

**HAMPTON PLANNING BOARD**

**MINUTES**

**December 7, 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.

**II. ATTENDING TO BE HEARD**

- Peter Anzalone (Ocean Gaming)– Temporary Parking Lot – 83-91 Ocean Boulevard (85 spaces)

Mr. Anzalone appeared. The property is owned by the Sanderson's and they have given authorization to use the lot for snow removal and parking for Ocean gaming. He indicated that currently there will be no place to park if there is a snowstorm. He also indicated that he has a meeting with the NHDOT to extend the temporary driveway permit. He is asking to utilize the parking lot from now until June 1, 2012. All parking spaces will be marked along with the appropriate number of handicap spaces.

Mr. McMahon asked about the plan; if it is as it currently exists. Mr. Lessard asked if the snow will be hauled from the State parking lot and it was stated "no". Mr. Anzalone corrected himself and stated that it would be for snow storm parking, not snow storage. Mr. McMahon asked where the snow will be put. Mr. Anzalone stated he has someone to remove it from the property. Mr. Lessard wanted to know where it's going. Mr. Anzalone stated that he will provide that the information to the Planning Board at a later time.

**MOTION** by Mr. Griffin to approve the temporary parking lot use which will expire on June 1, 2012.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

Mr. Anzalone will provide Mr. Steffen with the location of where the snow will be stored.

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**III. 2012 PROPOSED ZONING ORDINANCE AMENDMENTS - PUBLIC HEARING**

1. Amend ARTICLE 1- GENERAL, Section 1.5 Site Plan Review to comply with new State law (RSA 674:39) on vested rights relative to approvals of site plans.

Mr. Steffen stated the proposed changes. It is to amend Section 1.5 Site Plan Review to eliminate the existing wording on substantial construction within two years and replace it with new wording that requires compliance with the new vesting statute, RSA 674:39.

**MOTION** by Mr. Lessard to MOVE the proposed amendment to the Ballot as written and recommended by the Planning Board.

**SECOND** by Mr. McNamara.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

2. Amend ARTICLE III – USE REGULATIONS, Section 3.26 to replace garage with motor vehicle repair and service shop, to delete parking lots, and to revise the definition of filling station to include electricity or other alternative fuel; Section 3.26a to permit parking lots and/or parking areas in the RCS zoning district with site plan approval by the Planning Board.

Mr. Steffen stated there are two parts to this amendment and it is proposed to address a conflict in the regulation of parking lots in the RCS District and to clarify the meaning of Garage in Section 3.26. He stated that the Board wants to revise the listing of garage to have say instead motor vehicle repair and service shop and revise the filling station definition to include electricity and other alternative fuels. Mr. McMahan stated this had been previously discussed by the Board.

**PUBLIC**

Mr. Arthur Moody appeared. He asked if there will be a second public hearing on zoning amendments. He thinks the words “used for sale of gasoline” should be revised to reflect that the electricity from vehicle re-charging can be free of charge. He suggested the wording dispensing of should be added.

Mr. McMahan stated to change it to “for sale and dispensing of”.

**MOTION** by Mr. McNamara to add the words “used for sale and dispensing of” to the proposed amendment.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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**MOTION** by Mr. Emerick to MOVE the proposed amendment, as revised above, to the Ballot as recommended by the Planning Board.

**SECOND** by Mr. Griffin.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

3. Amend ARTICLE IV DIMENSIONAL REQUIREMENTS to grant relief from the minimum lot area per dwelling unit requirement for lots of record as outlined in footnotes 6, 7, 8 and 23.

Mr. Steffen explained the proposed amendment. He stated it is to address a defect in the dimensional requirements for existing lots of record – currently the ordinance grants relief from the minimum lot area requirement for existing lot of record but does not do so for minimum lot area per dwelling unit – Article 4.1.1. Mr. Lessard stated this is a housekeeping item.

**PUBLIC**

Mr. Arthur Moody appeared. He asked what the change is again. Mr. Steffen explained that it is to add Footnotes 6, 7, 8 and 23 to Article 4.1.1 for certain residential zones and the Business-Seasonal zone. Mr. McNamara read the footnotes to the public.

