

.HAMPTON PLANNING BOARD – MINUTES  
June 7, 2006 – 7:00 PM

**PRESENT:** Tracy Emerick, Chairman  
Bob Viviano, Vice Chairman  
Fran McMahon, Clerk  
Tom Gillick  
Tom Higgins  
Jim Workman, Selectman  
Bill Bilodeau, Alternate  
Donna Mercer, Alternate  
James Steffen, Town Planner

**ABSENT:** Keith Lessard

Chairman Emerick began the meeting at 7:00 PM. He then announced a procedural change to the meetings. At the recommendation of Tom Gillick, Alternate Members will sit at each meeting and participate in discussion but not vote.

The Chairman then introduced the Board members. Mr. Bilodeau led the Pledge of Allegiance to the flag.

Mr. Viviano and Mr. Higgins stated that they would be trading Conservation Commission site walks and meetings for September and October.

**WITHDRAWALS AND POSTPONEMENTS**

Chairman Emerick announced that the hearing on the proposed amendment to Appendix A of the Site Plan Regulations, with respect to ADA Handicap Accessibility, needs to be continued to the July 5<sup>th</sup> meeting. The wording of that amendment is being revised.

**MOVED** by Mr. Gillick to continue the hearing on the amendment to Appendix A of the Site Plan Regulations to the Planning Board meeting of July 5<sup>th</sup>.

**SECOND** by Mr. Viviano

**VOTE:** 7-0-0

**MOTION PASSED**

Chairman Emerick announced that the following applicant has requested postponement:

- 6-40) Thomas G Burness  
2-lot Subdivision at  
31 Park Avenue  
Map 190 Lot 12  
Waivers from Subdivision Regulations V.E.5, V.E.7, V.E.9 + V.E.14  
Owner of Record: Thomas G Burness
  
- 6-41) Thomas G Burness  
Special Permit to Impact Wetlands Conservation District at  
31 Park Avenue  
Map 190 Lot 12  
Owner of Record: Thomas G Burness

**MOVED** by Mr. Workman to continue the Burness applications to the July 5<sup>th</sup> meeting of the Planning Board.

**SECOND** by Mr. Viviano

Mr. Gillick asked why this application had been continued several times. Applications should not be submitted until the applicants are prepared to come before the Board. Mr. Steffen said that the plans needed to be revised because of issues with the Conservation Commission review.

**VOTE: 7-0-0 -**

**MOTION PASSED**

Chairman Emerick announced that the following application has been withdrawn:

- 6-47) John & Gail Morrison  
Special Permit to Impact Wetlands Conservation District at  
92 Kings Highway  
Map 196 Lot 9-2  
Owner of Record: John H & Gail K Morrison

The Chairman then announced that the following applicant has requested continuation to the July 19<sup>th</sup> Planning Board meeting:

- 6-42) Brian Hayes  
Site Plan Review to construct six (6) condominiums at  
426 Winnacunnet Road  
Map 208 Lot 48  
Owner of Record: Brian Colsia, MAK Investments, LLC

**MOVED** by Mr. McMahon to continue the Hayes application to the July 19<sup>th</sup> meeting of the Planning Board.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

**I. ATTENDING TO BE HEARD**

- 6-58) OSA Ventures  
Change of Use from Church to Private School and Programs at  
150 High Street  
Map 161 Lot 10  
Owner of Record: Maranatha Assembly of God

Mr. Eric Johannsen, Odyssey House, and Mr. Buddy Vaughan, OSA Ventures, presented this application. Mr. Vaughan recited the agreements made with the Zoning Board of Adjustment, which included the following:

- School hours will be 8:00 AM to 3:00 PM
- Counseling will occur between 3:00 PM and 8:00 PM

- Evening open houses will occur no more frequently than once a month.
- There will be no more than 60 students attending the school.
- The school will not be used as a residence.
- Activities will take place indoors.
- They will work with the neighbors to create buffering between the properties.

Mr. Higgins asked about the nature of the special needs of the students. Mr. Vaughan said that about half of the students are coded as special needs students. Many of the students in the program may have emotional handicaps, but the school does not discriminate against students with physical handicaps. There was discussion of transportation of students, turnaround areas, parking and the absence of a handicapped parking space. Students living at Winnacunnet Road will be walking to school. The Rochester students will be brought in a van. Some staff will probably park at Winnacunnet road and walk with the students.

