

HAMPTON PLANNING BOARD
MINUTES
July 21, 2004

AMENDED

PRESENT: Robert Viviano, Chairman
Tracy Emerick, Vice Chairman
Ken Sakurai, Clerk
Tom Gillick
Tom Higgins
Keith Lessard
Jim Workman, Selectman Member
Jennifer Kimball, Town Planner

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

III. CONTINUED PUBLIC HEARINGS

1. Drakes Appleton Corporation
Site Plan Review to construct 36 unit Townhouse condominiums at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Waiver Requested: Site Plan Regulations Section VII.D.2 (increase in stormwater runoff)
Owner of Record: Morgan Ryan Realty Trust
Jurisdiction accepted March 3, 2004, extended by applicant

2. Drakes Appleton Corporation
Special Permit to work within the Wetlands District, associated with 36 unit Townhouse at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Owner of Record: Morgan Ryan Realty Trust

Mr. Viviano read a memo from Attorney Michael Donahue dated July 7, 2004 requesting continuation of the Drakes Appleton Corporation Site Plan and Special Permit Applications. Mr. Gillick **MOTIONED** to continue the Drakes Appleton Corporation Site Plan and Special Permit Applications, at the applicants' request, to the August 18, 2004 Planning Board meeting. Mr. Emerick **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

3. Vertical Building & Development Company, LLC
Site Plan Review of project known as the "Majestic" for 42 Unit Condominium with 2
retail stores at
Ocean Boulevard, J & K Streets
Map 293, Lot 008; Map 290, Lots 144, 145, & 146
Owners of Record: Nancy J. Higgins Revocable Trust; Five Jay Street, LLC;
Jerelyn A. Gray & Peter B. Dineen; Captain Morgan Inn, Inc.

Mr. Viviano read a memo from Attorney Peter Saari dated July 19, 2004 requesting continuation of the Vertical Building & Development Company, LLC Site Plan Review Application in an effort to present an amended plan to the Zoning Board of Adjustment. There was Board discussion regarding the applicant's request letter. Mrs. Kimball clarified the applicant is bringing a new application with variance requests to the ZBA.

She stated the applicant is requesting to continue the current application with the Planning Board, unless the new application variances are approved by the ZBA.

Mrs. Kimball noted, it is feasible to move the current Vertical Building Application Planning Board hearing date further out to give ample time for the ZBA to hear the new variance requests.

Mr. Emerick **MOTIONED** to continue the Vertical Building & Development Company, LLC Site Plan Review Application, at the applicants' request, to the October 6, 2004 Planning Board meeting. Mr. Gillick **SECONDED**. **VOTE: 6 = YES / 1 = OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

II. ALL HAZARD MITIGATION PLAN

In accordance with RSA 674:4 and 675:6, the Hampton Planning Board will hold a Public Hearing to amend the Town of Hampton Master Plan by adopting the Town of Hampton All Hazard Mitigation Plan. This Plan will incorporate and replace the existing Flood Mitigation Plan (June 2000) as Master Plan Chapter 7: Natural Hazards.

Mrs. Kimball introduced Ms. Jane Hubbard, Consultant, who authored the All Hazard Mitigation Plan (AHMP) and assisted the Town's steering committee in the development of the AHMP. Ms. Hubbard stated she and Mrs. Kimball have been working with the Project Impact grant for past three years on the All Hazard Mitigation Plan (AHMP). She continued the AHMP is a Federal Law requirement, and the Town of Hampton will be eligible for certain types of funding through FEMA (disaster mitigation grants, flood mitigation grants, etc...) by adopting the AHMP. FEMA Regional office has received a final draft and they have approved the plan conditionally upon formal adoption. Ms. Hubbard asked for Board comments. Mrs. Kimball noted the process used was at a steering committee with Town staff, Local Emergency Planning Commission (LEPC), and State officials attending workshops, additionally, there were meetings that the Public attended. Mrs. Kimball stated the Project Impact grant funded 75% of the cost. Mr. Gillick noted the Town of Hampton is one of the leading communities in the entire Northeast and that it sits at the mercy of ocean storms and being within a couple of miles of a Nuclear Power Plant proves the Town is vulnerable to emergency situations; he continued, our public safety officials/employees train every year in cooperation with Federal and State agencies to help keep us up to date and active with emergency management outlets. Mr. Gillick recommends adoption of this plan.

OPEN PUBLIC HEARING: NO COMMENT CLOSE PUBLIC HEARING.

Mr. Gillick **MOTIONED**: in accordance with RSA 674:4 and 675:6, to adopt the All Mitigation Plan as it amends Chapter 7:Natural Hazards of the Town of Hamptons Master Plan. Mr. Emerick **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. ATTENDING TO BE HEARD:

1. Curves – Carol Hatch
Use Change from retail Auto Parts store to fitness and weight loss center at
38 Depot Square
Map 143, Lot 21
Owner of Record: Florian Kozinaczak

Ms. Carol Hatch introduced herself. She stated she would like to move the Curves fitness center from Seabrook, NH to Hampton, NH utilizing the front 2,200-sq. ft. of the existing building at 38 Depot Square. She stated there are no plans to renovate the structure, although she may ask the property owner to paint and otherwise spruce up the parking lot.

Mr. Gillick **MOTIONED** to approve the Use Change Application from retail Auto Parts store to fitness and weight loss center at 38 Depot Square, Map 143, Lot 21. Mr. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. John Privitera

Use Change adding a restaurant, hair salon, and entry/exit door to existing motel structure at 86 Ashworth Avenue
Map 287, Lot 43
Owner of Record: Same as above

Attorney Michael Belanger introduced himself as representing the applicant. Attorney Belanger proceeded to explain the Use Change Application to convert a Motel office to a Hair Salon and to convert four Motel rooms to a restaurant at the Westport Motel at 86 Ashworth Avenue. Mr. Privitera joined his Attorney at this time and was introduced as well. Mrs. Kimball reviewed the previous Board discussions and concerns. Mrs. Kimball clarified, the applicant is now proposing to move forward with just a Use Change of the existing structure, and not expand the structure as presented in the prior request. Mrs. Kimball stated these are both allowed uses in the Business Seasonal Zone. There was Board discussion regarding how many units would remain. The applicant/Attorney concurred there are currently 18 Motel Units existing, and the proposal is to bring renovate down to 14 Motel Units between both structures. Mrs. Kimball asked for clarification of the Motel office position, entrance and exit. The applicant pointed out the area to become the Motel office. There was Board discussion that the plans being viewed did not reflect the existing doors, as well as some confusion that the Motel Office door would exit into another Motel room, not an alleyway, as depicted. Ms. Theresa Bernard, Secretary at the Westport Motel was introduced. Ms. Bernard clarified where the Motel Office would be, and stated the proposed, new front door was not indicated on the current plan. Ms. Bernard stated the salon entrance would be on the North side. Mr. Viviano agreed with the Board that the plan does need additional clarification. Mr. Emerick **MOTIONED** to grant the John Privitera Use Change based on conditions to be stated. There was Board discussion as to whether the Application needs to be reviewed by the Hampton Beach Commission. Attorney Belanger stated the applicant would not be serving breakfast at the facility. There was no **SECOND** to the motion. **MOTION FAILED**. Mr. Higgins **MOTIONED** to deny the John Privitera Use Change based on insufficient information. There was Board discussion as to what more the applicant can do to clarify his position. Mrs. Kimball offered assistance in working with the Building Department to obtain the plot plan requirements for a building permit, in an effort for Mr. Privitera to complete one plot plan that satisfies both the Planning Board and Building Department requirements. There was no **SECOND** to that motion. **MOTION FAILED**. Mr. Gillick **MOTIONED** to continue the John Privitera Use Change Application to the August 4, 2004 Planning Board meeting subject to:

- 1) Submittal of revised, concise plans to include exact location of entrance/exit doors, delineation of structure distance from Ashworth Avenue, delineation of setbacks, and any other exterior changes to the building. The Board would like to see existing and proposed conditions.

Mr. Workman **SECONDED**. **VOTE: 5 = YES / 2 = OPPOSED** (Mr. Higgins & Mr. Emerick). **MOTION PASSES IN THE AFFIRMATIVE.**

3. Nancy & Joe Higgins

Parking Lot Application for 24 spaces at
83 Ocean Boulevard
Map 293, Lot 8
Owner of Record: Nancy Higgins

Attorney Robert Casassa introduced himself as representing the applicant. Attorney Casassa requested the Board may want to hear the Bolyea Parking Lot Application as the applicants are working together to make use of the existing lots. Mr. Viviano recommended taking the application one at a time. Mr. Gillick commented upon walking the site there were no distinguishing marks as operating separate. Attorney Casassa stated the two businessmen are keenly aware of where their boundaries are, working cooperatively to achieve a higher and better use of their properties, and there is no demarcation line between the two properties at present. Mr. Gillick suggested Mr. Viviano hear both applications together. Mr. Viviano suggested to hear both applications together and the Board would vote on *them* separately. Mr. Sakurai, Planning Board Clerk read the next application.

4. Norman F. Bolyea
Parking Lot Application for 22 spaces at
89 Ocean Boulevard
Map 290, Lot 146
Owner of Record: Captain Morgan Inn, Inc.

Attorney Casassa introduced himself as representing both Mr. Higgins and Mr. Bolyea, the applicants. Mr. Joe Higgins and Mr. Norman Bolyea were introduced at this time. Attorney Casassa proceeded to explain the applications where the owners are proposing to make the maximum use of both lots as a joined parking venture. He continued, vehicles would enter from one spot on Mr. Higgins lot off Ocean Boulevard and exit out of one spot on Mr. Bolyeas' lot in order to minimize pedestrian/vehicular conflicts. Attorney Casassa stated this is not the desired use of the property, however, using it as a parking space is feasible at this time for the property owners, the Town of Hampton, and the visitors of Hampton Beach. Mrs. Kimball stated each site is their own parking lot, each lot must remain less than 25 spaces, a notice must be filed at the registry, and a formal site plan is not necessary. There was Board discussion regarding the sharing of common curb cuts, existing fences, temporary fences, entrance and exit options, marked parking spaces, and gravel surface exists in both lots. Mr. Gillick expressed concern about access from Ocean Boulevard over the sidewalk and asked if a DPW permit was needed. Mrs. Kimball responded that it is a State Road and the Town's sidewalk and she was not sure if a permit was needed from either. The Board agreed that less conflict would be to enter from Ocean Boulevard (Mr. Higgins property) and exit on the North side of the lot (Mr. Bolyea' property) and expressed its appreciation that the applicants are working together to limit the pedestrian/vehicular conflicts. There was additional Board discussion regarding the parking lots being classified as "temporary". Mrs. Kimball stated the applications did not state that request. Mr. Lessard asked to clarify the lot operations and Mr. Bolyea stated the hours of operation would be from 10am through 12 midnight with no overnight parking, operating from May through September (Seafood Festival). Mr. Bolyea stated although it is a manned lot until about 5:00pm there has not been any call for manning the lot on the Wednesday fireworks nights as the public prefers to be closer to the Bandstand. Additionally, he stated there have been no overnight parking incidents. The Board requested that Mr. Bolyea repair the fence along his northern property line. Mrs. Kimball clarified, if the two lots were ever separated there is an existing entrance and exit on each lot that could be used if necessary. Mr. Gillick **MOTIONED** to approve the Nancy & Joe Higgins Parking Lot Application for 24 spaces at 83 Ocean Boulevard, Map 293, Lot 8, subject to:

- 1) Obtaining curb cut/entrance permit from Department of Transportation and/or Department of Public Works (if necessary),
- 2) No more than 24 spaces allowed, and,
- 3) Each space must be clearly delineated.

Mr. Workman **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Tom Higgins noted for the record that he is of no relation to the applicant.

Mr. Gillick **MOTIONED** to approve the Norman F. Bolyea Parking Lot Application for 24 spaces at 89 Ocean Boulevard, Map 290, Lot 146, subject to:

- 1) Obtaining curb cut/entrance permit from Department of Transportation and/or Department of Public Works (if necessary),
- 2) No more than 24 spaces allowed, and,
- 3) Each space must be clearly delineated.

Mr. Workman **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mrs. Kimball noted that recording fees for each applicant would be \$12.37.

5. Joseph Portinari
Use Change from retail sales (Fuller Brush) to Mortgage Company at
471 Lafayette Road
Map 160, Lot 1
Owner of Record: Anthony Jackson

Mr. Joseph Portinari introduced himself. He explained his application request is to change the use of the unit from retail sales to a Mortgage Company. The Board established there would be no changes to the existing structure. Mrs. Kimball noted this building has no onsite parking, and this Use Change request requires more parking than the existing use, and there has never been a variance granted to this unit. Mr. Portinari stated he will be processing and closing loans and does not intend to increase the traffic in the area. Mrs. Kimball commented, after review of previous applications in the area this applicant is required to ask for a variance from the parking requirements, as the Municipal Parking Lot cannot count toward the parking requirement. Mrs. Kimball stated that variances stand and run with the land and per our ordinance more parking spaces are required than what is there now. Mr. Gillick **MOTIONED** to approve the Joseph Portinari Use Change Application from retail sales (Fuller Brush) to Mortgage Company at 471 Lafayette Road, Map 160, Lot 1, subject to:

- 1) Obtaining variances from parking requirements (if necessary).

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

Mr. Gillick **MOTIONED** to reorder the agenda as necessary. Mr. Workman **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. CONTINUED PUBLIC HEARINGS:

4. Jane E. Gallagher
Lot Line Adjustment at:
31 Harbor Road
Map 295, Lot 63 & 62
Owners of Record: Jane E. Gallagher & Golden Corridor, LLC
Jurisdiction accepted June 2, 2004

Mr. Eric Marks of Millette, Sprague & Colwell, Inc. introduced himself as representing the applicant. Mr. Marks distributed the extra set of plans for Board review and stated the plan now shows the overlay of the previously, conditionally approved Golden Corridor Phase II proposal. Mr. Marks clarified that Area B and C are the Lot Lines that Ms. Gallagher is requesting to adjust with the pending application and Area A is what was conditionally approved with the Golden Corridor Application. There was Board discussion and Mrs. Kimball clarified that one plan set is for recording, the other plan set is the overlay for the Board's review benefit only and this shaded plan would never be recorded.

