

HAMPTON PLANNING BOARD – MINUTES
May 2, 2007– 7:00 PM

- PRESENT:** Tracy Emerick, Chair
Fran McMahon, Clerk
Jim Workman, Selectman Member
Keith Lessard
Tom Higgins
Donna Mercer, Alternate
Bill Faulkner, Alternate
Robert “Bill” Bilodeau, Alternate
James Steffen, Town Planner
- ABSENT:** Tom Gillick
Bob Viviano

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

I. WITHDRAWALS AND POSTPONEMENTS

- 7-28) Thelma VanWalbeck
Special Permit to Impact Wetlands Conservation District to construct a deck at
8 Sapphire Avenue
Map 223 Lot 63
Owner of Record: Thelma VanWalbeck

Applicant requested continuation to the June 6th meeting of the Planning Board.

MOVED By Mr. Lessard to continue Special Permit to the June 6th meeting of the Planning Board.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

- 7-31) James K Zavez
Special Permit to Impact Wetlands Conservation District to replace garage at
60 North Shore Road
Map 132 Lot 23
Owner of Record: James K Zavez

Applicant requested continuation to the June 6th meeting of the Planning Board.

MOVED By Mr. Lessard to continue Special Permit to the June 6th meeting of the Planning Board.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

- 7-35) Brian & Lisa Shea
 Special Permit to Impact Wetlands Conservation District
 to replace existing home at
 192 North Shore Road
 Map 134 Lot 12
 Owner of Record: Brian & Lisa Shea

Applicant requested continuation to the June 20th meeting of the Planning Board.

MOVED By Mr. Lessard to continue Special Permit to the June 20th meeting of the Planning Board.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

II. PUBLIC HEARING FOR SITE PLAN & SUBDIVISION REGULATIONS AMENDMENTS

- Amendment to the Town Site Plan Regulations:
 1. Revoke the wording in **Section III. Procedures C. Application Procedures** to require mandatory design review for multi-family residential projects of twenty (20) units or more.
- Amendment to the Town Subdivision Regulations:
 2. Revoke the wording in **Section III. Procedures B. Application Procedures** to require mandatory design review for proposed subdivisions of over five (5) lots.

Mr. Steffen gave the history of this issue. It would take a vote of the Town to adopt these changes as worded. They need to be revoked in the absence of a Town vote. After discussion, it was determined that a wording change from “required mandatory” to “suggest” would be acceptable.

PUBLIC

No comment

BOARD

MOVED By Mr. Higgins to change the terms “require mandatory” to “suggest” and have the revised wording reviewed by Town Counsel.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

III. ATTENDING TO BE HEARD

- 7-41) Brownie Motel
Change of Use from Lobby Area to Mini-Mart at
180 Ashworth Avenue
Map 296 Lot 15
Owner of Record: Jean Boudreau

Jean Boudreau presented this request.

BOARD

The Board asked if there would still be a lobby area. There will be. The Board asked if the applicant is aware that the mini-mart will need to be ADA compliant, including a marked handicap parking space. The Board asked for a description of where the lobby would be. There will be a registration desk next to the mini-mart for the Brownie Motel. It was determined that the mini-mart does not require on-site parking according to the Town Zoning Ordinance. There was discussion of this issue. It was determined that the Building Inspector will resolve ADA compliance issues.

MOVED By Mr. Lessard to grant use change providing that there is a fully operational registration desk for the motel in the mini-mart/lobby area.

SECOND By Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

- 7-42) Barry Weymouth
Change of Use from Seasonal Take-out to
Real Estate Sales/Financial Services at
100 Ashworth Avenue
Map 290 Lot 66
Owner of Record: Barry Weymouth

Mr. Weymouth presented this application. He wishes to have a satellite real estate sales/financial services office at this location.

BOARD

There was discussion of a deck issue that had arisen with this property. The applicant indicated that there is no deck at this time.

MOVED By Mr. Lessard to grant the change of use from seasonal take-out to real estate/financial services satellite office at 100 Ashworth Avenue, Map 290, Lot 66.

SECOND By Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

- 7-43) Catherine Coulombe
Change of Use from Office to Day Spa at
[Original: 7 Scott Road - Map 126 Lot 7 - Owner of Record: Thomas

Moulton] Amended to:
881 Lafayette Road
Map 71 Lot 2
Owner of Record: East West Realty

Mr. Steffen stated that there is a new location for this business – 881 Lafayette Road. The applicant would still like to change an office to a day spa at this 881 Lafayette Road location. The Owner of Record for this property is East West Realty.

