

HAMPTON PLANNING BOARD – MINUTES
MAY 25, 2005 – 7:00 PM

PRESENT: Tracy Emerick, Chairman
Keith Lessard
Fran McMahon, Clerk
Cliff Pratt, Selectman Member
Tom Higgins
Tom Gillick
Robert Viviano
Bill Bilodeau, Alternate
Mark Fougere, Interim Town Planner

ABSENT: John Harwood, Town Planner

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. Mr. Lessard led the Pledge of Allegiance to the flag.

Chairman Emerick then discussed the status of the condominium conversion issue. A non-conforming property that is simply changing ownership style can remain non-conforming. Motels have to remain motels when converting to a condominium form of ownership. Floor plans will be required for condominium conversions.

Mr. Fougere then stated that per RSA 320 a standard note should be on all plans when filed with the town for condominium conversions. This note would state, "This plan contains pre-existing non-conforming issues per Hampton Zoning Ordinance". Plans will be recorded with this note.

Mr. Lessard then asked, with respect to parking, how the board would resolve parking issues.

Mr. Higgins asked about parking spaces deeded to condominium owners that are not conforming parking spaces.

Mr. Gillick stated that if the Board acknowledges on what is filed at the registry that it is a pre-existing non-conforming property, it becomes a civil matter because the Board has made a statement that it doesn't conform to the Town's ordinance. Discussion of this issue took place.

Mr. Pratt asked if the Board could refuse a plan if it doesn't have proper parking.

Mr. Fougere advised that if a condominium conversion plan came along that concerned the Board, it should check with Town Counsel.

Board members expressed concern over another issue. Things may be on a site plan that weren't there when the property was originally built. They will come forward to the Board for condominium conversion only. This will cloud the issue, not knowing what was registered before.

Parking is not in the Subdivision regulations. It is in the Zoning Ordinance. Multi-family is in the Subdivision regulations.

Mr. Gillick stated that he agrees with Mr. Pratt. The Board can't correct what has gone on in the past. All the Board can do is approve change in the form of ownership. The Board can encourage conformity, but can't get too involved.

Mr. Higgins stated that the Board would be compounding the problem of a bad parking situation. When there aren't enough spaces to start with and the spaces are not deeded to individual owners, there will be multiple owners who are upset instead of just one.

Chairman Emerick announced the other applications that would be heard tonight in addition to the condo conversions.

I. WITHDRAWALS

Chairman Emerick announced that the following applications have been withdrawn:

1. Fatima Realty Trust, Janet Reynolds, Trustee
Condominium Conversion at
377 Ocean Boulevard
Map 26590, Lot 20
Owner of record: Same as above
Waiver Requested: Subdivision Regulation V.E. (Detailed Plan)
Owner of Record: Same as Above
2. 89 Ashworth Avenue LLC
Condominium Conversion at
89 Ashworth Avenue
Map 287, Lot 1-A
Waivers Requested: Subdivision Regulation Section V.E. (Detailed Plan) and VII.C
(Storm Drainage)
Owner of Record: Joseph J and Denise P Mitza

II. CONTINUED PUBLIC HEARINGS

Mr. Lessard asked for an administrative clarification on the handling of waivers.

3. 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)

Peter Saari, Attorney, and Ernie Cote, Engineer, presented the application.

Mr. Saari asked Mr. Fougere if the required note on the plans would scare off banks. He indicated that this application has parking spaces. The owner has decided not to lift the front building as originally submitted.

BOARD

Mr. Higgins asked how Unit #3 would get into the parking space assigned to it if Unit #2 happened to get home first.

Mr. Lessard asked for clarification on the assignment of parking spaces.

Mr. Saari stated the condominium documents would state that Unit #1 gets parking space #1 and Units #2 and #3 will share spaces #2 and #3 on an undesignated basis.

The Board commented that there are 4 units with 3 parking spaces.

