

HAMPTON PLANNING BOARD – MINUTES

March 19, 2003

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

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the newly elected board members (of March 11, 2003 voting).

Mr. Gillick then asked for a Pledge of Allegiance and a moment of silence.

Mr. Gillick turned the meeting over to Board of Selectman Representative, Mr. Sullivan by swapping seats.

I. REORGANIZATION OF BOARD:

Mr. Sullivan asked for nominations for chairman. Mr. K. Lessard **MOTIONED** Mr. Viviano for chairman for one year. Mr. J. Lessard **SECONDED** the vote. Mr. Sullivan **MOTIONED** Mr. Gillick for chairman for one year. Mr. Higgins **SECONDED** the vote. Mr. Sullivan asked if voting by ballot was necessary. It was decided to use “show of hands”.

Mr. Sullivan **NOMINATED** to accept Mr. Viviano for chairman. **VOTE:** Three hands voted in favor. Mr. Sullivan **NOMINATED** to accept Mr. Gillick for chairman. **VOTE:** Four hands voted in favor. **VOTE: MOTION PASSES IN THE AFFIRMATIVE OF MR. GILLICK FOR CHAIRMAN.** Mr. Sullivan then turned the meeting over to this year’s chairman, Mr. Gillick.

Mr. Gillick **MOTIONED** to nominate Mr. Viviano as Vice Chairman. Mr. Higgins **SECONDED**. **VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Viviano **MOTIONED** to nominate Mr. Emerick for this year's Clerk. Mr. K. Lessard **SECONDED**. **VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Gillick announced an opening for alternates. It is suggested any interested applicants should submit a letter of intent and/or history resume to Mrs. Kimball by March 28, 2003. Mrs. Kimball will also accept telephone calls to answer any questions regarding alternate applicants at her office.

Let it be noted that the Board’s Alternate position is for a three year term. There is a vacancy for one position currently available, although there can be up to five positions at the Board’s determination should there be an abundance of qualified applicants.

III. CONTINUED PUBLIC HEARINGS

1. Golden Corridor & Hampton Harbor Condominiums, LLC
Lot Line Adjustments at
3 Ocean Blvd.; 31 Harbor Road; and Duston Avenue/Harbor Road
Map 298, Lot 6; Map 295, Lot 62; Map 295, Lots 59 & 63;
Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Helen C. Gilmore & Catherine F. Silver; James E. Gallagher;
Golden Corridor LLC; Hampton Harbor Condominiums LLC
2. Golden Corridor & Hampton Harbor Condominiums, LLC
Site Plan Review for 21-unit Townhouse Condominium Development at
Duston Avenue/Harbor Road
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC
3. Golden Corridor & Hampton Harbor Condominiums, LLC
Special Permit Application for work within the Wetland Conservation District
associated with the multifamily Site Plan application at
Duston Avenue/Harbor Road
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC

Mr. Gillick addressed Item III on tonight's agenda, **CONTINUED PUBLIC HEARINGS**, Golden Corridor & Hampton Harbor Condominiums, LLC. Mrs. Kimball was notified the parties had to cancel tonight because they did not get back all their departmental reviews needed to prepare for tonight's meeting. Mr. Sullivan **MOTIONED** to allow postponement of stated item until April 2, 2003. Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Gillick offered his personal thank you to the public for the patience they showed going through the long ballot in support of the planning board articles.

II. PUBLIC HEARING - MASTER PLAN AMENDMENTS:

Mrs. Kimball reviewed the three sections of the amendments for the Town Master Plan as follows:

1. Chapter 2.1 = Existing Land Use
2. Chapter 3 = Transportation Systems
3. Chapter 6.2 = Soils and Construction Materials

Chapter 2.1 = Existing Land Use

Discusses where the existing land use is, includes maps of land use types, and a parcel database. The title line for Chapter 2 should read "LAND USE: and not "existing and future land use".

Chapter 3 = Transportation Systems

Went through extensive review by different subcommittees and discusses the existing transportation system and possibly where we want to go. Additionally, it has several recommendations for the Board and the Town and mentions the beach master plan. Mrs. Kimball recommends a minor change to the numbering system so that it is consistent with other chapters (i.e. 3.1, 3.2, etc...).

Chapter 6.2 = Soils and Construction Materials

Discusses different soil types around the Town where different construction material types are available. It talks about the aqua firm and such.

Mr. Gillick asked for any member of the public that wanted to be heard regarding the discussion of the master plan updates.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. Higgins noted that Chapter 2.4 (bottom of paragraph) had already been voted on – states: “a warrant article is proposed for” will now be changed to: “a warrant article was passed”. Mrs. Kimball agreed it was a minor change and a rehearing was not necessary on that.

