

HAMPTON PLANNING BOARD – MINUTES
APRIL 20, 2005 – 7:00 PM

PRESENT: Tracy Emerick, Chairman
Keith Lessard
Fran McMahon, Clerk
Cliff Pratt, Selectman Member
Tom Higgins
Mark Fougere, Interim Town Planner

ABSENT: John Harwood, Town Planner
Robert Viviano
Tom Gillick

Chairman Emerick began the meeting at 7:04 PM by introducing the Board members. Mr. Higgins led the Pledge of Allegiance to the flag.

Chairman Emerick announced that John Hangen, Department of Public Works wished to address the Board.

Mr. Hangen said that he wished to speak about communication and coordination. He described the process of reviewing applications. He requested that when developers modify drawings, consistent with comments made by all departments through departmental review, there should be a paper trail, showing what the changes are in each different version of the plan. He asked the Planning Board to be the clearinghouse to document and clarify various iterations of the same plans.

Mr. Fougere commented that he has noticed that Ambit Engineering reviews indicate changes made. If the Ambit Engineering cover letter is included with revised plans sent out to the various departments, the changes made will be clearer.

Chairman Emerick asked if the Board would then receive and redistribute the revised plans. Revised plans should be funneled through the Planning Dept when going out for additional review. There should be clear delineations of what was changed, why and where the changes are in the plans.

Chairman Emerick stated that sometimes the Town Planner ends up negotiating plans if they come thru the Planning Department.

Mr. Lessard stated that he wants to ensure that there is consistency in the procedure followed. Mr. Hangen stated that the Department of Public Works has no interest in negotiating plans.

Chairman Emerick stated that the way to implement a process is for the Board to agree with a procedure to be followed. Then, if someone submits plans directly to the Department of Public Works, Mr. Hangen will refer them to the Planning Department.

Mr. Lessard commented that he is disappointed that developers will try to go directly to the various departments for changes.

Mr. Hangen also made comments regarding another project where, he said, DPW will put the bond in the bank. If at May 16th the project is finished, they will put it into a maintenance bond.

WITHDRAWALS AND POSTPONEMENTS

1. Patrick Mulcahy
Condominium conversion at
16 Bragg Avenue
Map 292, Lot 44-1
Owner of Record: James M. Watson
Waivers Requested: Subdivision Regulation Section V.E. (Detailed Plan) and
VII.C (Storm Drainage)

Mr. Peter Saari, Attorney for the applicant, stated that the applicant is changing the plans for this property, and he requested a postponement to the May 4th meeting of the Board.

MOVED by Mr. Pratt to postpone this hearing to the May 4th meeting.

SECOND by Mr. Lessard

VOTE: 5-0-0

MOTION PASSED

I. CONTINUED PUBLIC HEARINGS

2. Golden Corridor, LLC
Minor Lot Line Adjustment at
5 and 5-A Ocean Boulevard
Owner of Record: Same as above
Waivers Requested: Subdivision Regulation Section V.E. (Detailed Plan)

Mr. Peter Saari, Attorney, and Joe Coronati, presented this application. Mr. Coronati indicated the status is that the requested easement has been added, in addition to as much detail as available on the two lots. The lot line is in the same place. Both lots will be conforming lots. The applicant is looking for conditional approval.

BOARD

Mr. Fougere stated that the Board had tabled the plan on March 2nd. The requested waivers were denied until detailed plans were submitted. The reason for this involved the road and the intersection at Ocean Boulevard. Mr. Higgins submitted amended minutes from a previous meeting that discussed the easement to Harbor Road in Phase 2 of the plan. He wanted to ensure that the easement and the lots were correct before the plan went forward. The northeasterly corner is the easement. This provides the future ability to widen the road/intersection if needed. It will also allow for keeping the multi-tenant sign for the harbor complex.

Mr. Fougere asked who the easement for road widening was to. Golden Corridor owns the lot in question. He recommended that it be put on record what the easement is for and who can put things there. A stamp on the plan is also needed.