PUBLIC

No comments

BOARD

Mr. Gillick asked what the designation TBS on the plan meant. Mr. Cote stated it meant To Be Set. Mr. Gillick asked if the property was under water tonight. He then asked how space to the west of the house would be used for parking. It was clarified that there was one more house to the west of this property.

Mr. Pratt asked if the lot was in the 50-foot town wetland buffer. Chairman Emerick stated it was.

Mr. Fougere stated there should be additional notes. The RSA notes were given to the surveyor. Also there should be floor plans. Mr. Higgins stated a note should also be added that the driveway needs to remain permeable.

Mr. Viviano stated he has difficulty with the limited parking on this application.

MOVED by Mr. Viviano that until parking is provided for 4 units, it not be approved for 4 units.

SECOND by Mr. Higgins

Mr. Gillick asked if there was a change in the number of units. Mr. Saari said the use is the same at 4 units.

Mr. Saari stated that, as a practical matter, more than 3 cars would be squeezed into the 3 spaces.

VOTE: 6-1-0

MOTION PASSED

Mr. Higgins asked if this property had a Certificate of Occupancy for rental of the units.

Mr. Mulcahy stated they are just cleaning up the property and that they added 1 parking space. He was asked how he proposed to sell the units without adequate parking. He responded that the neighbors were in favor of condominium ownership as opposed to rental.

Mr. Higgins noted that there are really only 2 legal parking spaces, since stacked parking is not legal.

Mr. Gillick asked, with respect to denial, what language would be used in the decision letter. The decision letter would state that the denial was voted because there was inadequate parking for the number of units. Mr. Gillick requested that the letter state denial is based on Article 6, which states that there shall be 2 parking spaces per dwelling unit.

4. David Castricone
Condominium Conversion at
17A and 17B "O" Street
Map 293, Lot 169
Owner of Record: 17 "O" Street Realty Trust
Waivers Requested: Subdivision Regulation Section V.E. (Detailed Plan) and VII.D
(Storm Drainage)

Ernie Cote, Engineer, and Elizabeth Bassett, Attorney, presented this application.

Mr. Cote said this is a similar application to the one just heard. Parking will remain as they park right now. All units are on Town water and sewer. The common area is between the units in the rear. There is no paving to speak of on the lot.

BOARD

Mr. Higgins asked if the driveway is paved currently. Mr. Cote responded that it is not. Mr. Higgins asked if car stop barriers would be put up. Mr. Cote indicated they would not. The parking area will remain permeable.

Mr. Fougere indicated the plan should state, "This is a non-conforming property". He also indicated that a floor plan needs to be included.

PUBLIC

No comment

BOARD

MOVED by Mr. Gillick to grant the requested waivers.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

MOVED by Mr. Gillick to approve the condominium conversion with conditions as stated.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

5. Sweenette Realty, LLC
Condominium Conversion at
22 and 22 ½ "I" Street
Map 290, Lot 76
Owner of Record: Same as above

Theodore Zanakis, Attorney, and Scott Surette, owner, presented the application. Mr. Zanakis stated the current crushed stone driveways have been and will remain the designated parking spaces. He clarified that there were 2 units.

BOARD

Mr. Lessard asked if they would be willing to designate the parking spaces.

Mr. Lessard said parking is a major issue in condominium living. Mr. Zanakas stated that designated parking could be put in the documents. There are 2 separate driveways.

Mr. Higgins stated parking spaces should always be assigned on the plan. He also asked what the square area is in front of Unit #1's porch. Mr. Zanakas said this was a garden area.

PUBLIC

No comments

BOARD

Mr. Viviano stated the plan shows the front garden area is over onto town land. The sidewalk installation will resolve this.

MOVED by Mr. Pratt to grant the requested waivers.

