

## HAMPTON PLANNING BOARD – MINUTES

February 4, 2004

**PRESENT:** Thomas Gillick, Chairman  
Robert Viviano, Vice Chairman  
Tracy Emerick, Clerk  
Jack Lessard  
Tom Higgins  
Keith Lessard  
Skip Sullivan, Selectman Member  
Fran McMahon, Alternate  
Jennifer Kimball, Town Planner

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. K. Lessard to lead the Pledge of Allegiance.

### **I. NEW PUBLIC HEARINGS:**

1. Shawn Pelletier  
Special Permit to install 4 piers (support columns) off the end of an existing dwelling at  
7 Pearl Street  
Map 233, Lot 50  
Owner of Record: Shawn Pelletier

Shawn & Shawna Pelletier introduced themselves. Mr. Pelletier proceeded to explain the application proposing to extend the back of the house with a 14'X 26' addition using pilings. The south side of the addition would be in the wetlands. Mr. Gillick read a memo from Conservation Commission Chair, Ellen Goethel, dated January 31, 2004, stating they do not oppose the special permit for working in the wetlands district and other stipulations were read as well.

### **OPEN PUBLIC HEARING: NO COMMENT**

### **CLOSE PUBLIC HEARING.**

Mr. Gillick asked for Board comments. Hearing none, Mr. J. Lessard **MOTIONED** to approve the Shawn Pelletier Special Permit Applications to install 4 piers (support columns) off the end of an existing dwelling at 7 Pearl Street, Map 233, Lot 50 of plan #1-36-4044, dated July 9, 1999, subject to the stipulations stated in the Conservation Commission memo dated January 31, 2004 as follows:

- 1) The addition to the back of the home be on pilings no less than 4 feet above ground, allowing grass to grow beneath,
- 2) The area beneath the addition remain open to allow for rain absorption and grass growth,
- 3) Proper sediment and erosion control in place during construction, and,
- 4) Conservation Commission to be notified at the start and finish of the project.

Mr. Sullivan **SECONDED**. **VOTE: ALL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Pickering Marine Corporation  
Special Permit to construct a pier & gangway for private recreational use at  
31 Harbor Road  
Map 295, Lot 62  
Owner of Record: Jane Gallagher

Mr. Glenn Normandeau, President of Pickering Marine Corporation introduced himself as representing the applicant. Mr. Normandeau proceeded to explain the application as proposing to construct a pier with a ramp and float for private use. The proposal is being processed through the Wetlands Bureau and Army Corps of Engineers. Additionally, Mr. Normandeau has been before the Conservation Commission just last week. Mr. Gillick read a memo from Conservation Commission Chair, Ellen Goethel, dated January 31, 2004, recommending granting the Special Permit to Ms. Gallagher to construct said pier with stipulations. This property directly abuts the Golden Corridor and Governmental Pier project and Mr. Normandeau stated there were no timelines for start of construction. Mr. Normandeau clarified 'recreational use' intent would be not for Commercial fishing or renting, strictly personal use, one boat mooring. Mrs. Kimball stated if any other permits become necessary, copies are required to be on file.

#### **OPEN PUBLIC HEARING:**

Mr. Ron Dube of 35 Harbor Road introduced himself. As a direct abutter to this property, Mr. Dube objects to this project stating there would not be enough room for him to access his pier or boat. He suggested possibly shortening the pier so not to interfere with his mooring. Additionally, he suggested Ms. Gallagher postpones this project until the dredging in the Harbor and the Golden Corridor Pier is done.

Mr. Normandeau submitted a draft of a plan showing both piers, along with a letter from the Division of Ports and Harbor, dated October 17, 2003 stating they have concluded this project would have no effect on navigation in the area.

#### **SUSPEND PUBLIC HEARING.**

Mr. Gillick asked for Board comments. Board discussed concerns about the impacts this pier may have on the Governmental pier, State moorings & Mr. Dube's pier. Mr. Gillick questioned the Board's jurisdiction as it relates to the Special Permit for work within a wetland. Mr. Sullivan **MOTIONED** to continue the Pickering Marine Corporation Special Permit Application to the March 3, 2004 Planning Board meeting subject to:

- 1) Additional review and comments from the Harbor Master regarding moorings, proximity to the proposed Governmental pier, accessing existing piers, and the process for permitting of a pier,
- 2) Review and comments from Fire Chief on Governmental pier, and,
- 3) Review and comments from Town Attorney Gearreald regarding the Planning Board's "further jurisdiction" in this matter beyond the Special Permit Application.

