

HAMPTON PLANNING BOARD
MINUTES
August 18, 2004

AMENDED

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

ABSENT: Tom Gillick

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

I. CONTINUED PUBLIC HEARINGS:

1. Donald Bibeau
Special Permit to construct duplex, driveway, & associated grading & filling work within the Wetlands Conservation District at
10 Patricia Street
Map 262, Lot 2
Owner of Record: Bruce Montville

Mr. Viviano read a facsimile letter dated August 17, 2004 from Mr. Donald Bibeau stating he had not received the permit from the State (as required by the Planning Board in order to be continued on this evening's agenda). Mr. Lessard **MOTIONED** to continue the Donald Bibeau Special Permit, at the applicants request, to the September 15, 2004 Planning Board meeting. The Board noted the conditions of the July 13, 2004 decision letter still applies to this project.

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

Ms. Kelly Britton of Francine Street, abutter to the applicant's property, asked Mr. Viviano why the abutters were not notified of Mr. Bibeau's application continuation. Mr. Viviano stated Mr. Bibeau was anticipating he might have gotten the necessary permit in time to be heard this evening. Mrs. Kimball added that regulations to notify the abutters are only required for the initial hearing, since it was continued in the public forum, and it would be the abutters responsibility to follow the application findings from each hearing. Mrs. Kimball stated any application information is available to the public and a phone call to the Planning Office can offer assistance in the future.

2. Jillian R.E. Development, LLC (Paul Lepere)
Site Plan Review for an existing two bedroom, 2 level apartment at
94 Kings Highway
Waiver requested: Site Plan Regulations V.E (detailed plan) & VI.A (traffic analysis-if needed)
Owner of record: Same as above

II. NEW PUBLIC HEARINGS:

3. Jillian R.E. Development, LLC (Paul Lepere)
Special Permit to work within the Wetlands Conservation District for work associated with
Site Plan Review at
94 Kings Highway
Map 196, Lot 8
Owner of record: Same as above

Mr. Viviano read a letter dated August 16, 2004 from Attorney Craig Salomon requesting continuation of the Jillian R.E. Development, LLC applications. Attorney Salomon represents the applicant. Mr. Emerick **MOTIONED** to postpone the continuation of the Jillian R.E. Development, LLC applications, at the applicants request, to the September 1, 2004 Planning Board meeting. Mr. Lessard **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. 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
3. 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 facsimile letter dated August 17, 2004 from Attorney Michael Donahue, of Donahue, Tucker & Ciandella requesting continuation of the Drakes Appleton Corporation applications. Attorney Donahue represents the applicant. Mr. Workman **MOTIONED** to continue the Drakes Appleton Corporation applications, at the applicants request, to the October 20, 2004 Planning Board meeting. Mr. Emerick **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. NEW PUBLIC HEARINGS:

1. Hampton River Marina, LLC (Phase III)
Site Plan Review to construct 44 Townhouse Condominiums in 2 buildings with
associated road & utility work (existing Marina to stay in operation) at
55 Harbor Road
Map 295, Lot 1
Waiver Request: Site Plan Regulations Section VII.D.2 & 5 (increase in stormwater)
Owner of Record: Same as above
2. Hampton River Marina, LLC (Phase III)
Special Permit to work within the Wetlands Conservation District for work associated
with Site Plan Review at
55 Harbor Road
Map 295, Lot 1
Owner of Record: Same as above

Attorney Peter Saari of Casassa & Ryan introduced himself as representing the applicant. Mr. Joe Coronati of Jones & Beach Engineers, Inc. was also introduced. Referencing his memo August 12, 2004, Attorney Peter Saari proceeded to explain the review responses to Mrs. Kimball's memo (dated August 2, 2004): remove the top and bottom tier from the boat racks to provide more parking spaces; two buildings for a total of 44 units (28 units in one and 14 units in the other); parking is outside; an office is to be constructed; the existing marina will stay. Mr. Viviano asked for comments from Mr. Coronati: Map 295, Lot 1 just a little over 4 acres; Hampton Harbor borders three sides; Phase I and Phase II (of the Golden Corridor projects) were pointed out on the plan set; Phase I is now under construction; modification of boat racks to decrease storage; no future winter boat storage or repairs are planned;

the marina office will be located where the proposed patio area is; 44 units with designated parking spaces will be distinguished on the revised plans; parking to be delineated for marina users and condo owners; 28 condo units require 60 parking spaces; 16 condo units require 34 spaces; 144 boat slips and 99 boat racks proposed. Mr. Viviano asked if one entrance and exit to be accessed on Harbor Road, through Phase II. Mr. Coronati stated a traffic study has been initiated. There was extensive Board discussion regarding whether there were enough parking spaces. Mr. Higgins stated concerns over the proposal to have a privately held business (marina) within a condominium complex. Mrs. Kimball asked if the Marina would be considered a member of the Condominium Association given certain, limited common areas of rights. Attorney Saari stated the marina would have the overall responsibility for maintenance of the marina, parking spaces would be color-coded and numbered, and these to be stated in the condominium documents. There was considerable Board discussion regarding the existing parking is much less than what is proposed; fuel storage; marina facility; bathrooms; condo association leasing space to the marina; boat/trailer storage and winter parking of boats. Mrs. Kimball clarified the boat rack use being "like a garage" where any boat rack/slip owner can request their boat put in the water (or taken out of the water) any time. Mr. Coronati stated there is an existing mobile cart that any boat pumps waste into; there is not going to be a public boat launch ramp; trailers will have to park offsite or in the condo owner extra parking space (depending on size). There was considerable Board discussion regarding an emergency access route and the ability to utilize the Harris & Fellows Avenue. The Board suggested the Fire Department review and comment on access. Mr. Higgins requested the plans to be revised showing trash, electric, dump station, water, lighting, and launch lift vehicle as related to the docks, as well as noting that no winter storage is allowed, other than in water or on racks. There was Board discussion regarding the recently permitted Maintenance office and Mrs. Kimball explained because of the New Years fire there was temporary placement so the Marina can still function. Mr. Higgins asked if *the lessees of docks/boat slips needed* abutter notification. Mrs. Kimball stated lessees are not abutters and no notification would be necessary. Mr. Coronati stated only one dumpster exists and the revised plans would be show three; a receptacle to be placed at every dock access and the Marina would be responsible for maintenance of them (emptying). There was additional Board discussion regarding the boat lift/launch vehicle and the space allotted for that to actually put in or take out a boat; also discussed in depth was the fire emergency access and it was noted that the Fire Department does have a new Fire Rescue Boat that pumps water. Mr. Lessard asked for the revised plans to show: all commercial operations (charters, etc...); if recreation space and picnic area are one in the same; winter storage for the outer slip floatation devices; clarify tie in with Phase I and II (presumed this project is being called Phase III). Mr. Sakurai recommended a turn radius be determined for the launch/lift vehicle concerns, as well as the sewer and water to be shown on sheet C3 for all proposed buildings. Mr. Coronati stated the maintenance and office were not going to have water hook ups. The Board suggested the applicant might reconsider water hook ups at least at the maintenance office as the need for an eyewash area be available in an emergency.

OPEN PUBLIC HEARING:

Mr. Ron Dube of 35 Harbor Road introduced himself. Mr. Dube stated concerns of having an emergency access somewhere for the Harbor Road and Fellows Avenue areas. Additionally, Mr. Dube pointed out the private Roads in this area should be changed to Town Roads as existing Maintenance (plowing, etc...) problems have led to failure of upkeep in the past.

Mr. Bob Nudd of 531 Exeter Road introduced himself. Mr. Nudd stated concerns for the possibility of the commercial marina being diminished because of this project. He noted the existing access to the mooring area should not be jeopardized, but preserved, with a project of this magnitude.

SUSPEND PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Mr. Emerick recommended the Harbormaster be consulted regarding any of the mooring issues as the Board has done in the recent past. There was considerable Board discussion regarding Condo owners being first to lease and purchase the boat slips; the option to have the marina as the "45th owner". Mr. Viviano clarified that Phase I, II, and III are all separate. Attorney Saari stated that the common thread would be noted in the Condominium Documents where the maintenance of the entry/exit road(s) would be shared (the marina has the rights to Harbor Road in Phase II). Mr. Lessard asked to review the drainage plans. Mr. Coronati stated there are two proposed downstream defenders; a waiver has been requested regarding the increase in stormwater runoff); sheet C4 explains the town outfall and outlets as well as the Fellows Road tie in. Mr. Lessard stated concerns for pedestrian safety and the need for a sidewalk. There was Board discussion regarding public safety concerns and the possibility of Fellows Road sidewalks as the Board voted for no sidewalks in Phase II of Harbor Road. It was mutually agreed by the Board, and the applicant, to have further changes made to the plans that may come closer to satisfying the needs of the area. Mr. Lessard **MOTIONED** to continue the Hampton River Marina, LLC applications and waiver request to the September 15, 2004 Planning Board Meeting subject to:

- 1) Review and comment from Fire Department, and Department of Public Works,
- 2) Establish sufficient escrow (minimum of \$3,000.00) to cover independent review fees, and
- 3) Review and comment from Ambit Engineering once the escrow is satisfied.

Additionally, the Board acknowledged that a traffic study would be completed and submitted for its review prior to the next meeting. Mr. Sakurai **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. CONSIDERATION OF MINUTES – August 4, 2003:

Mrs. Kimball noted changes to be made to the minutes as follows:

Page 4, regarding Jack Kopka (middle of the page):
the Unutil memo dated July 23, 2004 points are now considered *moot*–

Page 4, ¾ page down:
He stated, the property was *formerly* owned by his sister.

Page 5, regarding the MOTION on Jack Kopka (Maplecroft), middle part of item #2:
shall provide legal documentation regarding the existing non-conforming 2-family use to satisfy Town Attorney *Gearreald's 6/2/04 memo*,

Page 7, ¾ page down:
The Applicant understood the *Board's* frustration

Mr. Lessard **MOTIONED** to accept the minutes as amended. Mr. Bilodeau **SECONDED. VOTE: 6 = YES / 1 = ABSTAIN** (Mr. Higgins). **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. CORRESPONDENCE:

1. Hampton Harbor/Phase II Surety:
Mrs. Kimball read a memo dated August 18, 2004 from Mr. John Hangen, Public Works Director recommending surety to be set in the amount of \$130,000.00. After Board discussion regarding previous commitment to independent services fees, and upon recommendation from Mrs. Kimball, Mr. Lessard **MOTIONED** to set the surety for this project at \$115,000 based on recommendation from Public Works (memo dated 8/18/04).

Additionally, the Board voted that an escrow account in the amount of \$15,000 be established for payment of independent engineering inspections. Mr. Bilodeau **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Saxonville Lumber Surety Reduction:

Mrs. Kimball read a memo dated August 18, 2004 from Mr. John Hangen, Public Works Director reference to the Saxonville Lumber conditionally approved application. After Board discussion, Mr. Workman **MOTIONED** to retain the remaining surety until such time that all work is completed for this project. This determination was based on recommendation from Public Works (memo dated 8/18/04). Mr. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

3. 2004 Law Lecture Series:

Mrs. Kimball noted the Law Lecture Series will be held October 13, 20, 27, 2004. Anyone wishing to attend can contact the Planning Office during regular business hours to register.

V. OTHER BUSINESS:

Mr. Lessard stated there is a list of landscape species that are considered invasive to New Hampshire and homeowners are discouraged from planting them. In an effort to minimize future plantings of these species, Mr. Lessard will be providing the list of plant names to be posted and used for future reference.

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

Meeting adjourned at 9:14 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary

Minutes as amended September 15, 2004