OPEN PUBLIC HEARING: NO COMMENT
CLOSE PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Gillick **MOTIONED** to approve the Jane Gallagher Lot Line Adjustment at 31 Harbor Road, Map 295, Lot 63 & 62, subject to:

- 1) Adjustment of the plan's bearing to match Golden Corridor Phase II plan #01048 as conditionally approved by the Planning Board in December 2003,
- 2) Area B as shown on the plan may only be conveyed subsequent to Area A being recorded and conveyed (final approval of the Golden Corridor Phase II Lot Line Adjustment plan),
- 3) Certificate of monumentation is required (coordinate with Golden Corridor, LLC),
- 4) Revise note #5 to state the setbacks are for the BS Zone and that there is a 50-foot buffer from the edge of the wetlands, and,
- 5) Submittal of final plans, mylar, and recording fees.

Mr. Emerick **SECONDED. VOTE: 6 = YES / 1 = OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

II. ATTENDING TO BE HEARD:

6. Mr. Jay Heavisides, PE
Meridian Land Services, Inc.
Proposed Site Improvements – Winnacunnet High School

Mr. Heavisides introduced himself and clarified his name is John, usually called Jay. Mr. Richard White of Winnacunnet High School introduced himself as well. Mr. Viviano thanked the gentlemen for the patience in waiting to be heard through the past Planning Board agendas. Mr. Heavisides put up for display an overview of the Phase I of the High School restructuring. He proceeded to explain the tennis court will be removed and 6 ft. of structural fill will be installed and the fill will remain for the construction of the building. This part of Phase I is to also include the beginning of the new parking lot accommodations. Mr. Higgins asked for clarification to walking to the gym in the winter. Mr. White stated that is currently the plan as there is a Town sewer line that cannot be constructed upon. Mr. White stated they will re-review this as it is on their 'wish list' if funding will allow. There was Board discussion regarding the parking and school bus traffic, and start/end dates. Mr. Heavisides stated, weather permitting, Phase I will start immediately and end sometime in August 2004. Additionally, he stated the gym will start in Fall 2004 or Spring 2005 and run some 19 ½ months if necessary. Mr. Viviano thanked the gentleman, on behalf of the Planning Board, for their efforts in presenting "Phase I" of the Proposed Site Improvements regarding the construction at Winnacunnet High School. Additionally, Mr. Viviano asked to be kept informed as the production progresses.

IV. CONSIDERATION OF MINUTES – July 7, 2004:

Mr. Emerick stated Page 2, regarding Ocean Vista, should read: “Mr. Lessard **MOTIONED** to continue the Ocean Vista Site Plan and Special Permit Applications to the August 4, 2004 meeting subject to:

- 1) *Submittal of Soil Testing results,*
- 2) *Submittal of percent of buildable upland,*
- 3) *Submittal of revised plans to include: monumentation of wetland edge; parking spaces now located outside; nature trail details, and, Review and comment by Ambit Engineering, Highway Safety and Conservation Commission.*

Mr. Emerick stated Page 3, regarding Jack Kopka (Maplecroft) address verification, should read: “**431**” Winnacunnet Road.

And, regarding Jack Kopka (Maplecroft) motion should read: “Hearing none, Mr. Gillick **MOTIONED** to continue the Jack Kopka (Maplecroft) “*Subdivision Application*” to the August 4, 2004 meeting subject to:

Additionally, Page 5, regarding Donald Bibeau Special Permit, the condition #3 should read:

- 3) Review and comment by Department of Public “**Works**” and Conservation Commission.

Mr. Lessard **MOTIONED** to amend the minutes as stated. Mr. Emerick **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

V. CORRESPONDENCE:

- 1) Land Conservation Techniques for Municipalities:
Mrs. Kimball stated there is a workshop being offered in August regarding bonds and other funds to acquire conservation land or interest in land. Anyone interested in attending can review the registration requirements at the Planning Office.
- 2) Ambit Engineering, Inc.:
Mrs. Kimball read a memo from Mr. John Chagnon of Ambit Engineering dated June 16, 2004 regarding their expansion of contract services to include Inspection Services for Construction projects within the Town. The Board expressed the *exceptional* job that Ambit has done in the past and looks forward to a continued working relationship in the future. The memo and fee schedule can be reviewed at the Planning Office.

VI. OTHER BUSINESS:

None.

Mr. Gillick **MOTIONED** to adjourn. Mr. Emerick **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 8:55 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary

Minutes as amended August 4, 2004.