

HAMPTON PLANNING BOARD – MINUTES
November 3, 2004

PRESENT: Tracy Emerick, Vice-Chairman
Ken Sakurai, Clerk
Tom Gillick
Tom Higgins
Keith Lessard
Bill Bilodeau*, Alternate
Fran McMahon, Alternate
Jennifer Kimball, Town Planner
James Workman, Selectmen Member

ABSENT: Robert Viviano, Chairman

Mr. Emerick called the meeting to order at 7:00 p.m., introduced the Board members and asked Mr. Gillick to lead the Pledge of Allegiance. Mr. Emerick offered congratulations to Mr. Gillick on his re-election to the New Hampshire House of Representatives. With Mr. Emerick chairing the meeting for Mr. Viviano, Alternate Fran McMahon was seated in Mr. Emerick's place.

Mr. Emerick announced that the Fred Ayotte Design Review appointment (item 8 on the agenda) has been withdrawn by the applicant.

I. CONTINUED PUBLIC HEARINGS

1. Forest Homes of Massachusetts
Site Plan Review to construct a 3-story multi-use building unit with retail & lodging and associated parking at
428 Lafayette Road
Map 160, Lot 23
Owner of Record: D.L.R. Inc.

Attorney Peter Saari informed the Board that the information needed was not available and asked that the application be continued. Mr. Gillick **MOTIONED** to continue the application to November 17, 2004. Mr. Lessard **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY.**

2. Donald Bibeau
Special Permit to construct duplex, driveway, and associated grading & filling work
10 Patricia Street
Map 262, Lot 2
Owner of Record: Bruce Montville

Mr. Emerick read a letter from Donald Bibeau requesting a two-week extension. Mr. Gillick **MOTIONED** to grant the two-week extension to November 17, 2004. Mr. Lessard **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY.**

II. NEW PUBLIC HEARINGS

1. Edward L. Keohane
Impact Fee Waiver Request for Single Family Structure (fees total \$3,641.00)
26A Seaview Avenue
Map 133, Lot 33
Owner of Record: Same as above

Mr. Emerick read a letter from Mrs. Keohane requesting that the application be deferred until the December 1, 2004 meeting. Mr. Gillick **MOTIONED** to postpone the hearing until December 1, 2004. Mr. Lessard **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY.**

2. Mark J. Davis
Lot Line Adjustment
11 and 15 Towle Avenue
Map 76, Lots 4 and 2
Waivers Requested: Subdivision Regulations Section V.E. (detail plan)
Owner of Record: Mark J. Davis and Benjamin Simonds

Applicant Mark Davis and Land Surveyor Ernest Cote were present for the application. Mr. Cote reviewed the site plan, pointing out the reconfigured lot sizes and property lines. He explained that Mr. Simonds is transferring 550 square feet from his property to Mr. Davis's. Mr. Davis submitted a letter of authorization from Mr. Simonds.

Public Hearing Open: No Comments; Public Hearing Closed.

Mrs. Kimball reviewed her October 28, 2004 memorandum. Mr. Gillick **MOTIONED** to approve the waiver request. Mr. Higgins **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY.** Mr. Gillick **MOTIONED** to accept jurisdiction and approve Plan Number 3-73-7680 dated October 4, 2004 for a lot line adjustment subject to items #3, 4, and 5 of Jennifer Kimball's October 28, 2004 memorandum. Mr. Higgins **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY.**

3. Mary Maher
Condominium Conversion
391 High Street
Map 165, Lot 10
Waivers Requested: Subdivision Regulations: Section V.D 7 E (submittal of subdivision and detailed plan)
Owner of Record: Same as above

Mr. Sakurai stepped down for this application and Mr. Bilodeau was seated in his place.*

Ms. Maher joined the members at the table. Mrs. Kimball read her October 31, 2004 memorandum reviewing the previous approval and revocation of the condominium conversion. She explained that re-approval is necessary since Ms. Maher did not follow through the previous approval. Mr. Lessard confirmed that no conditions were attached to the prior approval.

Public Hearing Open: No Comments; public hearing suspended.