Mr. J. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

3. J.R. Russo Corporation  
Site Plan Review to construct 6 unit residential condominium & coffee shop at  
7 F Street  
Waiver Request: Subdivision Regulations Section V.E. 8 (storm water drainage control plan)  
Map 287, Lot 40  
Owner of Record: J.R. Russo Corporation

Mr. Ernie Cote, Surveyor, Attorney Peter Saari of Casassa & Ryan, Mr. Bill Medinger, Architect of MBA International, and Mr. Joe Russo introduced themselves. Attorney Saari stated the applicant agrees with Mrs. Kimball staff report dated January 30, 2004, and it was concluded there was too much on the plan to make it fit in the space – one in particular is the parking situation. Mr. Medinger gave a brief overview of the proposed project, including the elimination of the proposed restaurant, and highlighted the support columns interfering with the parking plan. Attorney Saari stated the trash collection will be curbside and also, clarified there were no deed restrictions from the Town owned land that impacted this proposal. Additionally, Attorney Saari will provide the Board with the necessary paperwork. Mr. K. Lessard asked the drainage be addressed on this project. The Board agreed with Mr. Gillick, by consensus, for Mrs. Kimball to comment on a revised plan and come back to this project on a future date.

#### **OPEN PUBLIC HEARING:**

Mr. Dick Paquin of 11 F Street introduced himself. Mr. Paquin stated he is in favor of this project based on the overall improvements it would have on the neighborhood and area.

#### **SUSPEND PUBLIC HEARING.**

Mr. Gillick asked for additional Board comments. Hearing none, Mr. J. Lessard **MOTIONED** to continue the J.R. Russo Corporation Site Plan Review Application to the March 3, 2004 Planning Board meeting subject to:

- 1) Submittal of revised plans to the Planning office by February 24, 2004.

Mrs. Kimball suggested the applicant seek comments from the Fire Department prior to submitting the revised plans. Mr. K. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

4. Linda & Kenneth Kearney  
Special Permit for after-the-fact construction of a shed within the Wetlands Conservation District at  
8 Glade Path  
Map 273, Lot 14-002  
Owner of Record: Linda & Kenneth Kearney

Linda and Kenneth Kearney introduced themselves. Mr. Kearney proceeded to explain the application to install a shed in the back of their home. Mr. Gillick read a memo from Conservation Commission Chair, Ellen Goethel, dated January 31, 2004, stating they do not oppose the granting of a special permit, after the fact, for working in the wetlands district and other stipulations were read as well.

#### **OPEN PUBLIC HEARING: NO COMMENT.**

#### **CLOSE PUBLIC HEARING.**

Mr. Gillick asked for Board comments. Hearing none, Mr. Sullivan **MOTIONED** to approve the Linda & Kenneth Kearney Special Permit Application for after-the-fact construction of a shed within the Wetlands Conservation District at 8 Glade Path, Map 273, Lot 14-002, subject to the stipulations stated in the Conservation Commission memo dated January 31, 2004 as follows:

- 1) The storage shed remain at 8' X 12',
- 2) The storage shed remain on blocks (no permanent foundation), and,
- 3) The area beneath remain permeable and grass to be allowed to grow underneath.

Mr. J. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

5. Bonta Restaurant  
Site Plan Review to construct building addition, with additional parking spaces at  
287 Exeter Road  
Map 52, Lot 2  
Owner of Record: Bonta Acquisitions Corp.

Attorney Peter Saari, Ms. Jessica Winston of Millette, Sprague & Colwell, and Mr. Houssam Aboukhater, Property owner of Bonta Acquisitions introduced themselves. Ms. Winston proceeded to explain the application as to construct an addition to the restaurant with additional parking spaces. There was varied Board discussion and reference made to 175 maximum occupancy (114 for existing, and 55 for proposed addition), and proposed parking of 59 spaces. Mr. Gillick stated that after conferring with Mrs. Kimball there are concerns with the patio area, its uses, and parking necessities related. Attorney Saari confirmed that area was not being used because of the mosquito nuisance. Mr. Aboukhater now owns the property & restaurant, stated he would agree to no use be granted on the patio as a condition of approval. Mr. Higgins pointed out the patio illumination was stated on the proposed plans. Mrs. Kimball stated that should the Board choose to approve that condition, that condition runs with the property forever, and it would be up to the Town to enforce that.