There was discussion of the current use as a school and a church and this proposed change to a school only.

Mr. Gillick asked where the variances that were granted were on the site plan. They are in the application but not on the site plan.

Chairman Emerick said this Board does not have guidelines for parking for this use. He said we have never looked at staff/parking space ratios.

He asked about the sprinkler system for the school. Mr. Johannsen said it is now partially sprinkled and they plan to fully sprinkle the building. He added that they are planning \$250,000 in renovations and upgrades to the building.

Mr. McMahon asked about parking for functions. Functions will be no more than once a month and would include the parents of the students only.

Mr. Gillick asked when they would start the school. They plan to start in September.

**MOVED** by Mr. Gillick to treat this Change of Use as a Site Plan Review, accept jurisdiction to a date certain of July 5, 2006, and send the plan out for departmental review, including all utilities.  
**SECOND** by Mr. McMahon

Mr. McMahon asked when the church will vacate the building. It will be vacated by July of 2007 or one year after the closing, whichever comes first.

**VOTE: 7-0-0 -**

**MOTION PASSED**

- 6-59) LabCorp  
Change of Use from Office to Health Care Facility (Patient Service Center) at  
24 Stickney Terrace  
Map 175 Lot 16 Unit 2

Owner of Record: KMA Holdings LLC

Mr. Jeff Pilibosian presented this request. He would like to have a change of use to a patient services office where patients may have blood drawn. LabCorp is currently located at 55 High Street and needs to move from that space. The parking requirement is the same as for an office – one space per 200 square feet.

**MOVED** by Mr. Gillick to approve the Change of Use from Office to Health Care Facility (Patient Service Center) at 24 Stickney Terrace, Map 175 Lot 16, Unit 2

**SECOND** by Mr. Bilodeau

**VOTE: 7-0-0 -**

**MOTION PASSED**

## **II. PUBLIC HEARING - PROPOSED SITE PLAN REVIEW REGULATIONS AND SUBDIVISION REGULATIONS AMENDMENTS**

- Amend the Site Plan Regulations Section III.A. Site Plan Review Required and Section VII.E. Erosion and Sediment Control Regulations to add language on construction runoff control.
- Amend the Subdivision Regulations Section VII.E. Erosion and Sediment Control Regulations to add language on construction runoff control.

### **BOARD**

Mr. Steffen stated both amendments are part of the EPA storm water requirements that MS 4 communities have to meet. They apply to construction site runoff only. He described the changes proposed.

### **PUBLIC**

No comment

### **BOARD**

Mr. Gillick asked if the intent was to be sure that any contaminated water went into the storm drain system. Mr. Steffen said it was for protection of surface waters.

**MOVED** by Mr. Gillick to adopt the amendments

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

## **III. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS**

- 6-42) Edmond F & Catherine E Wakeen  
Robert L & Roberta L Giese  
Lot Line Adjustment at  
2 Fox Road

Map 150 Lot 22 and  
27 Mill Pond Lane  
Map 150 Lot 18  
Owners of Record: Edmond & Catherine Wakeen and Robert & Roberta  
Giese

Robert Giese and Edmond Wakeen presented this application. The reason for the change is because of encroachment of one of the dwellings on a lot line.

**BOARD**

No questions

**PUBLIC**

No comment

**BOARD**

**MOVED** by Mr. Gillick to approve the lot line adjustment at 2 Fox Road, Map 150 Lot 22, and 27 Mill Pond Lane, Map 150 Lot 18, subject to the conditions stated in Mr. Steffen's May 31, 2006 memo.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

6-46) Kevin Emery  
Special Permit to Impact Wetlands Conservation District at  
16 Ross Avenue  
Map 274 Lot 67  
Owner of Record: Emery Realty Trust

Mr. Kevin Emery presented this application. He owns the cottage with his two brothers. He said they plan to add 2 bedrooms resulting in the loss of their existing deck. They would now like to add a second story deck in the wetland buffer. It will not increase the impervious area because it is on the second floor.

**BOARD**

Mr. Higgins confirmed that no variances were required for this deck. All setbacks are met.

Mr. Gillick asked about the stipulations recommended by the Conservation Commission. These were provided.