Mr. Lessard asked if the two lots would have access to the condominium common property and amenities. Lots 5 and 5A have the right to become members of the yacht club and to use the amenities.

In response to an inquiry from the Board, Mr. Coronati clarified that Lots 5 and 5A may be used for duplex dwelling units. If they want to make them commercial properties, they would come back before Planning Board. The yacht club owner is part of the Association. The swimming pool is available to four groups of people within the complex.

PUBLIC

No comments

BOARD

It was clarified that all of the property involved is in the Business Seasonal zone.

MOVED by Mr. Pratt to approve waiver of subdivision regulation Sec V-E – Detailed Plan

SECOND by Mr. Higgins

VOTE: 5-0-0

MOTION PASSED

MOVED by Mr. Pratt to grant minor lot line subject to

a) Documents for the easement

b) Plan needs a stamp

SECOND by Mr. Higgins

VOTE: 5-0-0

MOTION PASSED

MOVED by Mr. Lessard to amend the approval to include the following condition

- All buildings on map 295 lots 66 and 298 are to be removed

SECOND by Mr. Higgins

VOTE: 5-0-0

MOTION PASSED

3. Vertical Building and Associates – The Breckenridge

Site Plan Review at

Ocean Boulevard and J & K Streets

Map 290, Lots 144, 145 and 146

Map 293, Lot 8

Owner of record: Nancy J. Higgins Revocable Trust, Captain Morgan Inn, Inc., 5J Street Realty Trust and Jerelyn Gray and Peter Dineen

Jurisdiction accepted: March 2, 2005

Mr. Peter Saari, Attorney, and Shannon Alther, of TMS Architects, Joe Coronati, of Jones & Beach Engineers, presented this application.

Mr. Alther described the changes being reviewed:

Clarification #1 - entrance and egress to/from the parking level. K Street will be one-way eastbound. J Street will be one-way westbound. Cars will be able to enter and exit on Ocean Boulevard.

Mr. Higgins stated he had concerns with entrance and egress. Cars entering and exiting will cross each other. Also the sight line seems short. There is also a pedestrian walkway across the garage entrance. There needs to be a way to keep vehicles from exiting on J Street.

There was a discussion of roofline distances, towers, the elevator and the drip lines.

Clarification #2 - There will not be a courtyard in the rear. The door at the middle stairway at the rear of the building has an out swing of 3 feet. When open, the door is 3 feet from the lot line. This is an emergency egress only. It will be alarmed.

In response to inquiries from the Board, Mr. Alther stated that there is no fence along the rear (West) property line. However, there are 5-foot gates at J Street and K Street – at either end of the rear walkway. Mr. Alther indicated that he did not know what would be done along the West property line. There is a note on the plan that the existing retaining wall to be reconstructed.

Clarification #3 - Trash rooms. Two areas are allocated for trash rooms. The second one may or may not be used. The trash room(s) will be refrigerated to reduce odor. There is a question as to whether commercial space will use the trash room, since the project includes commercial space. It was clarified by the applicant that the space would be retail and not restaurant use.

Clarification #4 - Lighting. Mr. Alther indicated that there is not a lot of light in the back of the property. There is enough for security only. Mr. Alther reviewed the lighting plan. With respect to the towers, the windows may be backlit only.

Clarification #5 – Shadowing. Mr. Alther reviewed the study of shadowing in September, as requested by the Board.

He then reviewed landscaping in relation to the building. The streetscape depicts how people would see the façade of the building. Mr. Lessard stated if trees are to be out in the pedestrian walking area, then the trees will need some ornamental protection. Mr. Lessard asked who would maintain the trees. Mr. Alther responded that the Condominium Association would be responsible for tree maintenance. He did not know what species of trees would be used. Mr. Lessard commented that trees have been specially developed for inner city uses that bear small leaves.