Mr. Higgins also brought up the announcement of COAST TRANSPORTATION bringing a new route to Rye, NH border (along Route 1) – this should be added. Page 3-15 will be changed accordingly.

Mrs. Kimball addressed Mr. Higgins request to have the maps in color. They are available for review at the Board office at the Town. (For time constraints and budgets expenditures the maps were photocopied for the Board in black and white).

Mr. Emerick asked: “what is the ‘weight’ this master plan holds?”

Mrs. Kimball stated there is a considerable amount of ‘weight’ a master plan. A master plan is supposed to be a guide and a plan for towns to follow. It is actually a prerequisite for other items (i.e. in order to have a Capital Improvements Program you have to have a master plan in place first). It gives a lot of recommendations, things to follow. If you have it and you completely do something opposite then you either have to amend it or it loses its credibility. However, if the Board basis a decision – it can approve projects, it can disapprove projects based on the master plan. It should guide the Town and such. The other thing is funding; a lot of grants these days expect to see a plan of action in place (i.e. transportation; for example: recommendations are to start forming ‘pull outs’ on the roads for buses & such) and if a grant was available to fund construction of this type, once it is established in the master plan this would hold a lot of water showing it has been planned and continued to be implemented.

It should be noted that the master plan does not hold the same ‘weight’ as a zoning ordinance or site plan regulations.

Mr. Gillick stated the new land use guidebook has been distributed to the Board. There is a lot of info in sections 673 & 674. Mr. Gillick went on to state, in his experience, in other towns (i.e. Concord, NH) they haven’t been able to fulfill some plans because they have not been ‘adopted’ into the master plan. It is a guide, it is an expression of where we hope to be and how we hope to get there.

Mr. K. Lessard **MOTIONED** to adopt the referenced amendments to the Hampton Master Plan with the following minor changes:

1. On page 2-4, in the last paragraph, update the sentence to reflect that the warrant article requesting funds for sewer upgrades was passed by Town Meeting on March 11, 2003.
2. On page 3-15/-16, section on COAST should reflect that COAST recently added a route along Route 1 into Rye.
3. Changes listed in J. Kimball’s memo dated March 19, 2003

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

Mrs. Kimball requested signatures of all board members for THE CERTIFICATE OF ADOPTION and the signature sheet was passed and signed before everyone left.

IV. ATTENDING TO BE HEARD:

1. MRFCPJR Inc. (Rinaldi)
Use Change application from retail store to Ice Cream Store (restaurant) at
69-69a Ocean Boulevard
Map 293, Lot 68
Owner of Record: Four Brothers Plus One, Inc.

Mr. Jose Rinaldi owner/operator of this family owned business, requests to refurbish the existing store to open what would be their fourth chain of ice cream parlors. Mrs. Kimball stated that one store is currently empty and the other was a CD store. Mr. Higgins verified the location of these stores (by "M" Street) on the beach strip for the others information.

Mr. Sullivan **MOTIONED** to accept the use change application. Mr. K. Lessard **SECONDED**.
VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.

2. Thomas J. Scanlon
Use Change application from office to one-bedroom apartment at
201 Towle Farm Road
Map 138, Lot 008
Owner of Record: Karen Scanlon Revocable Trust

Mr. Thomas Scanlon introduced himself and his two sons, Craig and Jason. He proceeded to explain that an application was brought before the Board a couple of years ago. After having the property up for sale, and not much success selling it, they have decided to now proceed with a residence along with the garage and storage. It should be noted that septic approval for residence is in place.

Mr. Viviano wanted to clarify this really isn't a "use change". The "use" never came into play because the original application construction was never completed. The term 'use change' is being used for preliminary reasons for the Board.

Mr. Sullivan **MOTIONED** to approve the use change application from office to residential. Mr. Viviano **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

V. CONSIDERATION OF MINUTES – March 5, 2003:

Mr. Gillick **MOTIONED** to approve the minutes of March 5, 2003. Mr. J. Lessard **SECONDED**.
VOTE: 6-yes. 2-abstain (Mr. Viviano & Mr. Emerick) **MOTION PASSES IN THE AFFIRMATIVE.**

VI. CORRESPONDENCE:

1. Mrs. Kimball introduced a 'dealer' request:
Hampton Harbor Boat Works
24 Harbor Road
Hampton, NH 03842

Mrs. Kimball informed the Board that the state now requires that boat dealers get an annual recertification. The Building Department is doing a form letter so when they come in it is logged and ready for presentation.

Mr. Sullivan **MOTIONED** for recertification of license for HAMPTON HARBOR BOAT WORKS. Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Mrs. Kimball next discussed a letter from the Building Inspector & Dick Violet, Grease Trap Inspector regarding 55-gallon drums for storage of waste oil with the Board. They are recommending to the Town Manager, and possibly to the Board of Selectman to prohibit the current system and begin using specific mandated containers that avoid spillage, seal tightly, and are easier to handle. This memo came to the Board 'for information' and was recommended that when a restaurant or an expansion restaurant comes before the Board it implements any approved changes at that time. Mr. K. Lessard questions if this new system drum will be treated as if a dumpster and shown on the plan? Mrs. Kimball agreed: "yes" – a grease waste item.

3. Conservation Commission will be holding a meeting regarding the fecal chloroform found in the Hampton Harbor on April 22, 2003. This will include a discussion from NH Department of Environmental Services regarding the bacteria levels found.

4. A flyer was distributed to the Board regarding the 10th annual Planning & Zoning Conference coming up on April 12, 2003. There will be a tracked specific to Planning Board Members. If anyone is interested in attending please let Mrs. Kimball know by Friday and she will sign you up.

Mr. Sullivan wanted to note that the Board of Selectman and elected Cliff Pratt as the Selectman's Representative Alternate to their Board this year. Mr. Sullivan very seldom volunteers and was anxious to get back on the Board – he finds it extremely interesting.

Mr. K. Lessard requested to Mrs. Kimball if we can have a presentation about the fecal matter found at the Hampton Harbor – specifically for greater public awareness. Mrs. Kimball will suggest to the Conservation Commission that it be televised – at least the portion from NH Department of Environmental Services.

VII. OTHER BUSINESS:

1. EPA Stormwater PHASE II Requirements:

Mrs. Kimball discussed the new "Phase II" EPA requirements for the Town. There are several items that the Town will need to address through a "storm water plan". Some of these tasks directly involve the Board, such as changing existing regulations.

Where it comes into play in a significant matter is there are new regulations and requirements that require site plan approval by the board, which we are not presently required to do. This would mean any site work, clearing, grading, cutting down trees, anything of that nature that disturbs an acre or more of soil requires site plan approval under this new program. The Town does not have any requirement of that sort right now. The Town will meet all the rest and have site plans for other things. This would mean, as part of the Board's responsibility for development of new regulations, to require sediment and erosion control at construction sites, and require site plan approval in accordance with those regulations.

Mrs. Kimball noted the new regulations would need to be adopted in Year III (2005-2006). The Board did not have any issues with the time frame.

Mr. K. Lessard clarified the one acre or more of disturbed area does not mean any property that is larger than one acre. If you build a house on an acre lot, of 50 X 60 foundation, that would be less than an acre disturbance and would not qualify. Mrs. Kimball concurs the point. Mr. K. Lessard continues: as opposed to have a lot deep in the woods and needed to excavate to clear land to make a drive to the house and garage, waste water or septic accommodations, that collective area could be greater than an acre and that would have to meet these better management practices.

Mrs. Kimball added for the public's information, even though the Town may not have the regulations updated, it is still going to be a federal requirement that if you are going to disturb one or more acres of land, you will have to file with the EPA and that has become effective March 10, 2003. She doesn't know if agriculture is exempt; anyone doing agriculture should check with the EPA specifically.

Mr. Gillick brought the Board up to date on projects funded by the Estuaries project – some of which relate to storm water runoff.

Mrs. Kimball reiterated a second major item would be the post construction run off control for which the Town doesn't have regulations. We will need to start creating ordinances that will address post construction run off. The schedule is to begin developing of these new regulations in Year III. The Board understands the responsibility and is okay with that time line.

Mr. Emerick asks once this post construction program is implemented who enforces it? Mrs. Kimball addresses it as we would have to work on that, most likely the enforcement will fall in the Building Department realm. It's one thing to say who's enforcing it until the building permit is closed, the problem is once the building permit is closed and it is occupied five years from that, what happens if they are no longer maintaining their storm water facility (or they alter it). That is why we have to have, in our regulations, something to address that. It does not mean we expect someone monitor it on a yearly or daily basis. It would have to be self monitoring, and like anything else, if ten years from now if something goes wrong its going to be the neighbor complaining that something went wrong that is going to trigger enforcement.

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

Meeting adjourned at 8:03 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary