

HAMPTON PLANNING BOARD – MINUTES
November 1, 2006– 6:00 PM

PRESENT: Tracy Emerick, Chair
Fran McMahon, Clerk
Keith Lessard
Tom Higgins
Tom Gillick
Rick Griffin, Selectman Member Alternate
Bill Faulkner, Alternate
Donna Mercer, Alternate
James Steffen, Town Planner

ABSENT: Robert Viviano, Vice-Chair
Jim Workman, Selectman Member

I. Workshop – Proposed Zoning Ordinance Amendments
Glenn Greenwood – Rockingham Planning Commission

Chairman Emerick began the workshop session at 6:00 PM. Mr. Greenwood was again unavailable for this session because of personal activities.

Parking Ordinance

There was discussion of revising Article 6.3.9 and 6.3.10 in the Zoning Ordinance. The issue of “stacked” parking, and where it is addressed in the Ordinance, was discussed. The consensus was that an Article 6.3.11 be added to address this issue. “Stacking” does not provide “satisfactory ingress and egress” as required in the Site Plan Regulations and Article 6.4.2 of the Zoning Ordinance.

Mr. Steffen said the current requirement for hotels//motels is one space per unit plus one additional space for each 16 units. It was determined that this was adequate.

Zone Changes

Chairman Emerick indicated that he attended the Hampton Beach Area Commission subcommittee meeting chaired by Mr. McMahon. The report from this subcommittee was presented to and accepted by Hampton Beach Area Commission. There will be a public hearing on rezoning at the beach on November 29th in the Selectmen’s Meeting Room.

Mr. Steffen then described what the subcommittee had devised with respect to zoning at the beach. He explained that the existing Business-Seasonal (BS) zone would be changed to two separate districts. The first new district is “Beach Resort”, which would be the highest density area. There was discussion of possible step-back elevation requirements and a front setback to incorporate some public space element. There was little discussion of height, but a maximum height suggestion made was 90 feet. Mr. McMahon clarified that the step-back referred to the mass of an individual building and not to the whole

block involved. Mr. Steffen indicated that architectural design standards were suggested, and noted that signage regulations would be important to develop. The use of site lighting similar to the proposed period lighting was also a recommendation. Requirements for parking also needs to be addressed.

Mr. McMahon said one of the big steps Hampton Beach Area Commission took was taking FAR (Floor Area Ratio) off the table to go back to traditional zoning.

He then described the proposed “Beach Commercial” district, which would follow the boundaries of the current BS zone, except for the carve-out of the “Beach Resort” section. He also noted that the Beach Commercial zone would replace the other BS zones north of the main beach area. Mr. Faulkner asked where the cutoff would be on the North Beach. It would be the same as the current Business Seasonal zone boundaries.

Mr. Gillick asked if under “Beach Resort” did we not now send things to Hampton Beach Area Commission for architectural review. Chairman Emerick said the proposed language was to reinforce that.

Mr. Higgins warned against having separate zones at North Beach.

Mr. Steffen said another recommendation is to change the “Island” area from an RB to an RA zone. Mr. Higgins indicated there are currently only about 15 single-family homes in this area. The proposed change would require most property owners to get variances for everything, because they will all be nonconforming, resulting in clogging the Zoning Board.

Mr. Steffen said the final recommendation is to change the State owned property from a General zone designation to a new “State” zone.

The doughnut concept for the new Beach Commercial zone was also discussed. With this, all lots facing Ashworth Avenue and Ocean Boulevard would be in the new zones and the interior lots east and west of Ashworth would be in the RB zone.

Mr. Steffen then went through dimensional requirements at Salisbury Beach. He noted that there are no minimum lot sizes or minimum frontage requirements for their Beach Commercial zone. He wanted to know what the Board thought about using that approach.

The Chairman said the chart from Salisbury needs more attention.

Mr. McMahon said the subcommittee would be meeting again before the public hearing, will ultimately make the final recommendations to the Planning Board.

There was additional discussion of the Island section and the thinking that this area should remain Residence B. It was the consensus that what is needed is a “Beach-RB” zone (to account for the small lot sizes in that area). An alternative is to leave the “island”

section alone. The other recommendations are an attempt to define the areas as they currently exist.

Mr. Lessard noted that when these lot sizes were established, it was leased land and it was a different era.

