

## HAMPTON PLANNING BOARD

### Minutes

April 7, 2010 – 7:00 p.m.

**PRESENT:** Fran McMahon, Vice Chairman  
Tracy Emerick  
Keith Lessard  
Mark Olson, Clerk  
Robert Viviano  
Rick Griffin, Selectman Member  
Steven Miller, Alternate  
James Steffen, Town Planner

**ABSENT:** Mark Loopley, Chairman

### I. CALL TO ORDER

Vice Chairman McMahon began the meeting at 7:00 p.m. by introducing the Board members and leading the Pledge of Allegiance to the flag.

Mr. McMahon began the meeting requesting continuances. Per Mr. Steffen, 19 Thornton Street – special permit to repair and stabilize sea wall needs to be continued as they need to complete an as-built plan for the State. Mr. Steffen requested it be continued to the May 5, 2010 meeting.

One Liberty Lane has also been requested to be continued by the Applicant to the May 5, 2010 meeting .

**MOVED** by Mr. Emerick to continue both matters to the May 5, 2010 meeting.  
**SECOND** by Mr. Lessard.

**VOTE:** 7 – 0 – 0      **MOTION PASSED.**

### II. ATTENDING TO BE HEARD

- Temporary Parking Lot Approval Extension – 83-91 Ocean Boulevard

**Applicant** Jack Kopka spoke. This property is the lot the Old Salt was on in the past. He stated that he has reviewed the temporary parking lot regulations. In 2008, a temporary parking lot was approved with conditions. It is the same plan before the Board. Mr. Steffen and Mr. Kopka met earlier and went over the plans for the parking lot.

A temporary fence has been up previously, but did not work out well. It was 42 posts – 3 ½ feet being proposed – regular fence post. He discussed a rope fence. He feels it will look nice.

There was a drainage problem in 2008. Twelve truckloads of dirt have been dropped off to help keep water from running off the lot.

Mr. Kopka will regrade the back portion of the lot and put in wild flowers. He stated an abutter, Ms. Lilienthal, is happy.

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Mr. Kopka stated that he has a shed that he'll put back where it was last year and the property will be a lot nicer. He feels it's not practical to put anything else on the lot. He noted a lot of money is on this piece of land and the taxes are very high.

**BOARD**

Mr. Lessard asked if he was reducing the number of parking spaces. The approval of 2008 was discussed and which lots would be taken out. Mr. Kopka showed Mr. Lessard which lots will be taken out. Mr. Kopka stated the green trailer will be out by the 15<sup>th</sup> of April.

Mr. Viviano stated the lots are not paved and wanted to know where Mr. Kopka is putting the parking spaces as there is no way to way to designate them. Per Mr. Kopka, he will mark the rope and explained that all the college kids who will be working for him know where to park the cars.

**MOTION** by Mr. Emerick to approve a one-year extension on the temporary parking lot at 83-91 Ocean Boulevard, subject to the parking lot containing 89 parking spaces and the installation of a rope-style perimeter fence as submitted with the request.

**SECOND** by Rick Griffin.

Mr. Olson asked if the police monitor the parking lot to which it was responded “no”. Mr. Griffin hopes it looks nicer than it looks now.

**VOTE:            7 – 0 – 0            MOTION PASSED.**

**III. NEW PUBLIC HEARINGS**

**10-007    15 Thornton Street**

Map: 303 Lot: 5

Applicant: Florence Loosigian

Owner of Record: Florence Loosigian

Special Permit to stabilize sea wall.

**10-009    Thornton/Campton Streets**

Maps: 303-305    Lots: 1-17

Applicant: Sun Valley Association

Owners of Record: Multiple

Special Permit to repair and rebuild riprap seawall.

The Board requested that the Thornton Street matters above be heard together. The Board combined the two applications for the purpose of hearing them, but the Board will vote separately on each per Mr. McMahon.

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**Applicants** Florence Loosigian, Mary Rae Preston and Stanley Sarace appeared and spoke. Ms. Preston stated that the sea wall has needed work for many years. All of the current sea wall is exposed. Stanley Sarace is the contractor. Ms. Preston stated that all of the wall is on Town property. In 2006, the Town gave permission to perform the work. They got permission from the Conservation Commission. Ms. Preston stated the residents are paying for the repairs themselves.