**OPEN PUBLIC HEARING: NO COMMENT.**

**CLOSE PUBLIC HEARING.**

Mr. K. Lessard **MOTIONED** to accept jurisdiction and approve the Bonta Restaurant Site Plan Review Application to construct building addition, with additional parking spaces at 287 Exeter Road, Map 52, Lot 2 of plan #03227, dated January 20, 2004, subject to:

- 1) Items 3 and 4 of Jennifer Kimball's 2/2/2004 memorandum (attached), and
- 2) Denote patio may never be used for seating/service.

Mrs. Kimball stated the applicant submit an additional \$3.35 for the original application fee. Mr. J. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

6. Caddy Shack, LLC  
Site Plan Review to remodel interior of existing building & convert to a restaurant with a drive-through window at  
369 Lafayette Road  
Map 175, Lot 2  
Owner of Record: Caddy Shack, LLC
  
7. Caddy Shack, LLC  
Special Permit to remove & add asphalt within the Wetlands Conservation District at  
369 Lafayette Road  
Map 175/160, Lot 2/35  
Owners of Record: Caddy Shack, LLC & Village at Hampton Center Condominium

Joe Coronati of Jones & Beach Engineering, Inc., Attorney Peter Saari of Casassa & Ryan, and Scott Mitchell, Property Owner introduced themselves. Mr. Coronati proceeded to explain the application of minor modification of the site to change the existing law firm to a drive through restaurant. Mr. Coronati explained the proposal is to remove the existing concrete sidewalks, modify some of the curbs. Additionally proposed is purchase of 10' easement from the abutter to add a second lane for the drive through, some drainage, lighting and landscaping changes as well. The existing building will have some minor modifications, there is a drive way existing, a drive through window will be punched out and a by pass lane will be provided. A drainage report and traffic study has been submitted. Mrs. Kimball reviewed her staff report memo dated February 2, 2004 and referenced the plan having been half identified as a donut shop; the other half is a sandwich shop that has not been identified. Mr. Gillick asks for Board comments. Mr. K. Lessard, Mr. J. Lessard, Mr. Sullivan, were equally concerned with the traffic increase and flow. Mr. Higgins suggested a 'no left turn' be posted, possibly a fence surrounding perimeter. Mr. Viviano suggested getting an extra couple of feet from the abutter for by pass lane. Mrs. Kimball confirmed a variance would not be needed for the drive through window as it meets the set back regulations.

**OPEN PUBLIC HEARING: NO COMMENT**

Mr. Bilodeau, Planning Board Alternate, is a frequent buyer at a North Hampton competitor and offered comments regarding the hours of operation and employees on duty at different intervals.

**SUSPEND PUBLIC HEARING.**

Mr. Gillick returned to the Board for comments. Mr. Mitchell commented that the pictures are from a Massachusetts facility and the proposal is to have the building resemble this set up. He also indicated the donut shop would not allow conflict with its morning business, in that the sandwich shop would not open until 11:00 a.m. Mr. Sullivan **MOTIONED** to accept jurisdiction and continue the Caddy Shack, LLC Site Plan Review Application to remodel interior of existing building & convert to a restaurant with a drive-through window at 369 Lafayette Road, Map 175, Lot 2, and Special Permit Application to remove & add asphalt within the Wetlands Conservation District at 369 Lafayette Road, Map 175/160, Lot 2/35 to the March 17, 2004 Planning Board meeting subject to:

- 1) Departmental reviews of Public Works, Fire, Highway Safety, and Police,
- 2) Independent traffic review, and
- 3) Review of the engineering and drainage by Ambit Engineering.

Mr. Higgins **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. McMahon joins the Board at this time.

**II. CONSIDERATION OF MINUTES – January 21, 2004:**

Mr. Sullivan **MOTIONED** to approve the minutes as written. Mr. K. Lessard **SECONDED**. **VOTE: 6 = YES / 1 – ABSTAIN (Mr. Emerick). MOTION PASSES IN THE AFFIRMATIVE.**

**III. CORRESPONDENCE:**

- 1) Lianne Tonry  
8 John Stark Lane  
Map 21, Lot 1 & 1A

Mrs. Kimball read a memo from Mr. Ernie Cote dated February 4, 2004, requesting a one-year extension for the Lianne Tonry, 8 John Stark Lane, Map 21, Lot 1 & 1A, conditionally approved application. Mr. Sullivan **MOTIONED** to grant a one-year extension, at the applicant's request, for a one-year extension for the Lianne Tonry, 8 John Stark Lane, Map 21, Lot 1 & 1A, conditionally approved application to February 5, 2005. Mr. Viviano **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 2) Playhouse Circle  
357N Winnacunnet Road  
Map 204, Lot 41 & 42

Mrs. Kimball read a memo from Mr. Edward Patenaude, President, E.G.P. Development Corporation dated October 10, 2003, requesting, at the applicant's request, to release the letter of credit being held. Mrs. Kimball confirmed that the road had been accepted by the Town, and all other documents have been submitted & reviewed by Town Counsel. Mr. Emerick **MOTIONED** to approve the request for release of surety regarding Playhouse Circle 357N Winnacunnet Road, Map 204, Lot 41 & 42. Mrs. Kimball stated the Planning Office would contact the Bank to return the original letter of credit. Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 3) Ross Colony Estates  
105 Winnacunnet Road  
Map 176, Lot 19

Mrs. Kimball read a memo from Mr. Eric Weinrib, President, Altus Engineering, Inc. dated October 23, 2003, requesting the full reduction of the bond for Ross Colony Estates, 105 Winnacunnet Road, Map 176, Lot 19. Mr. J. Lessard **MOTIONED** to approve the full Bond Reduction, at the Applicant's request, regarding the Ross Colony Estates, 105 Winnacunnet Road, Map 176, Lot 19. Mrs. Kimball stated the Planning Office would contact the Bank to return the original letter of credit. Mr. Emerick **SECONDED**. **VOTE 4 = YES / 2 = ABSTAIN (Mr. Sullivan, & Mr. K. Lessard). MOTION PASSES IN THE AFFIRMATIVE.**

- 4) Saxonville Lumber  
570, 578 & 580 Lafayette Road  
Map 126, Lots 31, 40, 48, 49, &50, and,  
Map 144, Lot 2

Mrs. Kimball read a memo dated January 30, 2004, from Mr. J. Daniel Tatem, Beals Associates requesting to reduce the bond for Saxonville Lumber, 570, 578 & 580 Lafayette Road, Map 126, Lots 31, 40, 48, 49, &50, and, Map 144, Lot 2. Mr. K. Lessard **MOTIONED** to approve the surety reduction request made by Beals Associates office for the Saxonville Lumber, 570, 578 & 580 Lafayette Road, Map 126, Lots 31, 40, 48, 49, &50, and, Map 144, Lot 2 application. Mrs. Kimball stated, on advice of the Department of Public Works, the new surety amount is \$39,188.33. Mr. J. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 5) Foss Manufacturing  
400 Lafayette Road  
Map 160-15,16,22,31, Lot 175-006 & 007

Mrs. Kimball read a memo dated January 27, 2004, from Mr. Stephen W. Foss, President, Foss Manufacturing Company, Inc. 380 Lafayette Road requesting a one year extension for the Foss Manufacturing, 400 Lafayette Road, Map 160-15,16,22,31, Lot 175-006 & 007, conditionally approved application. Mr. K. Lessard **MOTIONED** to grant a one-year extension, at the applicant's request, to February 6, 2005. Mrs. Kimball reminded the Board to note this is the third extension, and suggested the Board request to meet with Mr. Foss to review continued plans for the development of the site. Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

#### IV. OTHER BUSINESS:

None.

Mr. Sullivan **MOTIONED** to adjourn. Mr. Higgins **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 9:25 p.m.

Respectfully Submitted,  
Janine L. Fortini  
Planning Board Secretary