

HAMPTON PLANNING BOARD – MINUTES
JUNE 15, 2005 – 7:00 PM

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

ABSENT:

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 then announced that several applications have requested rescheduling:

- 1) Jean Boudreau, Trustee, Concord Realty Trust
Condominium Conversion at
18 Ocean Boulevard and 1 Dover Avenue
Map 296, Lots 108 and 131
Waivers from Subdivision Regulation Section V.E. (Detailed Plan) and VII.D
(Storm Drainage)
Owner of Record: Dominique Perreault Revocable Trust

MOVED by Mr. Lessard to continue to the July 20th meeting of the Planning Board.

SECOND by Mr. Higgins

VOTE: 7-0-0

MOTION PASSED

- 2) Maplecroft Development LLC
Site Plan Review to remove existing house and construct 10 residential
townhouse condominiums (2 buildings with 5 units each) at
180 Drakeside Road
Map 172, Lot 12
Owner of Record: Pamela Kopka
Continued from May 18, 2005

MOVED by Mr. Lessard to continue the July 20th meeting of the Planning Board.

SECOND by Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

- 3) 389 High Street Realty Trust
Site Plan Review for a 5-unit condominium building with parking underneath at 389 High Street
Map 180, Lot 3A
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee and 389 High Realty Trust, Jerome Sakurai, Trustee
Jurisdiction accepted April 6, 2005

Continued to the July 20th meeting of the Planning Board

- 3b) 389 High Street Realty Trust
Special Permit in conjunction with site plan review at 389 High Street
Map 180, Lots 3A 6-7
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee and 389 High Realty Trust, Jerome Sakurai, Trustee

Continued to the July 20th meeting of the Planning Board

- 3c) 389 High Street Realty Trust
Conditional Use Permit in conjunction with special permit and site plan review at 389 High Street
Map 180, Lots 3A 6-7
Owner of Record: Four B Realty Trust, Denise M. Fournier, Trustee and 389 High Realty Trust, Jerome Sakurai, Trustee

MOVED by Mr. Viviano to continue the July 20th meeting of the Planning Board.

SECOND by Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

I. CONTINUED PUBLIC HEARINGS

- 4) Condominium Conversion at
13 Highland Avenue
Map 282, Lot 56
Waivers from Subdivision Regulation Section V.E. (Detailed Plan)
Owner of Record: Michael & Colleen Petullo

Joe Coronati, Jones & Beach Engineers, and Ruth Leveille, Owner, presented this application. Mr. Coronati described the application.

Mr. Higgins commented that the parking consists of three stacked parking spaces, which count as one legal spot.

PUBLIC

Mrs. Mary Gregg, 16 Nudd Avenue, stated that she does not believe that the property could park more than 2 cars. She is concerned that if the driveway is longer, snow will be plowed right up to her house. She is concerned that her pipes will freeze if there is snow accumulation against her house.

Mr. Coronati stated that the parking spaces could be moved closer to the property line to move it further away from Mrs. Gregg's house. He indicated that the plan was to have the driveway go only to the end of the house and that would be about 20 feet from Mrs. Gregg's house.

Mrs. Gregg suggested that a bumper be required at the end of the driveway.

BOARD

Mr. Gillick asked for clarification of the plan. He asked if paving overlap an abutter's property. Mr. Coronati said that the paving did overlap the abutting property. Mr. Gillick asked where the entrance to the units would be.

Ms Leveille stated that her purpose with this application was to change ownership only.

Mr. Higgins questioned why the Board does not have floor plans for this application. Mr. Fougere said the application had been in-house for a while, and the Board had started requesting floor plans only in the last month.

Chairman Emerick stated that the plan could not be approved as it exists with the encroachments on the abutting property. He stated at minimum the Board would need letters from the abutters agreeing to the encroachments. The presenters said that if the abutters did not want the encroachments, they would remove them.

Mr. Lessard suggested that the applicant discuss this with the Mrs. Gregg to see if they could do a trade off of the encroachment for a bumper at the end of the driveway.

Mrs. Leveille stated she wanted the plan to be clear that there were 3 parking spaces.

Mr. Gillick asked if Mr. Fougere's 6/16 memo covered all of the details necessary if the Board were to approve the conversion.

Mr. Higgins asked that the plan contain designated parking spaces marked as such.

Chairman Emerick also stated that the issue of the encroachments would have to be included as a condition.

MOVED by Mr. Gillick to approve the condominium conversion plan # subject to the conditions stated in Mr. Fougere's memo of June 16th.

Motion failed for lack of a second

MOVED by Mr. Higgins to deny the condominium conversion plan for lack of parking.

Motion failed for lack of second.

MOVED by Mr. Lessard to continue hearing of the application to after Item #5 on the agenda to allow the applicant the opportunity to speak with an abutter to see if agreement could be reached.