Mr. McMahon asked if there is a different parking requirement for the proposed use. The parking requirement is the same for the two uses. The applicant indicated she counted 125 parking spaces in the lot. She indicated that she will be taking two rental units in the property and removing the wall between them.

MOVED By Mr. Lessard to grant a change of use from office to day spa at 881 Lafayette Road, Map 71 Lot 2.

SECOND By Ms. Mercer

VOTE: 7-0-0

MOTION PASSED

IV. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

7-30) Charles J Hardy
2-unit Condominium Conversion at
21 Dover Avenue
Map 296 Lot 141
Waivers Requested from Subdivision Regulations Sections V(E) –
Detailed Plan & VII (C) – Storm Drainage
Owner of Record: Seawall Realty Trust

Mr. Higgins recused himself for this application. Mr. Bilodeau sat for Mr. Higgins.

Peter Saari, Casassa & Ryan, and Charles Hardy, Applicant, presented this application. Mr. Saari indicated the application meets the requirements for conversion. He indicated that a portion of the building encroaches on the Town right-of-way and has been that way for some time.

BOARD

Mr. Faulkner asked for confirmation that this was no longer land leased from the Town. Mr. Saari indicated this land was purchased from the Town in the 1980's.

Mr. Steffen noted that both the front and rear buildings have Seasonal Certificates of Occupancy at this time. If these are to be changed to year-round, impact fees would be required.

Mr. McMahon said he would want, as a condition of approval, that in any subsequent renovation of the building that the encroachment be eliminated.

Mr. Lessard would like the plans to show parking spaces noted as such rather than noted as “Limited Common Area”.

PUBLIC

No comments

BOARD

MOVED By Ms. Mercer to grant waivers from Subdivision Regulations Sections V.E – Detailed Plan & VII.C – Storm Drainage

SECOND By Mr. Workman

VOTE: 7-0-0

MOTION PASSED

MOVED By Ms. Mercer to grant a 2-unit condominium conversion at 21 Dover Avenue, Map 296, Lot 141, with conditions as stated in the Planners memo of April 30, 2007 and also that parking spaces be marked on-site and on the plans, and if units secure year-round Certificates of Occupancy, school impact fees will be required.

SECOND By Mr. Bilodeau

VOTE: 7-0-0

MOTION PASSED

- 7-32) Meadow Pond Farm Corp &
Gregory & Ginger Thulander
Lot Line Adjustment at
Bonair Avenue and Locke’s Field
Map 208 Lot 50
Owner of Record: Meadow Pond Farm
Corp / Gregory & Virginia Thulander

Mr. Higgins returned to the Board.

Peter Olney and Greg Thulander, applicants, presented this application. Mr. Olney described the adjustment proposed.

The existing conservation (agricultural preservation restriction) easement will stay with the property. There is no development to occur as a result of this lot line adjustment.

BOARD

Mr. McMahon asked for confirmation that the 24,000 square feet to be transferred will remain nonbuildable. The Board asked for the rationale for making this adjustment. Mr. Olney stated it is a pasture that will remain a pasture.

There was discussion of lot size and potential density of development. The deed restriction was discussed. Mr. Olney said the deed would reference the conservation easement, based on the State's definition of agricultural use.

Mr. Lessard asked for clarification, for the benefit of the public, that the land can still be used for agricultural purposes.

PUBLIC

Robert Towler, 20 Esker Road, asked about buildability of the property in the future. The Chairman responded that it cannot be built on.

BOARD

Mr. Higgins asked Mr. Olney about an abutting strip of land that is not part of this proposed transaction.

Mr. McMahon asked if the agricultural easement allows for agricultural-use buildings. Mr. Olney doesn't know. The understanding is that building is prohibited on the lot.

MOVED By Ms Mercer to grant the lot line adjustment with the assurance that the easement will be with the lot and the condition that there will be no buildings on that parcel of land.

