

HAMPTON PLANNING BOARD – MINUTES  
January 4, 2006 – 7:00 PM

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

**ABSENT:** Tom Gillick

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

**I. PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENTS**

Chairman Emerick announced that this was the first public hearing on amendments to the Zoning Ordinance. Another will be held on January 18<sup>th</sup>. The Chairman indicated that each amendment would be taken up separately.

**Amending Section 1.6 Definitions to add a new definition for Floor Area Ratio**

**Amending Article IV DIMENSIONAL REQUIREMENTS to add a Maximum Floor Area Ratio = 4 requirement**

Mr. Steffen talked about the origination of these amendments. He then described what a floor area ratio is and the three amendments to the Ordinance required to implement a floor area ratio. The purpose of this proposed change is to control density and to maximize the development area for future development in a section of the beach area.

**Amending Section 2.1 Zoning Map to add an overlay district titled North Anchor (Main Beach) Overlay District**

Mr. Steffen described the North Anchor Overlay District and pointed out the limits of the proposed district on a map.

**BOARD**

Chairman Emerick reiterated that these changes would be in addition to all current zoning requirements in a BS zone.

**PUBLIC**

Mike Scanlon, 4 J Street, distributed an 11-page document to the Board members from California that speaks to Floor Area Ratio. He spoke on Floor Area Ratios at length. He feels that adding a Floor Area Ratio to the Zoning Ordinance for the beach area is inappropriate.

Fred Rice, 15 Heather Lane, Chairman of Hampton Beach Area Commission, described the origination of the Hampton Beach Area Commission. One of that group's charges is to assist the Town with zoning. He said the commission has a broad representation, including Regional Planning, the Village Precinct, the Chamber of Commerce, the Board of Selectmen and the State. He noted that the Board of Selectmen did approve the Faye Spofford Visioning Plan. He said that the Commission started last year working on the changes. He said Commission wants to put things in place that will help with the development of the beach in the long term. Floor Area Ratio is designed to overlay existing zoning requirements. The Commission didn't make any attempt to define all Floor Area Ratios. It wanted a simple definition as a guideline. Basically, it means you can build a 4-story structure on a lot. Floor Area Ratios control density and also protect areas. A Floor Area Ratio of 4 is the highest density. He strongly recommended the Board adopt this amendment to go forward to the warrant. The Commission is behind it. They have received very little negative feedback, but they have received a significant amount of positive feedback.

Arthur Moody, 3 Thompsen Road, asked if the full text of the amendment was available and if it had been publicly posted. The Board responded that it was available, but had not been posted. Mr. Moody indicated that the zoning map is unofficial and can't be used for describing the overlay area. Metes and bounds need to be used. He noted that 2 town parking lots are in the overlay district. He stated he does not believe there is a need for the overlay district. He stated the Commission includes non-residents, and he does not feel it should be recommending support of this to the Board.

Mr. Steffen said the description of the overlay district is documented and will be included in the Ordinance. He used the existing Ordinance format to develop this amendment.

Geannina Scanlon, 4 J Street, stated she is concerned that there are holes in the approach being taken to relax requirements at the beach to encourage development. She believes that there are no protections in place. She believes there will be additional pressure on the Zoning Board to deal with this requirement in addition to existing zoning requirements. She feels this amendment might get the Town into more trouble. She suggests that definitions of "district" and "overlay" be added to the Zoning Ordinance. She commented that, in her opinion, citizens do not know what is happening at the Commission. She stated that she feels that just adding Floor Area Ratio 4 to one section of the beach is inappropriate at this time.

Chairman Emerick commented that the Board has retained a consultant to review the entire Zoning Ordinance.

Jack Kavanagh, 14 Duston Avenue, asked why this amendment was being put forward while a consultant is looking at the whole Zoning Ordinance.

## BOARD

Chairman Emerick said the overlay district will be renamed to “North Anchor District 4” and “main beach” will be deleted from the wording. Also, definitions of “district” and “overlay” will be added as suggested.

Mr. Lessard asked if at next meeting it could be explained how Floor Area Ratio/Overlay fits into the Zoning Ordinance - for clarification purposes. The purpose would be so that the public can understand that the Zoning Ordinance still applies.