Mr. Higgins pointed out that the most potential for development is the west side of Ashworth Avenue.

Impact Fees

Chairman Emerick said one of the things that came out of the Growth Forum was that when a property goes from Seasonal Occupancy to Year-round Occupancy, the impact fee should be payable. The Planning Board has been asking the question with respect to Certificates of Occupancy, but the impact fee requirements don't contain specific wording on this issue.

Multi-family Residential

There was discussion about the current dimensional requirements being too restrictive for the main beach area. It was noted that the 40-foot perimeter setback always seems to require a variance

Mr. McMahon said that with 5,000 square foot lots, there shouldn't be multifamily use.

There was discussion of keeping the recreation area requirement but, perhaps, allowing it to be indoor space.

There was discussion again of Salisbury. Mr. Gillick commented that Salisbury is attractive. Salisbury has a 35-foot height maximum that goes to 65 feet under certain conditions.

This workshop session adjourned at 7:00 PM.

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

II. WITHDRAWALS AND CONTINUATIONS

- 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: October 18, 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

This applicant has requested a continuation to the November 15th meeting of the Planning Board.

MOVED By Mr. Gillick to grant continuation to the November 15th Planning Board meeting.

SECOND By Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

III. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

- 6-82) Surfside Condominiums
Special Permit to Impact Wetlands Conservation District to elevate
parking lot at
493 Ocean Boulevard
Map 266 Lot 8
Owner of Record: Surfside Condominiums

Adele Fiorillo, NH Soil Consultants, and Peter Saari, Casassa & Ryan, presented this application.

Ms. Fiorillo described the project. She indicated they have no problems with the stipulations of the Conservation Commission. They will regain the height of the retaining wall. Impact in the Wetlands Conservation District is something in excess of 8000 square feet. The new guardrail will keep the cars out of the marsh area.

BOARD

Mr. McMahon asked if there was a soils problem causing the sinking of the parking lot. He also asked about soil conditions where the guardrail is going. Borings have been done and the plan is that this work will have a useful life of 20 years.

PUBLIC

Chad Wanderlich, 6 Anchor Court, had 4 questions and a concern. He asked if the elevation is dropping or the tides are increasing? Ms. Fiorillo indicated that the sea level rise hasn't been significant on this coast. The elevation is sinking. Mr. Wanderlich then provided the Board with pictures. He expressed concern about the relationship of the higher elevation of the project to Anchor Court. His concern is about the retaining wall (pictures provided). There are large cracks in the wall, and it is leaning toward his

property. He said current repairs to the wall have not been adequate. His other issue is that wall damage has significantly increased in recent windstorm activity. Previous repairs have not worked.

Ms. Fiorillo indicated that Emmanuel Engineering did the plans. They recommended injection repair of the wall.

Cameron Porter, 7 Anchor Court, restated the previous speaker's concern. He felt increased vertical load on the retaining wall will weaken it. He feels the rest of the plan is a good one except for the retaining wall. He believes that structural reinforcement of the footings of the wall is needed.

Joe Porter, Surfside 30, said the condominium's interest is the same as the abutters. They want the job done right and want to maintain the integrity of the wall.

George Madsen, Boars Head 8 Condos, does not believe his concerns are being met. He asked where the water will go if the lot is pitched left and right. Ms. Fiorillo indicated the drainage plan has been changed to address Mr. Madsen's concerns.

Chad Wanderlich asked about upkeep of the wall. Chairman Emerick stated there are no Town standards for wall maintenance. Mr. Wanderlich remains concerned that the wall will not be properly maintained.

BOARD

Mr. Higgins said the plan has been significantly improved since it first came before the Conservation Commission. Mr. Gillick said he hopes that an engineering response will be provided to the Board that addresses the concerns of these abutters. The Board should know how the wall is being repaired.

MOVED By Mr. Gillick to grant Special Permit at 493 Ocean Boulevard, Map 266 Lot 8, conditioned on receipt of engineering plans that indicate sound engineering principles that assure the integrity of the retaining wall and all stipulations stated in the Conservation Commission memo of October 29, 2006.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

- 6-83) James W. Kirylo
Special Permit to Impact Wetlands Conservation District to construct retaining wall at
63 Mooring Drive
Map 289 Lot 41
Owner of Record: James & Joseph Kirylo, Maryellen Hernon

Mr. Kirylo presented this application. He said that the owners in this area recently purchased the land from the Hobbs estate. He is in the middle of the two other properties that have replaced their walls.