**MOTION** by Mr. Lessard to MOVE the proposed amendment to the Ballot as written and recommended by the Planning Board.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

4. Amend ARTICLE II – DISTRICTS, Section 2.3 Wetlands Conservation District to clarify existing wording and improve the organization of the District regulations to make them easier for the public to understand. A definition of impervious surface is proposed to be added as well as the requirement that all tree removal shall comply with NHDES Shoreland Water Quality Protection Act.

Mr. Steffen explained the proposed wetlands ordinance changes which are mostly housekeeping ones. The key changes are to reorganize the ordinance into three areas: tidal, inland and poorly & very poorly drained soils with the specific requirements listed under each one. The amendments also clarify the permitted uses and they are adding a definition of impervious surface. There is new wording on tree removal in the wetlands and that it shall comply with the Shoreland Water Quality Protection Act. Lastly, it clarifies when special permits expire. Mr. McMahan asked how the nine pages of changes will appear on the ballot. Mr. Steffen indicated that the full wording will be included as an attachment on the ballot and a poster board listing the changes is done for the Deliberative Session. It was noted that the full wording does not need to go on the ballot. Mr. Jay Diener of the Conservation Commission

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stated this is also on the website for people to view. Mr. Lessard asked how to get to the Conservation Commission website. It is the Town website; [www.town.hampton.nh.us](http://www.town.hampton.nh.us). Click on the “Conservation” page and the information will be there.

**MOTION** by Mr. Emerick to MOVE the proposed amendment to the Ballot as written and recommended by the Planning Board.

**SECOND** by Mr. McNamara.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

5. Amend ARTICLE V – SIGNS, Section 5.2 to define sandwich board/menu signs separately from portable signs; Section 5.4.2 to set forth restrictions on sandwich board/menu signs; Table I to list in which zones such signs are permitted and Table II to list the size restriction on such signs.

Mr. Steffen explained that this is a Selectmen’s requested zoning warrant article which was drafted to permit sandwich board signs that are currently prohibited everywhere in town in certain commercial districts - the Business, Business-Seasonal, Industrial and General districts. This amendment would add a definition - it's currently contained in the Portable Sign definition. New wording would be added on the size, design, construction and maintenance of these signs. It is proposed as no larger than 6 square feet per face. They would be permitted on only on private property, not in the public way at all. Mr. Lessard asked about the 6 square feet requirement and where it came from. He measured some area signs and they were greater than 6 square feet. He asked if it includes the handle, support legs, marquis, etc. He thinks the Board needs to know what the average size is of these types of signs. Mr. McMahon asked about the text, picture and logos. Mr. Lessard asked about ordinance language of “temporary”. Mr. Lessard thinks “temporary” should be removed from the definition. Mr. Olson asked if it's at the discretion of the owner. Mr. Steffen stated there would be a \$25 sign permit fee for these. It is proposed as one sign per establishment. Mr. McNamara asked who will enforce this. Mr. McMahon discussed having one sign per property, and noted that many properties have multiple tenants. How will this be dealt with? It is one per each establishment. Mr. Loopley asked if it's a free standing sign.

Town Manager Fred Welch appeared. He explained that sandwich board signs were discussed by the Board of Selectmen recently. They are currently not allowed – it is against the State statute as well as our Town ordinances. We do not want signs all around town and enforcement is an issue. The Board decided proposing a change to the sign regulations to allow people to have these signs on their own property within certain districts. The proposed size of sign is what the Building Department came up with. Mr. Welch stated that he recently counted 38 of these signs on Route 1. There is now a formal complaint filed with the Town. The number of signs per property was discussed to be dealt with by the Planning Board.

Mr. Arthur Moody appeared. He noted that signs have always been the lowest priority of enforcement in town. Properties with multiple tenants were discussed - the old Cinema 6 building for example. He noted that they have had up to 10 signs put out over the summer.

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He feels the Town will still not have the time to enforce these signs. He also feels it will allow for larger signs to appear.