- 5) 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

- 5a) NESKY Realty Trust
Use Change at
830R Lafayette Road
Map 90 Lot 17
Owner of Record: NESKY Realty Trust

Scott Frankiewicz, Beals Associates, and Nick Birmbas, applicant, presented this application. Mr. Frankiewicz reported that he did not as yet have responses from the resubmissions to Ambit Engineering or the Department of Public Works to the minor issues sent to them. He did have a traffic report.

He indicated that 73 trips were estimated during peak time in the morning and 34 trips during peak at night. The traffic engineer concluded that there would be no spill out onto Route 1 if the shop were staffed correctly.

The engineer estimates that 35 seconds is required for a person at the order window. This statistic was discussed.

Mr. Frankiewicz said there would be a sign at the entrance stating that no stacking is allowed beyond that point.

Department of Public Work's issues were then discussed. Mr. Frankiewicz said that he has proposed to the Department of Public Works to eliminate 5 feet of curbing.

The sign was then discussed.

Mr. Fougere then said the other issue the plan was table for was a Change of Use. The Change of Use application was distributed to the Board.

PUBLIC

No Comments

BOARD

MOVED by Mr. Lessard to grant the use change.

SECOND by Mr. Gillick
VOTE: 7-0-0

MOTION PASSED

Mr. Frankiewicz then described the drainage system.

MOVED by Mr. Viviano to approve Project #NH131, dated 3/18/05 subject to the following conditions:

The Department of Public Works May 5th letter be agreed to and adhered to
Ambit Engineering reviews and agrees with the applicant's solution
Signage will be included on the plans

SECOND by Mr. Pratt
VOTE: 6-1-0

MOTION PASSED

- 6) 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

- 6a) 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)

Peter Agrodnia, Project Manager, and Alex Ross, Ross Engineering, presented for the applicant. Mr. Agrodnia provided an update indicating that they have received comments back from the engineers. He met with John Chagnon at Ambit Engineering and they don't see any problem in addressing Mr. Chagnon's comments.

Mr. Agrodnia then went through the outstanding issues:

- 1) Wetlands – they have agreed with the neighbors to allow the neighbors to hire an independent soil scientist to go on the property. The independent soil scientist agreed with the applicant's soil scientist with respect to the identification of wetlands. He indicated they have met with the abutters and discussed this issue and feel it has been resolved.
- 2) Bourne Avenue drainage – Instead of staying in the sewer easement, they will go straight through to the road to a drain manhole. They have not had a chance to discuss this design with the Department of Public Works. But it was worked out with Ambit Engineering and he feels that DPW will look favorably at the change.
- 3) There is a change in the cut of the road coming onto the property so as not to exceed 8% grade on the road.
- 4) Traffic – He said traffic engineer was collecting more data on this issue and will be available at the next meeting.
- 5) Drainage – this plan is being fine-tuned.

BOARD

Mr. Fougere went through the list of items that the plan had been tabled for.

Lot lines – Mr. Agrodnia indicated that they could modify the lot lines between Lots 4 and 5 and Lots 5 and 11 only slightly. The lot lines as depicted are intended to meet Town Zoning Ordinance requirements for minimum frontage. This limits their ability to modify the lines. Potential crosswalk – this will be discussed with the traffic engineer. Landscaping on street – buffering will need to allow for site distance. Arbor vitae are depicted on the plan. These are not low growing trees and may not be acceptable for site distance.

The developer is meeting with the abutter across the street to address his issues.

Mr. Higgins commented that he is not in favor of a driveway across another owner's lot.

PUBLIC

Mark Antlitz, 14 Bourne Avenue, first thanked Mr. Arnold and the Board for arranging the walk through of the property. He said he observed that some of the land outside of the wetland was soaked. He asked if any landfill was being considered. Mr. Ross, who prepared the drainage plan, responded to Mr. Antlitz.

Mr. Antlitz said the road is like a giant sponge. He asked what would happen to the water once some of the property is sealed. Mr. Ross described the drainage plan, indicating there will be no change in the water flow off the property.

Mr. Antlitz asked how the foundations of the new structures would affect drainage. Mr. Ross responded that contouring toward Exeter Road would handle the water displaced by foundations.

Mr. Antlitz asked for a pre-construction blast survey so that the Bourne Avenue residents can measure any construction impact on their property. Mr. Agrodnia indicated they don't anticipate any blasting on the site.

Mr. Antlitz stated that they were concerned that there would be large construction equipment in their backyards. The Project Manager said he would stake where the property line is so that the contractors will not encroach on the Bourne Avenue properties.

Mr. Agrodnia said that Mr. Arnold would like to discuss project with the abutters.

Mr. Ajemian, 19 Thayer Road, stated he has lived there for 28 years. He is concerned about the level of the ground water. The Bourne Avenue solution will not help him. He believes that the ground water level will increase on his property and make his problem worse. Mr. Gillick asked where the water discharged from his sump pump. The abutter stated it went into the ground on his property.

Tammy Deland, 12 Bourne Avenue, stated she is concerned that the drainage plan proposed will not be adequate. She just this year for the first time had water in her cellar. She then gave pictures of the property to the Board, depicting wet areas on the land. She then asked for details regarding the handling of debris in the draining water. She is also concerned that

the driveway for Lot 11 will be steep. Mr. Agrodnia explained the slope of the driveway in relation to Ms. Deland's house.