### BOARD

Mr. Emerick asked if the applicants had a copy of the letter of March 24<sup>th</sup> from the Conservation Commission to which they responded that they did not receive a letter from them yet.

Mr. McMahon mentioned the wetlands impact and that the applicants need to go to the Selectmen to get approval to work on Town property. Mr. Lessard asked about the problem on Lot 19 Thornton. Mr. Emerick stated it is the as-built lot.

Mr. Sarace mentioned how the State said to repair the wall immediately before the houses washed into the ocean.

Mr. Viviano asked if work has been done yet to which Mr. Sarace responded “no”. Mr. Sarace stated it was an emergency and they took care of it with the State.

Mr. Lessard noted that it's 22 families. One resident may need a separate permit for her own lot as it was not a part of these applications before the Board tonight.

Mrs. Loosigian stated that she has been doing her wall since 2005. She put the rocks in herself. The Board stated that it does not want to hear that. Mrs. McGrath wasn't in original permit. Mrs. McGrath is going to the State for an emergency permit. Ms. Preston said the sand is gone and that some residents are going down two sets of stairs to get to the beach.

Mr. Steffen stated that Mrs. Riendeau is a part of the group, but did an emergency action with the State. Mrs. Loosigian had so many rocks she decided to not go through the State.

Mr. Emerick asked if Ms. Loosigian is part of the Association to which she stated “yes”. Mrs. Loosigian's original permit expired, so she reapplied. Mr. Emerick asked how the Board would deal with #5 and #10. Mr. McMahon agreed with Mr. Viviano that the Board should take all applications together and approve them. Mr. McMahon said if applicants come in separately in the future, the Board will vote on them at that time.

**MOTION** by Mr. Viviano to approve the special permit to stabilize the sea wall of 15 Thornton Street subject to the stipulations noted in the Conservation Commission letter dated March 31, 2010, and approve the special permit application of Sun Valley Association for a special permit to repair and rebuild riprap seawall for lots 1 through 17 subject to the stipulations in the Conservation Commission letter dated March 31, 2010.

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**SECOND** by Mr. Emerick.

Mr. Lessard stated the approval will include the stipulations in the letters from the Conservation Commission dated March 31, 2010.

**VOTE:                    7 – 0 – 0                    MOTION PASSED.**

**10-010    19 Thornton Street**

Map: 303    Lot: 10

Applicant: Marielle Riendeau

Owner of Record: Marielle Riendeau

Special Permit to repair and stabilize sea wall.

**CONTINUED TO MAY 5<sup>TH</sup> MEETING PER ABOVE**

**10-012    8 & 10 Haverhill Street**

Map: 293    Lot: 144

Applicant: Joseph & Marcia Siracusa, Trustees of Siracusa Nominee Trust

Owner of Record: Joseph & Marcia Siracusa, Trustees

Condominium Conversion of a three-unit building.

Waiver Request: Section V.E., Detailed Plan.

Attorney Steve Ells spoke on behalf of Mr. Siracusa, one of the Trustees of the Siracusa Trust. They were before the Planning Board last year for this property and went through the site review process. There are two buildings. There were two on-site parking spaces. Since doing renovations, they now have 4 on-site spaces. The Siracusas also have a number of leased spaces. It's always been leased parking with 2 on site. In the foreseeable future, they will keep the leased spaces, and when Mr. Siracusa sells, he may allow them to become tenant's spaces. There are four spaces on site and the ordinance states they need at least three spaces. Per Attorney Ells, applicant is seeking a waiver on the Detailed Plan.

Number 8 Haverhill has been almost completed; work is in progress now to renovate front building and #10 Haverhill Street should be done by August.

They will assign parking spaces in the condo declarations. Front lower unit will get 2 spaces, front upper unit will get one and the smaller unit at #8 will get one space and they will be specifically designated.

There will be curbside trash pickup and recycling. Snow plowing if snow storage is needed, will have to be addressed.

Siracusas will own one of the units. There probably will not be a lot of snowplowing to be done. Any surplus snow will be moved off site.

Mr. McMahan asked if there are any significant changes from the plan approved a year ago. Attorney Ells stated there is virtually no change to what was approved a year before.

Mr. Viviano asked about the waiver. This was noticed to the public per Mr. Steffen.