**PUBLIC**

No comment

**BOARD**

**MOVED** by Mr. Gillick to approve the Special Permit at 16 Ross Avenue, Map 274 Lot 67, subject to the stipulations as stated in the Conservation Commission memorandum of May 23, 2006.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0 -**

**MOTION PASSED**

6-48) John & Angela McCarthy  
Condominium Conversion at  
22 Island Path  
Map 282 Lot 19  
Waivers from Subdivision Regulations Requested: Articles V.E.5  
(Utilities), V.E.7 (Storm Drainage), V.E.9 (Landscaping) and V.E.14  
(Erosion Control)  
Owner of Record: John F & Angela C McCarthy

Mr. Higgins recused himself from this application. Ms. Mercer sat for Mr. Higgins.

John McCarthy, applicant, Peter Saari, attorney, and Ernie Cote, Surveyor, presented this application.

**BOARD**

Mr. Gillick asked if there were any variances for this property. There are.

Mr. Viviano asked the Planner if he had recommendations for this conversion. Steffen referred to his memo.

**PUBLIC**

No Comment

**BOARD**

**MOVED** by Mr. Gillick to grant the waivers from Subdivision Regulations referenced in the application.

**SECOND** by Mr. Bilodeau

**VOTE: 7-0-0 -**

**MOTION PASSED**

**MOVED** by Mr. Gillick to approve the condominium conversion at 22 Island Path, Map 282, Lot 19, subject to the conditions listed in the Planner's memo of May 31, 2006.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0 -**

**MOTION PASSED**

6-49) North Beach Investments (The Ocean Club)  
Amended Site Plan Review at

703 Ocean Boulevard  
Map 235 Lot 9  
Owner of Record: Ocean Club LLC

The applicant was not present.

**BOARD**

**MOVED** by Mr. Higgins to continue this application to the December 6<sup>th</sup> meeting.

**SECOND** by Mr. Bilodeau

**VOTE: 2-5-0**

**MOTION FAILED**

6-50) John R & Ann H Hangen  
2-lot Subdivision at  
165 Island Path  
Map 280 Lot 22  
Waivers requested from Subdivision Regulations Articles V.E.5, V.E.7,  
V.E.9, V.E.14 and VII.C  
Owner of Record: John R Hangen & Ann H Hangen

Peter Saari, Attorney, and Ernest Cote, Surveyor, presented this application. Mr. Saari described the history of the lot.

**BOARD**

Mr. Gillick asked for a letter of authorization from the applicants to have Messrs. Saari and Cote represent them.

Mr. Higgins asked that both addresses (165 and 175 Island Path) be stated in the record.

**PUBLIC**

No comment

**BOARD**

**MOVED** by Mr. Viviano to grant the requested waivers from the Subdivision Regulations.

**SECOND** by Mr. Gillick

**VOTE: 7-0-0 -**

**MOTION PASSED**

**MOVED** by Mr. Viviano to approve the 2-lot subdivision at 165 & 175 Island Path, Map 280 Lot 22, subject to the conditions stated in the Planner's memo of June 1, 2006.

**SECOND** by Mr. Gillick

**VOTE: 7-0-0 -**

**MOTION PASSED**

6-51) James and Geraldine Rogers  
Condominium Conversion at

8 Duston Avenue  
Map 295 Lot 55  
Waivers Requested from Subdivision Regulations Articles V.E.5  
(Utilities), V.E.7 and VII.C (Storm Drainage), V.E.9 (Landscaping),  
and V.E.14 (Erosion Control)  
Owners of Record: James E and Geraldine N Rogers

Peter Saari, Attorney, and Ernest Cote, Surveyor, presented the application. There are four dwelling units. There will be no structural changes and no on-site improvements to the surface. There are adequate parking spaces.

### **BOARD**

Mr. Gillick asked that a letter of authorization be submitted for Mr. Saari and Mr. Cote to represent the applicant.

Mr. Higgins asked where the snow would be moved to. He suggested that a snow storage area be depicted on the plan. He then asked why more parking wasn't added, since there is space for two more vehicles. He felt a guest parking space would be an enhancement.

### **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 at 8 Duston Avenue, Map 295 Lot 55, subject to the conditions stated in the Planner's memo of June 1, 2006 and the addition of a snow storage area and a guest parking space on the plans.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0 -**

**MOTION PASSED**

6-52) Robert & Karina Mitchell  
Condominium Conversion at  
6 Johnson Avenue  
Map 293 Lot 65  
Waiver Requested: Subdivision Regulations Section V.E (Detailed  
Plan)  
Owners of Record: Robert F and Karina M Mitchell

Stephen Ells, Attorney, presented this application. He stated the Mitchells intended to be present but were called away unexpectedly. A letter of authorization will be provided. He indicated that the Mitchell's planned to continue to live in the front unit and to sell the

rear unit. There are two parking spaces on-site of legal size. They are stacked spaces, but they are a pre-existing nonconforming use.

**BOARD**

Mr. Higgins indicated the property has one legal parking space and the application should not be before the Planning Board.

Mr. Steffen said the Ordinance does not define stacked parking. Mr. Higgins stated a legal parking space requires satisfactory ingress and egress.

**PUBLIC**

No comment

**BOARD**

Chairman Emerick asked Mr. Ells if he wished to comment. Mr. Ells said that the Town couldn't discriminate against a simple change of ownership.

**MOVED** by Mr. Higgins to deny the condominium conversion at 6 Johnson Avenue, Map 293 Lot 65, because of the absence of two (2) legal parking spaces on-site.

**SECOND** by Mr. Viviano

**VOTE: 6-1-0 -**

**MOTION PASSED**

6-53) Susan Demarco  
Lot Line Adjustment at  
8 & 10 Ward Lane  
Map 164 Lots 6 and 13  
Owner of Record: Susan C Demarco

Mr. Michael Donahue, Attorney, Ernest Cote, Surveyor, and Susan Demarco, Applicant, presented this application. Mr. Donahue said that a variance has been secured from the Zoning Board for not meeting the "square" requirement. The purpose of the lot line adjustment is to provide satisfactory access to the rear lot.

**BOARD**

Mr. Higgins asked for clarification of frontage and the lot line adjustment. Mr. Cote described the adjustment.

**PUBLIC**

No comment

**BOARD**

**MOVED** by Mr. Gillick to grant the lot line adjustment at 8 & 10 Ward Lane, Map 164 Lots 6 and 13 subject to the conditions stated in the Planner's memo of June 2, 2006.

**SECOND** by Mr. Bilodeau

**VOTE: 7-0-0 -**

**MOTION PASSED**

- 6-54) Timothy Mulcahy  
Condominium Conversion at  
22 Riverview Terrace  
Map 292 Lot 28  
Waiver Requested: Subdivision Regulations, Section V.E (Detailed  
Plan)  
Owner of Record: Timothy F Mulcahy

Timothy Mulcahy, Applicant, and Peter Saari, Attorney, presented this application. Mr. Saari said there are three (3) existing lots, two (2) of which are wet, nonbuildable lots. There are two (2) structures on one lot. The intent is to merge the lots and create two condominium units. There are two (2) stacked parking spaces.

## **BOARD**

The Board discussed the possibility of creating an additional legal parking space.

## **PUBLIC**

No comment

## **BOARD**

Mr. Gillick said he would like the record to show that in addition to the condominium conversion there is a voluntary lot merger of the three (3) lots.

**MOVED** by Mr. Gillick to grant the waiver from Section V.E of the Subdivision Regulations.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0 -**

**MOTION PASSED**

**MOVED** by Mr. Gillick to approve the Condominium Conversion at 22 Riverview Terrace, Map 292 Lot 28, subject to the conditions stated in the Planner's memo of June 1, 2006 and revision of the site plan to show the assigned parking spaces.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0 -**

**MOTION PASSED**

- 6-55) Public Service of New Hampshire  
Subdivision Plan at  
70 Timber Swamp Road  
Map 102 Lots 1, 2 and 4  
Waiver Requested: Subdivision Regulations Section V.E. (Detailed  
Plan)

Owner of Record: Public Service of New Hampshire

Walt Bylinski, PSNH, and Charles Young, Ambient Engineering, presented this application. The purpose of the subdivision is to convey conservation land to the Town of Hampton. Mr. Young said this was the culmination of several meetings with the Town.

**BOARD**

No comment

**PUBLIC**

No comment

**BOARD**

Mr. Steffen said they do not need to go through the NHRSA 41:14-a process as he indicated in his memo.

**MOVED** by Mr. Gillick to grant the waiver from Section V.E of Subdivision Regulations.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0 -**

**MOTION PASSED**

**MOVED** by Mr. Gillick to approve the 2-lot subdivision at 70 Timber Swamp Road, Map 102 Lots 1, 2 and 4, subject to condition #2 stated in the Planner's memo of June 5, 2006.

The Town's acceptance of the land is contingent upon a favorable vote by the Board of Selectmen under NH RSA 36-A: 4.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0 -**

**MOTION PASSED**

6-49) North Beach Investments (The Ocean Club)  
Amended Site Plan Review at  
703 Ocean Boulevard  
Map 235 Lot 9  
Owner of Record: Ocean Club LLC

Mr. Randy Radkay, Principal, and Mr. Stephen Ells, Attorney, presented this application. Mr. Ells described the history of this change. He stated that, originally, the elevator was to be located in the lighthouse portion of the structure. As construction went forward, the elevator shaft was constructed toward the center of the structure, leaving space on the third, fourth and fifth floors of the lighthouse portion of the building.

Mr. Radkay then came before the Planning Board to change the use of that space to office/meeting rooms. The Board granted that approval. The Board then contacted Mr. Radkay, indicating that an amended Site Plan Review should be filed to update the approvals because there were now going to be three (3) additional units within the structure. Mr. Radkay submitted revised floor plans.

He stated that the Zoning Ordinance does not require on-site parking for these three additional commercial units. And no on-site parking is proposed for the additional units. He stated that the external portion of the site plan remains the same. All changes are internal. He opined that there would be no impact of these additional three units. Parking will be off-site. The use being proposed (office/meeting room/function room) is typical of hotels. Mr. Ells and Mr. Radkay both offered the observation that this section of the beach is less accessible than other sections, reducing the demand for parking in that area.

## **BOARD**

Mr. Gillick stated that because of the sea wall reconstruction project, the existing stairs will be upgraded and made more accessible, increasing the demand for parking spaces along this portion of the beach.

Mr. Higgins quoted the Zoning Ordinance 6.1.1. It requires off-street parking for any building south of First Street that provides sleeping quarters. He believes the proposed use would require a variance from the Zoning Ordinance.

Mr. Ells countered that because it is a condominium building, the three (3) individual commercial units will have divisible interest as if they were free-standing buildings. That is his interpretation.

Mr. Higgins said the Board is reviewing the whole site plan as previously presented, which includes the entire building.

Mr. Gillick suggested that the Planner secure a legal opinion from the Town Attorney with respect to the interpretation of Article 6.1.1 of the Zoning Ordinance.

## **PUBLIC**

Hubie McQuade, 12 Kings Highway, said they brought the parking issue up and came to the same interpretation as Mr. Higgins. He said that a chambermaid employed at the hotel would not be able to pay \$1.50 per hour for a parking space to work there. He said the beach is busy in that section and the available parking spaces are in demand. He feels there should be parking to go with the additional office units. He asked, through the Chair, if the elevator shaft is over 50 feet. Mr. Ells said the elevator shaft and the lighthouse peak are several inches over 50 ft at this time from the current grade. It is a preliminary read. Final grades will show no problem or they will request an equitable waiver from the Zoning Board. The building itself is 47 feet high.

Mr. Radkay said that in Hampton you measure from average mean grade. This is how height is determined.

Mr. Radkay said that when he first came he had an architectural rendering. After the approvals, the mechanical aspects were addressed and, mechanically, the elevator could not go into the lighthouse.

Chairman Emerick said the issue for this Board is the three (3) additional units.

Dean Grimaldi, 16 Kings Highway, asked whether the applicant should be before the Zoning Board of Adjustment prior to the Planning Board for the lighthouse height. Mr. Steffen clarified that this hearing is for use, not dimension. Mr. Grimaldi then stated that his concern was parking. He said it is a desirable beach and there are always people at that section of beach. He stated parking is a major issue in the area. He said it is hard to get through with cars legally parked, because it is a narrow end of Kings Highway. People backing out of the hotel will exacerbate the situation. He believes that the appearance of the building is within the purview of this Board. The current painted concrete exterior is very different from the architectural renderings presented to this Board. He said that we shouldn't be adding more nonconforming properties to the beach.

Jack Saldi, Twelfth Street, stated that he believes the North Beach area will become much more populated in coming years. Parking will become a greater problem.

## **BOARD**

Mr. Higgins said that while the Board is waiting for a legal opinion, the applicant might be looking into the potential of leasing parking spaces from the State.

**MOVED** by Mr. Gillick to get a definitive ruling on the parking issue for this mixed-use structure before acting on the Amended Site Plan. This will be continued to the June 21<sup>st</sup> meeting of the Planning Board.

**SECOND** by Mr. Viviano

**VOTE 7-0-0**

**MOTION PASSED**

- 6-56) Keith Crowley  
Condominium Conversion at  
105 & 107 Kings Highway  
Map 197 Lot 20  
Waiver Requested: Subdivision Regulations Section V.E (Detailed  
Plan)  
Owner of Record: Keith Crowley

Mr. Higgins recused himself from this application.

Peter Saari, Attorney, and Joe Coronati, Engineer, presented this application. Mr. Coronati described the project. It consists of three (3) units in two (2) structures.

## **BOARD**

Mr. McMahon asked if there were three (3) legal parking spaces on the lot. There are 3 legal spaces on the lot, but they are not depicted on the site plan, because the site plan shows six (6) smaller spaces. Parking configurations were discussed.

## **PUBLIC**

Jack Saldi, Twelfth Street, described the history of this property. He said abutters have been opposed to three dwelling units on this property. They believe it was supposed to have been two (2) units. It is an RA single-family zone. The abutters are opposed to a condominium form of ownership for 3 dwelling units on this small lot, when the third unit is questionable.

Paul Anastasi, 109-11 Kings Highway, stated the property has been improved. He is concerned about the parking. He is concerned about people being able to park 3-abreast. He would like to have fencing to divide the property from his property so that there will be no problems in the future with parking.

## **BOARD**

Mr. Bilodeau asked about the fence on the other side of the property. Mr. Coronati said this was the neighbor's fence on the applicant's property. It will be moved.

**MOVED** by Mr. Workman to grant the waiver from Section V.E of the Subdivision Regulations.

**SECOND** by Mr. Gillick

**VOTE** 6-0-0

**MOTION PASSED**

**MOVED** by Mr. Gillick to approve the condominium conversion at 105 & 107 Kings Highway, Map 197 Lot 20, subject to the conditions stated in the Planner's memo of June 1, 2006 and the construction of a fence on the north side that is agreeable to the abutters.

**SECOND** by Mr. Bilodeau

**VOTE:** 6-0-0

**MOTION PASSED**

- 6-57) Keith Crowley/NTC Real Estate Development LLC  
Site Plan Review to construct a 31-unit hotel condominium at  
31-33 Ocean Boulevard  
Map 296 Lots 20, 32 and 33  
Owner of Record: Keith Crowley/NTC Real Estate Development LLC

Mr. Higgins recused himself from this application.

Peter Saari, Casassa and Ryan, Joe Coronati, Jones & Beach Engineers, David White, David White Architects, and Keith Crowley, Principal, presented this application. Mr. Coronati described the project. He said the proposed building would have all required parking (33 spaces) underneath. There are four (4) floors above the parking level. He

said that the sidewalk started by the Town on P Street would be continued to the Boulevard by the applicant.

Mr. White then described the building. The lobby area would contain the office space for rental of the property. Owner amenity areas are in the center area of the second floor. The 31 suites are similar to a Homewood Suites. There is a bedroom, a bathroom and a main living area. There will be a refrigerator, sink and microwave in the kitchen section of the main living area. He said they had met with the Hampton Beach Area Commission (HBAC), which recommended some changes to the building and the site. The applicant is willing to go to the Zoning Board of Adjustment for variances needed because of the recommended changes to the roofline and railings but only site plan approval. Mr. White distributed the Northeast and Northwest elevations of the building. He stated that the proposed height of the building is 50 feet. HBAC recommendations result in a height of 53–54 feet. If they go to Zoning Board of Adjustment, they are considering putting on a roof deck, which would take the building up to 60 feet.

Mr. Saari said they were trying to design this building without variances.

The square footage of the units is 520–600 square feet.

Mr. Gillick said he would be more comfortable if the Board gets a legal opinion as to whether or not these are dwelling units.

## **PUBLIC**

John Gilligan, 5 Q St, representing the Ruddy-Browns at 37 Ocean Boulevard. He read a letter from this abutter. They are concerned about the size and height of the building, runoff from the roof and parking in an already congested area. The letter asked the Board to consider the project carefully. He then spoke to the shadowing effect of the proposed building. He is also concerned about decks and balconies with just a 4-foot setback. As it is now, they use the driveway at 37 Ocean Boulevard for their snow.

Walter Wise, 3 River Avenue, is concerned about development of the area. He said that the garage entrance and exits would cross a heavily traveled pedestrian way. He is concerned about drainage from that area over to River Avenue, which is at a lower elevation. He is also concerned about the fire hydrant adequacy at that location.

He asked for the dimensions of the building. They are a little smaller than the lot.

He asked who would be responsible for managing the property. Chairman Emerick described the condominium hotel form of ownership.

June White, 8 River Avenue said she can't imagine this building across the street from her. She said police are in the area constantly in the summer because of parking problems. She does not believe one parking space per unit will be adequate. She said

density now is terrible. Adding another 31 units will make the problem worse. She believes the safety issue is huge.

Donna Mercer, 41 Ocean Boulevard, said backing out onto Ocean Boulevard in the summer would be close to impossible. She said she prefers to see the existing structures converted to condominiums.

Walter Suprey, 30 Ocean Boulevard, said he is opposed to the project because of height and safety concerns. He believes this is too big a building for the area. He asked for the recommendations made by Hampton Beach Area Commission.

Chairman Emerick read the HBAC recommendations. He also clarified that cars will not be backing out onto Ocean Boulevard. They will be exiting nose first.

Mr. Suprey asked where snowdrifts in the garage would go. Mr. Coronati said there would be two (2) catch basins in the garage. Snowdrifts will need to be shoveled out. Mr. Suprey said that pervious surface will be decreased. He asked about the drainage plan. All water would be picked up in roof drains and directed to the Town drainage system. Infiltration will be in the center of the applicant's property.

Mr. Suprey said he was going to be losing his sunset views. Right now there is no lighting. He asked for the lighting system planned. Mr. White described the plan.

Mr. Suprey asked about power supply. Mr. Coronati said the power company will decide that.

Mr. Suprey asked about trash removal. Mr. White described the trash room. He asked if there are any lot line changes with the Brown's property. There are none.

He asked about the appeal process. Chairman Emerick described the process.

Mr. Suprey concluded by saying he was opposed to the project.

John Gilligan, O Street, said this project would change the demeanor of that section of the beach.

**MOVED** by Mr. Gillick to accept jurisdiction to a date certain of July 19<sup>th</sup>, send the application out for department review, and to include the Planner's recommendations of June 5, 2006 with respect to actions that need to be taken prior to the next meeting.

**SECOND** by Mr. Viviano

Mr. Viviano asked who would define a "hotel" as opposed to a "dwelling unit". Mr. Gillick asked Mr. Steffen to explain his recommended definition of a "condominium hotel". This was discussed. Mr. Steffen said that the definition should be included in the condominium documents.

Mr. McMahon asked for clarification of the definition. Mr. Steffen said he was not proposing his definition at this time. He was offering it for the Board's guidance on dealing with the hotel operation.

**VOTE: 6-0-0**

**MOTION PASSED**

**IV. CONTINUED PUBLIC HEARINGS**

None

**V. CONSIDERATION OF MINUTES of May 17, 2006**

**MOVED** by Mr. Bilodeau to accept the minutes as presented.

**SECOND** by Mr. Gillick

**VOTE: 7-0-0 -**

**MOTION PASSED**

**VI. OTHER BUSINESS**

- DeNiro Project – Request for an One-Year Extension.

Mr. Steffen said the applicant still owes escrow money for plan reviews and that should be a condition of granting the extension.

**MOVED** by Mr. Gillick to grant a one-year extension, subject to paying the amount due.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0 -**

**MOTION PASSED**

- Delvin Arnold Project – Baron Estates – 11 Lot Residential Subdivision

Mr. Steffen apprised the Board of the status of the Appeal action. The Court found in favor of the Town and upheld the Planning Board's approval of the project.

**MOVED** by Mr. Bilodeau to adjourn

**SECOND** by Mr. Gillick

**VOTE: 7-0-0**

**MOTION PASSED**

Meeting adjourned at 9:54 P.M.

Respectfully Submitted,  
Barbara Renaud  
Planning Board Secretary

