

HAMPTON PLANNING BOARD

Minutes

November 5, 2008 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Robert Bilodeau, Alternate
Mark Loopley, Clerk
Fran McMahon
Keith Lessard
Richard Bateman, Selectman Member
James Steffen, Town Planner
Candice Sicard, Planning Secretary

ABSENT: Robert Viviano, Vice-Chair

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

08-049 561 Ocean Blvd

Map 245 Lot 10

Applicant: Ocean Meadow Townhouse Association

Special Permit to Impact Wetlands: Place vinyl siding over wood shingles. Place tarp on ground to catch old shingles / nails and paint chips using B.M.P. Place plywood sheeting on ground to hold ladders in place

APPLICANT

Joe Chamberlain unit number seven, Larry Beland unit number three, residents of 561 Ocean Boulevard discussed the application to temporarily impact the wetlands by adding vinyl siding to their building. They noted that the Department of Environmental Services had been contacted and Frank Richardson put conditions on the approval of the application such as notifying the Conservation Commission when work started and finished, that the site be kept tidy and have the work completed in the November / December months. Mr. Chamberlain also noted that the Conservation Commission also had some stipulations, listed in their recommendation to the Planning Board. Presented were letters from the Northerly and Southerly properties granting permission for access to the marsh through the side yards. The residents also noted a seven to ten day time frame for completion of the project.

PUBLIC

No Comment.

BOARD

No Comment.

MOVED by Mr. Higgins to approve the Special Permit to Impact Wetlands with the stipulations listed in the Conservation Commission letter dated 09/29/08 and that the applicant obtains all necessary Federal and State permits.

SECOND by Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

08-050 144 Ashworth Ave

Map 293 Lots 66 & 74

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Applicant: Lawrence DeFranco
Amended Site Plan
Waiver Request: V. D & E
Owner of Record: Zoo Property Management

APPLICANT

Mr. Lessard recused himself. Lawrence DeFranco, Zoo Property Management and Mr. Victor Lessard, Hampton resident, detailed the amended site plan. Mr. Lessard noted that there were discrepancies in the site plan and the existing pervious surface and that the current owners would like to get the property in compliance. Mr. Lessard also detailed that in order to come up with the correct amount of pervious surface there are a number of things that can be done including the removal of some items being stored on the side of the building. It was suggested that the applicant returns to an upcoming meeting with a revised site plan so the true pervious surface can be documented.

PUBLIC

No Comment.

BOARD

MOVED by Mr. Loopley to continue the referenced application the November 19, 2008 Planning Board Meeting.

SECOND by Mr. Bateman

VOTE: 6-0-0 **MOTION PASSED**

08-051 35 Brown Ave
Map 274 Lot 168
Applicant: Frank Gelsomini
Special Permit to Impact Wetlands: Repair stonewall by replacing stones which have fallen into tidal creek to insure no further erosion.

MOVED by Mr. Lessard to continue the referenced application to the January 7, 2009 Planning Board Meeting.

SECOND by Mr. McMahon

VOTE: 7-0-0 **MOTION PASSED**

08-052 24 Manchester Street
Map 289 Lot 43
Applicant: Barbara E Kenny
Special Permit to Impact Wetlands: Construct an 8.2' x 13.7' addition an 4.7' x 10.0' deck (with stairs) to an existing home which would be as close as 28' from the highest observable tide line but buffered from that line by the existing home, and remove a set of stairs which is also in the buffer.

APPLICANT

Barbara Kenny, applicant and Attorney Peter Saari, Cassassa and Ryan. Attorney Saari explained that the proposal is to square off a corner of existing building, remove a stairway. Attorney Saari noted that the State approval has not yet been granted but the application is for a minimal impact permit on already disturbed area. Attorney Saari explained the existing and

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proposed floor plans have been submitted. It was noted that there is a separate application in to the Zoning Board of Adjustment to increase house size by building up. Mr. Higgins said he was at the Conservation Commission meeting where the applicant agreed to change the east driveway to pervious surface and to have parking only 20 feet on the west side of the building. They have also agreed to add 300-400 feet of pervious surface to the site. Mr. McMahon asked why the application was before Planning when the Z.B.A had not yet made a decision. Attorney Saari stated that there is no variance needed currently for what they are proposing to do. Mr. Lessard asked what was being requested from the Z.B.A. Attorney Saari explained that currently the building is nonconforming to the setback and anytime you build up in a setback you need relief from the Z.B.A.; the use is permitted but the structure is nonconforming. He noted that the height would only be raised approximately a foot and a half; this was disclosed to the Conservation Commission. There was further discussion about the Z.B.A meeting.