Mr. McNamara discussed the fee. It was noted that the police will get involved if it's on a public way; other complaints will go to the Building Department for code enforcement. Mr. Griffin discussed current sign problems and stated that Route 1 has the most problems with this. Passing out brochures versus putting up signs was discussed. Mr. McNamara discussed frontage – they have to be on the private property. It was noted that changeable letter signs are permitted and would be as well for the sandwich board signs. The Board needs definition of 6 square feet. Mr. Loopley stated we should leave it as 2' x 3'. Mr. Steffen read the sign face language in the regulation.

**MOTION** by Mr. Loopley to **MOVE** the proposed amendment with the word “temporary” removed from the definition of sandwich board / menu sign to the Ballot as recommended by the Planning Board.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**IV. NEW PUBLIC HEARINGS**

**11-042 275 Ocean Boulevard**

Map: 282 Lot: 87-1

Applicant: McKeon Family Realty Trust

Owner of Record: Same

Site Plan Review: Construct retail plaza for stores and restaurants

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

Mr. Henry Boyd, Millenium Engineering, appeared. He noted that Attorney Saari had a hiking accident and would not be able to attend. Mr. Boyd asked for thoughts and prayers to be sent out to him. Mr. McKeon also appeared with his daughter, Melissa, and Mike Whitcher of Whitcher Builders. The building project and the parking in the rear of the lot were discussed. Floor elevations were discussed. The parking lot is presently graveled, but there will be no pitch as required for the handicap parking spaces. Water runoff was discussed. Mr. Boyd noted that they have gone to under 30 percent sealed surfaces. Drainage and the leaching areas were discussed and containing the stormwater. Periodic maintenance of the parking lot was discussed. Mr. Boyd noted that they propose to install angular stone beds (4 feet wide) to accommodate the roof runoff.

Mike Whitcher discussed building aspects. Mr. McMahan asked about the long-term development of the site. Mr. Whitcher indicated that they have the ability to construct higher floors above the six units. It will be constructed to hold a 50 foot high structure. Mr. Lessard asked about the restaurant. Mr. Whitcher indicated that there is no tenant presently. He stated a candy shop will be one of the retail stores. Melissa discussed their thinking on the use of the units. Mr. Olson asked about the firewall and the height similarity to the adjacent Mrs. Mitchells building. It was noted that it won't reach the same height as Mrs. Mitchell's, but it will have the same firewall – a double fire wall. It has a zero lot line. It was also noted

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that there will be back doors entrances. It was asked if the back doors are for employees only or will it encourage foot traffic. It is for foot traffic as well. Mr. McMahan asked about deliveries and service. It can be off the rear parking lot. It was noted that maneuvering has always been from the front.

Mr. Lessard asked about trash disposal and recycling. The carts will get stored at the back of the building by the concrete sidewalk. They will get rolled onto Ashworth Avenue. It will be town trash pick-up and recycling.

Mr. Olson asked about curb cuts. The existing driveway opening and sidewalk were discussed - the width is what it always was. They got a driveway permit when they received the temporary parking lot approval. Mr. Olson asked if it will have a defined entrance and exit. Mr. Boyd has not thought about that, but as things go forward, if it is paved, everything will change. Mr. Olson asked about 85 percent sealed surface requirements – is the gravel considered pervious or impervious surface. Mr. Boyd stated it doesn't have the amount of permeability of other stone surfaces, but he wants to hear the Planning Board's opinion. Sand and ledge were discussed. The grading to the leaching basins was discussed. Mr. Olson asked about grandfathering on this and if they are subject to our new ordinances.

Tax relief and the new State law were discussed. Mr. McMahan stated it is a new proposal and it has to meet current zoning requirements. It was noted that they did not need a variance on sealed surface requirement. They cannot go over 85 percent. They sought relief from the applicable requirements. They are now subject to site plan review regulations. They are asking for a waiver from some of those requirements. Mr. Loopley stated this is not close to the 85 percent sealed. Mr. Olson noted that the gravel surface is impervious; it might as well be paved.