### **Amending Article III USE REGULATION for certain categories to prohibit residential use at the street level for properties along Ocean Boulevard between lettered streets A-N.**

Mr. Steffen said the intent of this amendment is to encourage commercial / retail vitality at the beach on the street level.

## PUBLIC

Fred Rice, Hampton Beach Area Commission, stated that the Precinct brought this amendment to the Commission. It was worded so that new applications would need to adhere to the requirement, but it protects existing residential dwellings.

Arthur Moody asked if the amendment was intended to include the block from Ashworth to A Street.

The Board thanked Mr. Moody for this observation. The amendment is intended to include this block and needs to be reworded.

Mike Scanlon said there is so little residential in this area, because it is cost prohibitive, that the amendment isn't needed.

Geannina Scanlon asked why 2-family residences are not included.

The Board indicated that an inventory did not surface any 2-family residences in the specified area.

She suggested that a ratio be established in a mixed-use building of commercial to residential space.

**Amending Section 6.3 Parking Requirements to add a parking requirement for condominium conversions.**

Chairman Emerick said that the Board had received a legal opinion on the language of this amendment. As a result, the wording has been changed.

Mr. Steffen read the revised wording:

*6.3.10 Condominium conversions of pre-existing nonconforming uses shall provide at least one assigned 9-foot by 18-foot parking space per unit, which must be provided on-site.*

**PUBLIC**

Fred Rice stated this would fill a loophole in the current zoning.

Arthur Moody questioned the parking requirement as compared to the zoning ordinance.

**Amendment to the Town Zoning Ordinance, Petitioned Articles as follows:**

Chairman Emerick noted that the next two items are petitioned and the Board has no say as to the language. The Board can simply recommend or not recommend that these go forward.

**Amending Section 2.1 Zoning Map to rezone land on the northerly side of Exeter Road west of I-95 from Residence AA to Industrial.**

Mr. Steffen provided a map depicting the impact of this proposed zoning change.

Mr. Lessard asked where the existing car barn was on the map. There was discussion of the automobile warehouse that was approved for the area that this petition proposes to re-zone.

**PUBLIC**

Peter Saari described where the existing building is and where the proposed buildings are to go. He stated that the reason for asking for this change is that the piece of land involved is isolated by roadways and has no effective use as RAA property.

Chairman Emerick reported that the Conservation Commission is not in favor of this proposal, since this is an environmentally sensitive area. There is also correspondence from a citizen in opposition to the zoning change.

Mr. Lessard stated that this proposal needs to be viewed cautiously, since the change would then allow development of the land for other industrial applications, such as a mechanical facility.

**To adopt an Interim Growth Management Ordinance as per State Law, RSA 674:23 and repeal the existing Impact Fee Ordinance.**

Tammy Deland, 12 Bourn Avenue, indicated that she is one of the petitioners putting this petition forward. She indicated the wording was not correct. It should read to “replace” rather than “repeal” the existing Impact Fee Ordinance. She asked about the wording “interim”. She indicated her intent in drafting the petition was to control growth.

There was discussion of modifications to the petition prior to the deadline date off January 10, 2006. The wording can be changed provided that the intent is not changed.

Patricia Antlitz, 14 Bourn Avenue, said the reason for coming forward with a growth ordinance is that there continues to be development. The only time she has seen a moratorium on new development is if a utility can't support the new development. Growth is unchecked and uncontrolled. She has not been able to find a master plan for growth of the Town as a whole. There has been a lot of infrastructure building (schools). She stated that if we don't make a move to get a growth ordinance, there will be a negative impact on property taxes and we will drive the elderly out.

Chairman Emerick noted that the petition proposes a 2% growth limit based on approximately 7,600 dwellings in Hampton. This would set a limit of 152 building permits a year, whereas the Town has issued only 40 single-family and 10 multi-family new-construction building permits in 2005. He stated that he wanted to give this perspective to the public. The intent of the proposed ordinance is good, but the numbers don't work based on actual statistical data.

Fred Rice stated that, in his opinion, the Town needs to grow to control the tax rate.

Mike Scanlon said he is a believer in a free market.

Arthur Moody spoke about the history of planning in the Town.

Mr. Steffen said, with respect to procedure, that the statute states the Planning Board shall set the date for Public Hearing on each petition after the petition filing period ends. He read the remainder of the statute with respect to the Planning Board's responsibility. February 7<sup>th</sup> is the latest date for action.

**I. WITHDRAWALS AND POSTPONEMENTS**

- 5-51) David W Goodwin  
Special Permit to Impact Wetlands Conservation District at  
546 High Street  
Map 151 Lot 008-007

Owner of Record: David W & Pauline T Goodwin

Chairman Emerick announced that this applicant requested a continuation of his application.

**MOVED** by Mr. Lessard to continue the Special Permit application to the February 1<sup>st</sup> meeting of the Planning Board.

**SECOND** by Mr. Bilodeau

**VOTE: 7-0-0**

**MOTION PASSED**

**II. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS**

- 6-1) John & Nora Parell  
Special Permit to Impact Wetlands Conservation District at  
1038 and 1040 Ocean Boulevard  
Map 116 Lots 15 and 17  
Owner of Record: John and Nora Parell

This applicant was not present.

**MOVED** by Mr. Higgins to continue the application to a December meeting of the Planning Board. There was no second to this motion.

**MOVED** by Mr. Lessard to continue the application to the March 1<sup>st</sup> meeting of the Planning Board.

**SECOND** by Mr. Bilodeau

**VOTE: 6-1-0**

**MOTION PASSED**

- 6-2) Roger & Susan Odoardi  
Minor Lot Line Adjustment at  
23 and 25 Playhouse Circle  
Map 220 Lots 42-22 and 42-21  
Waiver from Site Plan Regulations Section V.E (Detailed Plan)  
Owners of Record: Roger and Susan Odoardi and Eugene & Linda DiMariano

Mr. Odoardi presented this application

**BOARD**

Mr. Higgins asked how this lot line adjustment benefits the DiMariano's, who are giving up the land. Mr. Odoardi explained that the DiMariano's are favorable to the adjustment because of the topography of the land in the area of the lot line. There is currently a fence on the proposed lot line.

**PUBLIC**

No comments

**BOARD**

**MOVED** by Mr. Lessard to grant the waiver from Subdivision Regulations Section V.E (Detailed Plan)

**SECOND** by Mr. Bilodeau

**VOTE: 7-0-0**

**MOTION PASSED**

**MOVED** by Mr. Lessard to grant the Minor Lot Line Adjustment at 23 and 25 Playhouse Circle, Map 220 Lots 42-22 and 42-21 as shown on Plan P05713.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

- 6-3) Nathan G Page  
 2-lot Subdivision at  
 121 Mill Road  
 Map 145 Lot 15  
 Waivers from Subdivision Regulations Section V.E. (Detailed Plan)  
 Owner of Record: Horace A DesRochers Jr.

Mr. Bilodeau recused himself from this application.

Nathan Page presented this application. He said they have received all necessary variances from the Zoning Board. He plans to build a house on the new lot for his own use. There is sewer into the lot.

He explained that at the Zoning board hearing there were issues from abutters on Ridgeview Terrace. He said he has pictures showing there was no water draining from this proposed lot onto Ridgeview Terrace.

He presented pictures of a water event last October, when 6 inches of rain fell, and indicated that no water drained from the proposed lot onto the Ridgeview Terrace properties.

**BOARD**

Mr. Viviano asked if this was a nonconforming lot originally.

Mr. Page responded that it was and described the 3 areas of frontage.

Mr. Higgins asked for the location of the Ridgeview Terrace property with the drainage problem. Mr. Page described where this property was and where it was in relation to a drainage easement and a catch basin.

**PUBLIC**

No Comments

**BOARD**

Mr. Steffen said that the water line is not shown on the plans and he has discussed this with the surveyor.

Board members asked for additional information about drainage. Mr. Page provided additional details. He indicated he plans to take care of all of the water on his lot.

**MOVED** by Mr. Lessard to grant a waiver from Subdivision Regulations Section V.E. (Detailed Plan)

**SECOND** by Mr. McMahon

**VOTE:** 6-0-1

**MOVED** by Mr. Lessard to grant a 2-lot Subdivision at 121 Mill Road, Map 145 Lot 15 subject to the following conditions:

- The water line will be added to the final plans.
- A Certificate of Monumentation will be submitted to the Planning Department.
- Prior to final approval, the applicant shall submit final plans, recordable Mylar and applicable recording fees.

**SECOND** by Mr. McMahon

**VOTE:** 6-0-1

**MOTION PASSED**

- 6-4) David J & Martha L Skoglund  
2-lot Subdivision at  
271 Winnacunnet Road  
Map 206 Lot 38  
Waiver from Site Plan Regulations Section V.E. (Detailed Plan)  
Owner of Record: David J and Martha L Skoglund

Mr. Pratt recused himself from this application

Stephen Ells, Attorney, and Ernest Cote, Surveyor, presented this application. Mr. Skoglund was present.

The proposal is to create a second building lot in the rear of the property. The original lot will be over 40,000 square feet. The new lot created will be about 32,000 square feet. The applicant has secured variances from the Zoning Board of Adjustment for the frontage requirement, lot width requirement and the “square” (footnote 22).

**BOARD**

Mr. McMahon asked about the relationship of the lot to Town property and the slope of the land at the property line with the Town. He is concerned as to the stability of the soil in that area.

**PUBLIC**

Cliff Pratt, 98 Locke Road, explained why the applicant was undertaking this change and said he hopes the Board looks favorably on this project.

**BOARD**

Mr. Lessard asked where the property line was in relation to the slope.

Mr. Ells said the applicant wouldn't object to approval conditioned upon getting a civil engineer to look at the site and ensure the Building Inspector that the soils are adequate. They can move house closer to Winnacunnet Road if necessary to stay further from the slope.

Mr. Bilodeau asked if there would be erosion when digging starts.

**MOVED** by Mr. Lessard to grant a waiver from Subdivision Regulation Section V.E. (Detailed Plan)

**SECOND** by Mr. Higgins

**VOTE:** 6-0-1

**MOTION PASSED**

**MOVED** by Mr. Lessard to grant 2-lot Subdivision at 271 Winnacunnet Road, Map 206 Lot 38 subject to the following conditions:

- Before a building permit is issued, the Building Inspector is satisfied with the integrity of the slope.
- A Certificate of Monumentation will be submitted to the Planning Department.
- Prior to final approval, the applicant shall submit final plans, recordable Mylar and applicable recording fees.

**SECOND** by Mr. Bilodeau

**VOTE:** 6-0-1

**MOTION PASSED**

- 6-5) Edward N Caylor & Stephen S Franson  
Minor Lot Line Adjustment at  
154-158 Woodland Road  
Map 113 Lots 18-19  
Waiver from Subdivision Regulations Section V.E. (Detailed Plan)  
Owner of Record: Edward N Caylor & Stephen S Franson

Edward Caylor, Applicant, and Ernest Cote, Surveyor, presented this application. Mr. Caylor explained the reason for this lot line adjustment. It is to give the applicant more land in front of his house.

**BOARD**

No questions

**PUBLIC**

No comments

**BOARD**

**MOVED** by Mr. Pratt to grant a waiver from Subdivision Regulations Section V.E. (Detailed Plan)

**SECOND** by Mr. Lessard

**VOTE:** 7-0-0

**MOTION PASSED**

**MOVED** by Mr. Pratt to grant a Minor Lot Line Adjustment at 154-158 Woodland Road, Map 113 Lots 18-19, as depicted on Plan # 4-86-4447 subject to the following conditions:

- A Certificate of Monumentation will be submitted to the Planning Department.
- Prior to final approval, the applicant shall submit final plans, recordable Mylar and applicable recording fees.

**SECOND** by Mr. Bilodeau

**VOTE:** 7-0-0

**MOTION PASSED**

- 6-6 ) LJP Inc – Leo Joseph Poisson  
 Condominium Conversion at  
 12 G Street  
 Map 290 Lot 2  
 Waiver from Subdivision Regulations Section V.E. (Detailed Plan)  
 Owner of Record: LJP Inc – Leo Joseph Poisson

Peter Saari, Attorney, and Ernest Cote, Surveyor, presented this application. Mr. Saari said that one unit is an office. This will become common area for the condominium and remain an office. He noted that there are 14 parking places and 12 of these are legal sized places.

**BOARD**

Mr. Lessard asked where the office was. He asked for clarification that the office will be common area and not limited common area. Mr. Saari confirmed that there would be 12 units.

Mr. Lessard asked if parking spaces would be assigned. Yes they will.

Mr. Lessard noted that the office has a kitchen facility, a ¾ bath, a closet and a separate room. It appears to have all of the characteristics of a dwelling unit. He questioned whether alterations would be necessary so that it would be classified as an office and not a dwelling unit.

Mr. Steffen noted that the office space currently has a Seasonal Occupancy Permit. It is Unit #40.

**PUBLIC**

No comments

**BOARD**

Mr. Viviano asked how the laundry/storage room would be used. Mr. Saari said that this would be common area. All of the ground floor, except for the assigned parking spaces, will be common area.

Mr. Lessard asked about heating, since there is no utility room. Mr. Cote said each unit has its own heating unit.

Mr. Lessard asked about trash removal. It will be curbside Town pickup.

**MOVED** by Mr. Lessard to grant a waiver from Subdivision Regulations Section V.E. (Detailed Plan).

**SECOND** by Mr. Viviano

**VOTE:** 7-0-0

**MOTION PASSED**

**MOVED** by Mr. Lessard to grant the condominium conversion with the following conditions:

- Each unit shall obtain a separate occupancy permit from the Building Inspector prior to any unit being sold.
- The parking for each unit shall be assigned and marked on-site.
- Condominium documents shall be submitted for review by the Town Attorney.
- A recordable Mylar and appropriate recording fees shall be submitted to the Planning Department.
- Unit 40 will never be occupied as a dwelling.

Mr. Steffen noted that the Planning Board has adopted a fee of \$90.00 per hour for review of condominium documents.

**SECOND** by Mr. Viviano

**VOTE:** 7-0-0

**MOTION PASSED**

6-7 ) Apex Realty Trust  
 Condominium Conversion at  
 38 Depot Square  
 Map 143 Lot 21  
 Waiver from Subdivision Regulations Section V.E. (Detailed Plan)  
 Owner of Record: Forian Kozinczak

Peter Saari, Attorney, Ernest Cote, Surveyor, and Florian Kozinczak, Owner, presented this application. The only unusual feature of the structure is that unit #4 has a roof sign.

**BOARD**

The Board reviewed the current uses of the individual units. There was discussion of the fact that there are no toilet facilities in Unit #2, currently used as the owner's personal office.

**PUBLIC**

No comments

**BOARD**

Parking will be assigned on a proportional basis, based on the square footage of each unit. Mr. Kozinczak described the assigned parking.

Mr. Emerick asked if everyone was responsible for their own trash. Yes they are.

**MOVED** by Mr. Lessard to grant a waiver from Subdivision Regulations Section V.E. (Detailed Plan)

**SECOND** by Mr. Bilodeau

**VOTE:** 7-0-0

**MOTION PASSED**

**MOVED** by Mr. Lessard to grant the Condominium Conversion at 38 Depot Square, Map 143 Lot 21, subject to the following conditions:

- A revised plan shall be submitted showing assigned and marked parking spaces.
- Condominium documents shall be submitted for review by the Town Attorney.
- A recordable Mylar and appropriate recording fees shall be submitted to the Planning Department.

**SECOND** by Mr. Bilodeau

**VOTE:** 7-0-0

**MOTION PASSED**

- 6-8 ) Demetrios Galanis  
Site Plan Review at  
3 Concord Avenue  
Map 296 Lot 90  
Waiver from Subdivision Regulations Section V.E. (Detailed Plan)  
Owner of Record: Demetrios Galanis

Mr. Higgins recused himself from this application.

Mr. Galanis, Applicant, and Ernest Cote, Surveyor, presented this application. There are 2 existing structures, consisting of 3 dwelling units. Mr. Cote explained that the applicant

intends to replace the front structure and leave the rear structure as is. The rear structure contains one dwelling unit. The 2-dwelling unit front structure will be demolished and replaced with a new 2-dwelling unit structure. There will be parking on the ground level of the new structure. Parking for the rear building will be on the left side of the new front structure.

**BOARD**

Mr. Steffen clarified his written comments by indicating that the impervious surface on the property will increase slightly with this proposal.

**PUBLIC**

No Comments

**BOARD**

Mr. Steffen clarified the reason this application was before the Board is that, at 3 units, it constitutes a multi-family property.

Chairman Emerick said that Departmental review is required by the Fire Department and the Department of Public Works.

Mr. Cote said that Mr. Galanis went to the Department of Public Works to discuss curb cuts. DPW told him to come back when he was to actually construct the new dwelling.

**MOVED** by Mr. Pratt to grant a waiver from Subdivision Regulations Section V.E. (Detailed Plan)

**SECOND** by Mr. Bilodeau

**VOTE:** 6-0-1

**MOTION PASSED**

**MOVED** by Mr. Pratt to grant the Site Plan Review at 3 Concord Avenue, Map 296 Lot 90, Plan 4-69-4549, subject to the following conditions:

- Approval from the Department of Public Works is required for all curb cuts and driveways.
- A recordable Mylar and appropriate recording fees shall be submitted to the Planning Department.

**SECOND** by Mr. Bilodeau

**VOTE:** 6-0-1

**MOTION PASSED**

- 6-9 ) Jones & Beach Engineers, Inc.  
Special Permit to Impact Wetlands Conservation District at  
90 Drakeside Road  
Map 188 Lot 5-4  
Owner of Record: Doug Nicholson

Joe Coronati, Jones & Beach Engineers, presented this application. He indicated it was for a temporary wetland impact so that a force main can be brought to the road. They went before Conservation Commission, which does not oppose this impact.

**BOARD**

It was confirmed that the Conservation Commission does not oppose this application.

**PUBLIC**

No Comments

**BOARD**

**MOVED** by Mr. Lessard to grant a Special Permit to Impact Wetlands Conservation District at 90 Drakeside Road, Map 188 Lot 5-4, Plan #05026, subject to the following conditions:

- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer or in the wetlands.
- Per the state Shoreland Protection Act, no more than 50% of the trees shall be cut within a 20-year period.
- Spot elevation grades shall be submitted prior to construction and upon completion.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than that shown on the plan. A new Special Permit is required for the erection of any structure in the buffer.
- The Conservation Commission will be notified in writing upon commencement and completion of the project and before an occupancy permit is issued.

**SECOND** by Mr. McMahon

**VOTE:** 7-0-0

**MOTION PASSED**

6-10 )     Jean Boudreau  
           Site Plan Review at  
           375 Ocean Boulevard  
           Map 275 Lots 8 + 25  
           Owner of Record: First & Ten Property Corp

Stephen Ells, Attorney, and Joseph Coronati, Engineer, presented this application. Ms. Jean Boudreau was present.

The project is to relocate the Sea Castle motel. This newly situated motel will be reduced from 14 units to 10 units and it will be renovated. They believe they have met all Zoning and parking requirements.

Mr. Coronati described the project. He said they are proposing to do a curb cut on Ocean Boulevard with an exit on Fuller Acres. Drainage will be underground with catch basins. Storm water will be piped into the Town system.

## **BOARD**

The Board asked for clarification of the lots being used. There are three lots. The building will be situated on two of the lots. This will leave an open gravel third lot at this time. Mr. Higgins noted that entrances to the parking was an issue previously with these lots.

Mr. Lessard asked if there is an on-site rental office. Mr. Ells said their proposal is to subcontract rental to area rental agents.

The Board asked if there would be a fence on the Fuller Acres side. The applicant responded that there are no plans for one right now.

## **PUBLIC**

Tim Hepburn, 369 Ocean Boulevard, said he looked forward to development of this lot. His concern is whether this structure meets current building code and fire code. He also questions how much renovation will take place. Mr. Ells said there would be new siding, carpeting, decking and painting.

## **BOARD**

Mr. Lessard commented that there does not appear to be any buffer/landscaping on the right side of the lot. A fence may be needed.

**MOVED** by Mr. Viviano to accept jurisdiction to a date certain of February 15, 2006.

- The application will be sent out for Departmental Review, Engineering Review and also for review by the Hampton Beach Area Commission.
- A lighting plan is to be added to the plan set.
- A Notice of Lot Merger will be needed as part of the final approval.
- An escrow account shall be established in the amount of \$1,500.00 for professional engineering review.

**SECOND** by Mr. Lessard

**VOTE:** 7-0-0

**MOTION PASSED**

## **III. CONTINUED PUBLIC HEARINGS**

5-52) Seaview at Hampton, LLC  
Special Permit to Impact Wetlands Conservation District at  
24 Harbor Road  
Map 295 Lot 64  
Owner of Record: Seaview at Hampton LLC

Mr. Steffen referred to the Building Inspector's memo of December 28, 2005. There was a discussion of the amount of time needed to perform the inspections specified in the vote at the January 4, 2006 Planning Board meeting.

**MOVED** by Mr. Viviano to continue this application to the March 1, 2006 meeting of the Planning Board.

**SECOND** by Mr. Higgins

**VOTE: 7-0-0**

**MOTION PASSED**

IV. CONSIDERATION OF MINUTES of December 21, 2005

Consideration of December 21, 2005 minutes was postponed to the January 18, 2006 meeting.

V. CORRESPONDENCE

None

VI. OTHER BUSINESS

- 1) Hampton River Marina, LLC (Phase III)  
Site Plan Review to construct 44 Townhouse Condominiums in 2 buildings;  
Waiver Request: Site Plan Regulations Section VII.D.2 & 5 (increase in storm water);  
55 Harbor Road  
Map 295, Lot 1

Mr. Joseph Coronati presented this request for a one-year extension of conditional approval for the above referenced project. He indicated that per Section III.G.2 of the Site Plan regulations, he believes that they have met the criteria. They are still waiting for a decision from the Army Corp of Engineers regarding the riprap around the sea wall and a letter from the NH DES regarding the need for a Shoreland Protection Variance. They are also waiting for a design plan from Unutil for the final design of underground utilities coordinated with telephone and cable.

**MOVED** by Mr. Viviano to grant the one-year extension of conditional approval for the Hampton River Marina project at Map 295, Lot 1 to January 5, 2007.

**SECOND** by Mr. Lessard

**VOTE: 7-0-0**

**MOTION PASSED**

- 2) Salt Creek Condominiums (Halifax Highlands/Pride Development)  
50 Acadia Avenue  
Request for Bond Release

Mr. Steffen stated that the Board first heard this request in October. There is a modified landscaping plan that was requested to release the bond. Mr. Steffen said everything else has been done to the satisfaction of the Board and the Department of Public Works except for the landscaping plan.

The owner said the original plan called for a stockade fence on Acadia Avenue. Mr. Hangen had indicated he saw no problem substituting shrubbery for the fence. He also stated that previously, nothing had been planned for one boundary on Acadia Avenue. The current proposal is to install a row of Arbor vitae consistent with what is in the front of the property. On the Western boundary there is an existing fence and a berm on the Southwest. They propose to plant Arbor vitae along units #2 and #3 to add buffer in that area. They will also be providing buffer on the East and West sides of the property. In addition, they sodded in front instead of using seed. He noted that there were 105 plants proposed originally, and now there are 207 in the plan.

The owner will proceed with the new plan, if approved.

Mr. Lessard said there is a problem with the Burning Bush species proposed. They are an invasive species.

Mr. McMahon asked for confirmation that the plantings along the street were on private property and not on the public right-of-way.

**MOVED** by Mr. Pratt to approve the landscaping plan, and release the remainder of the bond.

**SECOND** by Mr. Bilodeau

**VOTE:** 7-0-0

**MOTION PASSED**

Rockingham Planning Commission – Technical Assistance for Preparation of Zoning Amendments

Mr. Steffen asked if the Board would authorize securing technical assistance from the RPC to prepare Zoning Ordinance amendments as outlined in the contract. He noted that Chairman Emerick needs to sign the contract.

**MOVED** by Mr. Pratt to authorize a contract with the Rockingham Planning Commission for technical assistance with the Zoning Ordinance.

**SECOND** by Mr. Lessard

**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 10:36 PM.

Respectfully Submitted,  
Barbara Renaud

Planning Board Secretary