PUBLIC

Dan Traficante, 81 Ocean Boulevard (Guido Murphy's), expressed his three concerns:

- 1) Trash – He feels that the space allocated for trash is not adequate. Rumor has it that Dunkin Donuts will be in the building and they will generate a significant amount of trash.
- 2) Water pressure in the hydrants – He questions its adequacy.
- 3) Traffic –He has had police details at his own business to assist with traffic, but there are no police resources available at this time for special police details.

Mike Scanlon, 4 J Street, expressed his concerns:

- 1) Firefighting capability - With the density of the project, combined with the other projects on K Street and Harbor Road, this will put significant demands on the firefighting staff.
- 2) Ambit Engineering report – Mr. Scanlon requested a copy of the August 2004 letter referenced in Ambit Engineering’s letter.
- 3) There is no copy of the sewer connection hookup.
- 4) There are no substrata under the asphalt. It is all sand. There are no planned offsite improvements to drainage. Issues raised in Ambit Engineering’s report have not been addressed.
- 5) Deed restrictions for the 6 lots involved limit fences to 3’ in height and ornamental in nature.
- 6) Exhaust from garage was originally to be brought to the rooftop. It does not appear that this is now the case.
- 7) Issues, like the retention pond, have been forgotten.
- 8) Reiterated concerns raised at previous meeting.

Kim Barrone, 8 K Street, posed several questions:

- 1) She asked for a clearer picture of what the West side of building will look like. She does not get a clear picture of how the rear of the property will interface with her property.
- 2) She wants to know how digging for this project will affect the foundations on her rental units.
- 3) She has questions about where supplies will be kept while the property is being built.
- 4) She has flooded in the past and doesn’t understand how the project’s drainage plan will keep her from flooding again.
- 5) She expressed concern about fire protection. There are 137 new dwelling units being constructed in this one block area. She believes it will create safety issues. 62 of these new dwelling units are on K street, which is the last up (Eastbound) street to the Boulevard.
- 6) She has questions about the elevator shaft.
- 7) She has questions regarding venting from the garage and whether exhaust fumes will go onto her property.

Mr. Alther responded to some of the issues:

- 1) There are four lights on the rear of the property. They will illuminate the rear pathway and the building but the lights will be positioned to keep the lighting away from the property line.
- 2) The elevator shaft is 7 feet away from the property line.
- 3) There will be a fire rating for the building. The building will be sprinklered and is of Type 2 construction. It will last longer (in a fire) than a wood building. There will be places in the building that will have a 2-hour fire rating.
- 4) Construction – there is technology to build within property boundaries so as not to affect neighboring property.

Mr. Coronati addressed the retaining wall. It is concrete block and its height is 3 feet. The back of the building will be at the same grade that it is today. Next to the abutters property the parking garage facade will be a 20’ wall. There will be open air spaces in that wall area.

A questions was raised as to how far down footings will have to be. The response was that they would be thicker than standard footings and deeper than the required 4 feet.

He clarified that the building will not be built with footings. There would not be a large excavation right next to this abutter's property.

He stated that the project would improve drainage in this area. The streets are all crowned in the middle. Neighbors will not get water from this building. He described the drainage system that is planned from Ocean Boulevard to Ashworth Avenue and J Street to K Street. He indicated that the drainage will be improved over the current all-sand condition of the 6 lots.

He indicated that they cannot boost water pressure in the fire hydrants, since that is Aquarion's issue. But they will do a fire-flow study.

The applicant has response letters from the Fire Department. The engineers also have signoffs from Ambit Engineering, the Fire Department, and the Department of Public Works.

With respect to the venting issue, Mr. Alther said the garage would be vented up and out.

Geannina Scanlon, 4 J Street, presented her concerns as follows:

- 1) She feels that she needed more time to review reports, which arrived during the week at the Planning Department.
- 2) She stated that she experimented on the site and needed a 7-½ foot space to extend a 14-foot ladder.
- 3) She asked if she could get a color picture of the project in relation to abutting properties.
- 4) Concerned about fire flows not yet done.
- 5) Concerned that planned trees will block her view of the ocean.
- 6) Flowerbeds are a concern if they will interfere with snow removal.
- 7) Trash smell is a concern. She wants to see how the second trash room will relate to her property.

