

**HAMPTON PLANNING BOARD**

**Minutes**

**March 05, 2008 – 7:00 p.m.**

**PRESENT:** Tracy Emerick, Chair  
Robert Viviano, Vice-Chair  
Tom Higgins  
Jim Workman, Selectman Member  
Bill Faulkner  
Robert Bilodeau, Alternate  
James Steffen, Town Planner  
Kristina Ostman, Administrative Assistant

**ABSENT:** Keith Lessard  
Fran McMahon, Clerk

**I. CALL TO ORDER**

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

**II. ATTENDING TO BE HEARD**

**III. NEW PUBLIC HEARINGS**

**08-010 430 High Street**

Map 166 Lot 7

Site Plan Review to use facility for weddings, receptions, showers, retirement, and the other functions with lodging in existing facilities and 33 on-site parking spaces for up to 99 guests, with overflow to Municipal parking lots.

Waiver Requests: Section V.E and VII. D

Owner of Record: Aaron E. Brown

**APPLICANT**

Attorney Peter Saari of Cassassa & Ryan with the applicant Aaron E. Brown.

Mr. Saari gave a brief history of the Victorian Inn and its current use. The site plan was approved by the Zoning Board of Adjustment.

Mr. Steffen suggested that the Board require a more detailed site plan. Mr. Higgins stated that the wetland buffer should be shown, as it was a bone of contention in the past for an abutting property.

Mr. Viviano inquired about the variances on the property. It was explained that the variances granted were for the use.

**PUBLIC** - No comment.

**BOARD DISCUSSION**

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It was noted that the Planner's recommendation is to require more information on the plans, as that has been the practice of the Board.

Discussion ensued on the need for a drainage study. It was decided that the Board would continue the application to March 19<sup>th</sup> for the applicant to submit a plan showing the wetlands buffer and the topographic lines only.

**MOVED** by Mr. Viviano to continue to March 19<sup>th</sup>, 2008.

**SECOND** by Mr. Bilodeau

**VOTE:** 6-0-0

**MOTION PASSED**

**07-015 76 Kings Highway**

Map 196, Lot 25

Remand from the Court - Amended Site Plan Review of Six (6) Condominium Tourist Cabins with pool.

Waiver Requested: Section V.E (Detailed Plan)

North Beach Investments Inc.

Owner of Record: Raymond & Marie Gordon Estate

**APPLICANT**

Attorney Ells and Randy Radkay, principal of North Beach Investments, Inc.

Mr. Ells mentioned the Court remand and the Board discussed how to handle it. It was decided it would be held in abeyance until after the hearing on application #08-011.

**MOVED** by Mr. Faulkner to continue and hold application #07-015 in abeyance.

**SECOND** by Mr. Viviano

**VOTE:** 6-0-0

**MOTION PASSED**

**08-011 76 Kings Highway**

Map 196, Lots 25 & 14

Amended Site Plan Review: To construct Six (6) Condominium Tourist Cabins with pool.

Waiver Requested: Section V.E (Detailed Plan)

North Beach Investments Inc.

Owner of Record: Raymond & Marie Gordon Estate

**08-012 76 Kings Highway**

Map 196, Lots 25 & 14

Special Permit to Impact Wetlands: To construct Six (6) Condominium Tourist Cabins with pool.

North Beach Investments Inc.

Owner of Record: Raymond & Marie Gordon Estate

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**APPLICANT**

Attorney Ells presented the amended site plan to the Board. Mr. Ells explained briefly the history of the site. The site plan has received approval for one variance, which is for the front setback.

Mr. Higgins asked if there would be fencing in front of the property on Kings Highway. He also asked from whom is the right of way from. Mr. Ells explained it is a paper street, and after time the rights of the Town were eliminated, however abutting properties have the right of access over the paper street. Clarification of the line on the plan.

**PUBLIC COMMENT**

Attorney Jeff Merrill representing the abutters Garrity's. In speaking with the developer they believed that this was the best access the site has to offer, but they had a few concerns. When the plan went before the Zoning Board it showed a fence across the entire front of the lot. They believe that the plan should be conditioned upon the fence being put in. He also questioned a detail of the building envelope. He noted that because the structure is capable of carrying a second floor he suggested the Board require a detailed floor plan be provided that shows less than 330 ft of sleeping space in those areas. This request is to ensure that the second floor is not built out, just a loft would be allowed. Mr. Higgins identified that any expansion of the cabins was prohibited in earlier decisions.

Discussion ensued on what is a sleeping area and what is allowed by regulation.

Beth Wandry - Would like assurances that the hours of the pool are limited and the need for proper trash removal.

**BOARD DISCUSSION**

Discussion ensued on previous conditions of approval.

**MOVED** by Mr. Viviano to grant the special permit with the stipulations of the Conservation Commission letter of February 27, 2008.

**SECOND** by Mr. Faulkner

**VOTE:** 6-0-0

**MOTION PASSED**

**MOVED** by Mr. Viviano to approve amended Site Plan with former conditions and the following additional items: Final plans shall indicate the location of snow storage and the plans shall have a note that the snow storage is prohibited in the wetlands buffer area. Plans shall indicate the location of the fencing across the entire front line in accordance with the plan signed and dated by Henry H. Boyd 02-19-2008. Plan shall indicate the type of privacy fencing to be used. Plans are to indicate the screening material and storage location of trash receptacles to be used for curbside pick up. The hours of the Pool shall be posted and the Pool shall close at 10:00PM. The units cannot be utilized as a primary residence and shall be so indicated on the final site plan and in the condominium documents.

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**SECOND** by Mr. Faulkner

**VOTE:** 6-0-0

**MOTION PASSED**

Mr. Higgins would like it noted that he was not invited for the discussion on the court remand with Town Counsel.

**08-013 431-435 Ocean Blvd**

Map 266, Lots 27 & 47

Site Plan Review: To demolish Riviera Motel and residential buildings.

Construct a 23-unit condominium with on-site parking and amenities. Eliminate 3,550 SF of impervious in buffer, restore wetlands along the marsh

Applicant: Kier Family Entrepreneurs Inc.

Owner of Record: Denise Campeau & Kier Family Entrepreneurs Inc.

**APPLICANT**

Both applications were heard as one application.

Attorney Ells appearing for the Kier Family Enterprises; Joe Coronati of Jones and Beach and the Witcher Builders, designer of the building.

Attorney Ells explained that this is a traditional condominium development similar to others that have appeared before the Planning Board of late. He noted that they have appeared before Hampton Beach Area Commission and the Zoning Board of Adjustment.

Impervious surface and storm water runoff reductions. Restoration of the wetlands. Reduction of driveways from two to one, state permit will be obtained

Mr. Higgins asked about trash, the height of the garage, the height of the door, mail delivery and designated parking spaces.

Mr. Bilodeau asked about fire truck access to the rear of the building. Mr. Coronati explained that they do not anticipate fire trucks coming to the rear of the building. They hired Bob Cummings- fire protection engineer who worked with Jonathan True to help obtain a building permit. The fire protection engineer reviewed and stamped the site plans. In addition Mr. Coronati added that the building was fully equipped with sprinklers, had exit signs and multiple sets of stairways.

**PUBLIC DISCUSSION**

Diane Beach, 445 Ocean Blvd “Top of the Surf” resident.

A letter was read into the record the attorney retained by the Top of the Surf Association.

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Concerns of whether or not they were notified and ownership of fence. Would like the Board to consider the following concerns: Lighting, fencing, enough distance from sidewalk for standing of car to entry structure, trash location.

Mr. Ben Canova concern of fire, and the ability of rescue vehicle reaching their destination.

Maureen Paterson – Concern of the traffic entering and existing the building with the garage door and the associated noise. Concern about the design for fire protection.

Public session was closed.

Mr. Ells submitted a letter from the Hampton Beach Area Commission regarding the project. Mr. Ells recapped that they will certainly satisfy the abutter concerns while the project is going through the review processes.

**BOARD DISCUSSION**

Mr. Higgins inquired about the variances grant. Mr. Ells stated the variances were for height at 57'4, and the litany of the multi family residential articles.

Mr. Coronati detailed aesthetic issues that would address the abutters concerns,

**MOVED** by Mr. Bilodeau to April 16<sup>th</sup>, 2008

**SECOND** by Mr. Faulkner

**VOTE:** 6-0-0

**MOTION PASSED**

**08-014 431-435 Ocean Blvd**

Map 266, Lots 27 & 47

Special Permit to Impact Wetlands: To demolish Riviera Motel and residential buildings. Construct a 23-unit Condominium with on-site parking and amenities.

Eliminate 3,550 SF of impervious in buffer, restore wetlands along the marsh,

Applicant: Kier Family Entrepreneurs Inc.

Owner of Record: Denise Campeau & Kier Family Entrepreneurs Inc.

**MOVED** by Mr. Bilodeau to continue to April 16<sup>th</sup>, 2008 meeting, to send out for departmental review; submittal of \$3000.00 for outside engineering review.

**SECOND** by Mr. Faulkner

**VOTE:** 6-0-0

**MOTION PASSED**

**IV. CONTINUED PUBLIC HEARINGS**

**07-083 Olde Hampton Village Continued from 10/03/07, 11/21/07, 12/05/07, 12/19/07, 01/02/08 & 01/16/08 & 03/05/08.**

340 Lafayette Road

Site Plan Review

Parking Lot Expansion and Drainage Rehab.

Pegasus Management Corp.

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Map 175 Lot 8

Owner of Record: Narcissus Real Estate, LLC

Applicant has requested a continuance to April 16, 2008

**MOVED** by Mr. Higgins to continue to the June 18<sup>th</sup> 2008 meeting.

**SECOND** by Mr. Bilodeau

**VOTE:** 6-0-0

**MOTION PASSED**

**08-007 Bonair Ave. & Locke's Field (40, 48 & 50 Esker Drive Rear) Cont. from  
02/06/08**

Map 209, Lot 50

Minor Lot line Adjustment: To transfer a total of 46, 290 SF to the following properties: 40 Esker Drive -15, 987 SF Lot 34, Map 209; 48 Esker Drive - 1,389 SF Lot 39, Map 209; and 52 Esker Drive - 8,933 SF Lot 40, Map 209.

Applicant: Peter Olney

Owner of Record: Meadow Pond Farm Group

**APPLICANT**

Peter Olney with proposed purchasers of land. John Salters- Surveyor, Michael McCarthy - Attorney. Chairman Emerick stated that the Board will be considering this as a subdivision-and the applicant should amend the application to reflect the creation of a more non conforming lot than currently exists.

**PUBLIC COMMENT**

Mal Wilt 79 Esker Road read into the record a letter from the Meadow Pond Farm Design Review Board.

Ed Woichak on behalf of Mary Ellen Ajemian. No objection to the lot line adjustment, however, her concern is with the strip of land that runs from Winnacunnet Road to Esker Road. She believes that she owns ten feet of the land along her property.

**BOARD DISCUSSION**

Discussion among Board members on the issues of the subdivision, specifically the deed descriptions and restrictions, the substance of the confidential memorandum from the Town Attorney and how it may effect approval.

**MOVED** by Mr. Higgins to continue April 2, 2008 to allow for applicant's legal counsel and Town Counsel to discuss the appropriate action to take.

**SECOND** by Mr. Bilodeau

**VOTE:** 6-0-0

**MOTION PASSED**

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**V. CONSIDERATION OF MINUTES of February 20, 2008**

**MOVED** by Mr. Workman

**SECOND** by Mr. Bilodeau

**VOTE:** 6-0-0

**MOTION PASSED**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

Request for a two-year extension of the Special Permit for 471 Exeter Road by Marjorie Cypress.

**BOARD DISCUSSION**

It was noted that the Special Permit was for a driveway crossing.

**MOVED** by Mr. Faulkner

**SECOND** by Mr. Bilodeau

**VOTE:** 5-0-1

Mr. Higgins opposed

**MOTION PASSED**

Discussion ensued on the transcribing of minutes verbatim. It was agreed that in general the minutes should be basic, show the general discussion, the motion, and the reason why dissenting.

**VIII. ADJOURNMENT**

**MOVED** by Mr. Bilodeau to adjourn.

**SECOND** by Mr. Faulkner

**VOTE:** 7-0-0

Meeting adjourned at 9:01 pm