PUBLIC

No Comment.

BOARD

No Comment.

MOVED by Mr. Bilodeau to approve the Special Permit to Impact Wetlands with the stipulations listed in the Conservation Commission letter dated 10/31/08 and that the applicant obtains all necessary Federal and State permits.

SECOND by Mr. Bateman

VOTE: 7-0-0 **MOTION PASSED**

08-053 1026 Ocean Blvd

Map 116 Lot 36

Applicant: John C Thibault

Special Permit to Impact Wetlands: Remove and rebuild seawall

Owner of Record: John C Thibault 1999 Trust

APPLICANT

Applicant John Thibault and Joe Coronati, Jones and Beach Engineers. Mr. Coronati detailed the application and the specific lot noting that the seawall is deteriorating. The lot sits 20' higher than high tide line and the application is to construct the wall and add set of removable wooden stairs. Mr. Coronati detailed the construction process. Mr. Lessard asked how citizens could pass along the beach when construction is going on. Mr. Coronati explained that people could walk around the area as the tide would not get that high and the staging area will not be fenced off.

PUBLIC

No Comment.

BOARD

No Comment.

MOVED by Mr. Higgins to approve the Special Permit to Impact Wetlands with the stipulations listed in the Conservation Commission letter dated 10/31/08, that the applicant obtains all necessary Federal and State permits and that the applicant receive all necessary permission from

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the Board of Selectmen for the staging, parking of construction vehicles and the removable wooden staircase.

SECOND by Mr. Loopley

VOTE: 7-0-0 **MOTION PASSED**

IV. CONTINUED PUBLIC HEARINGS

08-040 **515 Winnacunnet Road** **Continued from 08/06/08, 09/03/08**

Map 222 Lot 118-7

Applicant: David Richards

Special Permit to Impact Wetlands: Demolish existing structures, rebuild using existing footprint. Raise new structure above designated flood plain elevation and build on concrete piers (14 piers, 4 feet deep in order to meet structural requirement). Footprint of existing deck will become screened porch.

APPLICANT

Brian Eagan, contractor appeared with David Richards the applicant. Mr. Eagan noted that they had received a variance from the Z.B.A. The Board discussed the letter from Frank Richardson, the Conservation Commission recommendations and demolition. Mr. Eagan also noted that the condominium association was aware of the project.

PUBLIC

No Comment.

BOARD

Mr. Loopley asked for dimensions on the proposal plan. It was clarified that the specific plan he was looking at was just for the purpose of showing the building elevation, but the plan was drawn to scale, which is noted on the lower portion of the plan. There was discussion about other projects that have come to the Board for 515 Winnacunnet Road. Mr. Higgins asked if the use was seasonal and this was confirmed. There was discussion about a applying an impact fee if the property was to be used year round. There was also discussion about Shoreland protection permits and the Department of Environmental Services (D.E.S.) letter dated October 4, 2008. It was noted that the Conservation Commission calculated the reduction of impervious surface.

MOVED by Mr. Higgins to approve the Special Permit to Impact Wetlands with the stipulations listed in the Conservation Commission letter dated 08/26/08, that the applicant obtains all necessary Federal and State permits, if a shoreland protection permit is not needed the applicant must provide a letter stating such from the D.E.S, the applicant adds dimensions to the plan and resubmit to the Planning Office and the property must only be used seasonally.

SECOND by Mr. Lessard

VOTE: 7-0-0 **MOTION PASSED**

08-044 **321 Lafayette Road** **Continued from 08/06/08, 09/17/08, 10/01/08**

Map 175/10, 175/13, 176/15, 175/20, & 176/15-1

Applicants: Tropic Star Development, LLC., Katherine Tinios Revocable Trust, Galley Hatch Enterprises, LLC, John M, Tinios Revocable Trust (John M. Tinios, Trustee), & First NH Bank (c/o Citizens Bank- Corporate Tax Dept.).