Al Cussano, 102 Exeter Road, stated he has spoken with Mr. Arnold about a fence. His driveway is directly across from the proposed road. He is concerned that the headlights from exiting traffic (from the new road) will shine directly into his house. He doesn't believe that a fence will solve the problem. He is also concerned about eastbound traffic turning left into the development backing up in front of his driveway.

He asked about getting access to the Planning Board file transportation studies. He was advised that he could come into Town Hall to do that.

Mr. Agrodnia explained why the road ended up where it is now planned. He also indicated that he is a surveyor and will help with Mr. Cussano's property delineation.

Paul Hyde, 114 Exeter Road, asked if it was Mr. Arnold's intent to develop the property. He asked what his recourse would be if the reports and plans are not right. Board members described the Board's peer review process. They indicated that, beyond that, his remedy would be through the courts. He then asked about the bonding process. Mr. Fougere described the bond process.

BOARD

MOVED by Mr. Lessard to continue the application to a date certain of July 20th

SECOND by Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

The Chairman asked if the applicant was agreeable to the extension. The applicant was agreeable.

- 4) Condominium Conversion at
13 Highland Avenue
Map 282, Lot 56
Waivers from Subdivision Regulation Section V.E. (Detailed Plan)
Owner of Record Michael & Colleen Petullo

Mr. Coronati presented the results of their discussion with the abutter. Mrs. Gregg indicated agreement. Chairman Emerick asked that this agreement be committed to writing.

MOVED by Mr. Pratt to approve the condominium conversion subject to the conditions listed in Mr. Fougere's memo of June 16th and the amendment with respect to parking. Also, the applicant will plant 3 trees to buffer between this property and Mrs. Gregg's.

SECOND by Mr. Gillick

VOTE: 6-1-0

MOTION PASSED

II. NEW PUBLIC HEARINGS

- 7) North Beach Investments Inc
Waiver from Site Review Regulations Section III.G (2) and Subdivision Regulations Section III.F (2) at

703 Ocean Boulevard
Map 235 Lot 9
Owner of Record: North Beach Investments Inc

- 7a) North Beach Investments Inc
Site Plan Review to construct **28-unit Hotel** condominiums at
703 Ocean Boulevard
Map 235 Lot 9
Owner of Record: North Beach Investments Inc
Waivers Requested: Site Review Regulations, Section VIIB.3 (aisle width
required and Section V.E.8 (Storm Water Drainage Control Plan)

Stephen Ells, Attorney, and Randy Radkay, Principal, presented this application. Mr. Ells presented the regulations applicable. Mr. Ells said that on 3/3/05 Mr. Radkay went to the Planning office with a surety check but there was no one in the office. He then went on vacation and subsequent to that suffered an injury. In the meantime the one-year time limit had expired.

Mr. Fougere then stated that the aisle-width statement he had discussed with Mr. Ells this afternoon was an interpretation statement and not a change in the regulations.

Mr. Ells said there have been no zoning or planning changes since the application. Mr. Ells then stated that the deadline for extension was missed. He asked for a waiver of the regulations to give the applicant a one-year extension retroactive to March 3, 2005. He said his second filing is a site plan review in the event that the extension is not granted. He is asking for the waiver of the regulations to not have to go through the site plan review process again.

BOARD

No Comments

PUBLIC

Dino Pantellis, 2 Kings Highway, stated he has been watching the deadline date for this site plan. He also said he found the aisle-width definition on-line.

Ken Spatola, Director of the Village by the Sea Condominium, 2 Kings Highway, stated that they (the condominium association) oppose the plan as being nonconforming to the Town Master Plan, and that the applicant did not meet the deadline date.

BOARD

MOVED by Mr. Gillick to grant the waiver of Site Plan Regulations to grant the extension to March 3, 2006.

SECOND by Mr. Mr. Lessard

VOTE: 6-0-1

MOTION PASSED

III. OTHER BUSINESS

PUBLIC

Mr. Spratt, 697 Exeter Road, said his letter, with respect to the DeNiro application was not presented to the Board. Chairman Emerick said he did present the issues to the Board, even though he didn't read the letter verbatim. Mr. Spratt asked what his next course of action would be to appeal the Planning Board decision.

Mr. Fougere indicated the only venue for Planning Board decisions is Superior Court.

IV. CONSIDERATION OF MINUTES of May 18, 2005. May 25, 2005 and June 1, 2005

May 18, 2005:

Page 7 – change the design several times for the Planning, Zoning and Master Plan

MOVED by Mr. Lessard to accept the minutes as amended.

SECOND by Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

May 25, 2005:

MOVED by Mr. Lessard to accept the minutes as written

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

June 1, 2005:

MOVED by Mr. Lessard to accept the minutes as written.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

MOVED by Mr. Lessard to adjourn.

SECOND by Mr. Higgins

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 9:30 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Secretary