SECOND By Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

- 7-34) Wayne & Paula Slattery
Special Permit to Impact Wetlands Conservation District to rebuild
Rock retaining wall at
1024 Ocean Boulevard
Map 116 Lot 37
Owner of Record: Wayne & Paula Slattery

Wayne and Paula Slattery presented their application. Mr. Slattery indicated they wish to repair the sea wall. Mrs. Slattery indicated there are stairs present at this time.

BOARD

Mr. McMahon asked if the project has changed as a result of the recent storm. The applicants fared the storm well and the project has not changed.

PUBLIC

Ellen Goethel, Chair of the Conservation Commission, indicated they recommend approval, however, there are conditions she would like the Board to keep in mind. She stated recently sea walls have been constructed larger than the plans indicated. There is a

public right of way at Plaice Cove. Some sea walls have been encroaching on the Town property preventing people from traversing at high tide. She indicated a previous repair destroyed sand dunes at Ancient Highway. She would like a stipulation that the owners will take precautions to ensure dunes are not damaged. She then noted that the walls are on Town property. Owners must go to Selectmen for permission to access their walls and also permission to park construction vehicles at the Town lot on Ancient Highway.

BOARD

Mr. Higgins noted that the sea wall depictions presented to the Board do not show lot lines. The present application does not show the lot line. He believes that it should be a Planning Board requirement that sea wall plans show lot lines. Mrs. Slattery indicated that the wall begins at their lot line.

There was additional discussion of the changing nature of sea wall applications because of other situations where sea walls are encroaching significantly (20 or 30 feet) onto Town land.

Ms Goethel said there have been 15 sea wall repairs in the past 1 ½ years and that is more than has been done in the past 25-30 years. She indicated at this point more definitive plans are needed from applicants.

Chairman Emerick stated clearer instructions are needed for the applicants. The applicants should know what is expected of them prior to the public process. There needs to be standardization of the requirements. There was additional discussion of the permitting process for applicants and the role of the Board of Selectmen. There was a discussion of direction needed from the Board of Selectmen with respect to standards, tolerances and requirements for sea walls and stairs on town land.

Stairs were then discussed. Jurisdiction over those staircases was discussed, since the staircases are on Town property. Mr. Higgins said the application is to rebuild the existing sea wall. He would not approve a sea wall if stairs appeared on the plan on Town land. There was discussion of this issue for clarification of the procedure with respect to approval of stairs.

Chairman Emerick asked if a State application is required. Ms Goethel said that if a Minimum Expedited State Permit is submitted to the State, unsigned by the Conservation Commission, it will go through standard permitting procedures. In response to a Board question, Ms Goethel indicated the State has the responsibility of ensuring the wall is constructed properly.

Ms Goethel said the Planning Board can approve the permit with the condition that the Selectmen approve the wall and the stairs. There was additional discussion of the relationship of the various approvals between the State, the Board of Selectmen, the Conservation Commission and the Planning Board.

There was additional discussion of the nature of the repair of this wall.

Mr. Lessard asked if the applicant should post a bond in case the dunes get damaged. It would be the contractor who would need to get the bond.

BOARD

MOVED By Mr. Lessard to approve the Special Permit to impact the Wetlands Conservation District at 1024 Ocean Boulevard, Map 116, Lot 37, to repair the rock retaining wall, subject to the stipulations in the Conservation Commission memo of May 1, 2007. This approval is to be forwarded to the Board of Selectmen for their approval of staircases. The Board of Selectmen may want to put a bond in place for possible damage to the sand dunes. No work is to take place until state permit approvals are received.

SECOND By Mr. McMahon

VOTE: 6-0-1

MOTION PASSED

- 7-36) Florence A Vereen
4-unit Condominium Conversion at
21 Fuller Acres
Map 265 Lot 48-2
Waiver Requested from Subdivision Regulations Section V(E) –

Detailed Plan

Owner of Record: Florence A Vereen

Peter Saari, Casassa & Ryan, and Florence Vereen, applicant, presented this application. Mr. Saari described the parking areas on the property. He indicated this conversion confirms to regulations.

BOARD

Mr. Higgins asked if the parking lines in the front of Unit 1 that are partially on Town land will be eliminated and the spaces not assigned. They will be eliminated. There was discussion of the property lines in relation to the parking spaces. Mr. Cote came to the table to clarify the parking spaces in relation to the lot lines.

Parking spaces should be paved to correct size, marked on-site and marked on the plan. Also the parking markings on Town land will be eliminated.

PUBLIC

No Comments

BOARD

Mr. Steffen noted that the units currently have year-round Certificates of Occupancy.

MOVED By Ms Mercer to grant waiver from Subdivision Regulation V.E – Detailed Plan.

SECOND By Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

MOVED By Ms Mercer to approve 4-unit condominium conversion at 21 Fuller Acres, Map 265, Lot 48-2, subject to the following conditions:

- Those stated in the Planner’s memo of April 30, 2007.
- Parking spaces are to be paved, marked on-site and on the plans and assigned.
- Parking lines in the public right-of-way are to be removed.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

7-37) Ken Sakurai
Special Permit to Impact Wetlands Conservation District to
enlarge a pond, construct a barn and remove sheds at
426 High Street
Map 166 Lot 6
Owner of Record: Ken Sakurai

Ms. Mercer recused herself for this application. Mr. Bilodeau sat for Ms. Mercer.

Joe Coronati, Jones & Beach Engineers, and Jeff Cantar, Gove Environmental Services presented this application. Mr. Sakurai was also present.

Chairman Emerick stated no action would be taken on this application tonight because there was no determination from the Conservation Commission.

Mr. Coronati reviewed the history of the cabins and half-cabins currently on the site. He indicated that one of the cabins will remain to be used as a shed. The remainder will be dismantled and removed from the site. Mr. Coronati indicated that the applicant would also like to enlarge the pond on the site. The enlargement would be 20 feet from the property lines.

BOARD

In response to a Board question, Mr. Coronati said the buffer would not change on abutting properties as a result of this pond enlargement.

PUBLIC

Ellen Goethel, The Conservation Commission, indicated there were pieces of information missing from the application, and the applicant will be coming back to the Conservation Commission.

Joe Roy, 424 High Street, stated one of his concerns is the distance of the corner of his house to Mr. Roy's property line for the driveway. He is concerned about the drainage on the property. If there is a barn, will it have utilities? He is concerned about the route of access. He asked if there was a time frame for removing the illegal cabins. He referred to proposed additions to the house and access to them.

Ms Goethel said the plan submitted to the State DES has a driveway and barn and this plan being shown tonight is different.

Mr. Cantar said that with respect to the DES application, there are no changes that would affect that application. That's why they didn't send DES the new plan. Mr. Cantar stated that the driveway and the back barn have been removed from the plans.

The shed will not have any new utilities. If they come back with a barn, that will be a new application.

John Nyhan, 430 High St, stated the application drew a number of questions from the Conservation Commission on Monday night. He said the Conservation Commission identified 8 to 10 areas that needed clarification. He said the applicant's representatives didn't have an answer Monday night as to whether the buffer would enter his property. He said he thinks it appropriate to mention what took place to bring this permit here tonight. It was because the property had half cabins that came onto the property in violations of the Town's ordinance. The applicant continued to bring cabins onto the lot after he was advised of the violation. His concern is that by bringing half cabins on to the lot, the applicant created turmoil of wetlands and movement and destruction of wetlands. He said a year ago this area was all wooded area. He feels removal of the cabins should be permitted first and then wetlands should be restored to their original state before additional permitting happens. Violations should be addressed first before any more permitting takes place for barns, sheds or ponds.

Chairman Emerick indicated that the Planning Board is a land use board and not an enforcement board. He also noted that the edge of wetland did not appear on the plan in the direction of Mr. Nyhan's property. There was additional discussion of the wetland line and the buffer line.

Mr. Cantar said the pond expansion is within the existing wetland on the site and therefore no changes will occur to the existing buffer. Mr. Lessard asked for a plan of existing conditions. Mr. Workman asked for confirmation that expanding the pond will not change the buffer area on the Nyhan property. Mr. Cantar said it would not change the buffer.

Mr. Faulkner asked if the increased body of water would change the water table in the area. Mr. Cantar said it would not.

Mr. Cantar said that Mr. Sakurai said the sod in the wetland has always been there. Mr. Lessard asked the purpose of the pond. Mr. Cantar indicated that it is for recreation and

wildlife. It is intended to be aesthetic. Mr. Lessard asked for a restoration and planting plan for the edge of wetland. Mr. Coronati said the existing pond is a man-made pond with the grass/sod right up to it.