Site Plan Review: To construct a pharmacy and attached retail space; add restaurant patio and expanded parking.

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Owner of Records: Katherine Tinios Revocable Trust (175/10), Galley Hatch Enterprises, LLC (175/13), John M, Tinios Revocable Trust (John M. Tinios, Trustee (176/15 & 175/20), First NH Bank (c/o Citizens Bank- Corporate Tax Dept. (176-15-1).

APPLICANT

Joe Coronati, Jones and Beach Engineers appeared with Attorney Peter Saari, Cassassa and Ryan. Mr. Coronati noted that at the Board of Selectman meeting there are a number of issues with the intersection, which are problematic and that ownership of land was also discussed. He noted that currently Option A is the plan for the CVS only and that Option B shows the proposed intersection and off-site improvements. The purpose of splitting the applications was so that the Board could review them separately because Option B will go to the Town Meeting for a vote. Mr. Coronati explained Ambit's comments were responded to with the new plans, comments from the Department of Public Works have recently been emailed to John Price, and some fire related concerns are still being addressed such as turning maneuvers and widening the back alley way by a foot. There was discussion about the Rockingham Planning Commission comments to the off-site improvements. There was discussion about the railroad line right of way, the intersection and the CVS. There was also discussion about the intersection and in the future if State decided to improve the intersection themselves, and the impact this may have on the Galley Hatch and CVS. Mr. Higgins asked about Ambit's concerns and Mr. Steffen noted that they are waiting on the second round of comments. Mr. Lessard asked about the layout for the retail spaces. Mr. Coronati said that there is a plan dated 08/26/08, which showed floor plans.

PUBLIC

No Comment.

BOARD

CVS will go forward with the existing Northern Entrance (Galley Hatch). The Galley Hatch will prepare Options A, showing existing changes, and B showing the intersection, to go on the ballot."

MOVED by Mr. Loopley to continue to the referenced application to the November 19, 2008 Planning Board Meeting.

SECOND by Mr. Lessard

VOTE: 7-0-0 **MOTION PASSED**

V. CONSIDERATION OF MINUTES of October 15, 2008

MOVED by Mr. Bilodeau to approved the minutes from the October 15, 2008 Planning Board Meeting.

SECOND by Mr. McMahon

VOTE: 7-0-0 **MOTION PASSED**

VI. CORRESPONDENCE

VII. OTHER BUSINESS

1. Town Center Consultant

It was noted that the Town Attorney wrote two different proposals for a warrant article. There was discussion about verbiage and adding something to address matching grants. The visit by

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Mr. Alan Plattus was discussed. One comment that Mr. Plattus offered was that in some suburban areas have the local government moves its offices out of compact town area and in Hampton he was happy to see that we maintain the town government center area in the center of town.

MOVED by Mr. McMahon to submit the revised warrant article to the Board of Selectman.

SECOND by Mr. Lessard

VOTE: 6-0-1 MR. BATEMAN ABSTAINED MOTION PASSED

- Mr. Steffen noted that proposed Zoning Amendments were being worked on and should be addressed at an upcoming meeting. There was discussion about flood hazard regulations and Mr. Steffen noted that the Office of Energy and Planning flood representative had a recent community visit where she at our existing regulations and suggested revisions to the flood hazard regulations. There was discussion about the length of the zoning articles.
- Mr. Steffen also discussed the new workforce / affordable housing law and how the Planning Board can address this. He noted that research is currently being done to determine whether or not Hampton needs to implement new workforce / affordable housing regulations.

VIII. ADJOURNMENT

MOVED by Mr. Bateman to adjourn.

SECOND by Mr. Bilodeau

VOTE: 7-0-0 MOTION PASSED

- Mr. Victor Lessard spoke about the old railroad and its relation to the CVS project.

Meeting adjourned at 8:50 pm

Respectfully Submitted,

Candice Sicard

Planning Secretary