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

MOVED by Mr. Pratt to grant the condominium conversion with plan notations as follows:

a) This is currently a legal non-conforming use

b) Parking shall be designated

SECOND by Mr. Gillick

VOTE: 6-0-0

MOTION PASSED

6. Richard Tessier
Condominium Conversion at
1 Osborne Terrace
Map 265, Lot 26

Peter Saari, Attorney, and Ernie Cote, Engineer, presented this application. Mr. Saari indicated that there were 11 parking spaces. The property has the typical non-conformities in the neighborhood with respect to setbacks, etc. There will be allocated parking spaces. The units have year round Certificates of Occupancy for rental.

BOARD

Mr. Lessard asked if this street sign was blue, designating that this is a private road. Mr. Higgins asked if the stacked parking would be allocated as second spaces. Mr. Saari responded yes.

Mr. Higgins asked if the abutter to the South entered from the alley or from another entrance. He asked if a unit exited by Unit #4. The response was no.

Mr. Lessard asked if there would be a sign on Ocean Boulevard indicating the condominium name. Mr. Saari indicated it probably wasn't legal to put a sign in the right-of-way.

PUBLIC

No comments

BOARD

Mr. Fougere noted that the plans should contain the following:

- a) A note indicating that this property is currently non-conforming to the Town Zoning Ordinance
- b) Floor plans to be included
- c) Designated parking should be indicated

Mr. Higgins indicated the owner should ask for permission from the abutter, since there is only 2-3 feet of space for maintenance. He asked how tall the buildings were. They are one-story cottages.

MOVED by Mr. Gillick to grant waivers

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

MOVED by Gillick to grant condominium conversions subject to the following conditions:

- a) A note indicating that this property is currently non-conforming to the Town Zoning Ordinance
- b) Floor plans to be included
- c) Designated parking should be indicated

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

- 7. 6 Ashworth Avenue, LLC
Condominium Conversion at
6 Ashworth Avenue
Map 282, Lots 27 and 40
Waivers requested: Subdivision Regulation Section V.E. (Detailed Plan)

Chuck Bellemore, Manager of the LLC, Craig Salomon, Attorney, and Mr. Coronati Coronati, Engineer, presented this application.

Mr. Salomon stated that the motel would remain as a 44-unit motel, with an owner's/manager's apartment unit, a store, a Laundromat and an office. A management company will handle rentals. It will continue to operate as a motel with transient use. There will be a minimum stay of 3 days and a maximum stay of 89 days. It will be stated in the condominium documents that this is the rental range. There are 44 parking spaces on the lot. One will be lost with the curb cut. Spaces will be added to replace the lost one. The owners intend to merge two lots. There will be no net loss or gain in parking because of rearranging of some of the parking spaces.

Mr. Coronati described the property. He indicated there is an adjacent lot that is a parking lot. The lot merger will combine these into one lot. The site plan shows the layout of sidewalks as proposed. The sidewalk does come out to the property line in a couple of places. Mr. Coronati is talking with Faye, Spofford & Thorndike about this. The building is 2 and 3 stories. Living units are all on the 2nd and 3rd floors. The common areas and the owner's unit are on the first floor.

Mr. Salomon said the designated parking spaces are limited common areas.

BOARD

Mr. Lessard asked for clarification of the ownership and rental plan. He asked if each unit would be individually owned. He asked for clarification of the laundry arrangement.

Mr. Salomon said there are actually two Laundromats on site. One is open to the public and the other is for the exclusive use of the motel.

Mr. Pratt said the Selectmen discussed this plan and have a problem with it. Parker Survey has shown a lot of the property on Town land along the Ashworth Avenue side. The plan submitted with this application is not signed by the surveyor.

Mr. Coronati said this plan is not intending to change perimeter lot lines. Mr. Fougere said Parker Survey is comfortable with their findings. A detailed plan does not lift the responsibility to have an accurate survey.

Mr. Higgins asked if parking spaces on the extra lot could be depicted with accurate measurements, to indicate on the plan that they are non-conforming spaces. Also, he asked that the plan show access and egress from the parking spaces in the back lot. How much space is there in between legal size spots. The plan needs to identify aisle widths and size of spaces.

Mr. Higgins asked what the plan was for the abutting garage. Mr. Coronati said it would stay and the encroachment would be noted.

Chairman Emerick said an abutter asked if the property would be upgraded with a sprinkler system. Mr. Salomon said there are discussion but no final decision regarding a sprinkler.

Chairman Emerick said the abutter at 4 Ashworth Avenue is also concerned about runoff from the property since runoff currently goes on her property.

Mr. McMahon asked if Mr. Fougereet would continue. Mr. Salomon said yes. Mr. McMahon asked about parking. Mr. Salomon said no parking was required. Mr. Gillick said Mr. Fougere has written a memo. There are 9 comments.

1. Waiver

2. Notes and survey stamp

3. Parking lot entrance

4 and 5 Retail uses – store and Laundromat – are they going to be part of the condo units? Craig said yes. The office will be common area since they expect the condo owners will have a manager on-site.

PUBLIC

No comments

BOARD

Mr. Gillick asked if the application was complete. Mr. Fougere recommended, that with the issue of the survey, it not be accepted.

MOVED by Mr. Pratt to continue this application until the June 1st meeting with the following to be provided at that time:

- Survey issue resolved.
- Detail on aisle space.

SECOND by Mr. Gillick

Mr. Higgins asked if he could get aisle widths and lot as a condition also

VOTE: 7-0-0

MOTION PASSED

8. 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 Mr. Healy, Beals Associates, represented the applicant. Mr. Healy recapped results and issues from the prior meeting:

- Reserve strip stays in place per Subdivision Regulations
- The have modified the cul-de- sac to a pea shape as requested by the Department of public works
- Culvert issue has been addressed
- The pond on Lots #8 and #4 have been reworked and DEPARTMENT OF PUBLIC WORKS is fine with the project.

BOARD

Mr. Lessard stated he got a letter from Robert Campbell with several questions. Who will clean out culverts and detention ponds? Mr. Healy said maintenance responsibility goes to Lot #4.

Mr. Lessard asked Mr. Healy to explain for the record that pond invert will follow the grade of the land. Water will go into the proposed culvert.

Mr. Healy said Mr. Campbell requested a berm. Mr. Healy said this would exacerbate the problem for Mr. Campbell, containing the water on his property, acting as a dam.

Chairman Emerick said there is another letter from 712 Exeter Road expressing an issue with drainage. Mr. Fougere said there is a culvert across Exeter Road ending on this gentleman's property. There are no easements.

Mr. Gillick said we are talking about reasonable efforts to control the flow of water to this person's property. Mr. Gillick recalls a serious icing problem on Exeter Road and he would not want this repeated. The road curves and is dangerous at that point when icy. Mr. Nason is not of the opinion that it is fixed.

PUBLIC

Craig Salomon, Attorney, representing Mr. Campbell, suggested that New Hampshire Soils used a traditional definition of a wetland to determine that there were no wetlands on property. In Hampton, there are poorly drained soils if water table keeps soil wet for 7 –9 months a year.

He believes that there is wetland on the property where the road is proposed to go. He believes we need to examine the plan based on Hampton's definition of wetland.

- He then commented on how likely it is that a homeowner will maintain the drainage system after every storm event.
- He said some water is not flowing toward Mr. Campbell's house.
- Exeter Road and the proposed road are higher than the field. Mr. Campbell feels it would help him if some water were diverted from his property.
- He believes snow would move to Campbell property.
- Another issue is water moving to a swale cannot be expected to be maintained by homeowner. Properties downstream have not granted an easement for this water.

Mr. Salomon believes approval is premature from those reasons.

Mr. Healy said New Hampshire Soils did not find wetland on property. With respect to maintenance of the ponds, the owner is required to maintain them in plans whether they do it or not. There are emergency spillways on ponds #8 and #4 in case owner doesn't maintain the ponds. With respect to the snow, Ambit has reviewed drainage. Flow off site is not increased per all drainage analyses.