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**MOTION** by Mr. Viviano to approve the waiver of Section V.E. Detailed Plan.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0 MOTION PASSED.**

Mr. Steffen mentioned the condominium documents. Mr. Steffen stated that the condominium documents need to be reviewed by the Town Attorney and then recorded along with the approved site plan. Attorney Ells asked the Board to waive the Town Attorney review of the documents. He stated the documents should be reviewed by the Town Planner, not the Town Attorney. Attorney Ells stated that it's not necessary unless there are complicated issues that Town Attorney needs to address. Mr. Viviano stated if the Town Attorney requests it be reviewed, then it should reviewed by the Town Attorney as depicted on Plan Number 4-98-5660, dated – last revision 2/17/10.

**MOVED** by Mr. Viviano to approve the condominium conversion with the conditions included in the Planner's Memo dated April 2, 2010.

**VOTE: 7 – 0 – 0 MOTION PASSED.**

**10-015 145 Island Path**

Map: 281 Lot: 42

Applicant: Bryan Belanger, Jr.

Owner of Record: Bryan Belanger, Jr.

Special Permit to Impact Wetlands. Replace existing fence with a new one.

**Applicant** Brian Belanger appeared. He wants to replace a fence that has blown down over time. The left part of the fence is there, but due to the wetlands permit, he decided to go for a special permit to get the entire fence redone. The only new part of the fence will be the right-hand side of the property.

**BOARD**

Mr. Miller asked if it is an existing fence on the left-hand side of property. Mr. Belanger stated it will be extended and moved to the other side of the bushes. Mr. McMahon asked him to view the Conservation letter. Mr. Belanger said it contained everything that was agreed on at the meeting and the railroad ties have been removed as requested.

**MOTION** by Mr. Viviano to approve the special permit to replace the existing fence with a new one subject to the stipulations of the Conservation Commission letter dated March 31, 2010.

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 – 0 MOTION PASSED.**

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**10-016 9 Summerwood Drive**

Map: 119 Lot: 6-1

Applicant: David K. Johnson

Owner of Record: David K. Johnson

Condominium Conversion of a two-unit building.

Waiver Request of Section V.E., Detailed Plan.

Attorney Peter Saari spoke representing the applicant. It is a two-unit building to be converted into two unit condominiums. Condominium documents need to be presented to the Town Attorney.

Mr. Lessard asked about the septic system. Per Attorney Saari, it's "proposed". It's under construction. Mr. Lessard asked why the word "proposed" is in the documents to which Attonrey Saari stated that it is proposed because it is not functioning.

**PUBLIC**

Richard Brady has property on Timberwamp Road which abuts the property. He has no objection, but wanted to know if there was a hearing prior to construction. Mr. Steffen said they don't need to have a hearing and that two family conversions do not require Planning Board approval.

Mr. Brady was curious about drainage. He asked if this is a correct avenue to go. Mr. Lessard stated it is a General Use zone and duplexes are allowed in that zone. He's now changing it to condexes. Mr. Brady wants to know when he should have asked about drainage.

Mr. Emerick stated he should go to the Building Department and check the building permit. Mr. Viviano agreed.

Mr. Olson asked about setbacks. Mr. Lessard asked about grading. Mr. Brady said a lot of fill was brought in. Mr. Emerick asked if construction sends water flowing onto his property. Drainage issues were again discussed.

Mr. McMahon asked if final grading was complete and Mr. Brady said probably not. It was noted the Planning Board has no way of knowing at this time. Mr. McMahon said he should go to Building Inspector for answers.

**BOARD**

Mr. Olson brought up the proposed septic system again. It has to be approved by the State per Mr. Viviano. Mr. Lessard would like the word "proposed" to be taken off. He can't tell where it's going to be located. Mr. Lessard would feel better if the design of the septic was given.

Mr. Steffen noted that driveways aren't shown either. Mr. Lessard noted that the snow storage is shown.

**MOTION** by Mr. Emerick to grant waiver from Section V.E., Detailed Plan.

**SECOND** by Mr. Viviano

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**VOTE: 7 – 0 – 0 MOTION PASSED.**

With regard to the condominium conversion of the two-unit building.

**MOTION BY** Mr. Emerick to grant conversion of two-unit building with the site plan to be revised to show driveways and remove “proposed” and show actual area for the septic system. **SECOND** by Mr. Viviano.

Mr. Steffen noted that the parking be met with two spaces within each garage, but a note should be added to the plan to indicate that. Planner’s Memo of April 1<sup>st</sup> is to be included in motion.

