to have lodging house use on the top two floors; parking is adequate to meet the requirements for the retail and residential needs as proposed; the plans reflect the previous suggestions from the Board (dumpster, etc...). Mr. Grotenhuis proceeded to summarize the plans submitted: the entire property was surveyed in 1999; approximately 2500 sq. ft. retail space & 800 sq. ft. warehouse space on the first floor; top two floors propose residential units; the lot frontage is 95 ft.; the site access is proposed to shift from the existing and use an 18 ft. driveway; setback and impervious area requirements have been met; site circulation would enter on the driveway, one-way circulation through the back; landscaping would be provided; two handicap access parking spaces would be provided; dumpster area allows easy access for trash from the building and the truck pick up; water service and existing sewer lines would be updated; electrical service is camouflaged with existing landscape; and a drainage system would be connected from the back of the site with the existing 24” lines to existing catch basins and manholes. Mr. Grotenhuis noted there will be minimal increase in the runoff discharge and some treatment would be provided. There was Board discussion regarding the traffic flow from the one way circulation proposed, as well as the inadequacy of access to the retail stores from the rear of the building. Mr. Paul Loheed, Architect, was asked to explain the kitchens: there are four kitchens, one at the end of each corridor, where cooking would occur; the residences are large enough to utilize a table for eating; there is a proposed, shared laundry. Mr. Paul McMann, Proprietor of Forest Homes introduced himself and stated the maintenance for the kitchen and hallway cleaning would be contracted out, and a sprinkler system is proposed for fire safety. Mr. Gillick questioned if there would be 24 hour, on site, management of the property. Attorney Saari stated this was not proposed.

**FOREST HOMES APPLICATION - SUSPENDED FOR ANNOUNCEMENT:**

Mr. Viviano stated at this time the agenda items #8 & #9 of New Public Hearings would not be able to be heard this evening.

**FOREST HOMES APPLICATION CONTINUED:**

Mr. Loheed pointed out the cooling system and sprinkler system coverage on the elevation plan. There was additional Board discussion regarding absence of management of the property. Mr. McMann stated there would be a minimum of a 30-day lease, much like an apartment community, each owner would have their own keys to access the residence and kitchen. Mr. Loheed did not propose the units to be furnished. Mr. Gillick asked to distinguish the laundry venting. Mr. Loheed stated all floors of laundry and kitchen needs would be ducted through the roof. There was Board discussion regarding deliveries and limited access because of the one way circulation; snow removal with respect to the residents moving their vehicles. Mr. Loheed commented only one handicap space is required, the proposal has two spaces which offers adequate needs for any size delivery truck, and also pointed out the snow storage area. Mr. Loheed stated, as a condition of rental, only one car space is provided per room. Mr. McMann stated there would be no signage, just a plaque by door and rentals would be handled through newspaper ads. Mr. Higgins asked if there would be signage for the retail space showing additional parking out back. Mr. McMann answered yes. Mrs. Kimball noted the Board should consider having ideas in mind for sizes, etc... to suggest to the applicant for placement. There was considerable Board discussion regarding the parking spaces and ownership rights. Mrs. Kimball stated this application is for retail and a restaurant proposal would have to come back before the Planning Board. Mrs. Kimball noted a revised drainage report was submitted and mentioned other items that the Board should consider as conditions. Board consensus was a traffic analysis was not needed at this time. Mr. Loheed presented the lighting plan for the Board showing a picture of the type of light to be used (a "down light") and discussion consisted of the landscape trees not blocking the lights and the safety is of foremost importance. Mrs. Kimball noted a variance would be required because of the lot width requirements, however, she recommends the Board continue with the hearing process as this is considered a complete application.

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

Mr. Gillick **MOTIONED** to continue the Forest Homes of Massachusetts Site Plan Review Application to the November 3, 2004 Planning Board Meeting subject to:

- 1) Town Departmental review and comment,
- 2) Review and comment from Town Attorney Gearreald (with respect to the "public parking space(s)" issue along the front) to determine if an easement is necessary, and,
- 3) Review and comment from Ambit Engineering.

Additionally, the Board expressed concerns regarding the vehicle turning radiuses and requested submittal of a plan to the Planning Office prior to the continued meeting. Mr. Emerick **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Workman **MOTIONED** to postpone the following hearings (as New Public Hearing items #1 & 2) to the September 15, 2004 Planning Board meeting:

8. Thomas J. & Karen M. Scanlon  
2-Lot Subdivision at  
1 Great Gate Drive  
Map 96, Lot 2D-1  
Waiver Requested: Subdivision Regulations Section V.E.7 (storm drainage control plan)  
Owner of record: Karen M. Scanlon
9. Edward L. Keohane  
Impact Fee Waiver Request for Single Family Structure (fees total \$3,641.00) at  
26A Seaview Avenue  
Map 133, Lot 33  
Owner of record: Same as above

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

**IV. CONSIDERATION OF MINUTES – AUGUST 18, 2004**

**V. CORRESPONDENCE:**

**VI. OTHER BUSINESS:**

Mr. Gillick **MOTIONED** to move agenda items IV, V, & VI to the September 15, 2004 Planning Board meeting. Mr. Emerick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

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

Meeting adjourned at 10:30 p.m.

Respectfully Submitted,  
Janine L. Fortini  
Planning Board Secretary