

HAMPTON PLANNING BOARD – MINUTES
October 4, 2006

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Fran McMahon, Clerk
Jim Workman, Selectman Member
Keith Lessard
Tom Gillick
Bill Bilodeau, Alternate
Bill Faulkner, Alternate
James Steffen, Town Planner

ABSENT: Tom Higgins

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

I. WITHDRAWALS AND CONTINUATIONS

- 6-72) Richard A Clermont
Special Permit to Impact Wetlands to construct porch at
515 Winnacunnet Road #6
Map 222 Lot 118
Owner of Record: Richard A & Janice A Clermont

The Zoning Board is hearing this applicant in October.

MOVED by Mr. Gillick to grant a continuation of this application to the November 1, 2006 meeting of the Planning Board

SECOND By Mr. Workman

VOTE: 7-0-0

MOTION PASSED

CONTINUED REVIEW OF PROPOSED ZONING AMENDMENTS – Glen Greenwood of Rockingham Planning Commission

Chairman Emerick announced that Mr. Greenwood was not able to attend this meeting. This item is continued to the October 18, 2006 meeting of the Planning Board, and the workshop will begin at 6:00 PM.

- 6-76) Robert & Susan Nelson
Special Permit to Impact Wetlands Conservation District to
repair/replace retaining wall at
71 Mooring Drive
Map 289 Lot 39
Owner of Record: Robert & Susan Nelson

The Conservation Commission is hearing this applicant in October.

MOVED by Mr. Viviano to grant a continuation of this application to the November 1, 2006 meeting of the Planning Board.

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

II. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

- 6-77) David Cropper
Special Permit to Impact Wetlands Conservation District to
restore/renovate fish shack at
Ruth C Stimson Park – Ocean Boulevard
Map 151 Lot 7
Owner of Record: Dave Cropper/Town of Hampton

Mr. Cropper presented this application. He gave the history of his ownership of the fish shack.

BOARD

The Board asked what use would be made of the restored fish shack. It will be for storage of water sports equipment. It will not be used for any other purpose. Mr. Cropper plans to return the shack to its authentic and original construction.

In response to a question from the Board, Mr. Cropper clarified that he owned the shack and the Town owned the land. There was discussion of this issue.

PUBLIC

No comments

BOARD

MOVED By Mr. Gillick to approve the Special Permit subject to Conservation Commission conditions as listed in their memo of September 27, 2006.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

- 6-78) Ann J Carnaby
2-lot residential subdivision at
54 Tide Mill Road
Map 231 Lot 6
Owner of Record: Ann J Carnaby
Waivers Requested: Subdivision Regulations Section V.E (Detailed Plan)

Stephen Ells, Attorney, and Ernest Cote, Surveyor, presented this application. Ms. Carnaby was also present.

Mr. Ells described the project. He stated that the applicant was granted variances from the Zoning Board of Adjustment for lot width and frontage. He indicated that an abutter had questioned the condition of the property. As a result, wetland delineation was done, and the result was that the delineation was the same as the survey done in 1989 by Parker Survey.

BOARD

The Board asked if there should be a Wetlands stamp on the plans. Mr. Ells indicated that they had a letter from NH Soil Consultants, and if the Board wished, a soil scientist can stamp the plans.

Chairman Emerick said there was an abutter letter questioning the soil condition. The letter from NH Soil Consultants appears to address this issue.

There was discussion of the “square” requirement in the Zoning Ordinance. The wetland buffer bisects the building envelope.

In response to questions from the Board, Mr. Ells indicated that, in his opinion, the new lot would be a legal, buildable lot. Mr. Gillick indicated that he has a concern about satisfaction of the requirements for a buildable lot.

Mr. Steffen commented that it does not appear that the lot has 30,000 square feet outside of the Wetlands Conservation District. There also needs to be 5,000 square feet of buildable land outside of the wetland buffer. (Zoning Ordinance, Article II, Section 2.3.7) He indicated that there are 2 options - the application can be considered incomplete or it can be withdrawn. Mr. Ells suggested continuing the application so that Mr. Cote can perform these calculations.

PUBLIC

David Egonis, 48 Tide Mill Road, indicated he had concerns with the proposal. One is the 50-foot wetland buffer going through the building envelope. He is also concerned that the area is very wet. He is concerned that any excavation in the area will impact the water table at his house. He said it is so saturated, any change will cause damage to his property. He also said the bearings didn't add up and they didn't match the town maps. The plans submitted at this meeting have changes from the ones submitted to the Zoning Board of Adjustment He also stated the neighborhood is dense now and additional construction would have a negative impact on quality of life in the neighborhood. He stated this property has been taxed as wetland for years and now it is being considered as a buildable lot. As a concerned taxpayer, he is wondering if there is lost revenue.

Chairman Emerick said if the subdivision is approved, it will be reassessed as a buildable lot.

Mr. Ells said, quoting from the NH Soils Consultants letter, a low area in the southwest corner of lot was determined not to be wetland. Mr. Egonis provided the Board with pictures of this section of the lot.

BOARD

Mr. Gillick said, since an abutter is concerned about drainage, it is the Board's responsibility to not exacerbate the problem.

MOVED By Mr. Gillick to continue the application to the October 18th meeting of the Planning Board.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

- 6-79) Robert Matthews
2-unit Condominium Conversion at
20 Church Street/4 Francis Street
Map 275 Lot 33
Owner of Record: Robert Matthews
Waivers Requested: Subdivision Regulations Section V.E (Detailed Plan)

Mr. Stephen Ells, Attorney, and Ernest Cote, Surveyor, presented this application. Mr. Matthews was not able to attend. Mr. Ells described the property. There are two detached dwelling units. There are 4 parking spaces on the length of the lot on Francis Street, and two will be assigned to each unit.