Mr. Lessard clarified where the trash rooms would be in relation to Mrs. Scanlon's property. Mr. Higgins clarified that the trees and flower boxes will be on the property's own land.

BOARD

Chairman Emerick summarized issues contained in a letter received from Jeanne Lillienthal, 7 J Street. He indicated that all of these issues have all been addressed.

Mr. Fougere stated that another issue the Board wanted clarification on was the handling of snow coming off of the roof of the building. Mr. Alther clarified that there will be gutters and there will also be drains on the flat roof sections.

Mr. Fougere referred to a March 30th letter from the Fire Department. The Fire Department couldn't determine what changes were involved in the plans dated 2/9/05 from the plans dated 4/29/04 that had previously been reviewed by that department. Their concerns on the original plan involved fire safety on the West elevation (wood construction and open balconies).

Mr. Coronati responded to Ambit Engineering's issues:

- 1) Fire water flow – they cannot control/alter pressure, since it is the same for all of the beach. Mr. Fougere stated that sometimes water boosters are required in the building. Mr. Fougere said they would want to have adequate pressure at the sprinkler head. It was determined that this is a building permit issue.
- 2) Mr. Chagnon (Ambit) commented that the new layout provides 5-foot sidewalks as they had requested.
- 4) Pedestrian easement – There is no longer sidewalk on the property, so an easement is not needed.
- 5) Garage entrance/parking – They will stripe a section near the garage entrance so that the curb cut will not be blocked to allow for turning movements in/out of the garage.
- 6) Tip downs at the garage entrance will be labeled
- 7) Sewer on Ocean Boulevard seems to conflict with the water line. There will be a need to go down to see if sewer got put in the road as part of the infrastructure project.
- 8) Grading issues will be taken care of.
- 9) Drainage pipe detail will be properly documented.
- 10) Demolition notes will be site specific.
- 11) Drain line at Ashworth Avenue – An additional calculation will be included.
- 12) Drainage analysis – it will be taken care of.

BOARD

Mr. Higgins stated it appears that all engineering concerns have been met. He is confused over the Fire Department letter. In any case, they appear to refer to building permit issues.

There was discussion of what more is needed for this application. It appears that it is a cross section of the rear and the abutter's property. The Board is in favor of the trees being used in the landscaping.

Mr. Fougere reviewed his list of outstanding issues:

- 1) Garage exit onto K Street – grooved pavement or some other method is needed to let pedestrians know that a vehicle is exiting the garage.
- 2) Trash – needs to be picked up as often as necessary.
- 3) Recycling – there should be some recycling planned for.
- 4) It should be documented that there will be no restaurants in the commercial use.
- 5) It should be clarified and documented as to who is going to maintain the trees.
- 6) Documentation should include the plans for the retaining wall and these should be reviewed with the abutter..
- 7) The Fire Department should be re-contacted to see if they have any concerns.

Mr. Lessard stated that a Fire Engineer should come before the board and explain how fires are fought in this type of building. He suggested outside sprinkle heads to protect the sides of abutting structures.

Mr. Pratt agrees with Mr. Higgins.

Mr. Jack Kopka stated that they have offered to sprinkle Mrs. Lillienthal's building.

MOVED by Mr. Lessard to move this application to May 18 for continued public hearing.

SECOND by Mr. Higgins

VOTE: 5-0-0

MOTION PASSED

Chairman Emerick announced that it is the Board's policy not to take applications after 10:00 PM. Therefore, the probability is that only #4 and #5 and the Attending to be Heard will be heard tonight.

4. DeNiro Development Corp.
Four lot subdivision at
691 Exeter Road
Map 14, Lot 4
Owner of Record: Same as above
Jurisdiction accepted: January 10, 2005

Peter Saari, Attorney, and Ken Healy, Beals Associates, presented this application.

BOARD

Mr. Fougere presented comments from the Department of Public Works, with whom he'd met. It is the Town's policy that drainage stay on one property. After talking with DPW, there is a need to shift a right-of-way to the property line. DPW is requesting that the cul-de-sac be extended to the property line so that it is connected in such a way as to potentially loop back to Exeter Road. The recommendation is to leave a 50-foot Right-Of-Way to the owner at the end of the cul-de-sac and give responsibility to the owner. This creates a problem with subdivision regulations. The Board cannot approve a plan that results in double frontage lots. Lot 4 should be responsible for maintaining the detention pond.

Lot #1 could have responsibility of taking care of the detention pond. It will still be a right-of-way.

There was a question as to the form of ownership of the strip of land on the left. The Town would own it.

With respect to Issue #10, is the Town satisfied with no streetlights in the subdivision. The applicant did add a light to Pole #10. They didn't want any lights in the back of the property because there are abutters.

PUBLIC

Craig Salomon, Attorney, represents two of the abutters to this property – the Spratts and the Campbells. He distributed a letter to the Board and the attorney representing the applicant. His clients' concerns involve drainage and the potential for it impacting their septic system. If the water table is such that there is water in the detention pond all the time, it could impact the Spratt's septic system. If there is water only in a storm event, it depends on whether the system is functioning. The detention pond needs to be maintained after every storm event. He doesn't think it's reasonable that an owner would do that. Also, on the Spratt property there are two big trees. They will lose their leaves in the fall and interfere with operation of the detention pond. The pond might also affect the trees and cause them to die.

On the Campbell side, there is a drainage report from New Hampshire Soils saying there is no wetland on Campbell property. He distributed pictures showing flooding that occurs every spring. Mr. Spratt lost his tractor in the wet last spring.

He related two issues – when a soil scientist goes out they test hydrology to see if there is surface water for two weeks during the growing season. The other issue is that Hampton has a unique definition of wetlands. It talks about poorly drained soils with reference to the water table. If the water table is at or near the surface 7 months of the year, the property is a wetland and the buffer needs to be met. The Campbell property will drain into the pond. It is not reasonable to expect the owner to maintain that pond. The other proposal is to drain along Exeter Road to Bride Hill. There are questions as to the drainage issues there. If the owner does not maintain the pond, there is potential for ice to form on Exeter Road. The final issue from Mr. Spratt is that if the subdivision is approved, he wants to see a bond in place to protect his septic system.

Mr. Healy responded to these issues. Ambit Engineering has reviewed the drainage. Comment #26 is that the pond will never fill up because of the way it is designed.

The solution to icing would be a 200-foot pipe under the State Right-Of-Way along Exeter Road. The detention pond meets the 35-foot setback from Mr. Spratt's septic system.

Mr. Fougere indicated that he has a request in to the Building Department to see if anything is on file on Mr. Spratt's septic system.

The Town would like the protection of a 3-foot Right-Of-Way.

Ellen Goethel, Conservation Commission, stated that if there is a question of wetland on the site, the Town Ordinance gives the Planning Board the right to send a soil scientist out to resurvey at the applicant's expense. She said bonding it would be an appropriate way to go.

BOARD

There is a letter from the Department of Public Works regarding a drain line down the street. The impact of changes to the cul-de-sac was discussed.

Mr. Lessard stated that hard piping along Exeter Road needs to be reviewed. Mr. Healy distributed diagrams showing how the proposed pipe would be designed as an alternative to a 3-foot paved swale.

Mr. Higgins asked if some of these issues could get resolved tonight. He recommended that the Board

- Approve the cul-de-sac design as requested by the Department of Public Works.
- Leave the Right-of-Way in the ownership of Lot #4
- Require a bond.
- Allow no Right-of-Way to abutter, thereby not creating a double frontage lot.

Mr. Higgins questioned why the abutters would be opposed to the plans submitted. It appears that the detention pond would protect the septic field of one abutter. And the drainage plan would aid in draining the other abutter's property.