Mr. Lessard noted that we don't allow gravel parking lots. Mr. Boyd stated crushed stone is not being defined in the town's zoning regulations. NHDES and the shoreland protection regulations were discussed. Mr. Lessard wants to find out about the paving requirement for temporary parking lots. Melissa asked for it to be considered a "permanent" parking lot. There was further discussion about the parking lot criteria under the site plan review regulations. Mr. McKeon stated he thought it was for a permanent parking lot. The criteria for permanent lots are different than for temporary parking lots. Mr. Steffen read aloud the section of the site plan review regulations on paving of parking lots. The Board can waive the paving requirement to reduce stormwater runoff.

### **PUBLIC**

Bob Mitchell appeared. He stated that he is in full support of the project. He received their full cooperation for his project. He said that getting the business back on its feet is a great idea versus an empty lot.

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Mr. Griffin asked when it would be completed. The applicants are hoping for a favorable at this meeting so they can get it built before the season starts next year. It is a 4 to 5 month project, depending on the winter.

Mr. Steffen stated that there should be more zoning information shown on the plan such as referencing the parking requirement for use, Section 6.1.1. He also thinks the new regulation requiring 25 feet of depth for non-residential principal uses on the ground floor should be included on the plan. He would like to see more detail on sewer, water, and gas services. The highest observable tide line needs to be shown. His memo noted that he was questioning whether a dumpster was proposed and that has been already been answered. Melissa stated that they can show where each unit will store recycling / trash carts.

Mr. Lessard stated that he wants to see a drainage study. If the parking lot is proposed as a temporary one he would be in favor of granting the waiver. The landscaping waiver was discussed. It determined that it has to go out to department head review first. The applicants asked for a vote contingent upon the department review. Mr. Lessard asked if time was of the essence why they didn't come in at an earlier meeting. Mr. McMahan stated the Board will do what it can. It can come back on January 18<sup>th</sup>, but the department heads do need to see the project.

**MOTION** by Mr. Lessard to accept jurisdiction and send the plans out for department review continuing the matter to the January 4, 2012 Planning Board meeting.

Mr. McMahan asked if they have spoken to the HBAC. They have not, but the applicant stated they will. Mr. McMahan stated this will not delay the project. Melissa stated they recognize this is more of a courtesy review.

Mr. Boyd asked to whom this will be sent. It was decided police, fire, public works, and CMA Engineers.

**SECOND** by Mr. McNamara. Mr. McMahan indicated that it may need to be pushed to the January 18, 2012 meeting if there is not adequate department review time.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**11-026 546 High Street**

Map: 151 Lot: 008/007

Applicant: Douglas H. Reed, Jr.

Owner of Record: Same

Special Permit: Construction of low platform deck beneath the existing 3-season deck.

Mr. Reed did not appear. The Board decided to place this matter to the end of the meeting.

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**11-043 15 Thornton Street**

Map: 303 Lot: 5

Applicant: Florence Loosigian

Owner of Record: Same

Special Permit: Addition of 500 s.f. of rock to fill voids in existing seawall.

Ms. Loosigian appeared along with her contractor. They discussed the work to the rock wall. It was noted that the rocks move and shift and he wants to fill the voids in the wall. This was a previous approval.

Ms. Dionne, Conservation Coordinator, appeared. She noted that the Conservation Commission accepts this project. She discussed that they not add new rocks. They will contact the Conservation Commission before doing the work.

**MOTION** by Mr. Griffin to approve the Special Permit in accordance with the Conservation Commission's letter dated November 23, 2011.

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**11-038 446 High Street (postponed from November 2, 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)

Mr. Rudd appeared. He discussed the sheds that were in the wetlands. He will be working to create permeable surfaces in a couple of areas of the property. He will also plant some red cedar between the edge of the sheds and the stand of trees to keep vehicles from being parked on the wetlands.

Ms. Dionne appeared. She explained that because applicant is offering more mitigation to offset other shed location, there is no problem with the applicant's proposal.

