

HAMPTON PLANNING BOARD – MINUTES
April 4, 2007– 7:00 PM

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Fran McMahon, Clerk
Keith Lessard
Donna Mercer, Alternate
Bill Bilodeau, Alternate
James Steffen, Town Planner

ABSENT: Tom Higgins
Tom Gillick
Jim Workman, Selectman Member

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

I. ATTENDING TO BE HEARD

- 7-29) Lee Houghton-Davis
Optional Preliminary Consultation for Special
Permit to Impact Wetlands Conservation District
to raze and replace home at
22 Meadow Pond Road
Map 168 Lot 9
Owner of Record: Lee Houghton-Davis

Mr. Steffen gave an introduction for this application. The applicant would like input from the Board before going further with the project planning.

Gerrit Crabbendam, Gerrit Consulting, presented this application. He stated the owner has a one-story single family home there now. They would like to replace it to bring it to FEMA standards. The portion of the footprint falling within the buffer zone would be reduced with the new home. State permits are in progress.

BOARD

In response to a question from the Board, Mr. Crabbendam indicated the square feet of impact within the buffer will be reduced from 395 to 254. He also indicated they would pitch the driveway to the side. He would like the Board's feelings regarding driveway surface material. The only increase in impermeable surface would be the driveway. He is considering reprocessed gravel.

With respect to the deck, there will be a reconfiguration to meet current setbacks. There was additional discussion of the existing and proposed footprints. The proposed house will be 24' x 48'. The existing deck may be replaced with enclosed living space. Architectural design has not as yet been done.

Chairman Emerick suggested that the applicant go to the Conservation Commission for further discussion of the proposal. Driveway alternatives could be pavers or water permeable concrete. But this issue is between the applicant and the State.

Mr. Lessard commented that the existing deck is open above and asked its elevation. Mr. Crabbendam noted that it is on a concrete foundation and not open below.

Mr. McMahon reiterated that the applicant should go to the Conservation Commission to address these issues with them.

In response to the applicant's question, it appears that an impervious driveway might be acceptable.

II. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

7-23) Michael & Karyn Green
2-lot Subdivision with Lot Line Adjustment at
16 Alexander Drive
Map 194 Lots 10-4, 1-14, + 10-1
Waiver from Subdivision Regulations Section VII.C (Storm Drainage)
Owner of Record: Blocker Strategies LLC

Stephen Ells, Attorney, Michael Green, Applicant, and Ernest Cote, Surveyor, presented this application. Mr. Ells indicated that there are three remaining undeveloped lots on the western side of Fielding Lane. The applicant is proposing to subdivide the northernmost of these. The end result of this proposal would be four undeveloped lots. All would be of sufficient size, configuration and frontage to have a single-family home per the Town's Zoning Ordinance.

He then addressed the request for waiver from providing a Storm Drainage plan. In 2006, Jones & Beach Engineers did a drainage study update for the three lots. Their position is that this one additional lot will have no impact on the drainage for the area.

BOARD

Chairman Emerick asked for clarification of the number of lots. Mr. Ells gave some history on this property. He indicated that this proposal is for the most northerly lot of the remaining three undeveloped lots.

Mr. Cote then reviewed the subdivision and lot line adjustment for the property.

Chairman Emerick confirmed that even with the sewer easement, there is still sufficient buildable area.

PUBLIC

Terrence Morrison, 23 Presidential Circle, is opposed to this proposal. He indicated that the drainage on Fielding Lane was set up for 6 homes and there are 7 homes on the street now. He had water in his cellar for 9 weeks last spring. He believes more displacement of water will exacerbate the current problems on Presidential Circle. The whole area is lowland.

BOARD

Mr. Steffen noted that there was an addendum to the drainage study last year, when they did the three additional lots that indicated there would be no additional impact. He opined that one more lot would not make a difference to drainage.

Mr. Lessard noted that it would not be difficult to update the drainage study, since this addendum was just done last year with the second subdivision.

Mr. Lessard asked if the swale behind Presidential Circle is being maintained by the homeowners. Mr. Morrison indicated that, to his knowledge, it is. Mr. Lessard then reviewed the history of the subdivisions on Fielding Lane. The drainage study was originally done in 1998.

Mr. Ells indicated the 2006 addendum to the 1998 drainage study was extensive.

In response to a question from Mr. Viviano, there was discussion of the total lots on the street. There will be 5 lots on the westerly side and 6 on the easterly side of Fielding Lane, or a total of 11, if this proposal is approved. The original drainage study was for 6 lots. The addendum included 3 more lots.

MOVED By Mr. Lessard to deny waiver from Subdivision Regulations Section VII.C (Storm Drainage)

SECOND By Mr. Bilodeau

VOTE: 7-0-0

MOTION PASSED

Mr. Lessard asked if placement of the driveway on a curve would be an issue for the Department of Public Works. DPW may also have issues with the sewer easement. Ambit Engineering would need to review the drainage study update.

MOVED by Mr. Viviano to continue the Subdivision application with lot line adjustment to the May 2nd meeting of the Planning Board. Plans to be sent to Department of Public Works for departmental review. Drainage study update to be reviewed by Ambit Engineering.

SECOND by Mr. Bilodeau

VOTE: 7-0-0

MOTION PASSED

- 7-24) Tom Morganstern
2-unit Condominium Conversion at
18-20 Cutler Avenue
Map 265 Lot 44
Waiver from Subdivision Regulations Section V.E (Detailed Plan)
Owner of Record: Thomas Morganstern

Joe Coronati, Jones & Beach Engineers, and Peter Saari, Attorney, presented this application. Mr. Saari described the parking space that goes under one of the decks.

BOARD

Mr. Lessard asked how the garages would be accessed, since two parking spaces are in front of the garage door.

Chairman Emerick noted that there was correspondence from an abutter indicating there was a third unit in the structure. Mr. Saari stated that the condominium conversion is for 2 units.

Mr. Steffen indicated that there is a Certificate of Occupancy for the property as a duplex. He indicated that he had spoken with the Building Inspector about this application. Apparently, there have been violations in the past with this property.

Board members noted there are three living rooms and kitchens.

PUBLIC

No comments.

BOARD

There was additional discussion of the number of units on the property and the number of dwelling units that would exist with the conversion. Board members noted various indicators in the plans that there are three dwelling units on the property.

Mr. Steffen said he would advise revised floor plans for recording.

Mr. McMahon indicated that Note 7 needs to be reworded to state that separate occupancy permits are needed for each of the two units.

Mr. Bilodeau indicated that Note 1 refers to three rental units.

Mr. Coronati indicated there was confusion as to whether there were three or two units.

Chairman Emerick indicated that if there is free flow between the floors, then there is one owner and no problem. But the plans at this time clearly indicate that there are three units. There is a question as to whether the utilities are set up for two or three units.

Chairman Emerick asked if the presenters would like to withdraw the application at this time. Mr. Saari stated with the confusion he would prefer to clear up the application and the documents and continue the application to a future meeting.

MOVED By Mr. Viviano to continue the application for a 2-unit condominium conversion at 18-20 Cutler Avenue, Map 265, Lot 44 to the April 18th meeting of the Planning Board.

SECOND By Mr. Bilodeau

VOTE: 7-0-0

MOTION PASSED

- 7-25) Brian Mulcahy, Hampton Hobo LLC
3-unit Condominium Conversion at
22 H Street
Map 290 Lot 25
Waiver from Subdivision Regulations Section V.E. (Detailed Plan)
Owner of Record: Brian Mulcahy, Hampton Hobo LLC

Mr. Peter Saari, Casassa and Ryan, and Joe Coronati, Jones & Beach Engineers, presented this application. Mr. Saari said there are three units – one in the front building and two in the rear building. He indicated that there is adequate parking.

BOARD

No questions

PUBLIC

Joseph Rapuano, 13 G Street, indicated that the rear structure at 22 H Street is right on the property line. There are boxes enclosing the pipes on the 22 H Street property that encroach on his property. Sewer pipes are overhanging in the back of the house. He thought the boxing of the pipes 2 years ago was temporary, but it has become permanent. He is also concerned about vehicle exhaust going into the windows of his property.

Mr. Rapuano stated he didn't believe that the properties were suitable for year round occupancy because of inadequate heating systems.

BOARD

Ms. Mercer asked if the units had Certificates of Occupancy. They have year-round CO's dated June 21, 2000. There was discussion of updated Certificates of Occupancy in conjunction with a conversion.