Mr. Gillick **MOTIONED** to approve the waiver request. Mr. Higgins **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY.** Mr. Gillick **MOTIONED** to accept jurisdiction and approve the Condominium Conversion, noting that Plan Number D-29717 is currently on file at the Rockingham County Registry of Deeds, authorize the Chairman to file a letter with the Rockingham County Registry of Deeds indicating that the previous plan revocation (Book 4107, Page 2241) has been revoked. Mr. Higgins **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY.**

4. Mark and Elizabeth Keroack
Special Permit to construct a deck within the Wetlands Conservation District
477 Winnacunnet Road
Map 222, Lot 107
Owner of Record: William and Genevieve Badger

Mr. Sakurai rejoined the Board members for the duration of the meeting. Mr. Bilodeau returned to the audience at this time.*

Applicant Mark Keroack and Land Surveyor Ernest Cote introduced themselves for the application. Mr. Keroack submitted a revised drawing of the deck as he changed the original design after meeting with the Conservation Commission. Mr. Lessard confirmed that the Conservation Commission did not object to the ten feet by 20 feet deck as long as the area under remained open. Mr. Higgins asked if the steps are

located within the setback and queried whether a variance would be needed. He felt that dimensions should be shown on a plot plan to clarify the distances. Mr. Cote pointed out that the plan was drawn solely to delineate the wetlands, not property boundaries. Mrs. Kimball confirmed that any structure would need to be at least seven feet from the property line in order to comply with current zoning. In response to Mr. Lessard's question, Mr. Keroack said he would be willing to decrease the size of the deck if needed.

Public Hearing Open:

Kathy Kaklanamos, 475 Winnacunnet Road, inquired about the location of the deck relative to the house.

No further comments; Public Hearing suspended.

Members indicated that they did not have any problem with the construction of a deck to the property; however, Board consensus was that a plot plan should be available to ascertain distances from the property lines before they could make any decision. Mr. Lessard **MOTIONED** to continue the application to November 17, 2004 in order for the applicant to submit a plot plan depicting the proposed construction with measurements to each property line. Mr. Gillick **SECONDED**. **VOTE: MOTION PASSES UNANIMOUSLY.**

5. James R. Valentino
Condominium Conversion
747 Ocean Boulevard
Map 223, Lot 38
Waivers Requested: Subdivision Regulations: Section V.E. (detailed plan) and V.II.C (storm drainage)
Owner of Record: Same as Above

Mrs. Valentino and Attorney Peter Saari were seated at the table for the hearing. Mrs. Kimball's October 31, 2004 review memorandum was discussed. Attorney Saari stated that the deed to the property has a restriction against subdividing; however that restriction is not contained in the lease. He said litigation has stipulated that if a restriction is not in the lease, it should not be in the deed. The Board agreed that this discrepancy would need to be addressed prior to any action.

Members next addressed the parking configuration and the limited common area. Questions arose regarding the surface material for the four parking spaces depicted on the plan. Mrs. Valentino confirmed that spaces one through three are paved; space number four is currently being used as a patio and is covered with bricks. Mr. Higgins favored having all four parking spaces paved and clearly marked. Mrs. Kimball confirmed that any new parking space would need approval from DPW if on Third Street, and approval from the State if on Ocean Boulevard. Mrs. Valentino said that the shed on pavement between spaces one and two is a small Rubbermaid portable.

Public Hearing Open: No comments; Public Hearing suspended.

Mr. McMahon asked if the homes were both single family or had apartments in them. Mrs. Valentino said they are both single family, the property on Third Street is a small cottage. Mr. Higgins stated that the plan should clearly designate four spaces, with permanent surface material, as this will avoid future problems if the conversion is approved. Mr. Lessard **MOTIONED** to continue the application to December 1, 2004; contact the town's attorney for a legal review of the deed restriction regarding leased land; and request that the applicant submit a revised plan, depicting both the existing and proposed parking spaces with designated surface materials on the Friday before the December 1st meeting. Mr. Sakurai **SECONDED**. **VOTE: MOTION PASSES UNANIMOUSLY.**

6. Northern Utilities, Inc.
Special Permit to install a new, natural gas line
Ocean Boulevard near Eisenhower Street
Owner of Record: NH Department of Transportation

Bob Prokop of Wetland Consulting Services and John Nerdan of Northern Utilities were present for the hearing. Mr. Prokop reviewed the application, pointing out the 15' by 15' and 30' by 30' sand dune areas that will be impacted. He explained that the gas line will run under Ocean Boulevard and then outlined the restoration plan.

Board comments with Mr. Gillick recommending that all the appropriate entities/utilities be duly notified. Mrs. Kimball confirmed authorization from the NHDOT. Mr. Prokop provided a copy of the NHDES application. Mrs. Kimball reviewed the Conservation Commission's October 31, 2004 letter. Mr. Prokop discussed the type of planting available and informed the Board that DES usually advises which type of planting is preferred.

Public Hearing Open

Gary Bashline, 16 and 20 Portsmouth Avenue, read his November 3, 2004 letter. Mr. and Mrs. Bashline asked that the 30-foot White Pine be protected during the construction and recommended that a snow fence or more substantial barrier, with signage, be erected to protect the re-establishment of beach grass.

No further comments; Public Hearing suspended.

Mr. Lessard **MOTIONED** to approve the Special Permit (Job Number 35800102 by S.G.C. Engineering) pursuant to the following conditions: 1) a \$3,000 bond to be held in escrow until December 1, 2007 as an assurance that the plantings in the dunes will have two successful growing seasons; 2) the Conservation Commission is to be notified in writing at the start and finish of construction; 3) the dune areas shall be either replanted or stabilized (covered with jut-mat or other appropriate material) prior to the winter; and 4) submittal of a copy of the NH DES Wetlands Bureau permit approval to the Planning Office. Mr. Sakurai **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY.**

7. H.B. K Street, LLC
Site Plan review to construct a 4 story, 8-unit townhouse condominium with associated parking
18-22 K Street
Map 290, Lots 164 and 165
Owner of Record: Same as above

Attorney Peter Saari and Joseph Coronati of Jones and Beach Engineers were present for the application. Mr. Higgins stated that his company has placed renters in the property in the past and asked if he should hear the proposal. Messrs. Saari and Coronati consented to Mr. Higgins hearing the application; Board members also agreed.

Mr. Coronati reviewed the specifics of the plan, distributed photographs of the existing four buildings on the sites, and explained the construction of the new building. Grades at ground level for the garage were reviewed. Mr. Coronati told the Board that trash pick up will be private, the building design has been coordinated with the Hampton Beach Commission, and the new construction increases the pervious surface area on the site. He addressed the literature regarding lighting, privacy fencing, landscaping, and snow storage. Depending on the amount of snowfall, the snow will be removed from the site.

Board comments with Mr. Gillick confirming that all utility lines are located on the street and not running under this parcel. Mrs. Kimball addressed her November 1, 2004 review memorandum and questioned the height of the structures as the elevations are not listed. Unresolved items included number four regarding the turning radius into parking space number 7, maneuverability for spaces 8, 14 and 16; item five regarding the size of the visitors parking space; and item 8 questioning deed restrictions on the former leased land. Mr. Coronati said that the mechanical units (item 11) for only the two top units would necessitate placing the HVAC units outside the building. Other items needing resolution were number 14 regarding building height, and item 15 about building setbacks.

Mr. Higgins inquired about the total height of the building. He recalled that the building height was possibly going to be reduced to 56 feet once the floor of the garage was lowered. Mr. Lessard felt that the Board should take a position holding the height at 50 feet in compliance with the Beach Master Plan as it was approved by the voters.

Mr. McMahon asked if the two air conditioning mechanicals are located within the property setback and consistent with the variances granted. Mr. Coronati said they are located on two by two concrete pads, are not shown on the plan and should be added to sheet C-2.

Public Hearing Open: No Comments; Public Hearing suspended.

Mr. Lessard agreed that the air conditioning mechanicals should be put on the attic or towards the rear of the building, not the side near the abutters. Mr. Coronati will attempt to comply. Mr. Gillick **MOTIONED** to accept jurisdiction of Plan Number 04228, Revision 1, dated October 15, 2004, send out for departmental reviews (including the Hampton Beach Commission and Aquarion Water Company), obtain an independent review from Ambit Engineering, and continue the application to December 15, 2004. Mr. Workman **SECONDED**. Mr. Higgins suggested that the applicant coordinate the curb cut locations with Faye, Spofford and Thorndike. **VOTE: MOTION PASSES UNANIMOUSLY.**

III. CONSIDERATION OF MINUTES – October 20, 2004

Page 3, last paragraph, changes (in italics) requested by Mr. Higgins. "Mr. Higgins recommended/questioned: had the soil testing been accomplished; is the emergency gate *location to the right of existing gate and* precise on the plan; clarification of the transient dock permit; designated signs stating 15 min. parking at the top of each dock *ramp to allow more convenient loading and unloading of supplies, etc. for boats*; denote on the plans the 60 and 32 permitted slips *realigned inside slips* and all other slips..."

Mr. Lessard **MOTIONED** to approve the minutes as amended. Mr. Sakurai **SECONDED**. **VOTE: 5 FOR; 2 ABSTAIN (Workman, McMahon). MOTION PASSES.**

IV. CORRESPONDENCE

- November 1, 2004 memorandum from John Hangen to Planning Board re: crosswalk location at Dunkin Donuts. Members to look at site and discuss at next meeting.
- October 29, 2004 memorandum from Town Counsel's office re: 389 High Street mediation scheduled for January 12, 2005.

Mr. Gillick **MOTIONED** to adjourn. Mr. Higgins **SECONDED**. **VOTE: MOTION PASSES UNANIMOUSLY.**

Meeting adjourned 9:01 p.m.

Respectfully submitted,
Janet Perkins
Acting Secretary