

**HAMPTON PLANNING BOARD
Draft Minutes
October 17, 2007**

Working Session on the Beach Commercial Zoning at 6:00 PM

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Fran McMahon, Clerk
Keith Lessard
Tom Higgins
Bill Bilodeau, Alternate
James Steffen, Town Planner
ABSENT: Jim Workman, Selectman Member
Bill Faulkner

I. PLANNING BOARD CALL TO ORDER at 7:00 PM

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

II. ATTENDING TO BE HEARD – Continued Case

07-090 Peter Southwick
387 Lafayette Road
Change of Use - Part of Beauty Salon change to Office for Firearms
Distributor, with Federal Firearms License, no retail, and no ammunition on
premises.
Map 160 Lot 34
Owner of Record: Pevzodiac, LLC

Chairman Emerick stepped down from the Chair and Vice Chair Mr. Viviano took the Chair.

APPLICANT

Mr. Southwick was present.

BOARD

Mr. Steffen spoke about the letter from Mr. Southwick regarding the issue of providing safe storage of the firearms. Mr. Steffen informed the Board that the research on the Gun Shop (now out of business) did not produce any evidence that restrictions on gun safety were addressed.

Mr. Southwick has provided the Board with a letter with respect to what he plans to do with protection and security of the business.

Mr. Higgins asked Mr. Southwick about the location of the office in the Beauty Salon.

Mr. Southwick responded that the area proposed for the business is located on the second floor and it a completely separate unit from the salon.

MOVED by Mr. Lessard to grant the Use Change.

SECOND by Mr. Bill Bilodeau

VOTE: 6-0-0 **MOTION PASSED**

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Chairman Emerick returned to the Chair and continued with the remaining hearings before the Board.

III. CONTINUED PUBLIC HEARINGS

07-046 Frank Sestito

Special Permit to Impact Wetlands Conservation District to install retaining wall and raise elevation of yard
11 Fieldstone Circle
Map 42 Lots 41-43

MOVED by Mr. Lessard to hear this application after application for Michael Zuba.

SECOND by Mr. Bilodeau

VOTE: 6-0-0 **MOTION PASSED**

07-077 Michael Zuba

Special Permit Wetlands Conservation District
40 Tide Mill Road
Map 231 Lot 2

APPLICANT

Mr. Zuba was present.

Mr. Emerick asked the applicant if he had received the Conservation Commissions letter of September 27, 2007.

Discussion of the written narrative that outlines the requirements for a restoration plan ensued.

PUBLIC

Ms. Ellen Goethel representing the Conservation Commission explained that the commission and the applicant have had discussions on what Mr. Zuba plans to do for the restoration of the property. The restoration will be overseen by the Conservation Coordinator and the Building Inspector for compliance with the agreement.

BOARD

Mr. Higgins asked Ms. Goethel if the letter is an approval, or is it a conditional approval on a conditional approval. Mr. Higgins does not see this as an approval. He would like to this clarified - has Mr. Zuba met the requirements and has the commission has approved the plan.

Ms. Goethel stated that yes, the Conservation Commission has reviewed the written narrative of the plan and has approved it, but the timing of the meetings did not coincide. She continued that Mr. Zuba will not be attending the October 23, 2007 meeting.

The approval is only to the content of the letter, which is before them and if something changes then the approval is not valid.

MOVED by Mr. Bilodeau to approve the special permit and resolution as outlined in the letter September 27 with the final approval of the Conservation Commission.

SECOND by Mr. Lessard.

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VOTE: 6-0-0 **MOTION PASSED**

IV. NEW PUBLIC HEARINGS

07-091 Malcolm Smith - Pondside LLC
221 Woodland Road
Minor Lot Line Adjustment
Map 96 Lot 1 & 3

BOARD

The Chairman explained that this application needs to be re-noticed as a subdivision due to the plan not identifying the dam area as a separate subdivision.

APPLICANT

The Applicant was not present, however, Ms. Goethel explained the process so far for acquiring the land and dam. She also explained the reasons for this plan and explained the history of the project. Ms. Goethel explained the lot configuration and identified the new lot line, which includes the dam. The Town should own the dam; as the Town currently owns the right to the water.

Tom Higgins asked what is to be or not be transferred, and for clarification on different lines on the plan and previous ones.

Ms. Goethel explained and identified what each line represents and what the Town will own and what will remain as Mr. Smith's property.

PUBLIC

Shirley Delaney - 7 Munsey Drive asked about the draining of the pond. Ms. Delaney also asked a question which Ms. Goethel will explain to her.

Ms. Goethel explained that due to the heat of the past summers and the lack of rain water levels across the State are way down and this pond is not alone. Ms. Goethel informed the board about a grant to do an engineering study on the dam.

MOVED by Mr. Lessard continue to November 7, 2007 to allow the applicant to submit a new application for a subdivision.

SECOND by Mr. Bilodeau.

VOTE: 6-0-0 **MOTION PASSED**

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APPLICANT

Mr. Luke Hurley representing the applicant from Gove Environmental Services. He explained that they have met with the Conservation Commission and have approval to follow through with the restoration of the backyard. The plan shows a new date, and although the plan has not changed it does reference the description of the October 9 letter and September 20 letter agreements.

Mr. Hurley explained from the letters of October 9 and September 20 what will be occurring in the restoration of the area. The intent is to have upland and lowland wetland plantings. There will be approximately 3500 sq. feet of restoration including eleven (11) trees. The retaining wall will be removed last.

Mr. Hurley is requesting to do some of the site work this year - stabilize the area, loam and seed it, instead of next year as the owner is planning to sell his house.

BOARD

Mr. Higgins stated that he was concerned about issuing conditional approval on conditional approval of the Conservation Commission. The submitted plan does not show what will be done.

There was discussion on whether the letters approve the restoration of the area as the Conservation Commission letters normally do.

Mr. Higgins stated that the conditions of the original continuance have not been fulfilled. He asked where the pictures and soil borings were.

The members discussed the issue of the stipulations of the September 19, 2007 meeting not being met.

PUBLIC

Ms. Goethel explained the letters and read from the Conservation Commission minutes that there is an approval with stipulations. The Conservation Commission deals with restoration plans differently than special permits. She indicated that if the Board would like a letter of approval one could be written.

BOARD

Mr. Steffen clarified the continuance - at the time the applicant felt he wanted to keep the area as it is.

Mr. Higgins and Mr. Lessard again questioned the restoration plan and information requested by the Board that was not submitted especially the invoices and soil borings.

Ms. Goethel mentioned the minutes of the Conservation Commission meeting and stated that the Commission was told that the invoices are not available for the cutting of the trees.

There was discussion on the natural plants and soils of the area. Mr. Hurley stated that soil borings were done to determine the area of the original wetlands.

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Mr. Higgins read the conditions of the September 19, 2007 meeting and noted that the applicant knew what was expected of him for the meeting and did nothing.

Ms. Goethel asked the Board to accept the part of the restoration plan while the Board asks for the additional information.

There was discussion among Board members about a bond to be place on the property to ensure the work is done if and when the property is sold.

Mr. Higgins stated that he is uncomfortable with what will be done. Mr. Hurley stated what he believes this is what should be done with respect to the restoration plan according to his credentials. Mr. Hurley stated he would oversee the restoration planting.

MOVED by Mr. Lessard continue to November 7, 2007 to allow the applicant to develop a budget based on the amount of work and type of plants and trees needed to restore the area, and establish an escrow account as determined by the budget, to ensure that the work will be preformed. [And to add the conditions of the motion of the September 19, 2007 to this motion]. Submit the following items which were requested from September 19, 2007 meeting. A plan that identifies the amount and types of plants and trees, showing the locations of such plantings that is needed for the restoration of the area, (and that the plan is acceptable to the Conservation Commission); pictures of the area before the work was done; invoices for the tree cutting, to determine how many trees were cut down; a copy of the original approval for the subdivision; and a copy of the report from the independent soils scientist which determined the original area of the wetlands and buffer zone.

SECOND by Mr. Bilodeau.

VOTE: 5-1-0 Mr. Higgins voted against **MOTION PASSED**

V. CONSIDERATION OF MINUTES of October 3, 2007

The consideration of the minutes was continued to November 7, 2007

VI. CORRESPONDENCE

The Board handled the scheduling of planning board member attendance at future Conservation Commission site walks and meetings.

VII. OTHER BUSINESS

VIII. ADJOURNMENT

Meeting adjourned at 8:12PM

Respectfully Submitted,

Kristina G. Ostman
Planning Coordinator