Mr. Saari said the Department of Public Works has power to go on site and do maintenance at the expense of the owner.

Mr. Salomon asked if the Lot #4 owner had responsibility to keep culvert under the proposed road clear. Mr. Healy said no. If it becomes clogged, it will be in the Town's Right Of Way.

BOARD

Mr. Lessard asked for NH Soil Scientists' interpretation with respect to being under water 7 months a year.

Mr. Healy noted that Army Corps of Engineers' requirements are more stringent than the Town of Hampton's.

Mr. Lessard said he was opposed to conditional approval because things may not be completed.

Mr. Higgins asked what was outstanding with Ambit Engineering. Mr. Fougere said there were several small matters.

MOVED by Mr. Pratt to accept with the conditions that

- Ambit Engineering's concerns as expressed in their letter of May 22, 2005 are addressed.
- This is an active and substantial project, with building permits are obtained within 12 months
- There will be school impact fees
- Certificate of monumentation submitted
- Final plans submitted
- Mylar is provided
- Recording fees are paid.

SECOND by Mr. Higgins

VOTE: 6-1-0

MOTION PASSED

9. NESKY Realty Trust
Site Plan Review for a drive-through coffee and pastry shop at
830 - 836 Lafayette Road
Map 90, Lots 15 and 17
Owner of Record: Same as above
Jurisdiction accepted April 6, 2005

9a. NESKY Realty Trust
Request for Waivers from Site Plan Regulation Section V.E. (Detailed Plan)
and VII.D (Storm Drainage)
In conjunction with Site Plan Review at
838 Lafayette Road
Map 90, Lots 15 & 17
Owner of Record: Same as above

Scott Frankiewicz, Beals Associates, and Nick Birmbas, owner, presented this application.

Mr. Frankiewicz said that the plan has been sent out to a traffic engineer as requested by the Board.

He then described changes made from the original plan submitted with respect to through-traffic, traffic movement on-site, snow removal, and signage.

Parking spaces have been moved to the west side of the plan to service the day care facility and the dog groomer. In the furthest property, there are 2 spaces to service this property. There are 8 spaces for employee parking for all 3 businesses.

The entrance will be one lane. There will be room for 5 cars to back up. A bypass lane has been added as requested.

BOARD

Chairman Emerick asked if there would be speakers to place orders. Mr. Frankiewicz said yes there would be 2 speaker/menus.

Mr. Lessard asked if the back building was now a residence. Mr. Birmbas said it was his own residence plus a pastry shop. Mr. Lessard asked when change of use was granted. Mr. Birmbas said there was none. Mr. Lessard said he believes a change in use is needed for this residential space.

Mr. Lessard asked if we had plans showing the parking configuration. Mr. Fougere said an advantage here was that there are 2 window options available that should decrease possibility of stacking out into the street.

PUBLIC

No comments

BOARD

Mr. Fougere asked if there would be landscaping added and driving area removed. Mr. Frankiewicz said that there will be pavers for 30 feet and the rest would be landscaping.

Mr. Fougere said the Department of Public Works had issues. We need letters from the Department of Public Works and Ambit Engineering saying they are satisfied with the plans.

Mr. Lessard asked if only one sign is allowed per property. Mr. Frankiewicz said there would be a double-sided sign on Lafayette Road. There will be a "no stacking" sign after the entrance. Then there will be another sign saying to go to driveway 2. There will also be a stop sign and a "Do Not Enter" sign. There will be a "drive- thru" sign to direct people to lane 2.

Mr. Higgins asked if there should be another stop sign. Mr. Frankiewicz agreed. He said there would be a “Do Not Enter” and an Exit sign on the side of the property.

Mr. Gillick asked for clarification of which plan we were reviewing tonight. Chairman Emerick said the plan with autos should be called something other than C2.

Mr. Lessard asked how customers would get to the building for childcare and dog grooming. Mr. Frankiewicz is proposing a walkway around the side of the building.

Mr. Lessard is concerned that there is a lot of movement activity on the lot and he wants to be sure that there is a safe flow of both vehicular and pedestrian traffic.

Mr. Gillick asked that the change of use for the back building indicate that there are two uses in than building – a commercial kitchen and a residence.

PUBLIC

No comments

BOARD

MOVED by Mr. Lessard to deny waiver from Site Plan Regulation Section V.E. (Detailed Plan)

SECOND by Mr. Higgins

VOTE: 6-1-0

MOTION PASSED

MOVED by Mr. Lessard to continue the application to the June 15th meeting for

- Site Plan Review
- Change of Use
- Full-size plans to be submitted
- Ambit Engineering review
- Department of Public Works review
- Letter from traffic consultant
- A description of how water will be handled – storm drain study

SECOND by Mr. Higgins

Mr. Fougere said that Ambit Engineering wrote that they didn’t want to see any more drainage into the street because it is at capacity. How did applicant's engineer come up with the conclusion that there will be less drainage?

VOTE: 6-1-0

MOTION PASSED

MOVED by Mr. Lessard to table the Waiver for storm drainage until there is a response from the engineer as to how water will be handled, e.g. storm drain study

SECOND by Mr. Higgins

VOTE: 6-1-0

MOTION PASSED

10. Three LG, LLC

Site Plan Review to construct a two-story addition with a footprint of 793 sq. ft (total additional square feet 1,586) to the barn for office use together with associated parking at

143 Winnacunnet Road

Map 176, Lot 24

Owner of Record: Same as above

Jurisdiction accepted April 6, 2005

Mr. Donahue Donahue, Attorney, Mr. Coronati Coronati, Jones & Beach Engineers and Scott Bean, owner, presented the application.

Mr. Donahue said they were at the Conservation Commission meeting last night.

Mr. Coronati then described the changes made to the plan. There are two parking areas. He described the parking plan. He said 4 parking spaces on the road are reduced to 2 spaces. He said they are working with the abutter on creating a visual screen to reduce noise and lights from the parking lot. 3 spaces were made parallel so that lights wouldn't shine into the abutter's property. Both access ways have been widened to 22 feet. Utilities are all the same. It is construction of 2 parking lots and a detention pond. The Conservation Commission is in favor of the condition that screening is done.

Mr. Donahue said the Conservation Commission asked that the detention pond be maintained by the owner on a yearly basis. There will be a note placed on the plan to this effect.

BOARD

Mr. Lessard asked what has been proposed as a buffer with property to the East. Mr. Coronati said they are considering balsam fir. Mr. Donahue said they would work with the abutter on this. Mr. Donahue said they've been told existing landscaping is inadequate with new activity planned. Additional landscaping will be added. (See Conservation Commission letter with conditions)

Mr. Viviano asked for clarification of status of the house. Mr. Donahue said it is currently a multi-family residence. They decided to keep it all residential in that building. The insurance office will be all in the barn in the back. Mr. Donahue said they have Zoning Board of Adjustment approval for mixed use.

The parking calculation is done on basis of maintaining residential units as such.

The abutter has appealed the ZBA decision to the Superior Court.

Mr. Higgins asked if driveways would be paved or pervious. Mr. Coronati said that one is paved and the other is gravel now. Both are proposed to be paved.

Mr. Pratt said they are putting it as far away from the easterly neighbor as they can get it.

Mr. Lessard asked if assigned spaces for the 3 residences have been taken care of. Mr. Donahue said they would do that.

PUBLIC

Craig Salomon, attorney representing the Cullens, abutters to the East. His clients primary concern is screening of the parking area. Their other concerns are

- Traffic in the driveway because the fire station driveway is right across the street.
- Line of site problem because of the pitch of the driveway up to Winnacunnet Road
- Currently there is a mixed use, neither of which is permitted in an RA zone (office and multi-family).
- Concerns that proposed drainage will affect wetlands to the rear.
- The variance surrendered to convert residence to office did not show a parking plan. Need to take a fresh look at parking. There is non-conforming use even through a variance was granted.

