

## Hampton Planning Board Minutes January 19, 2005

**PRESENT:** Robert Viviano, Chairman  
Tracy Emerick, Vice Chairman  
Tom Gillick  
Tom Higgins  
Keith Lessard  
Fran McMahon, Clerk  
Bill Bilodeau, Alternate  
Skip Sullivan, Selectman (Alternate for Jim Workman)  
John Harwood, Town Planner

Chairman Viviano called the meeting to order at 7:03 p.m. by introducing the Board members. Mr. Viviano then asked Mr. Sullivan to lead the Pledge of Allegiance.

### I. CONTINUED PUBLIC HEARINGS

1. Fatima Realty Trust  
Site Plan Review to construct a **52-Unit/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  
*Jurisdiction accepted October 6, 2004, extended by applicant*
2. Fatima Realty Trust  
Special Permit to work within the Wetlands Conservation District for work associated with Site Plan Review at 377 Ocean Boulevard  
Map 265, Lot 20  
Owner of record: Fatima Realty Trust, Janet Reynolds-Trustee

Stephen Ells, Attorney for the applicant, introduced the other presenters – Jean Boudreau, a principal of Fatima Realty Trust, Mr. Corey Colwell of Millette, Sprague & Colwell, the engineers for the project and Mr. David LePetage of Dorr and Whittier, the architects for the project.

Chairman Viviano then summarized the remaining items to be addressed with respect to this review:

- method for removing/towing disabled vehicles from the garage
- curbing of sidewalk
- turning radius for vehicles in the garage
- ingress and egress for emergency vehicles
- trash removal

He asked the presenters to speak to these items.

Mr. Ells spoke first to the removal of disabled vehicles. He referred to a letter from Dave's Garage in the Board's packet of materials and handed out a picture of the equipment to be used to remove vehicles from the garage – a GoJak 5000.

Mr. Higgins asked if the GoJak was hand-operated or if a vehicle was attached to it. The architect responded by describing the procedure, indicating that it was hand-operated.

Mr. Ells then asked Mr. LePetage to speak to the drainage and paving systems and locations where the systems are in use. Mr. LePetage indicated that information about the paving system was provided to the Town Planner.

Mr. Harwood said that these are being used mostly in southern states but can be plowed for snow removal. He indicated that the Fire Department doesn't have a problem with the system's ability to handle the weight of full size fire trucks.

Mr. LePetage referred to a system currently being used in Southboro Mass. He was not aware of any sites in New Hampshire as yet.

The original proposal included a flush sidewalk. The Town, through the Department of Public Works, wanted raised sidewalks. Mr. Ells stated that the plans have been amended to reflect a raised sidewalk wherever it can be used.

Mr. Ells indicated that the applicant agrees with Board with respect to the placement of the dumpster. The planned spot was not appropriate. He indicated the dumpster has been eliminated from the plans. The Architect indicated that, instead, there would be a trash room in the center of the building. Daily, the trash will be removed by the Condominium Association and extracted either by the Condominium Association or their contractor. Mr. Ells indicated that the condominium documents would reflect this trash removal system.

Mr. Higgins asked if there was a parking space where the dumpster was planned to be. Applicant indicated that the original dumpster location will now be grass.

Mr. Ells referred to letter from Scott McDonald of Hampton Fire Department, indicating that the opening for entering of a fire truck is satisfactory, and he indicated the grass pavers must be able to bear the weight of fire equipment.

## BOARD

Mr. Gillick had expressed concern about whether southbound equipment would be able to make the turn into the site. This concern was satisfied by Mr. McDonald's letter.

Mr. Lessard asked if the access area would be plowed after each snow event. He asked if there was a storage area for snow along walls. Mr. Ells stated that there was minimal snow storage area. Any excess snow will have to be trucked off site.

Mr. Caldwell then spoke to turning movements in the parking garage. The tight spaces are the ones next to the parking ramp. A 2-point turn would be needed to use these spaces.

Mr. Harwood asked about the space near the elevators on lower level referenced in a letter from Ambit Engineering. This was described as a handicapped space.

Mr. Higgins asked if there was a mirror for pedestrians walking in the garage. Presenters indicated that a mirror could be added if the Board wished it. Board indicated the presence of a mirror is a condition of approval.

Mr. Lessard asked about the security of the parking. A discussion took place of this subject. Mr. Lessard asked how security will be provided in the parking area and how visitor parking spaces will be policed. Mr. Eells responded that his client would propose to put a metal gate at the entrance that would require a remote control entry system for authorized people only. Mr. Sullivan suggested as an alternative ID passes could be used.

The Board requested verification that the project is not subject to the Shorelands Protection Act. Mr. Caldwell indicated the form certified that a variance was not required from the Shorelands Protection Act.

Mr. Higgins asked how 7' 2" would be enforced. Mr. Eells said it would be done with signage. Mr. Higgins asked if there was an office for the building and if there was parking for that office. He asked what the dotted area outside the office was for. This is an overhang. The Board asked what the time of construction is expected to be. Mr. Eells stated the applicant assumed there could be no pile driving during the summer. The Board asked where employees were going to park during construction. Mr. Eells indicated that there is a parking lot next door. Most of the construction will take place off-season.

Mr. Lessard asked where materials would be staged during the construction process. The Architect replied that phasing of the project needed to be worked out. It would probably be built back to front with materials stored in the non-work area.

## PUBLIC

No comment

## BOARD

MOVED by Mr. Gillick to approve the Special Permit to work within the Wetlands Conservation District

SECOND by Mr. Emerick

VOTE: 6-0-0

MOTION PASSED

MOVED by Mr. Gillick that the Site Plan Review to construct a 52-Unit/5-story residential Condominium building with 2 parking levels, drainage, grading, necessary paving & utility connections at 377 Ocean Boulevard, Map 265, Lot 20, be approved based on conditions as specified in Mr. Harwood's January 20, 2005 memo as Conditions 1 through 14.

SECOND by Mr. Emerick

VOTE: 6-0-0

MOTION PASSED

Mr. Lessard recused himself from the next application. Mr. Bilodeau replaced Mr. Lessard on the Board.

3. Drakes Appleton Corporation  
Site Plan Review to construct a **48-Unit residential Condominium** with associated parking, utilities, sewer, water, & with 2 options for storm water control plans at 180 Drakeside Road (rear), Map 172, Lot 12-1  
Waiver requested: For Option A only, Site Plan Regulations Section VII.D.2. (match peak runoff events)  
Owner of record: is Morgan Ryan Realty Trust  
*Jurisdiction accepted October 6, 2004, extended by applicant*
4. Drakes Appleton Corporation  
Special Permit to work within the Wetlands District, associated with **48-unit Condominium** at 180 Drakeside Road (rear)  
Map 172, Lot 12-1  
Owner of record: Morgan Ryan Realty Trust

Presenters: Mr. Donahue, attorney for the applicant, introduced the other individuals present: Mr. Bruce Angus, representing the applicant, and Mr. Joe Coronati, engineer for the project. He indicated that Mr. Coronati would be presenting the project tonight. He said indicated that they were not prepared to present parking at this time.

Mr. Coronati then described the property, the proposed buildings, and the proposed parking. He indicated that they have received the State Wetlands Permit and the Site-Specific Permit. He stated that there would be a constructed wetland for storm water drainage and treatment. He asked for direction from the Board with respect to two options presented for storm water drainage. He described the gravel parking area at the trailhead for a public-use walking trail for salt marsh viewing. He feels recreation requirements are met with the trail and the picnic area included in the plans. He indicated there was not a lot of paving on the site. There is a dumpster with easy access. There is approval from Aquarion to connect buildings into the water system. The Department of Public Works (DPW) wanted to see some off-site improvements, and engineers met with the DPW to determine what was required. There is still an Ambit review pending. He states most reviews are satisfied except for traffic. The lighting plan is also not as yet done. The plans depict light poles around the parking lot that are decorative lights.

#### BOARD

Mr. Gillick asked the Chairman for clarification as to the completeness of the application. He asked if the Board was in a position to make a decision on this application tonight. After consulting with Mr. Harwood, Chairman Viviano responded that the Board was not in that position, since the final portion of the traffic study requested by the Board was not completed.

Mr. Higgins asked for the location of the fire hydrant. Mr. Coronati indicated that it would be on Drakeside Road.

Mr. Gillick asked the distance from the fire hydrant to the first of the buildings. Mr. Coronati responded that it was about 200 feet.

Mr. Sullivan asked who had determined that the fire hydrant on Drakeside Road would be sufficient. Mr. Coronati indicated that the Hampton Fire Department had no issue with the location of the hydrant. He also stated that the buildings are to be sprinklered. Mr. Sullivan asked about the turning radius study for fire equipment. Mr. Coronati indicated there were two access spots and large turning radii.

Mr. McMahon asked for one of the presenters to walk through the elevations of the buildings. Mr. Coronati did so; indicating one building is 49' 10" high with 3 floors of living space and underground parking. He indicated the building is similar to what is currently being constructed at Appleton Oaks. It is a mix of clapboard and cedar shake shingles with asphalt shingles on the roof. Mr. Angus indicated they are looking at vinyl materials for the exterior covering.

## PUBLIC

Mr. Viviano made two requests of members of the public wishing to speak on the application. He asked that agreeing parties simply state that they are in agreement with prior speakers, without reiterating the points made. He also asked that speakers not get into zoning issues, since these are not within the jurisdiction of the Planning Board.

Grace Murningham, Hampton Meadows, asked if there would be a vote on the application tonight. The Chairman indicated there would not. She indicated her concern regarding the size of the development. She also is concerned that wetlands are being included in the recreational area. And she is concerned, as well, about setting a precedent for further development along Drakeside Road.

John Maklowski, 3 Hampton Meadows, asked when the Planning Board accepted jurisdiction for the application. Chairman Viviano stated that this occurred on October 24, 2004. He then asked for clarification of the plan accepted on that date. It was clarified that it was the current plan and not prior plans for this project. Mr. Maklowski distributed a picture comparing the scope of the building size in relation to an 8-unit building, currently allowable under the Zoning Ordinance and in relation to the size of the structures at Hampton Meadows. He indicated that with 2 ½ acres, allowing the required 15,000 square feet per unit, results in only 8 units allowable. 48 units would be 6 times the maximum density specified in the Zoning Ordinance. He asked what is reasonable with respect to a variance for density. He stated that at site plan hearings, the Board has the opportunity to disallow the application if the proposal is not reasonable. Chairman Viviano clarified that the applicants have a variance for density. This is not a matter that is within the Planning Board's control. The Board accepts the projects with the approved variances. Mr. Maklowski asked that the abutters concerns be considered.

## BOARD

Mr. Gillick asked if the Board should be continuing the review of this application.

Mr. Donahue stated that the traffic study report should be available next month. Mr. Harwood asked if something could be submitted to the Planning Office 1 to 1-½ weeks prior to the March meeting.

Mr. Donahue agreed that the study would be made available 2 weeks prior to the meeting at which the application would be heard.

Mr. McMahon asked if traffic engineers could assess speed as well as volume in the traffic study. Mr. Donahue indicated if counts haven't been done yet, the speed count would also be done.

Mr. Donahue asked that the Board authorize the applicant to go ahead with the drainage options – Plan A and Plan B. Mr. Coronati described both of these plans. He also stated that Option A requires a waiver.

Mr. Donahue stated that the application is complete. The Board's consultant wanted additional information and the applicant agreed to work with the consultant on this additional information.

Chairman Viviano indicated to the applicant that there was a consensus that Option A was preferred by the Board.

MOVED by Mr. Gillick to continue the applications to the meeting of March 16<sup>th</sup>.

SECONDED by Mr. Bilodeau

VOTE: 5-1-0 (Mr. Emerick)

MOTION PASSED

Mr. Emerick indicated that he is in opposition to this project.

Mr. Sullivan then stated that the Board of Selectman, on behalf of the Town of Hampton, also continues to be in opposition to this project because of its magnitude.

## II. OLD BUSINESS

None.

## III. ATTENDING TO BE HEARD

1. J.D. Construction  
Change of use  
215 Ocean Blvd  
Map 282 Lot 212  
Owner of Record: David Maleh

Mr. Harwood then described the use change from food service to retail space. The parking would remain the same. No exterior construction is planned.

MOVED by Mr. Sullivan to allow the change of use with the proper permits.

SECOND by Mr. McMahon

VOTE: 6-0-0

MOTION PASSED

**IV. CONSIDERATION OF MINUTES**

MINUTES OF MEETING OF DECEMBER 15, 2004

MOTION by Mr. Emerick to accept the minutes as written

SECOND by Mr. Higgins

VOTE: 5-0-1

MOTION PASSED

MINUTES OF MEETING OF JANUARY 5, 2005

MOTION by Mr. Emerick to accept the minutes with the following changes:

Page 2 - change Fred Guthrie to Ted Guthrie

Page 6 – replace ? with Andrew Guthrie

Page 11 – rewording to “Mr. Higgins opposed because of potential future conflict between condo owners and marina slip renters. He also indicated he hoped he was wrong.”

SECOND by Mr. Higgins

VOTE: 6-0-0

MOTION PASSED

**V. CORRESPONDENCE**

None

**VI. OTHER BUSINESS**

None

MOVED by Mr. Emerick to adjourn.

SECOND by Mr. Higgins

VOTE: 6-0-0

MOTION PASSED

Meeting adjourned at 8:55PM

Respectfully Submitted,

Barbara Renaud

Acting Planning Board Secretary