

HAMPTON PLANNING BOARD – MINUTES  
SEPTEMBER 21, 2005 – 7:00 PM

**PRESENT:** Tracy Emerick, Chairman  
Tom Higgins, Vice Chairman  
Fran McMahon, Clerk  
Tom Gillick  
Cliff Pratt, Selectman  
Keith Lessard  
Bill Bilodeau, Alternate  
James Steffen, Town Planner

**ABSENT:** Robert Viviano

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. There was a recitation of the Pledge of Allegiance to the flag.

**I. ATTENDING TO BE HEARD**

CU05-01 Donald Moore  
Change of Use at  
38 Depot Square  
Map 143 Lot 20-21  
Owner of Record: Apex Realty Trust

The applicant presented his request to repair motor vehicles at this location.

The Board discussed parking availability at this location and compared it to parking at Mr. Moore's current location. Mr. Moore estimates there will 4 to 5 cars per day at the site. He estimates that there are 18 – 20 parking spaces available.

Mr. Lessard indicated that this is a snow storage area for the town. He asked if Mr. Moore would be offering AAA service, with cars being towed there. Mr. Moore said he does not plan to offer this service.

Mr. Steffen said the ordinance requires one space per 200 square feet. He also noted that the Board approved Curves in the building last year with the same site plan.

Mr. Higgins commented that Mr. Moore had less parking at the Shell station and it operated smoothly.

**MOVED** by Mr. Gillick to grant the change of use.

**SECOND** by Mr. Bilodeau

**VOTE:** 7-0-0

**MOTION PASSED**

## II. CONTINUED PUBLIC HEARINGS

- 1) Leo Pacheco  
3-lot Subdivision at  
16-23 Fielding Lane  
Map 194 Lot 10-1  
Waiver from Subdivision Regulation VII.C (Storm Drainage)  
Owner of Record: Leo Pacheco

Chairman Emerick announced that the applicant has requested continuance of the application to the October 19<sup>th</sup> meeting to allow an abutter to complete surveying work.

**MOVED** by Mr. Gillick to grant applicant's request for continuance to the October 19<sup>th</sup> meeting of the Planning Board.

**SECOND** by Mr. Pratt

**VOTE:** 7-0-0

**MOTION PASSED**

- 2) Brian C Hayes  
Site Plan Review at  
486 Winnacunnet Road  
Map 222 Lot 82  
Owner of Record: Brian C Hayes  
*Continued from August 3, 2005*

Stephen Ells, Attorney, and Brian Hayes, applicant, presented this application. Mr. Ells reviewed the status of the application with respect to this 5-unit condominium. He stated that previously there was a question as to Mr. Hayes' right to use a "paper" street to access this project. He indicated that the Board has now secured comment from Counsel with respect to this issue. Mr. Ells is asking for the Board to take jurisdiction at this time.

Chairman Emerick stated that the Board has a letter from Attorney Gearreault stating that the use of the street is legal and the process can continue. In response to the question as to whether the owners should have been co-applicants, the Town Attorney stated that the owners didn't need to be present.

### PUBLIC

No comments

### BOARD

**MOVED** by Mr. Gillick to accept jurisdiction and send the application out for departmental review, subject to revisions to the plans to correct zoning information relative to setbacks and variances. The date(s) variances were granted need to be added to the plans.

**SECOND** by Mr. Pratt

**VOTE:** 7-0-0

**MOTION PASSED**

- 3) 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

Peter Saari, Attorney, and Joe Coronati, Jones & Beach Engineers, presented the application. Mr. Coronati said plans have not changed since the last meeting except that the sidewalk is now shown. He stated he didn't know where the Board stood with respect to their discussions with Attorney Laughlin.

PUBLIC

No Comments

BOARD

Mr. Steffen said that the Town's traffic engineer, Vanasse, concurs with the applicant's traffic engineers on all except sight distance. The engineer feels sight distance would be better with two mature trees removed. They are substantial trees and this may need to be discussed. If the Board wants to keep the trees, the sight distance would probably be acceptable.

Mr. Coronati said they will be removing all trees in the right-of-way anyway. They are on the property line and in the right-of-way, so the old growth trees will have to go.

Mr. Steffen said there was some talk of going behind the stone wall with the sidewalk to save the trees.

Mr. Coronati said he thought the sidewalk was going behind the wall at the parking lot but not up at the road.

Mr. Steffen stated that the other project on this property (Drakes Appleton) is going back to the Department of Public Works for review.

Mr. Gillick stated we have heard nothing from the Town or any of the departments to indicate that the Board shouldn't go forward with applications developing the south side of Drakeside Road.

Mr. Lessard said the plans contain Douglas firs on the sidewalk. If maples are a problem, Douglas firs will be a problem. There was discussion of the approach to take to deal with sight line problem while preserving trees if possible.

**MOVED** by Mr. Gillick to approve the application subject to the following conditions:

1. A five (5) foot sidewalk with granite face curb shall be installed in conformance with DPW specifications and in a location acceptable to DPW.
2. Escrow shall be established in the amount of \$3,000.00 for inspection and plan review fees.
3. A sewer permit issued by DPW is required before construction begins.
4. A pre-construction meeting at DPW will be required before construction begins.
5. The Board defines “active and substantial” for the purposes of RSA 674:39 as after issuance of the C/O for the first unit.
6. Payment of the School Impact Fee of \$1,898 per unit for nine units.
7. Final plans shall be revised to address Ambit’s comments in its letter of August 11, 2005.
8. Sign-off by the Town’s traffic engineer, Vanasse, of the Applicant’s traffic study results is required.
9. Approval is subject to a meeting between the applicant, the Planner and the Department of Public Works regarding vegetation in the sight line.
10. Prior to final approval, the applicant shall submit final plans, recordable Mylar, and applicable recording fees.

**SECOND** by Mr. Pratt

**VOTE:** 7-0-0

**MOTION PASSED**

Russell Anderson/Voyager Realty LLC  
Condominium Conversion at  
20 Ocean Boulevard  
Map 296 Lot 89  
Waivers Requested: Subdivision Regulations Section V.E. (Detailed Plan)  
& Section VII.C (Storm Drainage)  
Owner of Record: Voyager Realty, LLC  
CC05-02  
*Continued from September 7, 2005*

Mr. Russell Anderson presented this application. He provided a plot plan, dimensions of the parking spaces, and the Certificate of Occupancy for the property.

Mr. Higgins said he would not approve a project that did not have one legal size parking space for each unit.

Mr. Lessard said he wanted plan to show dimensions to make it clear that parking spaces are not conforming.

Mr. Higgins asked if the pervious surface percentage was listed anywhere on the plan. Mr. Steffen responded that 2% of lot is pervious.

Mr. Higgins suggested that the current space be required to remain pervious to allow a place for water to drain other than to the neighbors or Ocean Boulevard.

Discussion of the lack of parking spaces took place.

PUBLIC

No Comments

BOARD

Mr. Steffen commented that the plans state the parking spaces are legal nonconforming spaces.

Mr. Higgins stated he would still like to see a pervious surface behind the sign on the property, rather than the current paving. The applicant agrees with Mr. Higgins with regard to the impervious surface, but feels it would be a small percentage of the lot. Applicant said he did not have a problem with making the specified area pervious.

**MOVED** by Mr. Gillick to grant the condominium conversion at 20 Ocean Boulevard, Map 296 Lot 89, subject to the following conditions:

- The current asphalt will be removed and there will be a pervious surface between the sign on the property and the building.
- Parking spaces are to be marked.
- The exiting motel use must continue to operate and function as a motel.
- Wording shall be added to the note that states “This plan shows a number of legal, preexisting nonconformities to the Town of Hampton Zoning Ordinance” that reads “including but not limited to parking”.
- Each unit shall obtain a separate occupancy permit from the Building Inspector prior to any unit being sold.

**SECOND** by Mr. Pratt

**VOTE:** 5-2-0

**MOTION PASSED**

## II. CONSIDERATION OF MINUTES of September 7, 2005

Page 1 - Change VOTE to 6-1-0

Page 13 – BOARD “Mr. Gillick asked for purpose “. Change created to modified.

**MOVED** by Mr. Gillick to accept the minutes as amended.

**SECOND** by Mr. Lessard

**VOTE** 7-0-0

**MOTION PASSED**

## III. CORRESPONDENCE

- Fall Planning and Zoning Conference – Some members asked for copies of the flyer.

## IV. OTHER BUSINESS

- Bond Release – Drakeside Road sewer
- Bond Release – Appleton Oaks completion
- Bond Release – Hampton Woods completion

Mr. Steffen said DPW recommended releases.

**MOVED** by Mr. Gillick to release bonds

**SECOND** by Mr. Pratt

**VOTE:** 6-0-1

**MOTION PASSED**

Chairman Emerick said there was a problem with the Fatima project. Engineer hadn't allowed sufficient space between floors for mechanicals. To correct it, the height of the building had to be increased.

Mr. Higgins said the plan that the Board approved had a pool on the third floor. The newspaper said the pool is now on the roof. Additional living space may have been added. The current plan is not the plan approved by the Planning Board.

Mr. Lessard said he is not comfortable with an additional height of 8 feet.

There was discussion as to whether this should be coming back to the Planning Board.

Mr. Gillick said we might be getting involved in a matter we have no jurisdiction over.

Mr. Pratt and Mr. Gillick suggested that a legal opinion be secured. The Board should take the Town Attorney's advice.

Mr. Steffen said an amended site plan has been submitted in the event that the Board believes it has jurisdiction.

10/6/2005 7:56 PM

**MOVED** by Mr. Gillick to adjourn.  
**SECOND** by Mr. Bilodeau  
**VOTE:** 7-0-0

**MOTION PASSED**

Meeting adjourned at 8:04 PM.

Respectfully submitted,

Barbara Renaud  
Planning Board Secretary