Mr. Donahue said regarding the traffic safety review, it does not raise safety issues Mr. Salomon brought up. Mr. Donahue said there is no signoff from John Chagnon yet.

BOARD

Mr. Fougere said plans are significantly more detailed that what we had before. Ambit Engineering should get a set of revised plans. We have received input from the Fire Department. There has not been feedback from the Department of Public Works or Ambit Engineering.

There were questions at the last meeting regarding hours of operation and lighting. Mr. Donahue said hours of operation would be daylight hours. There is no intent to keep lighting on into the evening and nighttime hours. Mr. Lessard said some of the lighting was intended for safety of residents. Mr. Donahue said they would look at lighting.

MOVED by Mr. Higgins to continue the application to the July 6th meeting for the following:

- Ambit Engineering review
- Fire Department input
- Buffer/screening issue resolution with the abutter
- Department of Public Works input

SECOND by Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

11. Delvin Arnold

Special Permit to impact Wetlands Conservation District in conjunction with 12-lot subdivision

111 Exeter Road

Map 107, Lot 24

Owner of Record: Same as above

BOARD

Mr. Fougere said this has been approved by Conservation Commission, but there will be work within the buffer. There will be no wetland impact.

PUBLIC

Mr. Antlitz, 14 Bourn Avenue, suggested Planning Board members have nametags. He asked about status of abutters' request to hire their own wetland scientist to go on property. Mr. Fougere said he passed on request to engineer who was going to talk to property owner.

Chairman Emerick clarified that the Board can only request that the owner talk to the abutters, but has no authority over this matter.

Mr. Antlitz said he was speaking for numerous abutters. He asked if the public could go on walk-thrus with the Conservation Commission. Mr. Lessard said yes they can and agenda is posted on public bulletin boards.

He then asked personal question about the Chairperson of the Conservation Commission.

Mr. Gillick suggested that he go to town hall to learn about posting of notices.

Chairman Emerick clarified that tonight the Board is talking about the special permit to work in the wetlands buffer.

Mr. Antlitz asked if the Board had to accept the owners' solution to the drainage issue.

Mr. Pratt said that Mr. Baron would not give the Town an easement across his property to correct the Bourn Avenue drainage problem. This owner has given this permission.

Mr. Gillick clarified again that we are talking about their permit to work in the wetland buffer.

Mr. Viviano said he's heard 2 concerns from the public:

- 1) Bourn Avenue residents are afraid drainage will be made worse. The Planning Board doesn't allow people to do that.
- 2) Bourn Avenue residents are dismayed at losing the wooded buffer area in the rear of their properties.

Mr. Lessard said Ambit Engineering doesn't do any work in town, so there is no conflict of interest. He also indicated that the Department of Public Works is also our engineer. The Planning Board tries to promote harmonious development. If the applicant were here, the Planning Board would encourage him to allow independent wetland scientist to go on the property.

MOVED by Mr. Pratt to continue to the June 15th meeting to marry the Special Permit back up with the site plan.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

12. Condo View Realty Trust

Carolyn N Rioux, Trustee

Site Plan Review to construct 15 residential condominium units in seven buildings each containing two units; occupancy to be limited by RSA 354-A: 15, "Housing for Older Persons" at 30 Towle Farm Road

Map 123, Lot 3

Owner of Record: Same as above

New -Withdrawn at April 6, 2005 meeting

Stephen Ells, Attorney, and Peter Ross, principal, presented the application. Engineer Henry Boyd could not attend. Mr. Ells clarified that this was a 7-building, 14-unit proposal.

Mr. Ells said they have also asked for a special permit for drainage into wetlands. He said that they have worked with abutters in creating the site plan. He said at ZBA they offered to replace the fence and place evergreens on the Riverwalk side of the fence. The existing evergreen buffer will remain as much as possible.