**VOTE 7 – 0 – 0 MOTION PASSED.**

**10-017 599 Ocean Boulevard**

Map: 235 Lot: 19

Applicant: James P. Dickson

Owner of Record: James Dickson & Schubert Family Limited Partnership  
Condominium Conversion.

Waiver of Section 5.E., Detailed Plan.

**Applicant** James Dickson spoke regarding converting a two-unit building into two condominiums. No structural changes will be done, just general cosmetic improvements. He is also requesting a waiver of Section 5.E. Detailed Plan.

**BOARD**

Mr. McMahon asked if parking spaces are outside the wetlands buffer. Mr. McMahon also asked about the parking area and if it encroached into the State right-of-way. Mr. Dickson stated that it is 32 feet from the building to white line of road. Mr. McMahon stated if the State wants to reclaim property it'll take it. Mr. McMahon wanted to make Mr. Dickson aware of it.

Mr. Dickson stated he worked with Mr. Steffen to get parking squared away. Parking spaces will be assigned. He stated that nine feet of width is sufficient per Mr. Steffen.

**MOTION** by Mr. Emerick to grant the waiver from Section V.E. Detailed Plan.

**SECOND** by Mr. Viviano.

**VOTE 7 – 0 – 0 MOTION PASSED**

**MOTION** by Emerick to grant conversion of the two-unit building into two condominiums with the conditions of the Planner’s Memo of April 1, 2010.

**SECOND** by Mr. Viviano.

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**VOTE 7 – 0 – 0**

**MOTION PASSED**

**10-018 231 Mill Road**

Map: 91 Lot: 3A

Applicant: East Kingston Development, LLC

Owner of Record: Open Meadow Homes, LLC

Preliminary Consultation - Subdivision Application

Mr. McMahon stated that this matter is a preliminary consultation – it's a mechanism in law that allows potential applicants to bring forward a conceptual plan for review and comment. It's not a formal application. It's our intention to hear from public though.

Mr. Coronoti and Jeff Keegan of East Kingston Development were present. The property is 2.8 acres with 50' of frontage on Mill Road. It runs along White's Lane. The property has been previously surveyed for a lot line adjustment. It is in the Aquifer Protection District. Site is gravelly soils. DPW would need to be involved as this gets further along.

Road requirements were also discussed. Initial and future costs of roads were discussed. Drainage issues were discussed. Catch basins were discussed. Detention ponds were discussed.

The Applicants have approached the neighbors with the proposal. Class VI town road issues were discussed. Mr. McMahon noted that a vote of Town may be needed.

The variance that was approved in 2003 was discussed. It had only 50' of frontage previously... needs 125' of frontage. No preclusion from having the road constructed over 50 foot strip of land was discussed.

**BOARD**

Mr. Emerick mentioned the granite curb. The Sherburne Road project was discussed. Mr. Emerick noted there were breaks in the granite for run-off.

Mr. McMahon discussed large detention ponds and swales. The center island for storm water management was discussed. Easements were discussed.

The area being level was discussed and needing pitch for road. It was noted water will run away from Mill Road and be lower than White's Lane.

**PUBLIC**

Dr. Christine Bean spoke. She and her husband, Scott, of 227 Mill Road are abutters. Her husband presented letter to the Planning Board. She read the letter aloud at the meeting. (Letter is in file).

Mary Kishbaugh of 233 Mill Road spoke. She stated that she is not in favor of the proposal. They bought the property 13 years ago. She stated there is an option to buy back in 5 years in agreement. They've been flooded in the past. She is concerned about water problems in the area. She is also concerned about road being put next to White's Lane as it extends beyond the gate.

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Trucks and 4-wheelers were going onto their property. If road goes there, there will be trucks doing 4-wheeling. She is also concerned about the aquifer. It's always been proposed as a single-home. She asked that this be turned down.

Fred Rice of 15 Heather Lane. He is on the Historical Society and has a historical interest. He went to Secretary of State and noted that East Kingston Development, LLC. Is not a corporation in good standing.

The location is next to area environmentally sensitive area in Town. Complying with the Town's Master Plan was discussed. Taxpayers have put a lot of money into keeping it as is. Run off was discussed. It will travel into aquifer at a high rate of speed.

