

HAMPTON PLANNING BOARD

MINUTES

November 2, 2011 – 7:00 p.m.

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

ABSENT:

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.

Mr. McMahon stated that the applicants for 446 High Street have requested that their special permit application be postponed to the December 7th Planning Board meeting.

MOTION by Mr. Emerick to continue 446 High Street to the December 7, 2011 meeting.

SECOND by Mr. Olson

VOTE: 6 – 0 – 0 (Mr. Griffin was not in attendance at this time). MOTION PASSED.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

11-035 2 Nor'East Lane

Map: 99 Lot: 11A

Applicant: Wendy Geier

Owner of Record: Same

Special Permit: Rehabilitation of existing dwelling and stormwater design installation

Mr. Henry Boyd of Millenium Engineering appeared with Ms. Geier. He stated that she would to add a garage to her home. There is 16.7 percent sealed surface on the property. The impact area within the 50' buffer is diminishing. He worked closely with the Conservation Commission. This was also sent to the State wetlands bureau. Drainage mitigation was discussed. Test pits were performed. Planting of dune grass was discussed and the existing plantings.

He noted the difference from the wishes of the Conservation Commissions of the deck being enclosed. He does not want to encourage vegetation. The applicant wishes to keep sun from entering under the deck, and wants to put lattice under the deck surface.

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Mr. Lessard asked if the deck (front/ocean side) is new and it was stated “yes”. Mr. Lessard stated the seawall has washed out before and that they need to be careful about constructing anything new in that area. Mr. Boyd discussed the boulder protection. Mr. McMahon asked about the V flood zone. Mr. Boyd confirmed its 16 foot elevation. Mr. Emerick discussed the deck on the south side - he has no problem with it being closed in.

PUBLIC

Ms. Rayann Dionne, the Conservation Coordinator, appeared. She stated that the Commission would like the sonotubes holes to be dug by hand. The words “if possible” from note #4 should be removed. She further stated that the Conservation Commission wasn't sure where the sonotubes were going to be located. She thinks it would be beneficial to note only four sonotubes; if more, they should let the Conservation Commission know. Mr. Boyd stated that they are planning to place only four sonotubes. Mr. Boyd stated he has a concern that digging by hand may lead to the sand caving in - the excavator believes he can dig them by hand, but a machine may be needed.

BOARD

Mr. McNamara asked about Rosa Rugosas and trying to keep them. Mr. Boyd discussed that he felt the beach grass was their preference, but the Conservation Commission wants to leave what is there in place.

MOTION by Mr. Emerick to approve the special permit with the stipulations contained in the letter from the Conservation Commission dated October 26, 2011, excluding from stipulation #3 that the south side deck needs to remain open above and below. Stipulation #3 still remains for the ocean front deck.

SECOND by Mr. Loopley.

Mr. Olson asked about #2 with regard to hand digging and Mr. Emerick stated it would be done to the extent possible.

VOTE: 7 – 0 – 0

MOTION PASSED.

11-037 35 Harbor Road

Map: 295 Lot: 58

Applicant: Ronald B. Dube

Owner of Record: Same

Special Permit: Repair and Replace Existing Pilings

Mr. Ronald Dube appeared. He indicated that he has permits still in effect from the State. Mr. Steffen stated the original special permit was approved in August of 2007 but not

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completed. He also has a State permit (NHDES) which is active until 2012. Mr. McNamara asked if he would jet in the pilings and the applicant stated “yes”. The pile is 4' long.

BOARD

PUBLIC

MOTION by Mr. Lessard to approve the special permit in accordance with the stipulations contained in the Conservation Commissions letter dated October 26, 2011.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

11-038 446 High Street (CONTINUED TO DECEMBER 7, 2011)

Map: 166 Lot: 9

Applicant: Chandler W. Rudd

Owner of Record: Same

Special Permit: Re-Location of two utility sheds to end of driveway (buffer zone)

11-039 595 Lafayette Road

Map: 144 Lot: 3

Applicant: Sean Kelley, Monah Realty, LLC

Owner of Record: Same

Site Plan (Amended): Convert portion of existing building into automatic car wash.

Waiver Request: Section VII.D.-Stormwater Management

Mr. Sean Kelley appeared along with Attorney Saari and Mr. Coronati of Jones and Beach Engineers. Attorney Saari stated that this is to amend a site plan that was approved several months ago. The major change is a conveyor belt to speed things up, and there will no longer be two lanes coming in. Mr. Coronati showed the changes from the original approval. He stated that the landscaped island becomes larger under the new configuration and the overall site green space enlarges. The new dumpster location was discussed. Snow storage was discussed. The waiver request was discussed.

BOARD

Mr. Lessard asked for a copy of the previously approved plan. Mr. Emerick stated he thinks this is a good move. Mr. Coronati stated all approvals from the previous plan will stay the same as well as all of the conditions of approval. Mr. McMahan asked about the hours of operation. Mr. Kelley stated 7 or 8 a.m. until 5 or 6 p.m. for the new carwash. The rear stalls for car washing and laundromat are different hours. Mr. Coronati noted there will be an automatic display board. There will be an attendant there as well in case there are any problems. The attendant will be there during the peak hours.

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Mr. Peter Lukas appeared as a resident of Blue Bay condominiums in the rear. He stated he is representing 18 residents who live at the condominiums. He noted that this is the first time he's seen the project. He is worried about the Blue Bay entrance and the cars crossing the right-of-way to access the Burger King. The stacking of vehicles and the staging area was discussed - he does not want to see cars backing out into the 25' driveway into Blue Bay. He is also concerned about additional cars going into the site.

Mr. Lessard asked about the access easement. Attorney Saari stated the easement does not state what the easement is for. The car wash system being faster was discussed. Mr. McNamara asked about the 12' vehicle lane. Mr. Lessard asked about escaping the line if necessary. Mr. Loopley asked if grassed area on Route 1 was in the breakdown lane. Mr. Coronati stated that the Department of Public Works was in concurrence with the prior plan. Mr. Lessard asked about defining the access easement with lines on the pavement - it may eliminate the stacking off of the property. Mr. Coronati was concerned that the striping will wear off and it's not on their property to stripe. It was discussed that a sign could be added on the landscaped island stating not to stack out into the easement area. There was further discussion about how to make the needs of both parties work. Mr. Olson discussed the residents in the back to access their property by going behind the rug store and avoid access driveway. Mr. Loopley stated it is their easement but it is a shared right of way.

PUBLIC

Mr. Richard Gardner appeared. He discussed the traffic pattern and safety concerns. He asked if the proposed traffic flow does not work, what is their recourse. Mr. McMahon stated they have no recourse with this Board. If the limitations are not carried out, it becomes a civil matter. If they violate conditions of approval, the Building Inspector is in charge. Mr. McMahon stated if stipulations are not complied with, then a resident can go to the Board of Selectmen and they may instruct the Building Inspector to take care of the problem. Mr. Emerick stated they'd have to go to the Superior Court. Mr. Loopley asked about the easement being a safety concern. He asked who has the right of way - the Laundromat or the residents of the condominium.

Attorney Saari discussed the easement. He discussed the problem with adding a center line to define the road. Mr. Kelley explained that the right of way they all share is not his to paint, but he is willing to take responsibility to maintain two lines. A fog line and a yellow line could be painted, but the cost to maintain would need to be split amongst everyone. Mr. Kelley would take responsibility for installing and maintaining signs that state "car wash, keep right" or something like that.

Mr. McMahon stated that because this is private property the Board cannot force certain issues. The Board's conditions are limited to the proposal given to us. Any separate negotiations or discussions between the condominium association, adjacent property owners and the applicant / owner are a private matter.

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MOTION by Mr. Griffin to grant the requested waiver.

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. Griffin to approve the amended site plan in accordance with the Town Planner's Memorandum dated October 26, 2011. The applicant has agreed and the Board voted to include the following conditions to help separate the car wash traffic from the condominium traffic: 1) stripe along the property owner's edge of the access easement beginning at the Route 1 entrance until the car wash entrance and 2) install a directional sign instructing car wash traffic stay to the right.

SECOND by Mr. Olson.

It was noted by Mr. McMahon that the originally approved site plan now becomes null and void.

VOTE: 7 – 0 – 0

MOTION PASSED.

11-040 35 Huckleberry Lane

Map: 115 Lot: 20

Applicant: Francis J. Prevost

Owner of Record: Same

Special Permit-After the Fact: Addition of Loam in the Buffer Zone

Mr. Prevost appeared. He stated that he has lived there since 1989. The lot is 1.5 acres in size and 100' deep. He stated that he added loam where rocks once were. He had trouble mowing the area so he added 20 cubic feet of loam. He did it without a wetlands permit. He did not fill the area he just graded it. He noted that he had the rules explained to him and he understands them.

BOARD

Mr. McNamara asked about removing the yard waste. Mr. Prevost stated that it's cold and heavy now but he will do that soon.

PUBLIC

Ms. Dionne, the Conservation Coordinator, appeared. She explained that he has not changed the drainage pattern. He knows to go to the Conservation Commission in the future for this type of work.

MOTION by Mr. McNamara to grant the (after the fact) special permit with the stipulations contained in the Conservation Commission letter dated October 26, 2011.

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

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Nathaniel Court

Map 221, Lot 5 & 10, & Map 208, Lot 46,

Proposed amendment to subdivision approval of Jack Kopka (Maplecroft Building & Development), 8-lot subdivision off of Winnacunnet Road to approve utility locations under RSA 231:160-a.

Mr. McMahon stated that the Planning Board has previously approved the subdivision. The utilities were in a different location and the Planning Board needs to now approve the revised plan. The drainage detention area is now all set. This is part of the road acceptance process. Mr. Steffen discussed the need for this approval because the utility lines are in a different location.

MOTION by Mr. Emerick to approve the location of the utilities within the right-of-way as shown on the as-built plan for the purposes of RSA 231:160-a. It was noted that the Department of Public Works and the Planning Board's consulting engineer has signed off on the road and drainage completion. This now goes to the Board of Selectmen as part of the road acceptance. Deed and drainage easement wording acceptance still needs to take place.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Sean Kelley appeared and asked about the time line. Mr. Steffen stated this is part of the acceptance process and they are close to completing it. He believes that the Town is working with Attorney Saari on the easement wording issues. He wants to know about snow plowing for this coming season. Mr. Emerick stated it should be completed by the end of the year.

IV. CONTINUED PUBLIC HEARINGS

11-032 152 No. Shore Road & 32 Seaview Avenue

Map: 133 Lots: 17, 18 & 42

Applicant: Nicholas & Cornelia Bolton

Owners of Record: Nicholas & Cornelia Bolton & Arthur & Barbara Pringle

Subdivision: Three-Lot Subdivision & Lot Line Adjustment

Waiver Requests: Section V.E.7 Stormwater management plan, V.E.9 Landscaping plan, and V.E.14 Soil erosion and sedimentation control plan of the Subdivision Regulations.

Mr. Henry Boyd of Millennium Engineering appeared along with Mr. Pringle and Karen Bolton (the Bolton's daughter). Mr. Boyd stated that the variance granted by the ZBA was not affected by the proposed relocation of the lot lines for Lot 3. The ZBA concurred with that at their meeting on October 20, 2011. He further stated that the DPW in their review

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mentioned the stonewall being disrupted. The 5,000 contiguous area requirements for upland were discussed, and the calculations for the lot area outside of wetlands were discussed. Setbacks were discussed. He explained the drainage plans and the proposed conditions shown on Sheet 4. Development for Lot 3 was discussed and the need to obtain a special permit. The grading design and the stone strip details were discussed. Lot 1 and the existing ledge area were discussed. Water service to Lot #3 was discussed. Silt fencing was discussed.

BOARD

Mr. McNamara asked about the waivers. Mr. Boyd stated that they are not proposing any landscaping. There are mandatory plantings around the rain garden. Mr. Olson asked if the driveway for Lot 1 would create a hazardous situation. Mr. Boyd does not believe so. Mr. McNamara asked about sewer connections. It will be new service connections.

PUBLIC

Ms. Lynn Diodatti appeared. She stated that drainage problems have created from a similar project in the past. The Town has stated that her only recourse now is as a civil matter. She has concerns with mosquitoes and Seaview Avenue already has an infestation of bugs. Sealed surface and drainage mitigation was discussed. Ms. Diodatti asked about Cliff Road and the abandonment of it. She stated that you cannot deny access to people who live behind you. Mr. Steffen stated the Town Attorney looked into the Cliff Road matter and he read the pertinent sections of the Town Attorneys' memo. Mr. Boyd stated he disagrees with Attorney Gearreald's comments on the road. Mr. Steffen explained that even though the use of the road as public street may have been abandoned, owners of lots from the 1910 subdivision plan may still have a right to pass and repass across the 33 foot width of the former road. So the plan should be revised to note that no building shall be erected within the strip of land area formerly known as Cliff Road within Lot 3. Mr. Steffen further stated that the no build easement wording for Lot 3 needs be added to the plan.

Susan Dailey of 22 Seaview Ave. appeared. She stated she is at the corner of Cliff Road. Her concern is with water percolation. She stated that nothing percolates down because of ledge, and it flows into her basement. Water that doesn't go into the basement goes into the wetlands. She wants drainage accounted for. She stated the Cliff Road right of way issue needs to be addressed. She may someday want to add on. Mr. Pringle asked about Cliff Road versus Prescott Road. Mr. McMahan asked if the Town Attorney could clarify the status of the road. Ms. Dailey stated if a road has not been developed, it ceases to be a road. Mr. Emerick stated these residents need to get their own attorney for these answers.

John Spanks, 23 Seaview Avenue appeared. He asked about the culvert at the front of the Dailey property. Infiltration and the water table were discussed. He asked about blasting, and protection for residents. He explained that everyone in that area is on ledge. The bonding of the blasting company was discussed. He stated that he was never reimbursed for damage to his water pipes from previous blasting. Mr. Spanks asked once the plan is

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approved, does it go through the permitting process. Mr. Spanks also asked about notes being added to plan - recording the plan with the notes is important to him. Mr. Steffen stated the Building Department gets a copy of the final signed plan. Our consulting engineer and DPW check that it gets built according to the designed plan and any stipulations.

Ms. Rayanne Dionne of the Conservation Commission appeared. The Conservation Commission reviewed this as a subdivision only. They did not look at drainage. It is not a special permit at this point. The additional handout from Mr. Boyd was helpful and it should be kept on file.

MOTION by Mr. Emerick to grant the waiver of Section V.E.9. Landscaping plan.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. Emerick to approve the three-lot subdivision and lot line adjustment with the stipulations contained in the Town Planner's Memo dated October 27, 2011, which includes the Town Attorney's comments as well.

SECOND by Mr. Loopley.

VOTE: 6 – 1 – 0 (Mr. McNamara opposed).

MOTION PASSED.

V. CONSIDERATION OF MINUTES of October 19, 2011.

MOTION by Mr. Emerick to accept the October 19, 2011 Minutes.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (Mr. Lessard abstained)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

Conservation Commission – Wetland Ordinance Revisions

Ms. Rayann Dionne, Conservation Coordinator, appeared. She explained that with these proposed changes they wish to clear up inconsistencies in the regulations. She noted that Attorney Gearreald has reviewed the revisions. Mr. Emerick stated that if the Town Attorney is happy and the Conservation Commission is happy, that is good. Mr. McMahon stated it appears lengthy and hard to understand. The Conservation Commission will need to simplify these for the public to understand. It was noted that the whole wording does not need to be on the warrant. Mr. McNamara stated it's more of a housekeeping effort - reorganizing and adding definitions. Ms. Dionne highlighted some of the proposed changes. She said that Section C under 2.3.3 – Permitted Uses is explained in greater detail and a definition for impervious surface has been added. Mr. Steffen discussed his concern with the wording on page 6 – Section

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2.3.4 - “Prohibited Uses and Use Restrictions”. He suggested that the heading wording be reversed.

Mr. Lessard asked that the proposed changes be put on the Town’s website.

MOTION by Mr. Loopley to move the proposed Wetland Conservation District ordinance revisions to a public hearing under the Zoning Ordinance amendment process.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Lessard stated that the Planning Office should fix the website of Planning to access the minutes and agendas right from the Planning page.

- 2012-2018 Capital Improvements Program Summary Report

Mr. Emerick discussed the CIP summary. He noted that we have not received anything yet from the SAU 90 (Hampton Schools). The Board needs to vote to approve and move it to the Board of Selectmen with the attachments. The Schools piece will need to be added later.

MOTION by Mr. Lessard to forward the 2012-2018 Capital Improvements Program to the Board of Selectmen with the summary memo from Mr. Emerick.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

It was noted that the Planning Board received more detail from the Department of Public Works than in the past.

I. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Griffin.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 9:05 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