**MOTION** by Mr. Lessard to approve the special permit in accordance with the Conservation Commission's letter dated November 23, 2011. It was noted that the applicant will be removing the asphalt.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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**11-044 Juniper Lane & Huckleberry Lane**

Map: 96, Lots: 2E & 2F, Map: 97, Lot: 1-10

Applicant: JASAND, Inc.

Owners of Record: Huckleberry Woodlands, Inc., Great Meadow Realty Trust & Candia Rangeway Realty Trust

Subdivision: 8-Lot Single Family Residential Subdivision

Attorney Bob Casassa appeared along with Mr. Joe Coronati of Jones & Beach Engineering. Attorney Casassa is sitting in for Attorney Peter Sarri. This is a Ted Sanderson property. He owns an existing lot on Juniper Lane that will be used to access the property. He wants to develop a portion of the property known as Great Meadow. Great Meadow was surveyed but it was challenging due to the condition of the land. The deed research was discussed and it was challenging finding out the ownership of property. It is about 8.5 acres. The upland area was discussed. The property is zoned Residence A (RA). Sewer and water is available and it is not in the aquifer protection district. The land is mostly wooded. The utilities would come in off of Juniper Lane at different locations. The water service will come off Juniper and into the proposed cul-de-sac. A 28 foot wide road with curbing is proposed. There will be underground drainage with catch basins and detention ponds. The storm water flow was discussed - drainage swales will be utilized to convey the storm water and for treatment. There is no wetlands buffer impact with the project. They only need a State permit. Mr. Coronati asked for the Board's comments about possibly narrowing the road to match with Juniper Lane. The Board discussed the Sherburne Drive subdivision which was allowed a narrower development road as a "green" test case. Mr. McMahon stated he would entertain looking at that option.

**PUBLIC**

Mr. John O'Donnell of 13 Downer Drive appeared. He asked about water flowing down and impacting his property. Mr. McMahon stated a drainage study will need to take place. The Board cannot answer that at this time. Mr. Coronati stated the drainage goes into Great Meadow. Storm water for this development will be directed to the detention pond. Mr. O'Donnell stated Great Meadow is more of a pond now – will this impact the project. Development over time is making the pond bigger. Mr. Lessard noted it will be sent out to the Conservation Commission and our consulting engineer. It was noted that Mark West is the wetlands scientist who did the work on this.

Ms. Betty-Ann French, who lives at 1 Juniper Lane, appeared. She asked why the lot next to hers is so large. Her concern is drainage. She noted that high tide backs into the marsh at the beginning of Huckleberry and it backs into Juniper Lane. She and her neighbors all have sump pumps. She asked about the land being clear cut and what will happen to the wildlife. They have deer, woodchucks, etc. She asked where the wildlife goes. She asked about marsh life. It was stated a drainage study will be done. She indicated that she doesn't want to put have to put in two sump pumps.

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Mr. Eric Weinrieb appeared. He represents the Regan/Lord family who live at 3 Juniper Lane. They are concerned about their driveway and how close it will be to the planned road. They do not want people going into their driveway. They are concerned that they will lose part of their driveway. They would like the roadway moved to the left of the plan some. The developer has the frontage on Juniper Lane to accomplish this. When the new road comes in, they will have two front setbacks. They would like to see the road relocated over a bit so they can maintain the same amount of driveway area and not lose the building envelope. He supports narrowing the roadway. It is an existing lot of record.

Rhoda Dejesus of 17 Downer Drive appeared. She asked what the detention area will look like. She is concerned about the wooded area behind it. Does the Town have restrictions for developers to retain wooded areas? It was indicated that they can clear cut if they want to, but buffers have been created in the past.

Mr. Coronati discussed the detention pond/gravel wetland where wetland species of plants will grow. He explained that there will be about 4" of water inside. The land owner will need to maintain the area, which will be the owner of Lot #5. Mr. Coronati believes owners will want a wooded buffer. Ms. Dejesus asked if the homes will be similar to Great Gate and Juniper, etc. No covenants have been discussed.

Mr. Jay Diener of the Conservation Commission appeared. He indicated that if it goes for department review, the Conservation Commission would like to be included.