Pavement and the house foundations were discussed. He feels it is a very sensitive part of the aquifer. Drainage of oils, etc., into aquifer were discussed.

Drainage would go into the conservation land that the town purchased. Flooding problems are happening now on Wayside Farm Lane. No flooding assurances were given to them at the time and now it's a severe problem in the area.

He feels that two roads being directly parallel to each is ludicrous. There is also a beautiful stone wall there. We should preserve that wall. Esker Road issues were discussed. The Town buying bigger fire trucks was discussed.

He would like a review by Conservation Commission to look at the impact on the conservation land. Mr. Rice requested:

- Any plans be full storm water plans and integrated with the Wayside Farm development.
- If lot is build up above Whites Lane, water should not go into White's Lane.
- Full review from Fire Department should be done.

## **BOARD**

Mr. Griffin does not see how over developing the property will help the Town. He mentioned water on Mill Road is causing problems with drainage in Hampton. The 1986 Drainage Study was discussed. Exhorbitant costs of drainage improvement for the Town was discussed. Mr. Griffin wondered what the Conservation Commission will say about this proposal. The location of gate was discussed.

Mr. Lessard commented on the approval from Zoning Board. The hardship was to build a single-family home. The Planning Board approved it based on Zoning Board decision. Mr. Lessard believes it is for a single-family home only. He believes that honor and trust of people when they discussed intentions should be the meaning which was a single-family lot.

Mr. Viviano said the Planning Board was bound by the variance; one home only. He abides and stands by his original decision.

Mr. McMahon stated the variance was for lack of frontage. Mr. Emerick stted the minutes don't reflect that. He noted that Mr. Gillick confers its a buildable lot and subdividable lot.

It was discussed that the variance states single-family home only. Mr. McMahon noted that this did not go to Conservation Commission yet. Mr. Griffin stated the neighbors in the area have been generous. Mr. Emerick discussed the Wayside Farm issue. The aquifer was discussed back then and if Aquarion was worried, they should have bought it. He believes they have the

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right to make the application. Mr. Emerick asked if we can say no. Mr. Griffin noted with the limited amount of land in Hampton it is not desirable land to build on.

Joe Coronati discussed the variance. The variance was for a single-family house. He stated the stone wall will not be disturbed. The aquifer was further discussed. It was noted most of Route 1 is in the Aquifer Protection District. Drinking water was discussed. All requirements would be met. Cul-de-sac project probably would not need any waivers.

The island was discussed. Sherburne Drive was compared to this project with its island.

Mr. Emerick stated it comes down to the variance and Planning Board knowing it was going to be one house. A legal opinion on this would have to be obtained before this proposal can go any further.

Mr. McMahon reiterated that no action is required by the Board.

### **10-019 124 Landing Road**

Map: 239 Lot: 2

Applicant: Tuck Realty Corp.

Owner of Record: Tuck Realty Corp.

Subdivision: Three-Lot Subdivision

Peter Saari and Joe Coronati appeared. It was explained that there are three lots; one with the old Odyssey House. Mr. Coronati stated its 60,000 square feet utilized with large septic system and well. The property is in the Shoreland Protection Zone. It's designed for a 10-bedroom house. The property is half woods/half lawn. The property is also in the floodplain.

Mark West from West Environmental surveyed for wetlands and the tidal line. No wetlands on the property. Setbacks and buffers were discussed. Special permits were discussed. State wetland permits and the shoreland protection were discussed. House locations were discussed. The area is already cleared. The driveway proposals were discussed.

Mr. Coronati noted he has talked with Frank Richardson of the State about tidal buffer zone.

It was stated that the driveways would be of porous material. Houses are in an impervious area. The drainage report and all storm water being handled by the driveways and rain gardens were discussed. No detention pond is proposed.

Lots will be on Town sewer and Aquarion water. Water has to be extended 300 feet down the road. This will require an 8" line to come down Landing Road.

All three homes would have individual sewer pump stations. The existing well would be abandoned.

Mr. Viviano asked about the existing pump station and where it is located. Mr. Coronati stated is up the road almost by the traffic light.

Mr. Emerick discussed the driveways to the new houses. He noted the existing driveway is not shown. Mr. Olson asked if it was going to be removed. The structure at 124 Landing Road would become a 4-bedroom house.

Mr. McMahon asked about sewer and water. Mr. Coronati stated there's a 2 ½" and a 4" PVC – one is active, one is not. It's a Town sewer line and one can tie in at their expense. Mr. McMahon asked about capacity. Mr. Coronati stated it could handle a lot of sewage flow. Mr. Coronati stated it can switch from a 2 inch line to a 4 inch line to handle more capacity.

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Peter Tilton, who is a direct abutter of the property, spoke. He discussed the sewer. It's not Town sewer. Somebody made a deal about five-lot subdivision. It's not welcome in the neighborhood. It's a half-baked sewer. He stated it is a 1600 square foot house and asked if that lot will be surrounded by 124 Landing Road.

Mr. Lessard said they have an easement and that access is through the Odyssey House lot. It's about 50 feet before driveway per Joe Coronati.

Mr. Tilton discussed that there is no reference to the goldfish ponds that exist and stated that they serve as detention ponds. He asked why detention ponds are not on plan. There are two rectangular areas filled in with lawn clippings. Sunk-in gardens were discussed. Mr. Tilton said that it's important to show these on the plans.

Wetlands were discussed. Drainage was discussed. Mr. Tilton is concerned with impervious surfaces.

Mr. Coronati stated there's a reduction of storm water because of infiltration that's further up from site. Catch basins were discussed. Swales were discussed. Mr. Coronati stated the catch basin is full of sediment.

Topography was discussed. Stormwater review will be done per Mr. Coronati.

Mr. Tilton also discussed his concern about the access driveway crossing three different lots. Power lines were discussed. Digging up driveways crossing other people's properties in case of utility maintenance were discussed. Property lines being unusually drawn was discussed. Current use versus tightening up property and making it more confined was discussed. This is not a cookie-cutter neighborhood.

Fill for back lot for future house was discussed.

Peter Tilton, Sr. spoke and stated he has been there for 70 years. Goldfish ponds, playing crochet, etc., was mentioned. He stated the property is wetter than ever before and if we keep building houses, water issues will continue to be a problem. Not a good idea to him.

### BOARD

Mr. Steffen stated the property is in an RA Zone and that no variances are needed. It's designed according to the zoning regulations and to our new storm water management regulations.

Mr. Emereick discussed the subdivision guidelines. He stated we can't say they can't do it, but agrees with Mr. Tilton that it's going to be chaos in the future. Mr. Viviano stated they need to go for a variance. They need that first if Board is leaning that way.

Mr. Lessard stated that wetlands permits, variance, etc. are needed. Mr. Steffen said they are trying to avoid that with their proposal.

Mr. Olson discussed if sewer were brought past driveway would it allow utilities to run on the appropriate side and would it bring sewer to other side of proposed driveway. Mr. Coronati

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stated using pump stations was his concern in that area. Devaluing the lots was discussed. Wetlands buffers were discussed. Shared driveways were discussed by Mr. Emerick. Mr. Coronati stated that they can think about that. Shared driveways can be a problem per Mr. Coronati.

Mr. McMahon stated that the access road is going to be a problem. Mr. Coronati discussed the maintenance easement. Mr. Emerick discussed the adjacent lot. Mr. McMahon said it should be a two-lot subdivision. Mr. Emerick stated some of the square footage should be eliminated, but to keep the frontage. Mr. Emerick stated they should considering eliminating the short cut across the driveway and angle it instead.

Mr. Viviano asked if there's objection going for a variance and asking for frontage rather than cutting angles, etc. Attorney Saari said he tries to do it without variances. Mr. Emerick said it makes it easier to get variance as to not have a variance can cause problems later on.

Force mains were discussed by Mr. Lessard. The 201 Facilities Plan was discussed by Mr. Lessard. Traditional sewer may need to go down the road. Mr. Lessard said the property is not ready for this level of development.

Mr. Emerick discussed needing a complete application.

Mr. Steffen said this review is turning into a consultation. The applicant submitted a complete application, but the Board has concerns about the development.

Mr. McMahon said fundamental issues have been raised. Mr. Viviano asked if Mr. Coronati wants us to accept it as is. Mr. Coronati stated that the Board can send it out for review without accepting it.

Mr. McMahon stated that the Planning Board is the one who creates lots. Mr. Viviano stated that Mr. Coronati will have to do it all over again if other departments have problems with the proposal. The Planning Board should accept jurisdiction, send it to the department's heads and continue it to the May 19, 2010 meeting. Mr. McMahon stated May 19<sup>th</sup> and if it's not ready, it's not ready.

**MOTION** by Mr. Emerick to accept jurisdiction and to continue the above-referenced application to the May 19, 2010 Planning Board meeting subject to department, engineering and utilities review and comment.

**SECOND** by Mr. Viviano.

**VOTE:** 7 – 0 - 0

**MOTION PASSED**

**IV. CONTINUED PUBLIC HEARINGS**

**09-055 23 Falcone Circle (cont'd from 12/2/09, 1/6/10 and 2/3/10 & 3/3/10)**

Map 50, Lot 4

Applicant: Asset Title Holding, Inc.

Subdivision Waiver Request: Section V.E., 7-10, 12 and 14

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Mr. McMahon asked Mr. Steffen to bring the Board up to date. Mr. Steffen stated some of the waiver requests were approved, but the waivers for Subsection 7, 9 and 14 were denied. Subsection 14 is the storm water management plan. Mr. Steffen explained that a waiver is not necessary if the impervious is under 15 percent of lot or 10,000 square feet, which is the case in this request. Mr. Lessard asked if it pertains to uplands or the whole lot. Mr. Steffen thinks it's the whole lot.

We have received Ambit's latest comments. Mr. McCormack and Attorney Saari addressed John Chagnon's comments and Mr. Steffen's comments. Mr. McCormack agrees to all of Mr. Steffen's recommendations.

Mr. Lessard stated that water does go across driveway and it then gets directed to the level spreaders so it get concentrate flow into buffer. Mr. Olson asked if the level spreader is shown. It needs to comply with Ambit's recommendation and Mr. Steffen's letter. Mr. Steffen agrees with Ambit. Mr. Lessard stated keeping the driveway dry was the Board's concern. Mr. Viviano stated they need to put a pipe under the driveway. Mr. Olson stated the applicant does not want to. It was discussed that Ambit did not hear what Board was looking for after the last meeting.

Mr. Emerick stated he is worn out with this project. Mr. Lessard stated the future homeowner will live with a bad situation.

Mr. McCormack stated the driveway has no more water than any other lots in neighborhood.

### **PUBLIC**

Steve Nadeau of 19 Falcone Circle appeared. He stated he dropped off a letter for the Planning Board's folders. He stated he is opposed to the granting of any waivers, but understands why some were granted. He discussed how sensitive the lot is. He is not convinced it will work well. He discussed if approval is granted, he wants the site plan to identify the restrictive nature of the lot. He also stated if the subdivision waiver is granted, he wants the Board to require that the lot become part of the neighborhood and governed by the rules and covenants of the other properties. The Planning Board noted that is a civil issue.

Mr. Lessard stated that he doesn't know how the covenants are implemented for this and/or if it is an attorney issue. Attorney Saari stated it's a good idea. It makes sense for all property owners to have the same restrictions and that any approval should be bound by this.

Mr. Kravitz of St. Cyr Drive appeared. He discussed the waiver for a small marginal lot for a small house. He stated one lot is landlocked.

Route 101 traffic and the entrance to 95 was discussed. Lot 1 is landlocked so the neighborhood through Falcone Circle is the only way out. He asked what is being planned for rest of area. He feels there will be a lot of problems down the road. Mr. Steffen stated they couldn't access the rear land through this property as it stands now.

Mark Robinson appeared. He is on the Board of the Highlands Association. Number 23 Falcone circle is part of their development and should be part of the Association. He stated it wasn't developed because it was wet. Wetlands were discussed and honoring the covenants. He stated this property is part of the subdivision. There is no parking on the streets, or you get ticketed. No clotheslines. He wants to protect their property.

## HAMPTON PLANNING BOARD

### Minutes

April 7, 2010 – 7:00 p.m.

The 19-acre parcel and wetlands issues were discussed. The lower end of Falcone Circle ignoring covenants was discussed. Mr. McMahon stated the Board has nothing to do with covenants.

The covenants run with the deed Mr. Robinson stated. Mr. Emerick said he (Mr. Robinson) is the enforcer of the covenants. The Planning Board has no legal right and has nothing to do with the covenants. Attorney Saari said he will make it part of covenants. Mr. Lessard said he doesn't want to set a precedent. He wants them to accept the covenants, but it's not Planning Board's job. Planning Board goes by its regulations. Mr. Lessard wants to make subdivision harmonious. Mr. McMahon stated the drainage aspects are the Planning Board's job. Map delineation was discussed by Mr. Lessard.