Mr. Lessard noted that the plan doesn't have accurate existing conditions if the overhangs are not shown. There was discussion of the plans and what they actually depict.

There was also additional discussion of whether the boxes are on the applicant's property or the abutter's property.

Mr. Lessard asked if there was fencing. Mr. Coronati indicated that there were fenced courtyard areas for each unit.

Mr. Lessard indicated that as a condition the plans should be certified that the entire structure is on the owner's property.

MOVED By Mr. Lessard to grant the 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 at 22 H Street, Map 290 Lot 25, subject to the following conditions:

1. Condominium documents will be submitted to the Town Attorney for approval at the applicant's expense. An escrow of \$500.00 will be established with the Town for that purpose prior to recording of the final plan.
2. A recordable Mylar and appropriate recording fees and seven (7) copies of the site plan and three (3) copies of the floor plans shall be submitted to the Planning Office.
3. The Plans will be certified that the structures are totally on the property at Map 290, Lot 25.
4. Each unit will secure a Certificate of Occupancy prior to being sold.

SECOND By Ms Mercer

VOTE: 7-0-0

MOTION PASSED

7-26) PSNH
Special Permit to Impact Wetlands Conservation District with a construction change at
70 Timber Swamp Road
Map 102 Lots 1, 2 and 4
Owner of Record: PSNH

7-27) PSNH
Amended Site Plan Review at
70 Timber Swamp Road
Map 102 Lots 1, 2 and 4
Owner of Record: PSNH

Dave Stills, PSNH, and Chuck Young, Ambient Engineering, presented these applications. Mr. Stills reviewed the activities since the previous application. There is a

small wetland across the street that they had not been aware of previously. They want to account for additional buffer impacts and likely impacts on Route 27 and additional detail for impact on the PSNH property. This plan is to clean up all of these issues. There is a table on the plan summarizing the new impacts. These are added to the original numbers and not to the previous Option C. Mr. Stills then reviewed each area of wetland/buffer impact. He also asked if the Board is comfortable with minor changes in terms of pole replacement.

BOARD

Mr. Steffen stated that the Conservation Commission has indicated that pole replacement and other minor changes are acceptable provided there are no additional wetland/buffer impacts. He noted that there is now “minor field modifications” language in the Site Plan Regulations.

There were additional specific questions as to how the project will impact various areas.

PUBLIC

No comments

BOARD

Mr. Lessard asked the implementation date of the plan. Mr. Stills indicated that the project is intended to be completed by June 1st of this year.

MOVED By Mr. Lessard to grant the Special Permit at 70 Timber Swamp Road, Map 102, Lots 1, 2 and 4, subject to stipulations of the Conservation Commission associated with the original application

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

MOVED By Mr. Lessard to grant the Amended Site Plan Review subject to the conditions stated in the Planner’s memo of April 4, 2007.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

III. CONSIDERATION OF MINUTES of March 21, 2007

Page 2 – add to first paragraph “The increases in application and notification fees are needed to offset increased administrative costs and expenses.”

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

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

IV. CORRESPONDENCE

V. OTHER BUSINESS

- 89 Woodland Road – Set Bond

Mr. Steffen indicated that the Department of Public Works has requested that a performance surety be established in the amount of \$210,000 for a proposed road to be located off of Woodland Road.

MOVED by Mr. Viviano to establish a performance surety in the amount of \$210,000 for proposed road off of 89 Woodland Road.

SECOND by Mr. Mercer

VOTE: 7-0-0

MOTION PASSED

- Summerwood Drive – Reduce Bond

Mr. Steffen said this road has been accepted by the Board of Selectmen. After a road is accepted, it is standard practice to hold 10% of the original bond amount for one year.

MOVED by Mr. Viviano to reduce the bond to 10% of the original amount in accordance with the Department of Public Works memo of December 8, 2006.

SECOND by Mr. Mercer

VOTE: 7-0-0

MOTION PASSED

Mr. Steffen asked for signatures of the Planning Board members for adoption of the changes made to the Site Plan Regulations and Subdivision Regulations.

Chairman Emerick asked for assignments for the Conservation Commission meetings and site walks. Representatives were assigned for the next six months

MOVED by Mr. Bilodeau to adjourn.

SECOND by Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 8:17 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Secretary