Mr. Higgins said this is a proposed 5 –6 foot depth pond with no fencing. This could be a dangerous situation. The rules on this need to be checked prior to the next hearing on this application. He indicated that the Board doesn't allow retention ponds to be that deep.

BOARD

MOVED By Mr. Workman to continue this application to the June 20th meeting of the Planning Board.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

8:40PM

- 7-38) David F Brussard, Trustee
Special Permit to Impact Wetlands Conservation District to
reconstruct sea wall at
1032 Ocean Boulevard
Map 116 Lot 24
Owner of Record: Ann L Brussard Revocable Trust

Stephen Ells, Holmes & Ells, presented this application for an after-the-fact permit to construct a wall entirely on Town land. He said the wall worked well during the recent storm. The State DES permit was issued in January. One of the conditions of that permit was that the wall had to be in line with abutting walls. During construction, stone stairs were constructed within the wall. The Conservation Commission became aware of work and asked the Brussard's to apply for a Town Special Permit. DES inspected in the spring and issued a letter of deficiency. The letter dealt with storage of equipment on the sand dunes, the stairs constructed that were not shown on the plan to DES, and the destruction of dunes. The Department of Environmental Services wants an "as-built" by June 1st and a planting proposal to restore damage done at Plaice Cove. The Conservation Commission, he thinks, feels the wall is larger than what was approved. The Brussard property is the highest point on that part of the beach and, therefore, has the need for the most rocks. He feels what was constructed was what was approved by the State. He then cited the ordinance about when a Special Permit should be granted and said he feels three are apropos to this application – there are no toxic materials used; the Town didn't spend any money to protect the home (during the storm) because the wall did it; and no periodic maintenance is needed since wall is done. He suggests that the permit be granted provided the applicant meets all the requirements of DES and also contingent on permission from the Board of Selectmen regarding the stairs. He said they have been to the Board of Selectmen before on this issue. And finally, he spoke to the jetty referred to in the Conservation Commission letter. This pile of rocks was a storage area for the rocks. The excavator was using it as a ramp. It is no longer there.

BOARD

There was a discussion of the lot line and the depth of wall beyond that line. Mr. Higgins said the Board did not have the Board of Selectmen approval letter or the plan submitted to DES. Mr. Steffen had the DES permit. That plan was reviewed.

PUBLIC

Ellen Goethel, Conservation Commission, stated they have problems with the lack of public access to the beach and the depth of the wall at the top. It is constructed like a patio. The wall should have been started at the property line. She commented that it is the best wall she has ever seen. But it is further out than those on either side of it, and that will change the wave action at that section of the beach. The Conservation Commission is requesting that the wall be scaled back to the original footprint. Also, as the permit application stands now, the “as-built” shows the jetty on the plan.

There was discussion of the various plans and the dates of those plans and the differences between the plan submitted to the State and the plan submitted to the Town.

BOARD

Chairman Emerick stated that, in his opinion, this is a well-constructed wall and a creative solution for stairs. It held up well during storm.

Mr. Lessard noted that if this permit is approved, other people will build their walls out to the high water mark to protect their properties. This will eliminate the ability for the public to walk along the beach at high tide.

Chairman Emerick said this is a typical after-the-fact permit to the extent that everyone will second-guess what was done.

MOVED By Mr. Lessard to deny the Special Permit to impact the Wetlands Conservation District at 1032 Ocean Boulevard, Map 116, Lot 24, as it has been presented. The reason for denial is that the wall extends too far into Town property.

SECOND By Mr. McMahon

VOTE: 4-2-1 (Workman abstained)

MOTION PASSED

- 7-39) John McLean
 Special Permit to Impact Wetlands Conservation District to demolish
 And reconstruct home at
 25 ½ Nudd Avenue
 Map 282 Lot 31
 Owner of Record: John McLean

John McLean presented this application. His intention is to remove the rear cottage, a deck and a shed that are there today. He had determined after consultation with the

Building Inspector, that the cottage foundation would not support a second floor. He then made the decision to demolish the structure and reconstruct a new home. The current plan will reduce the footprint by 150 square feet.

BOARD

No questions

PUBLIC

No comments

BOARD

MOVED By Mr. Lessard to grant Special Permit to impact Wetlands Conservation District at 25 ½ Nudd Avenue, Map 282, Lot 31, subject to the stipulations in the Conservation Commission letter of April 30, 2007.

SECOND By Mr. Workman

VOTE: 7-0-0

MOTION PASSED

V. CONTINUED PUBLIC HEARINGS

- 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, Holmes & Ells, and Michael Green, applicant and option holder, presented this application. Ernest Cote, Surveyor, was also present. Mr. Ells said Jones & Beach Engineers conducted drainage study update. Ambit Engineering said this subdivision would not affect drainage in the area. The Department of Public Works would like to see an extension of the existing sewer in Fielding lane to the north into the existing sewer system. Mr. Ells said they had planned to tap into existing sewer main and run a parallel line to the lot to the right. Mr. Ells said with no possibility of other development on the street, they don't feel the additional trenching is warranted when there is another alternative.

BOARD

Mr. Higgins asked for clarification of the lot line adjustment. Mr. Cote described this change. Mr. McMahon asked if there was a sewer main in the sewer easement. There is.

Chairman Emerick explained this Board cannot approve applications conditioned on Department Heads. This application will need to be continued while the alternative sewer design is discussed with the Department of Public Works.

PUBLIC

Paul Nicholson, 11 Presidential Circle, asked Board to take into consideration the water problems that have occurred in the past. He is concerned that there will be continued water seepage onto the properties on Presidential Circle. For they last 5 years they have had water seepage. For the 15 years prior to that there had been no water. He asked for consideration of the residents of Presidential Circle.

BOARD

Mr. Lessard asked where the hard pipe took water from the street. Mr. Green described the flow of water. He said it was designed to direct water away from Presidential Circle.

MOVED By Mr. Lessard to continue this application to the May 16th meeting of the Planning Board for further discussion with the Department of Public Works.

SECOND By Ms. Mercer

VOTE: 7-0-0

MOTION PASSED

7-15) North Beach Investments Inc
Site Plan Review for construction of 6-condominium tourist cabins with pool at
76 Kings Highway
Map 196 Lot 25
Owner of Record: Raymond & Marie Gordon
JURISDICTION ACCEPTED: March 7, 2007

7-16) North Beach Investments Inc
Special Permit to Impact Wetlands Conservation District to construct 6 tourist cabins with pool at
76 Kings Highway
Map 196 Lot 25
Owner of Record: Raymond & Marie Gordon

Mr. Lessard recused himself for this application.

Steve Ells, Attorney, Henry Boyd, Millenium Engineering, and Randy Radkay, applicant and option holder, presented this application. Mr. Boyd went through the Ambit Engineering comments and explained the changes to the plans.

BOARD

Mr. Steffen reviewed his comments and recommendations to the Board on this application. He said the Department of Public Works doesn't object to pavers in the right-of-way. The Highway Safety Committee recommended backing into the parking spaces rather out of them. He checked with the Building Inspector, and the applicant does not need a handicap accessible unit. They do need a handicap parking space but it doesn't need an aisle.

There was discussion of the requirement that vehicles back into the parking spaces. This will be in the condominium documents. Mr. Ells said they looked at an alternate parking plan that would involve pushing everything back into the wetland buffer. The Conservation Commission did not like this proposal. They prefer the original parking plan with no further encroachment into the wetland buffer.

Mr. Higgins asked about snow storage since these would be year-round units. Snow storage is proposed to be in the guest parking spaces. He asked if there was a fence around the pool. There is. He asked if Ocean Club residents would use the pool. They will not. The rental office for the cabins will operate out of the Ocean Club. They don't anticipate nightly rental. It will be weekly or longer. Mr. Higgins asked about signage around the pool with respect to hours/noise to appease neighbors' complaints. There is a complete pool package for signage that will be used. Mr. Higgins asked if a 24-hour emergency number will be on the signage. It will be.

Trash removal issue was raised. It will be curbside trash pickup on Friday.

PUBLIC

Jeff Merrill, Attorney representing Jackie Garrity of 8 7th St stated the sight distance will be obstructed. He looked at the Town's regulations and State requirements and cited several of them. New Hampshire Department of Transportation says adequate sight distance is 400 feet. Several parking spots won't meet this requirement. NH DOT maximum for driveway width is 50 feet. The Town driveway width is 24 feet. This proposal says it will be a 95-foot driveway. Regulations state that access points shall be held to a minimum. The proposal has 10 access points. Sufficient area to get into and out of spaces should be 22 feet. This proposal has zero access. Trash facilities should be shown on the plan. The State of New Hampshire provides a test when waivers can be granted. Mr. Merrill presented 6 redesigns of the proposal, showing various configurations of 3 to 5 cabins with 3 to 5 parking spaces and with and without a pool.

Mr. Merrill provided all of the statutes he cited to the Planner for review.

Michael McMillan, 8 7th Street, said he moved to Hampton in 1999. That year the bagel shop opened across the street. People have been parking illegally on his side of the street for the bagel shop. He said they see near accidents on Kings Highway from their windows. They are concerned with the design of the parking for this project. He described two accidents he had witnessed and the situations that contributed to them. He feels this project adds more congestion to the area that is already problematic because of

the vehicular activity for the bagel shop. He indicated that water pools on this lot during storms. He witnessed water draining from the lot during tide events.

Debbie Conan, 6 7th Street, asked what the occupancy load would be for the cabins. They will be set up to accommodate 4 people. She is concerned that the units will be used for permanent residences.

There was discussion of this issue and the distinction between permanent residence and the education of school age children.

Mary Fennessy, Hampton Beach Trailer Park, said she wants to clarify that water is not coming onto the Trailer Park. She said she didn't get any information to indicate that all of their engineer's issues have been addressed.

Mr. Steffen said the engineering responses were received tonight and provided to the Board.

A resident who lives across from the site of the proposal, said the parking situation along Kings Highway will change soon when people start coming back to the trailer park and their summer homes. She said she has trouble backing out of her driveway because of vehicles parked along the lot of the proposal. She is concerned for safety.

Attorney Balcarro, Hampton, stated he represented several residents between 6th & 12th Streets. They are concerned about emergency access and denigration of quality of life. He said there is no room for the additional parking in the area. He then said there are summer residents who would like an opportunity to speak. He requested that the application be tabled to June 20th so that other individuals have an opportunity to be heard.

BOARD

Chairman Emerick reiterated that the Planning Board is a land use board. The land has rights. The Board has to vote on the plan before it. The plans have gone out to the Board/Town's experts and they have all responded. The project has been heard by the Conservation Commission, and this is the second public hearing before this Board.

Mr. Steffen asked for clarification. He doesn't feel drainage is adequately addressed. Mr. Higgins commented that he believed drainage has been adequately addressed.

MOVED By Mr. Higgins to grant a waiver from Site Plan Regulations to use pervious parking.

SECOND By Mr. Faulkner

VOTE: 3-3-0 (McMahon, Workman, Mercer)

MOTION FAILED

The parking area will need to be paved. Mr. Steffen noted the Conservation Commission was pleased with the eco-pavers planned for the parking area. There was discussion of the vote on this motion.

MOVED by Mr. Higgins to postpone this application to the May 16th meeting of the Planning Board when seven members are present and to place the application first on the agenda.

SECOND by Mr. Workman with the concurrence of the applicant.

VOTE: 6-0-0

MOTION PASSED

VI. CONSIDERATION OF MINUTES of April 18, 2007

Page 1 – Application 7-33, add “Mr. Higgins recused himself for this application.”

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

SECOND by Mr. McMahon

VOTE: 6-0-0

MOTION PASSED

VII. CORRESPONDENCE

Letter from Town Manager inviting a member of the Planning Board to sit on the newly created Task Force for replacement of the Hampton River Bridge. Mr. Higgins volunteered for this Task Force.

VIII. OTHER BUSINESS

Chairman Emerick asked about starting the Capital Improvement Program process now. Mr. McMahon agreed to continue on the Committee.

Mr. Higgins said the Planning Board should be sending a letter to the State DES expressing our dissatisfaction with DES approving projects without Town Planning Board approval. He is concerned that the State is approving wetland permits without Town Planning Board approval.

Chairman Emerick said the Planning Board would be starting zoning amendments this summer to allow more time for the public to speak.

Mr. Steffen advised that Hampton was selected by Plan NH for a Design Charrette this fall.

MOVED by Mr. Faulkner to adjourn.

SECOND by Mr. Higgins

VOTE: 6-0-0

MOTION PASSED

Meeting adjourned at 10:26 PM.

Respectfully Submitted,
Barbara Renaud, Planning Board Secretary