The Highlands traffic enforcement was discussed. Mr. McMahon and Mr. Viviano said we don't have authorization to discuss this. Mr. McMahon stated it's not intention of Planning Board to deal with parking enforcement.

Patty Visconte Robinson of 17 St. Cyr Drive appeared. She is baffled by the request for one house on 19 acres versus carving a piece out of 19 acres and building one house. The back area is wet. She stated once the property is subdivided, they can't use the lot as an access.

Mr. Emerick said we're dealing with wet issues, not subdivision issues. Mr. Lessard said the Board agrees with what everyone is saying, but the Board has no authority to enforce the covenants. Mr. Emerick said Ms. Robinson has the right to take care of it with whatever means she wants to through the Association.

### **BOARD**

Mr. Olson asked about the retaining wall—the five foot tall wall. He is concerned about safety. He asked about detail of wall. Mr. McCormack said there are a lot of walls like this on Falcone Circle. Steeper driveway/steep slope was discussed.

Waivers were then discussed. Mr. Steffen stated they don't need the waivers. Mr. McMahon said to approve waivers conditionally with the Planners.

Mr. Emerick stated this is a case of an absolute perfect junk lot being created. He thinks it's a disaster waiting to happen.

**MOTION** by Mr. Viviano to deny the subdivision application due to the nature and conditions of the property, i.e. poor drainage and soils. There is concern about structural integrity of the ground and access to the upland for new home development. It was also discussed that it appears there will be problems created for future owner or owners.

Health and welfare issues were added by Mr. Lessard as concerns with this proposal.

Mr. Viviano clarified it is not a safe environment with the stagnation of water, along with possibility of infestation. He is concerned about the structural integrity of the ground and access to upland portion of property. Mr. Lessard stated it is a Class VI lot.

**HAMPTON PLANNING BOARD**

**Minutes**

**April 7, 2010 – 7:00 p.m.**

Mr. Steffen asked the Board who are we protecting by denying the subdivision. Mr. Viviano stated his concern is what will happen to future purchasers and the future problems that would be encountered.

**MOTION** by Mr. Viviano to deny the subdivision request based on the above findings.

**SECOND** by Mr. Griffin.

**VOTE: 4 – 1 - 2            SUBDIVISION DENIED**

**Opposed:** Mr. Emerick

**Abstained:** Mr. Lessard and Mr. Miller

**09-058            One Liberty Lane (continued from February 17, 2010)**

Map: 104, Lot 1

Applicant: RMMC Liberty Lane, LLC

Site Plan Review: Construct an additional 100 parking spaces for the existing office building

Waiver Request: Section VII.D.9 subsections c, e & f of the Site Plan Review Regulation  
**(CONTINUED TO MAY 5, 2010 MEETING)**

**09-058            One Liberty Lane – (Continued from January 20, 2010 & February 17, 2010)**

Applicant: RMMC Liberty Lane, LLC

Site Plan Review: Construct an additional 100 parking spaces for the existing office building.

**(CONTINUED TO MAY 5, 2010 MEETING)**

**V. CONSIDERATION OF MINUTES OF MARCH 17, 2010**

**MOVED** by Mr. Emerick to approve the March 17, 2010 Minutes as submitted.

**SECOND** by Mr. Viviano.

**VOTED:** 6 – 1 – 1 (Mr. Miller abstained).            **MOTION PASSED**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS:**

The Capital Improvement Program (CIP) was discussed. The Selectmen want a meeting with Planning Board to discuss the CIP process. Mr. Emerick and Mr. Loopley are going to meet with the Selectmen. If the other Board members want to go, that's good, but the entire Board does not have to go.

Sign ups are needed for the Conservation Commission meeting. Ms. Olivier will get that out.

**HAMPTON PLANNING BOARD**

**Minutes**

**April 7, 2010 – 7:00 p.m.**

**IX. ADJOURNMENT**

**MOVED** by Mr. Emerick to Adjourn.

**SECOND** by Mr. Olson.

**VOTE: 7-0-0**

**MOTION PASSED**

MEETING ADJOURNED: 10:10 p.m.

Respectfully submitted,

Laurie Olivier

Administrative Assistant