PUBLIC

Barbara Rindfleisch, 10 Riverwalk, stated her building directly abuts the boundary of the applicant's property. When it rains, her cellar fills with water. She is concerned the runoff will make the problem worse. Mature trees are 7' from the property line. Since they are planning to build 7'3" from the property line, it seems those trees will go. They help with drainage. She asked that a well-designed drainage plan on the easterly property line be required.

Mr. Ells stated that Millenium Engineering did a drainage study and said it is not their intent to shed any water onto the neighbors' property.

Chairman Emerick clarified that the study would be send out to Ambit Engineering (an independent firm). to review the drainage study.

Chairman Emerick asked Mr. Ells to indicated the swales on the property lines.

Christine Collins, 9 Riverwalk, stated she is not opposed to developing the land. She is opposed to overdeveloping the property. It will increase traffic. There is a blind curve on the road. It will worsen the Exeter Road and Towle Farm Road intersection traffic. She is pumping water from her cellar now and is afraid it will be worse.

The privacy concern was discussed at ZBA. Her concern is that the trees will be taken down.

She asks that the developers reduce their footprint by reducing the size of the buildings. She also asks that they shift the project to the West to have 0 setback on the West side.

She also asks that they put 3 buildings on the East side and 4 buildings on the West side.

She also asks for an 8' fence instead of a 6' fence for more privacy.

She asks if Riverwalk residents can be ensured that fencing will be there through construction to minimize flow of debris to Riverwalk.

Mr. Ells said he will look into a higher fence and will work with the abutter. He stated that he was not successful in talking with abutters in getting the project shifted to the West. He had a good experience working with abutters, but they weren't able to reach agreement. The developer is not adverse to a higher fence. They are not adverse to discussing where to plant the trees. The water issue has been addressed. The project won't increase their water problem.

Arlene McKinnon, 22 Drakes Landing, stated there are other abutters who would have been here tonight if they had been aware that it was on the agenda. There are more than 1 or 2 people who are opposed to project. She is concerned with a detrimental effect on Bachelor Pond.

Jim McLaughlin, 44 Riverwalk, has a question regarding sewer. Mr. Ross clarified that it will be gravity to Towle Farm Road with no pump.

They have had several meetings with the applicant. They did want to sell land to the applicant, but couldn't get the necessary 100% vote of owners. The Association likes the plans and is not opposed to the project.

BOARD

Mr. Fougere said if you are at the driveway looking East there is a site distance problem that should be looked at by an engineer. There is landscaping that hurts site distance. The only solution would be to move the driveway to the West. This would need a traffic study or having our consultant look at it for specific issues.

Mr. Gillick said what were concerned about are site lines and driveways. Mr. Fougere said his biggest concern is visibility.

Mr. Fougere asked if a special permit was submitted. Mr. Ells stated that the two applications were submitted together.

MOVED by Mr. Gillick to accept jurisdiction to a date certain of July 6th and to send the plans out for departmental review, with the conditions as expressed in Mr. Fougere's April 18th letter.

SECOND by Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

III. CONSIDERATION OF MINUTES of May 18, 2005

Chairman Emerick asked to move review of minutes to the next meeting.

IV. CORRESPONDENCE

V. OTHER BUSINESS

Mr. Lessard spoke to the matter of administrative support for the Planning Department and the Planning Board. He said he strongly feels person who takes minutes should also be the person in the office. The Town Manager needs to give office support to get caught up with the backlog in the office.

Mr. Fougere stated that there will be an Executive session of the Board to meet with counsel at 6:00 PM next Wednesday with respect to Drakeside Road.

Mr. Fougere discussed releasing the bond for Dunkin Donuts. When Mr. Harwood returns, that needs to be done.

7/7/2005

Mr. Gillick said that Board members need to get copies of decision letters, since they carry the force of law.

Mr. Fougere indicated that it has been his pleasure to work with this Board.

MOVED by Mr. Higgins to adjourn.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 10:50 PM.

Respectfully Submitted,
Barbara Renaud
Acting Planning Board Secretary