Mr. Dejesus of 17 Downer, appeared. He asked about the timeline. Mr. Coronati stated the earliest start for construction would be in the spring. State permits will need to be obtained. The road construction takes two to three months to complete. The house build-out time is market driven, and selling lots could take longer.

Mr. Lessard asked about the detention area being pulled back from the property area. Ms. Dejesus would like buffers per the comment from Mr. Lessard. Mr. McMahan asked if it makes sense to accept jurisdiction – especially where substantial changes with drainage facilities may be made. Mr. Coronati would like the plan to be accepted but stated that he will get in touch with the Fire Department and DPW to see whether they are okay with the 24' wide road with curbing. He stated that there could be enough discussion that they may not have to change their plans. Mr. McMahan stated it may need to be extended if there are substantial changes made and a new plan drawn up. Mr. McMahan discussed a letter from an abutter questioning property lines. Attorney Casassa will discuss this with Attorney McEachern. Mr. Olson discussed curb cuts. Safety issues were discussed. Acreage was discussed between Lot 8 and Lot 7. Mr. Lessard discussed safety issues. More discussion followed about going with low impact development techniques as the Board allowed with Sherburne Drive subdivision.

**MOTION** by Mr. Emerick to accept jurisdiction and to send the plans out for department, engineering and utilities review and continue the matter to the January 18, 2012 meeting.

**SECOND** by Mr. Griffin.

**VOTE: 7 - 0 - 0**

Mr. McNamara asked if Douglas Reed was present. He was not.

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**MOTION** by Mr. Loopley to continue the matter to the January 18, 2012 meeting.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**V. CONTINUED PUBLIC HEARINGS**

**VI. CONSIDERATION OF MINUTES of November 16, 2011**

**MOTION** by Mr. Lessard to approve the Minutes.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 1 (Mark Loopley abstained)**

**MOTION PASSED.**

**VII. CORRESPONDENCE**

**VIII. OTHER BUSINESS**

- 426 High Street – Expired Town Special Permit
- 20 Morrill Street – Expired Town Special Permit

Ms. Dionne discussed that both Morrill and High Street have expired. Both owners have been notified with no response. She indicated that a memorandum needs to go to the Building Department for enforcement. She further indicated that the applicants have done the work, but we don't know if the work has been done correctly. The aerials photos for 20 Morrill Street show that the work may not have been done according to the approved plans.

Mr. Emerick asked about permission to go on the properties. He asked if the Building Department has inspected the project. Mr. Lessard asked if building permits were issued. Ms. Dionne does not know. Mr. McMahon asked if this should go to the Building Inspector.

**MOTION** by Mr. Emerick to have Mr. Steffen forward a memorandum to the Building Department for enforcement on 426 High Street.

**SECOND** by Mr. McNamara.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Emerick to have Mr. Steffen forward a memorandum to the Building Department for enforcement on 20 Morrill Street.

**SECOND** by Mr. McNamara.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

Mr. McNamara asked about the zoning amendment to the dimensional requirements for vegetation on corners. Mr. Steffen was to come up with some wording. Mr. Steffen stated he

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spoke with the Building Inspector about it and it doesn't seem to be as pressing as first thought. Mr. Steffen doesn't think the Board should do anything at this time.

Mr. Steffen noted however, he has gotten word back from the Town Attorney on the proposed transportation corridor overlay district. He reminded the Board that it was tabled at a prior meeting in order to get an answer from the Town Attorney on what a no at the polls would mean to doing something in the future with the rail corridor. The Town Attorney has stated that zoning can come back every year, and a defeat at the polls would not preclude governmental entities from establishing future transportation uses under other authorities. Mr. Steffen discussed that he and the Town Attorney revised the wording of the ordinance. He indicated that if we want to go forward with it we could do a public hearing at the first meeting in January, but only one hearing would be available. It was indicated that the Planning Board needs to see the language before that meeting. Mr. Steffen will make it available for the December 21<sup>st</sup> meeting.

**IV. ADJOURNMENT**

**MOTION** by Mr. Emerick to adjourn.

**SECOND** by Mr. Loopley.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 9:45 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**