

**HAMPTON PLANNING BOARD
MINUTES
May 19, 2010 – 7:00 p.m.**

PRESENT: Mark Loopley, Chairman
Fran McMahan, Vice Chairman
Tracy Emerick
Mark Olson, Clerk
Rick Griffin, Selectman Member
Steven Miller, Alternate
Robert Bilodeau, Alternate
James Steffen, Town Planner

ABSENT: Robert Viviano
Keith Lessard

I. CALL TO ORDER

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

II. ATTENDING TO BE HEARD

10-025 5 Ashworth Avenue
Map: 282 Lot: 85 and 87-1 & 2
Applicant: John McKeon
Owner of Record: 5 Ashworth Ave Realty Trust
Parking Lot (65 Parking Spaces)

APPLICANT John McKeon, one of the owners, and daughter, Melissa, appeared. Mr. Emerick asked if this was the first time appearing. Property was destroyed by fire. Mr. McMahan asked about access to the lot. The 18-feet on Ashworth Avenue is the access which is the same as the old access. Mr. McMahan asked about the location of the shed. Mr. Olson asked about its location as well.

Mr. Steffen discussed the police chief's concern about vehicles entering from Ashworth Avenue. Eliminating one parking space to move the check point further in as a potential solution was mentioned by Mr. Steffen. The applicants stated they can take out the parking space, and move the shed to make it safe. The point of access was discussed further.

MOTION by Mr. Griffin to approve with the condition that one parking space is removed so that the shed for the parking lot control can be moved back on the lot. Applicants will follow same prior procedure. The Board may seek improvements at a later date, such as putting in flowers, etc.

SECOND by Mr. Bilodeau

VOTE: 7 – 0 – 0

MOTION PASSED.

Peter Saari, Esquire - 1088 Ocean Boulevard
Cottages at North Beach Condominium Association

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Attorney Peter Saari and Owner Tony Jalbert appeared. The property was previously the Sea Squire Motel. Mr. Jalbert bought the property in 2005. Shortly thereafter, a site plan was prepared. Between the time this was originally approved as a condominium in 1986 and now there were changes to done the property. The changes are from the storm that hit the property in 1996.

Colored photos of how the property looked before and after the storm of 1996 were passed around. Attorney Saari explained the buildings were moved all over the site. After the storm damage two cottages were combined into one.

The 2005 site plan was never approved by the Planning Board. Attorney Saari stated the regulations are not specific in this regard. He asked if the Board requested a site plan at all back in 2005. Per Attorney Saari, it has already been changed to condominiums. Mr. Jalbert owns three of the units which are a majority interest.

Mr. McMahan asked where the 2005 site plan came from. It was signed by the Board, but the Board maybe never saw it. Mr. Jalbert thought a plan was done.

Mr. McMahan asked how Planning Board gets a recorded plan and how it gets to be an official document of the Town. Attorney Saari noted the 2005 plan does not show it as a subdivision. Mr. McMahan stated he does not agree with surveyors calling the shots. The Planning Board wants to know that the Town has blessed the plan.

Mr. Steffen stated this issue came up at a recent sale in December of last year. The buyer's attorney asked if the revised site plan needed approval by the Board. Mr. Steffen sought the Town Attorney's advice, and it was his opinion that combining the two units after the flood damage requires a revised condominium site plan approval. The Board requested that to Mr. Jalbert a couple of months ago and Mr. Jalbert indicated it would be done, but gave no time frame.

Mr. Loopley asked if we should wait and see if the two units will come forward from zoning. The Planning Board could then combine that change with the previous one and do a revised site plan approval. It was noted that the Building Inspector wants the Planning Board to act before he issues a permit for the work to be done.

Meeting the setbacks discussed by Mr. Loopley to which Attorney Saari stated only five or six. Attorney Saari stated that they will meet the criteria and have variances.

Mr. Loopley asked if there were any Conservation Commission questions and Attorney Saari said there was a patio matter discussed. It is on a State right-of-way. It was asked if the deck going to be removed as well. The deck and shed behind Unit 1 was discussed.

MOTION by Mr. McMahan to approve moving forward with putting together a revised site plan, and that they can get a building permit in the meantime until it gets approved. He stated it would be an amendment of the 1986 plan.

Mr. Steffen said they can remove the shed and patio in the front, but they still have a deck with no permits. It encroaches in the setback. It was built previous to Mr. Jalbert taking ownership of it. It's the wood deck in the back of Unit 1. Mr. Emerick said it should not encroach on the setback. Mr. Jalbert stated he could get rid of it or re-build it to go the other way.

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MOTION by Mr. Emerick to make the changes indicated and to go forward with preparing a revised site plan for the Planning Board's approval.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

III. NEW PUBLIC HEARINGS

None.

IV. CONTINUED PUBLIC HEARINGS

10-019 124 Landing Road (continued from April 7, 2010 Meeting)

Map: 239 Lot: 2

Applicant: Tuck Realty Corp.

Owner of Record: Tuck Realty Corp.

Subdivision: Three-Lot Subdivision

Joe Coronati of Jones & Beach and Attorney Peter Saari appeared. Mr. Coronati discussed how they addressed the concerns of the Planning Board about the original plan. They changed lot lines and easements. Lot 2-2 and the easement issue is now revised to be only on one lot where before ran across two lots.

The shapes of the house lots were changed and how they were accessed was discussed by Mr. Coronati. Lot 2-1 is a simple layout—the only change is how the house is entered. The utilities were separated. It was noted that the revised plans were sent out for department review.

Mr. Coronati noted that Doug Mellin of DPW called him earlier today and said the plans look fine, but hasn't had time to write a new letter. Jon True of the Fire Department stated they have to work on the water main. Ambit has sent a new letter signing off of drainage plans.

The hydrant extension was discussed by Mr. Loopley. The cost to maintain hydrants was discussed and Mr. Coronati needs to discuss it more with Fire. Blow off versus hydrants was discussed.

Driveway width was discussed and it was stated that it will be widened. Sprinklers in the building were discussed. Mr. Miller asked about the square footage of house. A typo was mentioned and Mr. Coronati stated that 1600 square feet is correct.

Mr. Emerick stated that he goes along with the Planner's Memorandum and that the Conservation Commission should look at it again.

PUBLIC

Mr. Peter Tilton of 125 Landing Road appeared. He brought photos from March of this year. He has concerns with Lot 2-2. He stated the lot between 124 and the McCallister land serves

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to drain the site. The gardens and gold fish ponds were discussed. These were not added as as-is conditions on the plans. He is concerned about the badly draining soils on the site, and noted that it takes couple of days for the land to dry out. He noted that there is sandy soil there, but it also ponds. Mr. Tilton discussed run-off. There is no excuse for problems to start happening now. The drainage study was discussed. Page 2 of the study beneath table was discussed. Catch basins were discussed. It comes off of property onto Landing Road and then goes into the marsh. He feels the drainage study is incorrect. Page 6 of the drainage study was discussed. He read rain garden maintenance portion aloud. He stated that whoever buys the houses are not going to do what Page 6 of drainage study states must be done to be diligent.

Adversely affecting the abutters by the development was discussed. Re-grading was discussed. He stated the current drainage on the site is a river of flowing water. He explained that the natural flow of water is going to be impeded with the new houses and most will go onto the Mr. McCallister's property. Removal of parking from original parking area for the Odyssey House was discussed and the ability to park on site being restricted. .

The parcel being too small for three houses was discussed. Confusing lot lines were discussed. Sewer hook-ups were discussed and the trouble that would ensue from this. It was asked who will build pump station for whole street-- the Town of Hampton?

Mr. Bailey of 94 Landing Road appeared. He is against the subdivision. He wants to see a only a single-family dwelling there or have the property stay as the Odyssey House.

Peter Tilton, Sr. 125 Landing Road appeared. He stated that no one from Landing Road is for the project. He noted this is the second time residents have come forward and that this plan is just not right.

Diane Shaw of 98 Landing Road appeared. She feels the development is going to be a hardship on the neighborhood properties. Wells and septic systems were discussed. She sees no hope of town services being provided for the end of the street. Normal run off was discussed. Grading for foundations and snow removal was discussed. Hard paving driveways were discussed. She discussed the low areas may have failure of septic systems. She does not want the application approved.

Mr. McCallister of 110 Landing Road appeared. He has more water in the basement – more than ever was discussed. The back side of his property was discussed. He's in path of destruction caused by subdivision. Two sides of his property will be surrounded. Drains and the drain maintenance on the road were discussed. He unplugged the drain himself. Water collects right in his yard. In the winter, it freezes and is a skating rink and is dangerous to his family. It has caused a hardship to his family. The distance between the houses was discussed. He is now looking at vinyl siding instead of great views of the marsh.

Mr. S. Noyes of 175 Landing Road appeared. He discussed the sewer. There are too many properties for the system right now. Mr. Sicard put the system in. He sees problems with the sewer system. Paying to fix it was discussed.

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Mr. Hume of 133 Landing Road appeared. His house was the last house to be hooked up on the street. Adding one house was worrisome at that time. Adding three (possibly more houses) could be a concern for the Town in the future.

Bill Nixon of 137 Landing Road appeared. He said the plan sounds horrible.

Peter Janeiros of 138 Landing Road appeared. His property will be adversely affected too with the rising waters. His family has had to add extra sump pumps. It's going to exacerbate problems.

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Mr. McMahon asked Mr. Steffen about the second line and if it is in the 201 Facilities Plan. Mr. Steffen said the proposed extension is acceptable with the Department of Public Works.

Mr. Griffin asked about the houses at the end of the street and if they are abandoned to which it was stated “no”. People live in those houses and all are occupied. He cannot see intensifying the area more.

Mr. Loopley asked about Lot 2 and mentioned it is higher than Lot 2-2. Catch basins were discussed by Mr. Coronati. Swales were discussed. No increase in the storm water rate or volume was discussed. Porous pavers were discussed. Stone with driveway over it was discussed. Rain gardens were discussed. Test pits were discussed. High tides were discussed.

Mr. Coronati stated there will be no increase in drainage off of the site. Eco-pavers were discussed for former Odyssey House driveway and parking area. The former fish ponds and sunken gardens were discussed. Maintenance of rain gardens was explained by Mr. Coronati, and he noted a summary (shortened) is included Sheet E-1 in plans.

The use of 124 Landing Road as a Bed & Breakfast as a non-conforming use was discussed. Mr. Coronati felt that switching it from non-conforming use to single-family home should be a good thing.

Sewer lines and ownership by the Town were discussed. The proposed pump stations were discussed. Mr. Loopley stated the Board needs the DPW and Conservation Commission letters to discuss the issues further amongst the Planning Board.

Mr. Olson discussed the porous paver driveways being in compliance with the Town's requirements. Mr. Steffen said the reviews should be completed soon. He mentioned the need for the Conservation Commission to review it again as well as DPW.

As far as timing, it was discussed that Ambit Engineering wants some further changes to the plans. DPW is all set. The new plans could be submitted by May 28th and then the final department reviews would have to be done.

MOVED by Mr. McMahon to move the matter to the June 16, 2010 meeting.

SECOND by Mr. Emerick.

Attorney Saari agreed to waive the 65 day requirement.

VOTE:

7 – 0 – 0

MOTION PASSED.

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Mr. Emerick stated the Board has to look at the rights of the land. The water flows are a concern though. Mr. Loopley stated that most of the remaining development lots are marginal so the Planning Board needs to look carefully at the issues. Mr. Emerick thinks the new driveway is going to be a disaster. Mr. Griffin said that it looks like that neighborhood can't handle any more development. Flooding down end of street was further discussed.

10-023 19 Cole Street (continued from May 5, 2010 Meeting)

Map: 265 Lot: 38

Applicant: Ronald and Susan Todd

Owner of Record: Same

Condominium Conversion of a three-unit apt. building.

Waiver Request of Section V.E., Detailed Plan

Attorney Ells appeared on behalf of Mr. and Mrs. Todd. He asked about the opinion from the Town Attorney. Mr. Emerick stated the Board discussed with Attorney Gearreald moving the two parking spaces so that they would be staggered on that one side to make them both 9' x 18'. Mr. Ells said there has been some stack parking going on there. Mr. Emerick said if the spots are jogged off of each other, it would satisfy the requirement. There would then be no objection to the plan. Parking for Unit 3 would be moved forward to what is called "snow storage" or the other one could be moved closer toward the street. Attorney Ells believes the Todds would not have a problem with this arrangement. Mr. McMahan noted the gas meter and that it is not shown on the site plan. It reduces the width for parking. Attorney Ells stated the gas meters and the three electric meters are all independent of one another. Preference for where to put parking or meter was discussed. Attorney Ells discussed there is a problem with the Town Ordinance for parking for condominium conversions. Mr. Loopley discussed it is a change of ownership.

MOTION by Mr. Emerick to approve the condominium conversion and waiver request subject to approval by the Chairman and the Town Planner on the revised parking arrangement. The parking spaces shall be marked and assigned and the standard conditions for condominium document review by the Town Attorney are included as additional conditions of approval.

SECOND by Mr. Bilodeau.

VOTE: 7 – 0 – 0

MOTION PASSED.

V. CONSIDERATION OF MINUTES of May 5, 2010

MOTION by Mr. Emerick to approve the May 5, 2010 Minutes.

SECOND by Mr. Loopley.

VOTE: 6 – 0 – 1 (alternate abstained)

MOTION PASSED.