BOARD

No questions

PUBLIC

No comment

BOARD

MOVED By Mr. Lessard to grant Special Permit at 63 Mooring Drive, Map 289 Lot 41, subject to the conditions as stated in the Conservation Commission memo of October 29th.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

- 6-84) Barbara DeFreitas
After-the-Fact Special Permit to Impact Wetlands Conservation District
to construct shed at
13 Seaview Avenue
Map 133 Lot 84
Owner of Record: Barbara DeFreitas

Peter & Barbara DeFreitas presented this application. They are requesting an after-the-fact permit for a shed. They are replacing their cottage with a year-round house. Mrs. DeFreitas believes the location where they placed the shed on the property is the only area for the shed.

BOARD

Mr. Higgins read the Conservation Commission letter of October 29th. The Conservation Commission indicates there is ample space outside of the Wetlands Conservation District to place shed.

Ms. DeFreitas asked the Board to make a decision independent of the Conservation Commission.

Mr. Gillick indicated that the Conservation Commission said there was ample space outside of the Wetlands Conservation District for the shed. The statement of the applicants is in direct contradiction to this.

PUBLIC

No comment

BOARD

MOVED by Mr. Higgins to deny the Special Permit based on the Conservation Commission's memo of October 29th.

No Second

MOVED by Mr. Gillick to ask the applicant to meet with the Conservation Commission again to resolve the second bullet of the October 29th memo.

SECOND by Mr. McMahon

VOTE: 6-1-0

MOTION PASSED

6-85) Voyager Realty LLC
Amended Site Plan Review
20 Ocean Boulevard
Map 296 Lot 89
Owner of Record: Voyager Realty LLC

Stephen Ells, Attorney, Ernest Cote, Surveyor, and Russell Anderson, Principal of Voyager Realty LLC, presented this application. Mr. Ells explained the reason for this Amended Site Plan Review. In September of 2005 the Planning Board approved a condominium conversion for the applicant. Condition #3 of the previous approval stated that "the existing motel use must continue to operate and function as a motel". The applicant has returned because of the status of the 2 apartment units - #9 and #10. Before 1985, there had been 8 motel rooms and 2 apartments. Unit #10 has been used as the property manager's apartment and #9 has been rented. The previous approval didn't get into specifics. This is an amended plan to change the status of Unit #10. The applicant will break off space from #10 to use as a rental office. #10 will still have 1100 square feet of living space remaining. Mr. Ells said that they would like clarification of the status of Units #9 and #10. He is asking the Board to approve the amended plan and confirm that Units #1 - #8 are motel units and Units #9 and #10 are apartments.

Also, Mr. Ells said that an abutter at 3 Concord Avenue has questioned rooftop runoff. Mr. Anderson has offered to install a gutter to address the abutter's concern. He also indicated this Amended Site Plan Review action is being taken at the recommendation of the Building Inspector.

BOARD

Mr. Gillick asked when the Building Inspector got involved in this. This summer Mr. Anderson went in for building permits to renovate. He was referred to the Fire inspector. There was a meeting between the Building Inspector, the Fire Inspector and Mr. Anderson.

Mr. Steffen clarified that the project was presented as an 8-unit motel for the condominium conversion.

Mr. Higgins asked where people would enter. He also inquired as to whether the garden behind the sign was constructed. It hasn't as yet.

There was discussion of the water runoff. It is a flat roof. The applicant believes the runoff problem occurred during a wind driven rain.

PUBLIC

No comment

BOARD

MOVED By Mr. Gillick to approve amended site plan review subject to conditions in the Planner's memo of October 26th.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

- 6-86) John Fleming
Special Permit to Impact Wetlands Conservation District to raise and renovate structure at
11 Chase Street
Map 274 Lot 62
Owner of Record: John & Joan Fleming

John and Joan Fleming presented this application. Mrs. Fleming indicated that that a soil scientist and the State have approved their project. The Conservation Commission has also approved the project.

Mr. Fleming said the project started September 11th, and the house is up on jacks, and the bathroom is separated from the house.

