

**HAMPTON PLANNING BOARD**

**Minutes**

**JULY 7, 2010 – 7:00 p.m.**

**PRESENT:** Mark Loopley, Chair  
Fran McMahon, Vice Chair  
Tracy Emerick  
Keith Lessard  
Mark Olson, Clerk  
Rick Griffin, Selectman Member  
Steve Miller, Alternate  
James Steffen, Town Planner

**ABSENT:** Robert Viviano

**CALL TO ORDER**

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

**I. ATTENDING TO BE HEARD**

**II. NEW PUBLIC HEARINGS**

**7 Thornton Street**

Map: 303 Lot: 3

Applicant: Gove Real Estate Trust, Gay O. Gove, Trustee

Owner of Record: Same

Special Permit to Repair Sea Wall

Applicant Jeff Gove appeared. This hearing is for an after-the-fact permit as the work has already been done on a special permit they received from the DES. An April storm did a lot of damage. Frank Richardson was approached by the Applicants as the Applicant's house was in danger of going into the river. Jones & Beach did the plan showing the existing conditions. This went to the Conservation Commission and they approved the after-the-fact unanimously in the Applicant's favor.

**MOTION** by Mr. Emerick to grant the after-the-fact special permit including the stipulations in the letter from the Conservation Commission dated June 25, 2010 and the letter from Jones and Beach dated June 8, 2010.

**SECOND** by Mr. Olson

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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#### **31 Glade Path**

Map: 273      Lot: 24

Applicant: James Otash

Owner of Record: James Otash

Special Permit-Repair Wood Retaining Wall

Mark West appeared on behalf of the Applicant. He handed out a map and new pictures regarding the project as the Conservation Commission wanted a lot of information at their meeting. The project began when Mr. Otash started putting stone and a retaining wall along the frontage on Glade Path. Looking both ways down the street, abutters have crushed stone on the road frontage and Mr. Otash didn't know he needed a permit. He assumed it was a good way to stabilize the area.

The retaining wall was discussed. The DES and the Town were called when the stone was being put down.

The house location was discussed. Putting in gardens was discussed. Replanting vegetation was discussed. The water line connection was discussed.

The driveway being plowed and gravel being pushed on lawn was discussed. The owner has covered the area with gravel. The Conservation Commission wants some of the gravel removed. Mr. Otash has a bad back and is getting old; he wanted a flat area to help him walk and that's why he did the crushed stone.

The Conservation Commission letter was discussed. He has agreed to remove stones around the pilings. The Conservation Commission does not want it spread. They wanted it graded to pitch away from the slope and to leave the top six inches of the retaining wall exposed. He wants to spread stone, but now Mr. Otash is building gardens. He does not want gardens out to the road where they will get damaged. Native plantings were discussed. The Conservation Commission wants to approve the plantings. Mr. Otash doesn't believe he should plant shrubs. The Conservation Commission wants him to remove stone and make a pathway. Exposing pilings was discussed.

Not putting in lattice was discussed and that is fine. Putting gardens in next to the house would not be good as it would impact parking.

Christine Jones, the previous owner of the property, got up and sat with Mr. West. Mr. McMahon asked about the most contentious issue; which is where the stones would be kept, but gardens can be put in there. He wants stone from driveway to deck, where it is flat.

Mr. Olson said it's a marginal site. Where cars park was discussed and Ellen Goethel from the Conservation Commission thought crushed stone migrating all over the place could cause problems.

Edging was discussed by Mark West. They would put in edging to hold everything into place; also a gate will be put there so no one can park there if no one is around.

Mr. McMahon discussed stone versus plantings. Mr. McMahon asked about other materials.

Mr. Olsen said you need stone in order to use the deck. The whole building is on pilings. The tide goes under it and into Glade Path. Where you prevent the flow causes the issues.

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Mr. Griffin doesn't know what the big issue is. There's no stopping the tides. Everyone else is using stone. Mr. Griffin can see how Mr. Otash thought it would be okay to use stone also.

There is stone along the marsh everywhere. Edging on the south side was discussed also. Christine Jones stated no one knows who plows.

Mr. Lessard discussed how far gravel used to be. The whole street floods per Ms. Jones.

Mr. West said if the Conservation Commission wants gardens, that would be fine.

The only other issue per Mr. West is the Conservation Commission's letter regarding pavement of Glade Path to the House and that it all has to be gardens. He remembers gardens in front of the house, but not vegetating out into the roadways. Mr. McMahon asked where property lines are. The road has been widened since 1980.

Mr. McMahon asked if the space in the front is used for parking to which Ms. Jones stated no. Mr. Griffin doesn't know what plantings have to do with it.

Mr. Loopley stated that the Conservation Commission has a list of approved plantings. Mr. Emerick stated the only issue is the area maintaining gravel from the deck and that being the biggest issue. Four foot path (or three foot path). Mr. Lessard is worried about stones going anywhere.

Walking from the driveway to the house is the biggest issue. Steps were discussed by Mr. Lessard. Steps were Mr. West's mistake.

Mr. Miller asked about larger stones and Ms. Jones asked about asphalt. Exposed pilings were discussed by Mr. Griffin.

Removing gardens on the side location and moving pathway was discussed.

### PUBLIC

Kevin McGrade of 28 Glade Path approached the Board. He stated Ms. Jones does not own the property and doesn't understand why she is representing the applicant. He disagrees with Mr. Griffin. He contacted FEMA. He wants the Town on notice. He wants to know how were they authorized to put cement and pilings under the house. He stated no permit was ever pulled. It is part of the issue. Fresh stone wasn't crushed stone until it was dropped. It was grass. His house has flooded twice. Cars going down the street make waves. Water is pulling on Glade Path where it didn't pull before.

Mr. Griffin asked about new houses. They are being built to Code Mr. McGrade assumed. Mr. McGrade said it does not justify an illegal activity. He tried to help Mr. Otash, gave him water, and he feels they are good neighbors. The issue is when stone was poured under the house by the truckload. Jay Diener, Chairman of the Conservation Commission, said he would call him back because Ms. Jones came over with Rayann Dionne and pulled him away from Mr. McGrade because pooling water was a legitimate concern. Only when stone went under it caused a problem. If you pull back stone, you will see pilings. A retaining wall that was not there is there now. He wants this problem on the record. Mr. Griffin said it's not the stone. Mr. McGrade asked why there is stone under the house, as no permit was pulled...there is a problem and he wants it on the record. FEMA is aware of this flooding. He has been helpful. If water doesn't recede, his house will flood. Mr. Griffin asked where he lives. Right across the street. No permits were pulled.

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**MOTION** by Mr. Emerick to approve the special permit with the exception of not allowing the path to be reconfigured to include plantings and a walkway and expose the path, along with the stipulations of the Conservation letter. That pilings are to be exposed and plantings put in. That space for natural vegetation along house will be allowed. There will be no plantings on the driveway in front of the house along Glade Path. Pilings can be exposed and walkway put in along the house. Space will be allowed between walkway and house. All stone will be removed along the ocean side of the house. No plantings on the driveway.

Mr. Olson stated there is no stone under the house. There is wood there acting as a dam. He stated there is an issue between deck and parking area.

Pilings were discussed. Mr. Otash has not filled anything. There are pilings under the porch.

Mark Loopley said the front of the house will have plantings to the edge of the right of way.

**MOTION** by Mr. Emerick to accept the special permit according to Conservation Commission letter dated June 25, 2010, as amended. The walkway would follow the contour of the house except in the corner where power meter used to be exposed with plantings. Some plantings to be placed and all of the stone to be removed in accordance with Conservation Commission.

**SECOND** by Mr. Griffin.

**VOTE: 7 – 0 - 0**

**MOTION PASSED.**

Mr. West asked about the occupancy permit and commencing work, i.e. occupying and doing work and time frame. Mr. West asked if it is okay to do stone removal and can work be done while applicant is living there. Mr. Emerick said for him to go to the building inspector.

**124 Landing Road**

Map: 239 Lot: 2

Applicant: Tuck Realty Corp.

Owner of Record: Tuck Realty Corp.