BOARD

It was noted that there is no curbing in the area designated for parking, allowing access to those parking spaces.

Mr. Gillick asked if there were year round Certificates of Occupancy. There are not. The front is ready for inspection to secure a year round CO. The rear unit has a seasonal Certificate of Occupancy. Mr. Gillick is concerned about approving a seasonal property as a condominium. There was discussion of this issue.

Chairman Emerick said he talked with the Building Inspector about this, and his opinion was that there would be no impact.

Mr. Steffen said he noted that if the conversion is granted, it would be for seasonal use only. If it is a year round approval, it will be subject to the school impact fee.

PUBLIC

No Comments

BOARD

MOVED by Mr. Gillick 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. Gillick to approve a 2-unit Condominium Conversion at 20 Church Street/4 Francis Street, Map 275 Lot 33, subject to the following:

- ❖ Conditions stated in Planner's memo of September 28, 2006
- ❖ Parking will be marked on-site
- ❖ Condominium Documents will be reviewed by the Town Attorney
- ❖ Condominium approval is for Seasonal use only.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

- 6-80) Dwayne P Chrestensen
3-unit Condominium Conversion at
25 Highland Avenue
Map 274 Lot 128
Owner of Record: Dwayne P Chrestensen
Waivers Requested: Subdivision Regulations Section V.E.1
(Topography) and V.E.9 (Landscaping)

Peter Saari, Attorney, and Ed Corey Caldwell, Ames MSC, presented this application. Mr. Saari described the property.

BOARD

Mr. Viviano asked for a clarification of the plan with respect to the parking associated with each unit.

Mr. Gillick asked if there were year-round Certificates of Occupancy on these three properties. Per the Planner, they all have year-round Certificates of Occupancy now. New CO's will be required at the time of sale.

Mr. Viviano asked if there was work being done on property. Mr. Saari said they put a 2nd floor on one of the rear buildings in 2004. There has been no other work done.

PUBLIC

No comments

BOARD

MOVED By Mr. Gillick to grant waiver from Subdivision Regulations Section V.E.1 (Topography) and V.E.9 (Landscaping)

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

MOVED By Mr. Gillick to approve 3-unit Condominium Conversion at 25 Highland Avenue, Map 274 Lot 128, subject to conditions in the Planner's memo of September 28, 2006.

SECOND By Mr. Workman

VOTE: 7-0-0

MOTION PASSED

- 6-81) White Realty Trust/Geoff Rallis
Special Permit to Impact Wetlands Conservation District to construct addition on previously sealed surface at
20 Morrill Street
Map 22 Lot 1
Owner of Record: White Realty Trust/Karen Rallis/Mary McCarthy

No one was present to speak to this application.

MOVED by Lessard to continue the application to the end of the public hearing.

SECOND by Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

III. CONTINUED PUBLIC HEARINGS

- 6-63) Jack Murray
Site Plan Review for 5-Unit Condominium at
56 Drakeside Road
Map 188 Lot 7
Owner of Record: Pobama Trust
JURISDICTION ACCEPTED: July 5, 2006
CONTINUATION ACCEPTED: September 19, 2006

- 6-71) Jack Murray
Special Permit to Impact Wetlands Conservation District to construct 5-Unit Condominium at
56 Drakeside Road
Map 188 Lot 7
Owner of Record: Pobama Trust

Joe Coronati, Jones & Beach Engineers, and Jack Murray, applicant, presented this application. Mr. Coronati went through the issues in the Conservation Commission letter on the proposal. He indicated that he had decreased the size of the detention ponds. This

was done by adding Grass-Pave along the side of the road, and an under-drain was placed under the roadway. Doing this eliminated the ditches that were used previously. 1350 square feet in the buffer were eliminated.

BOARD

Mr. Lessard asked about the drainage system. His concern is the movement of water when the ground is frozen. This was discussed at length. There was concern as to whether the designed solution to removing the ditches will provide for adequate drainage.

Chairman Emerick said there appeared to be competing interests. The Conservation Commission is interested in getting ditches out of the wetland buffer. The Planning Board is interested in assuring that the drainage design is adequate.

Mr. Steffen said the Conservation Commission recommendations are just that. Mr. Lessard said he feels the Board is getting mixed signals from the Conservation Commission.

It was clarified that the detention areas are actually retention areas.

Mr. Gillick stated that in the Planner's October 3rd memo it states that final plans shall be revised to reflect Ambit Engineering comments still outstanding, particularly with regard to concerns expressed by Mr. Lessard.

Mr. Lessard said he would like to have the best solution to drainage and his preference is that Ambit review both the ditch and French drain plans for their comments.

PUBLIC

Wallace Shaw, 160 Lafayette Road, abutter is concerned about the detention ponds. He said there is clay not too far below the surface. He feels that the detention ponds will be mosquito breeders. He also asked for assurance that no development will be done on his property.

Mr. Gillick said the Board's job is to make sure that the best is done to not have any more drainage going onto his property than currently.

BOARD

There was additional discussion of the drainage issue.

MOVED By Mr. Gillick to continue the application to the October 18th meeting of the Planning Board.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

- 6-81) White Realty Trust/Geoff Rallis
Special Permit to Impact Wetlands Conservation District to construct
addition on previously sealed surface at
20 Morrill Street
Map 22 Lot 1
Owner of Record: White Realty Trust/Karen Rallis/Mary McCarthy

No one was present to present this application.

BOARD

MOVED By Mr. Lessard to continue the Special Permit Application to the October 18th
meeting of the Planning Board.

SECOND By Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

IV. CONSIDERATION OF MINUTES of September 20, 2006

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

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

VI. OTHER BUSINESS

None

MOVED by Mr. Lessard to adjourn.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 8:15 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Administrative Assistant