BOARD

No questions

PUBLIC

No comments

BOARD

MOVED By Mr. Gillick to approve Special Permit at 11 Chase Street, Map 274. Lot 62, subject to conditions as stated in the Conservation Commission memo of October 29th.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

- 6-87) Thomas G Burness
2-lot Subdivision at
31 Park Avenue
Map 190 Lot 12
Waivers Requested: Subdivision Regulations Sections V.E.5, V.E.7,
V.E.9 & V.E.14
Owner of Record: Thomas G Burness
- 6-88) Thomas G Burness
Special Permit to Impact Wetlands Conservation District to extend
driveway at
31 Park Avenue
Map 190 Lot 12
Owner of Record: Thomas G Burness

Peter Saari, Attorney, Henry Boyd, Millenium Engineering, and Thomas Burness presented this application. Mr. Saari described the history of the project and the application. They have spent time discussing this with the Conservation Commission to resolve previous issues. Mr. Boyd described the access driveway issue and the changes that were made to the plan. The driveway has been redesigned to pitch backward. The culvert has been rotated to drain back into the upland. They have also topo'd the upland area to be sure culverts were sized properly. There will be two 18-inch culverts.

BOARD

Mr. Gillick asked if the driveway is an issue because it is the only means of access to the property. Mr. Gillick feels that it needs to be part of our record that there is no access other than this one.

Mr. Higgins indicated he was at the Conservation Commission meeting, and they seemed to be pleased with Mr. Boyd's new plan. Mr. Steffen said the Conservation Commission is still concerned with drainage, and they have recommended drainage review by Ambit Engineering. Mr. Steffen said he was also concerned with utilities. The Department of Public Works should comment on the driveway in relation to the existing driveway. Any driveway in excess of 150 feet needs Fire Department review. He is recommending accepting jurisdiction and sending it out for review.

Mr. Lessard asked about the location of the easement. The easement is to protect the slope and is not intended for utilities.

PUBLIC

No Comment

BOARD

MOVED By Mr. Gillick to accept jurisdiction to a date certain of December 6th and to send the plans out for departmental review, including utilities and the Conservation Commission.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

- 6-89) Linda & Steven Bauman
2-lot Condominium Conversion at
17 Cole Street
Map 265 Lot 46
Waivers Requested: Subdivision Regulations Section V.E (Detailed Plan)
Owner of Record: Linda & Steven Bauman

Stephen Ells, Attorney, Ernest Cote, Surveyor, and Linda and Steven Bauman presented this application. Mr. Ells described the project. There are 2 onsite parking spaces that will be specifically assigned in the condominium documents. Mr. Ells provided a copy of the Certificate of Occupancy for the property. There will be no physical changes to the structure, and the use will remain residential.

BOARD

No questions

PUBLIC

No comments

BOARD

MOVED By Mr. Lessard to grant condominium conversion at 17 Cole, Map 265, Lot 46, subject to conditions as stated in the Planner's memo of October 26th.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

- 6-90) Kevin O'Donnell
6-Lot Residential Subdivision at
89 Woodland Road
Map 130 Lot 8
Owner of Record: Fred C. & Carol J. Sherburne
- 6-91) Kevin O'Donnell
Special Permit to Impact Wetlands Conservation District for a temporary work zone and grading at

89 Woodland Road
Map 130 Lot 8
Owner of Record: Fred C. & Carol J. Sherburne

Peter Saari, Casassa & Ryan and Joe Coronati, Jones & Beach Engineers, presented this application. Kevin O'Donnell and the Sherburnes were also present.

Mr. Saari explained the intent of the described the project. No variances are needed from the Zoning Board of Adjustment. Mr. Coronati described the specifics of the project. He said the special permit asked for temporary impact on the Wetlands Conservation District for grading and a 10-foot strip to outlet the detention pond. The current house has a septic, which will be removed, and sewer will be tied into the Town system.

BOARD

The Board asked for clarification of the drainage plan. Mr. Higgins was concerned that the plan seems to speed up flow off the site onto the neighbor's property.

Mr. Gillick indicated that the Conservation Commission letter recommended consultation with the abutter where drainage will flow.

The Board is not clear from the plans on the topography and how drainage flows.

The Conservation Commission has issues regarding the retention pond.