Subdivision: Two-Lot Subdivision

Waiver of Section 3.C-Application Fees

Joe Coronati of Jones & Beach and Attorney Peter Saari appeared. Attorney Saari stated that this is in follow up to the last meeting. The sewer situation was discussed. There are 12 houses hooked up to sewer line and they felt it was only 5. It was designed for 19 homes. A report was done by Millette in 1991 for 19 homes. If there are 12 hooked up now, there is room for 7 more. That was the biggest point Mr. Saari believes and it has a lot of merit.

The new proposal is a cleaner layout than it was before.

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Mr. Griffin asked why this is different information than what we knew before. Why was it 12 homes and he was told by Mr. Steffen that it's not 19 homes. It dates back to 1991. The Board has not been told that number. Mr. Loopley asked how many homes can be tied in. Mr. Lessard asked if the design criteria is still the same as it was back in 1991. Mr. Loopley asked if we'd come back with same criteria if it's by the same standards. The standards haven't changed according to Mr. Coronati. Numbers haven't changed per Mr. Coronati pertaining to velocity, etc. Force mains are all the same. Mr. Griffin talked to John Price and he stated it can't handle any more. Mr. Loopley stated nothing has come back from Public Works. Mr. Price has the 1991 information. Mr. Loopley said we need to send it out for review. Mr. McMahan asked to have Ambit look at it as well.

Mr. Coronati discussed the changes to the subdivision plan. He stated 124 Landing Road is on a well and they would keep the well. He discussed house locations and drainage. The lot line was moved around, but the proposed house stays where it previously was proposed. The only outstanding issue is the sewer per Mr. Coronati. Aquarion Water is no longer an issue. A letter was received from Ambit with a couple of items noted.

**MOTION** by Mr. Lessard to grant the waiver.

**SECOND** by Mr. McMahan

**VOTE: 7 – 0 - 0**

**MOTION PASSED.**

Mr. McMahan asked if there were any issues with the well. Two wells are on the property. Mr. Krebs said it was a 10-bedroom home. John Krebs from Tuck Realty introduced himself. It was drilled within the last 15 years. He believes it is a good well.

**PUBLIC**

Mr. Peter Tilton Jr. of 125 Landing Road appeared. He stated it is a much cleaner plan and is more desirable. He still has concerns. The old pond is not shown on the plan. He discussed run-off. He wants it on the plans now. He wants them documented.

The sewer issue was discussed. Mr. Noyes has a copy of the plan. It's saying the Town doesn't know what's going in now. The Town spent thousands of dollars updating the drainage study around town, and now, depending on the plans and calculations of 1991, asked if it should be updated. If the Town approves this, they are taking ownership of extension and responsibility for any problems it may cause. The Town will own the sewer and will need to bail people out when there are problems. The Planning Board and the Board of Selectmen have to take ownership of this. If it is not fine, it's got to be known that it's going to cost the Town a lot of money.

Mr. Noyes of 175 Landing Road appeared. He received a letter from the Town. With regard to the study from Mr. Millette, he asked if the study was for liquid systems or grinder pumps. He talked to FR Mahoney & Associates – out of Rockland, Massachusetts. He learned the system is taxed out. Heat pressure from pumps will burn out pumps. When it comes time to replace the pumps, the contractor will be gone. The Town will look to the

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residents and say “replace your pump...\$800 to \$1,000” and he believes the Town won't do anything for the homeowner.

A grinder pump handles a lot more houses than a liquid system. On a liquid system, it just takes grey water and the solids have to be pumped. Mr. Noyes is tied into it and the problems will fall into his lap.

What if one more house goes in. He hopes the Town will back him when there are problems.

Chad Duprey appeared and he stated he has been a Town resident for 15 years. He is the prospective buyer of property that is listed. He has spoken with the neighbors and understands their concerns. His issues are sewer –the volume of it being a bed and breakfast and halfway house. They are just going to be a single- family home. Not much volume from a single-family home.

They are not going to fill in the ponds. Their flood line will go higher also. They're hoping to purchase the place.

Mr. Noyes got back up and spoke. He has concerns about it going back to being a bed and breakfast and then trying to tie into the new sewer.

John Krebs represented to the Planning Board many months ago that it would be a single-family home and he plans to keep it that way. He'll put a restriction on the property. Mr. Krebs said it's not a 10-bedroom home. It's compromised—rafters running through rooms. Not spaced as regular bedrooms for a single-family home. Mr. Lessard asked for the floor plan of the home.

Mr. Duprey said he's not going anywhere. He's retiring and staying there. No B&B. They want to knock down some walls and divide bedrooms up and make a master bedroom.

Peter Tilton spoke again and stated that it is not a real Town sewer and that should be made clear to prospective buyers.

Mr. Olson discussed the planting beds. They were always there in the wetland buffer. Not allowed to fill.

Mr. Griffin asked if we accept this then John Price is still able to address his concerns. This does not need to go to Police and Fire. Mr. Loopeysaid we'll send it to the Conservation Commission.

Mr. Lessard wants the floor plan of the building—existing and proposed. Mr. Krebs can't give proposed...whoever buys it can do what they want. He asked how it's listed on MLS. Bedroom includes a closet.

Mr. Lessard discussed additional homes on the sewere totalling 19 homes. There are more than 19 homes now. Mr. Coronati discussed tie-ins. Extending the main was discussed by Mr. Lessard.

**MOTION** by Mr. Emerick to accept jurisdiction and send the plans out for departmental review.

**SECOND** by Mr. Olson.

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Mr. McMahon asked that the rain gardens be shown on the plan and sent out to Public Works and the Conservation Commission. The matter is to be continued to the August 4<sup>th</sup> meeting.

**VOTE:** 6 – 1 - 0 (Mr. Griffin opposed)

**MOTION PASSED.**

**III. CONTINUED PUBLIC HEARINGS**

**19 Thornton Street** Map: 303 Lot: 10 (continued from May 5, 2010)

Applicant: Marielle Riendeau

Owner of Record: Marielle Riendeau

Special Permit to repair and stabilize sea wall.

Marielle Riendieu did not appear.

**MOTION** by Mr. Lessard to continue the matter to the August 4<sup>th</sup> meeting.

**SECOND** by Mr. Griffin.

**VOTE:** 7 – 0 – 0

**MOTION PASSED.**

**IV. CONSIDERATION OF MINUTES**

**MOTION** by Mr. Lessard to approve the June 16, 2010 Minutes.

**SECOND** by Mr. McMahon..

**VOTE:** 5 – 0 – 0 Mr. Miller and Mr. Emerick abstained.

**MOTION PASSED.**

**V. CORRESPONDENCE**

None

**VI. OTHER BUSINESS**

Mr. Lessard discussed the temporary parking lot at the former Old Salt site. A couple of people have complained about the deterioration of the sidewalk. People are walking further out into the Boulevard. Gates were put up. It's forcing people out in road. It may depend on who is running the lot. Something needs to be put across the front. Mr. Griffin said car bumpers are hanging over the sidewalks. People can't walk on the sidewalk.

Mr. Olson said the fence contributes to the whole scene down there. It looks horrible. It's a temporary construction site. It also sets the tone for the behavior down the beach. Applicants should abide by the rules. Church Street having concrete bumpers was discussed. The architectural design review was discussed by Mr. McMahon. He stated bad practices lead to more bad practices.

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Design guidelines were brought up by Mr. Steffen. Mr. Lessard stated that the precinct should appoint someone to work on input about the beach. The area being looked for guidelines at was discussed.

JBs Bagel (KB's Bagels) was discussed. They have paved the parking lot. It was supposed to be gravel.

The Puritan Hotel overhead doors/awnings was discussed. They are seeking a variance to do this, but it will dress up the building.

The hiring of a tree warden was discussed. The Town elected to hire a tree warden. It is not in the Planning Board's jurisdiction.

**VII. ADJOURNMENT**

**MOTION** by Mr. Olson to adjourn.

**SECOND** by Mr. Emerick

**VOTE: 7 - 0 - 0**

**MOTION PASSED.**

MEETING ADJOURNED: 9:00 p.m.

Respectfully submitted,

Laurie Olivier

Administrative Assistant