Mr. Fougere indicated that there is a stamped letter from a soil scientist in the file.

Mr. Salomon stated that the applicant has the right to go on the Spratt's property to locate their septic system.

The Board agrees that one light is acceptable.

There is a consensus of the Board that these issues are agreed and resolved.

An unresolved issue is the need to study hard pipe drainage and the need for a swale on Exeter Road.

MOVED by Mr. Lessard to continue the public hearing to the May 18th meeting to address the following:

- Hard pipe issue
- Department of Public Works issues in their April 18th letter
- Ambit Engineering issues
- Bond issue.

SECOND by Mr. Higgins

VOTE: 5-0-0

MOTION PASSED

5. Ted Palmieri
Special Permit for building in wetland buffer at
1019 Ocean Boulevard
Map 116, 47
Owner of Record: Harriet Palmieri

Chairman Emerick recused himself from this application because he is an abutter to the property. Mr. Higgins assumed the chair for this application.

Ted, Mary and Ann Palmieri presented this application.

The applicants indicated that they got a variance from the Zoning Board of Adjustment last year. They were required to have a soil scientist look at property. There are wetlands on the property. They have met with the Conservation Commission. Their plan is to encroach 255 square feet into the wetland buffer.

One of the requirements is a permeable surface driveway. Mr. Fougere requested the plan dated March 22, 2005.

PUBLIC

Tracey Emerick, 207 North Shore Road, posed a question for the Board. With an Ocean Boulevard address and a curb cut on Cranberry Lane, can the Planning Board approve the application? The Planning Board cannot approve a plan that has a curb cut on Ocean Boulevard, because it is a state Right-of-Way. If the driveway goes out on a state road it is a State Department of Transportation issue.

BOARD

Mr. Higgins indicated that the plan submitted to this Board show a deck that is not on the plans submitted to the Conservation Commission.

Another site plan, approved by the Conservation Commission, was presented to the Board. The Commission had indicated to the applicant that a deck should be cantilevered.

Mr. Lessard wants to see changes to the plan to allow for a place to put snow.

MOVED by Mr. Pratt to approve the special permit to work in the wetlands buffer for the proposed building footprint only, with the condition that the applicants go to the Conservation Commission regarding the driveway and the deck:

SECOND by Mr. McMahon

VOTE: 5-0-0

MOTION PASSED

6. 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 storm water runoff)
Owner of Record: Morgan Ryan Realty Trust
Jurisdiction accepted March 3, 2004, extended by applicant

The application was postponed to the May 4th meeting of the Planning Board.

7. 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

This application was postponed to the May 4th meeting of the Planning Board.

8. Delvin Arnold
12 Lot subdivision at
111 Exeter Road
Map 107, Lot 24
Owner of Record: Same as above
Waivers Requested: Subdivision Regulation V.E. 9 (Landscaping Plan) and Section VII.F.2 (Lot corners)

This application was postponed to the May 4th meeting of the Planning Board.

III. ATTENDING TO BE HEARD

Use Change Application
Convert existing retail jewelry store to real estate office use at
852 Lafayette Road
Map 71, Lot 21
Applicant: Richard Beaulieu

The Board discussed the location of this property.

MOVED by Mr. Pratt to approve the use change
SECOND by Mr. Higgins
VOTE: 5-0-0

MOTION PASSED

IV. CONSIDERATION OF MINUTES – APRIL 6, 2005

Page 1 – Members Absent – Change “Robert Viviano, Chairman” to “Robert Viviano”.

MOVED by Mr. Pratt to accept the minutes as amended.
SECOND by Mr. McMahon
VOTE: 4-0-1

MOTION PASSED

V. OTHER BUSINESS

None

MOVED by Mr. Pratt to adjourn
SECOND by Mr. McMahon
VOTE: 5-0-0

MOTION PASSED

Meeting adjourned at 10:50 PM.

Respectfully Submitted,
Barbara Renaud
Acting Planning Board Secretary