PUBLIC

Shawn Burns, 7 Bear Path, has concerns about lot #3 of the proposed subdivision, which will abut his property. One concern is the size of the lot. This lot is half the size of his and his neighbors'. He is concerned about wildlife that currently habitate this property. He is concerned about lighting on the new road. Houses on Bear Path have bay windows in the back. That is not conducive to headlights shining into windows. He believes the water table is high there, and he is concerned about drainage if vegetation is removed. He does not believe the subdivision will fit into the neighborhood because the lots are too small. He believes the only way to build is to build parallel to his house, which will impact on his privacy and enjoyment of his property.

Liz DiTommaso, 5 Bear Path, said her main concern is over-development of the property. The planned subdivision doesn't fit with the existing neighborhood. This is because of privacy & the dynamics of the neighborhood.

Roberta Kittredge, 2 Hunter Drive, is concerned about drainage. They are not connected to sewers. She wants to know where water will be directed. Mr. Coronati described the drainage pattern.

Don Palawewski, wants to see the culvert size increased. He said in the spring the culvert was full.

Cara Burzynski, 11 Bear Path, has the same concerns as other Bear Path residents.

BOARD

Mr. Steffen went through his comments. The applicant meets regulations. Mr. Steffen questions whether 28 feet of pavement is needed for 6 lots when Woodland Road is only 24 feet wide. It was a consensus of the Board to stay with width requirements.

Mr. Steffen also indicated there was no landscaping plan showing how many trees they are going to take out.

Mr. Gillick said the Conservation Commission has asked the Board to have engineering review done on the drainage plan.

Mr. Lessard said he would prefer not to have an open ditch along the side of the road. He would like to see it hard piped. The ditch would be a problem for pedestrians and bicyclists.

Mr. Coronati asked if he could make plan changes before the Board sends it out for review.

Mr. Lessard and Mr. Gillick said that a condition of any future approval would be who would be responsible for maintaining detention ponds.

The Board asked Mr. Coronati to set some houses on the plans to show how they might sit in relation to the neighbors. Mr. Coronati indicated that the road is staked for a site walk if anyone would like to tour the property. Mr. Lessard asked about buffering in the back of the subdivision. Mr. Steffen said there was no lighting indicated on the plan. There should be a light at each end.

The applicant has agreed to look at the capacity and hydraulics of the culvert crossing Woodland Road. Department of Public Works will also look at the culvert.

MOVED By Mr. Gillick to accept jurisdiction to a date certain of December 20th and to send the plans out for departmental review.

SECOND By Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

- 6-92) Brothers North LLC
Site Plan Review to construct 8 retail spaces and a 200-seat restaurant
at 845 Lafayette Road
Map 90 Lot 31
Owner of Record: BJ Realty Trust, John & Bette Lessard, Trustees

Mr. Lessard and Mr. Higgins recused themselves for this application. Donna Mercer, Alternate Member, joined the Board.

Peter Saari, Joe Coronati, Lisa DeStefano, and John Lucas were present for this application. Mr. Saari explained the application. Ms. DeStefano described the architectural plan for the project. They have looked at sustainable, low maintenance materials. The mechanicals will be on the roof and camouflaged by parapets. The buildings will be arcaded for pedestrian traffic. There are no accessibility issues. All requirements for access are met. Mr. Coronati then described the proposed site. The plan is to have the whole site drain to the center of the parking lot and have a storm tech system underground to deal with water. This will be an improvement to the existing drainage on the site. He suggested that a Storm Tech representative could come in at the next meeting to describe the system. All necessary variances have been granted for the project.

BOARD

Mr. McMahon asked about deliveries. Mr. Coronati said, for the retail stores, deliveries would be to their front doors. For the restaurant, deliveries will be to the side door. Mr. Gillick asked what happens to the parking spaces while trucks are parked in front of the buildings making deliveries. It may need to be a condition of approval that deliveries will have to be made off hours.

Ms. Mercer asked about the trees in the back of the lot. Mr. Coronati said they are mostly on the property line and they would remain. They will just be cut back.

Snow storage is indicated as Note 18 on Plan C2. There is some storage on two sides of the property, but with significant snowfalls, it will have to be trucked off site. The height of the building with parapets is about 26 feet.

The dumpster pad is big enough for 2 large or 3 small dumpsters. The pad is located near the restaurant's side door on the far end of the lot from the retail stores.

Ms. DeStefano said the design planned for the front will be carried all the way around the building. In response to a question from the Board, Mr. Coronati described the drainage from the roof. He said the soils are good.

PUBLIC

Regina Higgins, 230 Mill Road, indicated that she is the only residential abutter to this lot. She has concerns regarding the back of building. She asked the size of the retention pond. Mr. Coronati described the pond. She has concerns about trees getting cut. It looks as if there will be no buffer to her property to protect her privacy. She is concerned that it will devalue her property. Mr. Coronati indicated that tree limbs will be cut, but only 3 trees will be cut down. She asked if the drainage pit would be a secure area. Mr. Coronati said it will be a 1 ½ foot depression lined with sand. There will be no standing

water. Ms. Higgins is also concerned about lighting. Mr. Coronati said there will be security lighting in the back. They will be wall packs on the side of the building to light the walkway. Ms. Higgins is concerned about noise, because the restaurant will be open for breakfast, lunch and dinner. Ms. DeStefano said there's no glass in the building, which would transmit sound.

Mr. Lukas said the hours of operation of the restaurant are planned to be 7:00 AM – 10 PM. The dumpster will be emptied before 7:00 AM.

Ms. Higgins asked about safety.

Tom McNamara, 230 Mill Road, stated they have water problems now. He said the proposed retention pond is 80 feet long, and the drainpipe is 15 inches wide. It appears that 35% of water will drain on to their property. He is also concerned about the retention pond because they have many small children in the area.

Jack Lessard, owner, said Newick's had all mechanicals on the roof, and all of the water has been staying on the property.

Ms. Higgins stated there are a lot fewer trees on the property than when Newick's was there.

Mr. Steffen asked if there would be different textures for pedestrian crossings in the parking lot area and at the entrances.

BOARD

MOVED By Mr. Gillick to accept jurisdiction to a date certain of December 20th and to send the plans out for departmental review.

SECOND By Mr. Faulkner

VOTE: 6-0-0

MOTION PASSED

III. CONTINUED PUBLIC HEARINGS

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

Mr. Higgins returned to the Board.

Peter Saari, Casassa & Ryan, and Joe Coronati, Jones & Beach, presented this application. Mr. Saari explained that there are 13 units on the property. 10 of these are cottages. The properties are all within the wetlands buffer and it is owned in common. The Clermonts want to have a screened porch on their unit. They want it in the back to

face the marsh. The Conservation Commission wants them to construct the porch in the front to have less Wetland impact. There are three drawbacks to locating the porch in the front. It will be in the face of the abutter. It will interfere with parking. And the Association won't allow it. He stated the difference in distance between the two porch locations is 10 feet. They propose to drain the roof of the porch under the building. There was discussion of a rain barrel. The porch is proposed to be 10' x 15'.

BOARD

Mr. McMahon asked the status of the Zoning Board of Adjustment rehearing. The original vote to grant the variance was upheld.

PUBLIC

No comment

BOARD

MOVED By Mr. Gillick to grant the Special Permit at 5515 Winnacunnet Road #6, Map 222, Lot 118, subject to the conditions as stated in the Conservation Commission letter of August 28, 2006.

SECOND By Mr. Griffin

VOTE: 5-0-1

MOTION PASSED

- 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

Mr. & Mrs. Nelson presented this application. There was discussion of the status of the application with the Conservation Commission.

BOARD

No questions.

PUBLIC

No comment

BOARD

MOVED By Mr. Gillick to grant a Special Permit to Impact Wetlands Conservation District to repair/replace retaining wall at 71 Mooring Drive, Map 289, Lot 39, subject to

conditions stated in the Conservation Commission memos of September 28 and October 3, 2006.

SECOND By Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

IV. CONSIDERATION OF MINUTES of October 18, 2006

MOVED By Mr. Griffin to continue reading of minutes to the next meeting.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

V. CORRESPONDENCE

VI. OTHER BUSINESS

- **Katie Lane Bond Release There is a recommendation from the Department of Public Works for this release.**

MOVED By Mr. Gillick to approve the bond release.

SECOND By Mr. Griffin

VOTE: 7-0-0

MOTION PASSED

- **Acceptance of 2006-2007 Capital Improvement Program Committee Report**

Mr. Gillick said in the interest of informing the public, he asked to read the CIP report. Mr. McMahon read the first portion of the report, and Mr. Gillick read the final section.

MOVED by Mr. Gillick to accept this report and send it on to the Board of Selectmen and the Budget Committee.

SECOND by Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

MOVED by Mr. Gillick to adjourn.

SECOND by Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 10:09 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Administrative Assistant