

HAMPTON PLANNING BOARD

MINUTES

October 19, 2011 – 7:00 p.m.

PRESENT: Fran McMahon, Chair
Mark Loopley, Vice Chair
Tracy Emerick
Rick Griffin, Selectman Member
Mark Olson
Brendan McNamara, Clerk
Jamie Steffen, Town Planner

ABSENT: Keith Lessard

I. CALL TO ORDER

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

II. ATTENDING TO BE HEARD

- RMMC Liberty Lane, LLC – Multi-use grassed area for overflow parking & special event usage

Joe Coronati of Jones & Beach Engineers and Ray Maslewski of AB Light Construction appeared. They referred to the area of the property being called a multi-use grassed area. Stumps have been removed and the area has been loamed and seeded. A photo was handed out that shows the condition of the field. The area has been constructed for use as an overflow parking area. The other proposed use is for outdoor event area. The lot is 26 acres in size. The grassed area will not be plowed or used in the winter. It will be utilized primarily for tent events such as political functions. Mr. McMahon asked about the parking spaces shown – are they only illustrative? They will not be marked on site was the answer. Mr. Maslewski stated he received a permit for timber cut through the Selectmen. Mr. Maslewski stated that they have put 6-8” of fill in the area. Mr. Maslewski also stated they had a wetlands scientist determine there were no wetlands involved. He apologized for not checking with Mr. Steffen first.

Mr. McMahon asked what the Selectmen were told. Mr. Steffen read the Selectmen’s meeting minutes aloud where they Okayed the timber cut. Mr. Maslewski stated the parking area shouldn’t be used with a tent. Mr. McNamara discussed the proximity of the tent to the parking areas. Mr. McNamara asked if there would be an attendant or would people can park anywhere. Jamie Pennington of RJ Finlay appeared. Mr. Emerick stated both plans are different. Mr. McNamara asked if the Conservation Commission should have been brought in. Mr. Maslewski reiterated what they have done to create the field. Mr. McMahon noted the Planning Board decides if the Conservation Commission should be included and it appears Mr. Maslewski made the decision himself. Mr. Coronati stated there were no wetlands in the area, they are over 400 feet away. Mr. Emerick thinks they did everything right. He does not think

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we have jurisdiction over it. He stated that if it's going to be a parking lot that involves the Planning Board. Mr. McMahon stated they did ask for a parking lot, and now it's not quite a parking lot. Mr. Loopley asked about CMA Engineers comments. Mr. Steffen stated that CMA questioned the use, and they have concerns about the drainage. Mr. Steffen read their comments. He noted that temporary parking lot approvals are good only for a year. Mr. Steffen questioned whether it's a change of use or a parking lot or both.

Mr. Olson asked about the loam and the parking layout. Mr. Olson also asked about the wall – was it existing or created. He asked how the proposed parking is adequate.

Mr. McNamara stated he doesn't like government to dictate what people do on their property, but if it's going to be used as a parking lot he has to follow the ordinance. Mr. Maslewski asked about professional use versus a temporary permit. Mr. Coronati stated the parking lots down at the beach, are paid lots - there will be no money transferred here. Mr. Olson discussed health and welfare of the public. Mr. Olson discussed the catch basin noted by CMA Engineers. Mr. McNamara discussed weather and ground conditions. Mr. Maslewski stated its private property. Mr. Pennington stated that occasional events occur with dignitaries. He does not want to create a liability for anybody.

Mr. Steffen thinks it should be handled as a use change for now. The applicant would need to notify the Planning Board about functions.

Mr. Coronati stated the CMA comment letter depends on how the property is used. The general engineering comments of the CMA letter can be addressed. Mr. Loopley wants to call use a provisional one. Mr. McMahon asked if we have any regulations about provisional lots. Mr. Steffen stated we do not.

MOTION by Mr. McNamara to approve the use of the field for special events / functions provided that it does not become a temporary parking lot. It will be considered a temporary parking lot if it is used as such more than eight (8) times in a 12-month period. If it surpasses that then it will need to come back before the Planning Board for a different approval. There will also be a review to determine that CMA Engineers comments are addressed. Mr. Coronati can address those concerns with Mr. Steffen directly.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0

MOTION GRANTED.

III. CONTINUED PUBLIC HEARINGS

11-030 135 Little River Road (continued from September 7, 2011)

Map: 147 Lot: 18

Applicant: Mike Wesson

Owner of Record: Ruth A. and Roland Rich

Subdivision: Two Lot Subdivision

Waiver Request: Section V.E. - Detailed Plan of the Subdivision Regulations.

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Attorney Peter Saari appeared. He noted that he discussed the DPW comments with Mr. Steffen. He has concerns about the some of the comments in the DPW report. The trench permit was discussed along with Mr. Steffen's concerns. Attorney Saari stated that he has never seen the Board ask for driveway plans to be shown on the subdivision plan. Attorney Saari didn't understand what elevation has to do with infiltration per DPW's comment.

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Mr. McMahon asked about the deed restriction condition that came out of the Zoning Board of Adjustment approval. He asked about the implications of it - the trees could all fall over. Attorney Saari in was put in to prevent someone from going out with a chainsaw and chopping them all down. He explained that there is no requirement to replace them if they die. Mr. McNamara asked about extending the tree line, and about the driveway permit. It was noted that the driveway permit will occur when the time comes. DPW comment #8 was discussed - Attorney Saari does not understand it. Mr. Loopley stated they may be concerned about runoff from the new driveway flowing downhill and into the road.

PUBLIC

Mr. Steve Van Dyke of 131 Little River Road appeared. He took pictures of water runoff at the end of his driveway right now. He explained that the lot is higher than the road; it does slope down. The water is right now pooling in front of his house and pooling in the existing driveway. As far as the tree buffer - he does not want existing trees cut. He wants the flooding to be addressed. Attorney Saari asked Mr. Van Dyke if the drainage in the street takes the water now. He explained that there is also another catch basin that does not take the water runoff.

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MOTION by Mr. Emerick to approve the waiver request, Section V.E – Detailed Plan of the Subdivision Regulations.

SECOND by Mr. McNamara.

VOTE: 6 – 0 – 0

MOTION PASSED.

MOTION by Mr. Emerick to approve the two-lot subdivision with the conditions outlined in the Planner's Memo, dated October 13, 2011.

SECOND by Mr. Griffin.

Mr. McNamara amended the motion to include all of the DPW's stipulations in their comment letter of September 23, 2011 as further conditions of approval.

VOTE: 6 – 0 – 0

MOTION PASSED.

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11-029 1 Liberty Lane

Map: 104 Lot: 1

Applicant: RMMC Liberty Lane, LLC

Owner of Record: Same

Site Plan (Amended): Construction of Parking Lot with 51 Spaces.

11-031 1 Liberty Lane

Map: 104 Lot: 1

Applicant: RMMC Liberty Lane, LLC

Owner of Record: Same

Special Permit: Construction of parking lot with 51 parking spaces using porous pavement to minimize impact to the wetlands on the property.

Mr. Steffen noted that the applications are for the same parking lot. Mr. McMahon stated they will be dealt with together.

Mr. Coronati of Jones & Beach Engineers appeared. He explained that he has been in touch with the Conservation Coordinator about her comments relative to the Stormwater Operation & Maintenance Manual. He has also addressed the comments received from CMA Engineers. He noted that they have also made changes to the plans based upon the Conservation Commission's comments. He discussed the parking spaces in the 50-foot buffer and runoff from the roadway. They have relocated two parking spaces at the request of the Conservation Commission. He further noted that there are two spaces partially within buffer. They also are proposing a wooden guardrail for snow storage in the buffer area and snow storage has been cut back. He showed the new sidewalks on the plan to get from the parking lot to the building. Mr. Coronati believes that CMA Engineers comments have all been satisfied.

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Mr. Olson asked about the sidewalk improvements. Mr. Loopley asked Mr. Steffen if they have addressed all of CMAs comments. Mr. Steffen answered that they have.

MOTION by Mr. Emerick to approve the special permit application in accordance with the Conservation Commissions letter dated September 30, 2011 .

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

MOTION by Mr. Emerick to approve the site plan applications with the conditions outlined in the Town Planners Memo dated October 14, 2011. Mr. Loopley stated that a Stormwater Operation & Maintenance Plan shall be provided to the Conservation Commission and DPW annually.

SECOND by Mr. Loopley.

VOTE: 6 – 0 – 0

MOTION PASSED.

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- Amendments to SECTION III. Procedures of the Town's Site Plan and Subdivision Regulations regarding establishment of a Technical Review Committee (TRC). The new wording describes the composition and function of the TRC and the submission requirements for consideration of site plan and subdivision development proposals by the committee.

Mr. Steffen noted that he included in the binders the original wording he proposed, which noticed for a public hearing on July 6, 2011. He explained that the Board continued action on the amendments several times now. Mr. Emerick's opinion is to kill it. He thinks it adds a layer of confusion. He doesn't want more public meeting notices. Mr. Griffin agrees. Mr. McNamara disagrees with the Town Attorney about the abutter notice requirement. He stated that he has looked at other towns rules and nowhere else do abutters get notice. Mr. McNamara stated just having a calendar established for the Department Heads should be sufficient. Mr. Loopley stated that notice aspect got everyone turned off to the proposal. Mr. Loopley stated we need to formalize it though. Mr. Emerick stated it should be just a procedural change.

Mr. McMahan stated the system we have now doesn't work very well. A hard and fast calendar is essential - if materials aren't in by definite date, then it doesn't get heard. He feels we have done a lousy job with our own internal review. Some departments respond timely but other do not. Mr. Steffen needs to determine what would need to come before the larger group. Mr. McNamara stated the Board of Selectmen may need to back the Planning Board with this to make sure the Department Heads are involved. Mr. McMahan stated it depends on the application. Mr. Griffin stated as long as the Board of Selectmen knows about the dates in advance, it should be fine. It was stated that the Conservation Commission should be included as well.

Mr. McNamara stated the Town Attorney would only need to be involved for condominium documents, easements, right of way and paper streets issues, etc. Mr. McMahan stated it would be up to Mr. Steffen to determine when he would become involved. The Planning Board decided to formalize the process.

Mr. Loopley asked if the new arrangement would have to be added to our regulations. This does not have to be put in the regulations per the Board.

Mr. Olson stated that it would be the case if it were more of an architectural review committee. He stated he is in the same camp with Mr. Emerick and not really in favor if it is going to be another layer of bureaucracy.

MOTION by Mr. Emerick to table the proposed amendments until such time as further consideration becomes necessary. Mr. McNamara stated we will establish a set calendar or set of rules that the department heads must follow. Mr. Steffen can work on the administrative procedure.

Mr. McMahan stated that the TRC people will have to show up for the meetings to make it work effectively.

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MOTION #2 by Mr. McNamara to have Mr. Steffen draw up an administrative schedule and procedure that the Planning Board can adopt for this review process.

SECOND by Mr. Emerick and to add that the Department Review occur at least one month before the Planning Board public hearing.

MOTION: 6 – 0 – 0

MOTION PASSED.

IV. NEW PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of October 5, 2011.

MOTION by Mr. Emerick to approve the October 5, 2011 Minutes.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- Conservation Commission – Wetland Ordinance Revisions

Ms. Rayann Dionne, Conservation Coordinator, appeared with Mr. Jay Diener. Mr. Diener stated that he has received feedback from Town Attorney about organizational changes. They need more time to work on those and will bring this back for the November 2, 2011 meeting. Ms. Dionne will provide the Board with the proposed revisions before the meeting. Mr. Steffen noted he can place it under attending to be heard at the beginning of that meeting. These will be Zoning Ordinance amendment warrant articles.

- Planning Board's Attendance at Site Walks and Conservation Commission Meetings

Mr. Emerick stated there had not been a Conservation Coordinator in the past and this was a way to connect the two boards in reviews of wetlands applications. He stated we have better support now and it's funded. He doesn't understand why a Planning Board member now has to attend the site walks and meetings.

Mr. Diener stated the coordination between the Boards is working well because of the fact that this process is in place. He feels the Planning Board members get a better idea of what is going on. Mr. Diener believes it's helpful to have a Planning Board member.

Mr. McMahan states that he finds it helpful to attend the site walks. It's a heightened sensitivity to what Conservation Commission's concerns are. Mr. Loopley will do the December walk and meeting and Mark Olson took the November dates.

We will see the Conservation Commission again on November 2nd.

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Mr. Diener discussed the tour of the Batchelder Farm on Sunday at 1:00 p.m. They are trying to establish a conservation easement on the property. Approximately \$800,000.00 has been raised. They have grant applications approved but they need to do more fundraising to seal the deal. There will be a one-hour tour. Everyone is welcome. There will be signs for parking.

Mr. Loopley went back to accepting the October 5th minutes. He noted that on Page 2 it incorrectly states that the first floor is the cooking school. The first floor actually contains the restaurant and the cooking school office. Mr. Olson stated the second floor has offices, an over-flow bathroom and other office space for rent.

MOTION by Mr. Loopley to amend the minutes of October 5th as noted.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0

MOTION PASSED.

- Treasurer's Surety Accounts

Mr. Steffen discussed his research on the files associated with these accounts.

He believes the first balance should be returned to Portsmouth Regional Hospital for the Coastline Cancer Center project. Mr. McNamara asked if interest goes to the Town. Mr. Griffin noted he thinks Mr. Barney has passed away.

Mr. Steffen discussed the WCV Inc. project. He explained that he believes it is two six unit condos on K Street. He said he can't find the file but he knows the project has been completed. He thinks these funds can be returned. He will check with the Building Department for an applicant name and address. The Board does not want to send checks back to people who shouldn't receive the money. Mr. Steffen provided the Board with information he has found on the Lincolnshire Realty project. It was an approval for two warehouse buildings for storage of antique cars. The account was established as a bond for road construction. The applicant is either Paul Montrone or the Barneys per Mr. Griffin and Mr. Emerick.

The David Barney account is for the Jane Appleton Way subdivision, which is a 3 lot subdivision. Mr. Steffen explained that the road has not been accepted by the Town. He said DPW is checking on final paving. He suggests that we keep the funds on this one for now.

MOTION by Mr. Emerick to return the funds to the applicants for the accounts listed as Coastline Cancer, WCV, Inc. and Lincolnshire Realty. The funds for the completion of the David Barney subdivision will remain in the account for now.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

- 72 King's Highway – KB's Bagels – Paving of Parking Lot

Mr. Steffen gave the Board the history of this project. The parking lot was approved and constructed in 2008. He stated it was discovered that the parking lot was paved in 2010. The Board directed Mr. Steffen to send a letter to the owner requesting that the Board receive a

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revised site plan. He discussed the new catch basin and the plan that has been submitted. Mr. Steffen stated that he has spoken with Mrs. Fennessey. She doesn't understand why she needs to come back to the Planning Board. Mr. Steffen also spoke with Mr. Eric Weinrieb of Altus, Engineering who prepared the original drainage plan. He didn't know it was now paved. He also spoke with Mr. Ernie Cote who did the current plan. He stated the contractor recently died. Mr. McMahon stated the owner knew what she was doing. Mr. McMahon wants her to come back in. Mr. Emerick doesn't know what to ask her. Mr. Loopley responded that we need to make sure the impervious surface requirement wasn't exceeded. Mr. Steffen stated it hasn't created a drainage problem for the Town or abutters. We need to accept the as-built plan as prepared by Ernie Cote.

MOTION by Mr. Emerick to accept the as-built site plan dated July 25, 2011 showing the paving of the parking lot with impervious surface calculations and the associated drainage improvements.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

I. ADJOURNMENT

MOTION by Mr. Loopley to adjourn.

SECOND by Mr. McNamara.

VOTE: 6 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:45 P.M.

Respectfully submitted,

Laurie Olivier, Administrative Assistant

****PLEASE NOTE****

ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.

MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING