

HAMPTON PLANNING BOARD

MINUTES

August 1, 2012 – 7:00 p.m.

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

ABSENT: Mark Loopley

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

- **431-435 Ocean Boulevard/Proposed 23 Unit condominium project - request for extension of Planning Board approval**

Mr. David Keir appeared. He stated that they are requesting a one-year extension. Mr. Steffen noted this is the fourth request. There have not been any changes to the regulations that would affect the application. He noted that previous extensions to the special permit are wrapped into this site plan approval. He stated that special permit approvals are good for two years but are only permitted two extensions. There has been one extension of the special permit that would lapse this year. The site plan approval extensions are only good for one year. Mr. Lessard asked what the special permit is for. Mr. Steffen explained that it is for 3,550 SF of disturbance in the 50' buffer.

MOTION by Mr. Emerick to grant the extension for one year to expire on September 17, 2013.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

- **Gabriello Gabrielli – Parking Lot (14 spaces) - 15 Church Street**

Attorney Nadeau appeared along with Corey Colwell from MSC Engineers. Atty. Nadeau discussed Mr. Gabrielli's ownership of the property. There are eight legal parking spaces on-site. He explained that Mr. Gabrielli residential use is grandfathered and in his opinion there is only one space per apartment unit required. He mentioned possible condominium use in the future and comply with regulations if and when that is done. Trash

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disposal was discussed. There are six (6) large green receptacles are shown on the plan for curbside pick-up.

Mr. Colwell discussed the angled parking space revisions. He stated that the stairwell behind the spaces does not protrude out as far as previously shown so that one of the angled parking spaces (4th angled from Church Street) now has adequate room.

He also explained the parking configuration for the tenant parking. There are eight (8) spaces: three (3) along Charles Street; two (2) on the southeast side of property, and three (3) in the garage. He noted that the spaces with numbers on the plan are for temporary parking and is also listed in Note #10 on the Plan. He stated that the parking spaces will be delineated by signs. He also stated that the snow storage area was added.

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Mr. McNamara discussed the trash bin colors. Mr. McMahon asked about snow storage.

Mr. Lessard asked about hours of operation. The hours are listed in Note #9. The temporary parking will be in effect from May 15, 2013 to October 15, 2013. Mr. Lessard stated that he would like to see the temporary spaces marked with line striping. Mr. Lessard asked about the dimension of the garage door. Mr. Colwell responded that the garage door takes up the space of the concrete pad on the southerly side of building but he is not sure of the dimensions. Mr. Lessard responded that he wants to make sure the tenants can get out of garage with the parking layout as shown. Mr. Lessard further stated he would like the tenant spaces marked with signage on the exterior. He also would like to see the temporary parking spaces painted so that people know where they are.

MOTION by Mr. Lessard to approve the temporary parking lot of thirteen (13) spaces for one year running from May 15, 2013 to October 15, 2013. It was noted that the final plan shall show the tenant space layout inside of the basement and on the outside delineated by signs and marked lines. The designated handicap space (#7) was questioned by Mr. Lessard. Mr. Colwell responded that they are required to have one space for the parking lot. It was noted that there is not a handicap parking space for a tenant right now. Mr. Colwell stated if there is a handicapped tenant they make sure they provide a space. The approval needs to be given every year so it can be tracked per Attorney Nadeau. Mr. Lessard said this property has had issues in the past and wants to ensure that it is done right.

SECOND by Mr. Griffin.

Mr. McNamara added to the motion that the ingress / egress of the three (3) garage spaces and dimensions of garage door will be added to the plan as well as the lines delineated for tenant parking in the garage and submitted to the Town Planner.

VOTE: 7 – 0 - 0

MOTION PASSED.

- **Change of Use - 7 Scott Road**

Stereo Amplifier Manufacturing Co. to Strength Training (Fitness Center)

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Applicant was not present and case moved to the end of the meeting.

III. NEW PUBLIC HEARINGS

12-036 382 Exeter Road

Map: 51 Lot: 8

Applicant: John Lovetere

Owners of Record:

Subdivision & Special Permit Applications: Three-Lot Subdivision

Attorney Peter Saari appeared with Mr. Joseph Coronati of Jones & Beach Engineers, Inc. Attorney Saari stated the land consists of 13 acres. The subdivision will have a private driveway. There are a lot of wetlands; some high value and some not so valuable. There is no public water or sewer. Septic systems and wells are proposed for the three lots. The plans have gone to the Conservation Commission and the Plan Review Committee. There is a proposed gravel driveway, which will split into the lots and then no longer be a common one. He noted it was discussed that the long driveway has pull-outs in case of emergencies. Rain gardens will be constructed when homes are built. Deed restrictions were discussed. The Fire Department wants the clearance under the utility poles further checked - a 13'6" clearance must be there. CMA Engineers has asked that the size and shape of the lots be addressed with regard to the septic systems and wells. This went through zoning (ZBA) just fine. The roadway will be private; no Town maintenance and plowing.

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Mr. McMahon asked about the rain gardens. Mr. Coronati responded that the home owners would install and contract for maintenance. The responsibility of having it checked annually will also occur and it will be in the deed.

Mr. Emerick asked about a stabilized driveway entrance. Mr. Coronati stated that stone pads will be installed to aid in not having trucks track mud onto Exeter Road. Mr. Emerick stated there seems to be sufficient space in which to do that. Mr. Coronati will add that to the driveway entrance plan. Mr. Griffin asked about the abutter letter. Mr. McMahon responded it will be brought up when we go to the public.

Mr. Olson asked about the Fire Department's concern about the 13'6" clearance. Mr. Coronati responded that they may have to lower the driveway between the poles. They could go around it, but it would be tight to one of the poles. Another option would be to go through wetlands.

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Mr. Thomas Batchelder of 411 Exeter Road appeared. He discussed his brother's letter. They both are concerned about creating lots in the RAA zoning by allowing a private road into the back of property. He asked if this is approved, will others be allowed to do the same. He does not want this to set precedence. Mr. Steffen stated that if one doesn't have required frontage they need to seek variances and the ZBA treats each matter on a case-by-case basis. Mr. Steffen explained that it doesn't change the zoning for the area - it's just applicable to this property.

Mr. Bob Nudd of 531 Exeter Road appeared. He asked if the variances are granted how many lots could be on the property. Mr. Steffen stated it is the RAA zone and the minimum lot frontage is 200 feet. The frontage for these properties is about 65 feet. The current lot on Exeter Road has 195' of frontage. Mr. Nudd stated without variances there would not even be a house lot because of insufficient frontage. Mr. McMahon stated the conditions of the property would determine how many houses could be put there. Mr. McNamara stated there may be as many as five lots. The approximately 2.8 acres of upland were discussed. It was noted that houses could not be placed there. Mr. Nudd asked who would maintain the shared driveway. Mr. Coronati explained that the first 280' feet would be common driveway taken care of by a homeowners association. The longer portion would be maintained by the owner of the rear property. The homeowners maintain their own driveways. Mr. Nudd discussed the enormous effort by the voters and organizations to preserve Batchelder Farm. He questioned the ZBA granting the variances and stated it is not appropriate or reasonable to then have to have the Planning Board vote on this.

Dr. Lovetere, the owner, appeared. He stated that he received a letter from Sheila Nudd about the Batchelder project. He stated he has donated hundreds of dollars to the project. He loves the land and wants to preserve it. He discussed not making it an asphalt jungle. He wants a green project. He wants his driveway to look like Skip Batchelder's driveway. He discussed the aesthetics of his current home.

Mr. McNamara asked about fire hydrants. Mr. Coronati stated it was not brought up at the PRC meeting. There is a pond on the adjacent property that serves as fire protection for the area. Mr. Steffen stated final sign off has not been received yet from DPW. Chief Silver still has a concern about clearance for fire apparatus under a section of the high tension wire. Mr. McMahon asked about the driveway permit. It was noted that Exeter Road is not a NHDOT maintained road, so there would be a local permit for the driveway.

Mr. Lessard asked about what has to be in the deeds for rain gardens. Mr. Coronati responded that there will be an O&M Manual for them and the maintenance will be referenced in the deed and the homeowner's association documents. The Conservation Commission letter also contains requirements that will need to be addressed in the documents. There will be signs in rain gardens to show what they are for and photographs of maintained rain gardens will be submitted on a yearly basis. Mr. Lessard asked about the wetlands crossing.

MOTION by Mr. Emerick to approve the subdivision with the correction of the clearance being added along with the stipulations contained in the Town Planner's Memorandum dated July 27, 2012 and to approve the special permit with the stipulations contained in the

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Conservation Commission letter dated July 30, 2012. He also requested that there be an addition of a hard surface “skirt” at the entrance of the driveway to prevent gravel from spreading onto Exeter Road. He discussed consulting with DPW on the matter.

SECOND: None

Mr. Olson stated that he feels the Board needs PSNH’s and Unutil’s comments on the proposal before it can be approved. He is concerned about a house being built near high tension wires. He asked about liability for the Town if we were to approve this. Mr. Steffen discussed the joint use agreement with PSNH. Mr. Coronati responded that it is moving slowly with PSNH on the matter. He discussed that the existing access road with an easement needs to be worked out as well. Mr. McMahon asked about the timeframe. Mr. Coronati responded that it may take a couple of months to resolve.

SECOND by Mr. Olson, but he added that it be contingent upon approval by PSNH and Unutil. Mr. Lessard asked if the Fire Department knows about the lines.

VOTE: 3 – 4 – 0

MOTION FAILED.

MOTION by Mr. Lessard to continue the matter until there is approval from PSNH.

SECOND by Ms. Carnaby.

It was noted that the Planning Board may need to grant an extension on the time clock. Mr. Steffen stated it would be 65 days from the date of acceptance of jurisdiction.

MOTION by Mr. Lessard to accept jurisdiction and continue the matter to the Board’s October 3, 2012 meeting.

SECOND by Ms. Carnaby.

The applicant asked the Board if it could be continued to September 19, 2012 for a status update.

MOTION by Mr. Lessard to continue the matter to the September 19, 2012 meeting with above stipulations to be addressed.

SECOND by Ms. Carnaby.

VOTE: 5 – 1 (Emerick-no) – 1 (McNamara-abstained) MOTION PASSED.

Mr. Lessard stated it is a complete plan and the Board has to accept it for jurisdiction.

12-037 85 Mill Road

Map: 162 Lots: 6

Applicant: Susan M. Schwartz

Owner of Record: Same

Subdivision: Two-Lot Subdivision

Waiver Request: Waiver Request: Section V.E.7 of the Subdivision Regulations–Detailed Plan

Mr. Olson recused himself. Mr. Lessard stated he is an employee of the Hampton School system. The applicants responded that they do not object to Mr. Lessard sitting on the case. Attorney Michael Donahue appeared. He explained that the project is a two-lot subdivision on an existing Town street. It will be two oversized lots. One lot will be 35,000

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SF and the existing lot will be 23,000 SF. Variances were granted for a slight reduction in the frontage and a minor variation of “Peter's square”. The stormwater waiver request was discussed. The home will be built for applicant's parents. Soils and drainage studies have been done by the Town prior to the application. The ZBA conditions were discussed. Approval by Town counsel would be fine per Mr. Donahue. He submitted easement documentation and it is noted in note 14 on the plan.

Bruce Scammon from Emanuel Engineering appeared. He displayed the plan and proposals. He stated the easement area is for the shared driveway and parking. The utility pole location was shown and discussed. The sewer was discussed - there will be no new cuts on Mill Road. The existing water line was shown. The new lot will be for a single-family home. The larger trees in rear of the property will be saved. The vegetated buffer was discussed.

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Mr. McMahon asked about the easement for parking. Mr. Scammon showed the parking area on the plan. Parking may be on the other lot and the easement allows for that. There will not be asphalt taken out. Mr. Steffen stated that the parking area doesn't appear to be addressed in the easement document. Attorney Donahue stated Mr. Steffen is correct. Mr. McNamara asked about the spur. Attorney Donahue will amend the easement to include the parking. It was stated that the existing house is a two-family. Mr. Lessard indicated that they should show there is enough parking. He explained that his is in case it ever goes to condominium form of ownership.

Mr. McMahon asked about the vegetated buffer. Mr. Scammon explained the buffer area and the intent to maintain it year-round. Mr. Lessard asked about the stone wall. Mr. Scammon responded that the stone wall is the property line. Mr. Lessard would like both sides to be protected. It will be added on the plan per Attorney Donahue. Mr. Lessard asked what side the gas lines are on and stated he would like it shown on the plan. Mr. Steffen asked why note 14 is in quotes. Attorney Donahue responded that it does not need to be in quotes.

PUBLIC

Mr. Tom Manning appeared. He lives at 79 Mill Road. He wanted the definition of a two-lot subdivision. He asked about housing for parents. The house already has an in-law apartment. He doesn't know how the hardship passed. He feels that by approving this project overcrowding in the neighborhood will occur. He stated it's a single-family neighborhood. He noted that the proposal is an improvement over the first plan. He spoke about the value of abutting properties being diminished. He noted that his house is for sale and a buyer has serious reservations about the project. He would like the Planning Board to deny the subdivision. He wants the restrictions to be adhered to. He would like it added to the deed that any further additions not be authorized. He discussed the vegetated buffer. He stated he is concerned about having three residences on the property.

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Mr. Mark Olson appeared. He lives at 75 Mill Road. He noted that he went to the first ZBA hearing. He explained that it is two units already in a single-family zone. He stated it would create problems with allowing a shared driveway. The proposed easement should be corrected to alleviate future trouble. He stated that the proposed house would be in someone's backyard. He indicated that he is not an abutter but he thinks that this project would diminish the value of the neighbor's home and the neighborhood. He stated he would like the Planning Board to look at this closely.

Mr. Griffin asked about the in-law apartment. He questioned it in relation to the single-family zoning. The applicant responded that when she bought it she thought it would be perfect for her as her parents are old and she could have put an electric chair in her current home. She stated, however, it didn't work for them. Attorney Donahue stated that there is nothing in the Town records that refer to it as an in-law apartment – it is refer to as an apartment.

Attorney Donahue discussed the property being a large lot. The new house will not stand out on the street. Mr. Steffen stated that the apartment is a pre-existing non-conforming use. Mr. McMahan asked for the difference between in-law apartment and an apartment.

Mr. McNamara stated that he feels that parking could be problem in the future. Attorney Donahue responded that the original proposal wasn't in the spirit of the ordinance, so they corrected it and made it more conforming which resulted in needing to put parking on the other side.

Mr. Scammon discussed the buffers. The vegetation as shown is existing and is not improved upon. Mr. Steffen stated his memorandum was revised and it speaks to the vegetated buffers. Mr. Lessard gave his copy to the applicant. Mr. Emerick stated that once the ZBA grants something the Planning Board complies with it. Mr. Emerick stated that probably no one will even see the new house. He further stated he doesn't like the shared driveway.

Mr. McMahan stated the parking on the abutting lot bothers him the most. He further stated it bothers him having two units on the property and putting a third in as well, but noted that once there are two lots it makes it conforming - it's not a third house on the one lot.

Mr. Steffen asked if the existing driveway will need to be expanded.

MOTION by Mr. Emerick to grant the waiver request from Section V.E.7 Stormwater management plan of the Subdivision Regulations.

SECOND by Mr. McMahan.

VOTE: 6 – 0 – 0

MOTION PASSED.

MOTION by Mr. Emerick to approve the subdivision with the stipulations contained in the Town Planner's Memorandum dated July 27, 2012 as revised on August 1, 2012.

SECOND by Mr. Lessard. He stated he would like to add the stipulation that the buffer and stone wall will remain undisturbed.

VOTE: 6 – 0 – 0

MOTION PASSED.

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Cassie Lane

4-Lot Subdivision

Map 14, Lot 4

Applicant: GTK Holdings LLC

Proposed amendment to subdivision approval of DeNiro Development Corp., 4-lot subdivision at 691 Exeter Road to approve utility locations under RSA 231:160-a.

Attorney Peter Saari appeared with Christian Smith from Beals Associates and Todd Cain, the property owner. Atty. Saari explained that utility line as-built information was added to the plan. Mr. Steffen stated this is part of the road acceptance process. He explained that the development is served by private wells and septic systems so there are no water or sewer lines to show. There are no recorded easements for the utility lines to contend with.

BOARD

MOTION by Mr. Emerick to approve the utility locations under RSA 231:160-a.

SECOND by Mr. Griffin.

VOTE: 7 – 0 – 0

MOTION PASSED.

12-038 17 B Riverview Terrace

Map: 292 Lot: 36-1

Applicant: Benjamin Fernandes

Owners of Record: Same

Special Permit: Removal of excess gravel from driveway and around property

Julie Fernandes appeared. She stated this is to remove excess gravel from the driveway and around the foundation. She stated that the Conservation Commission has agreed to their plan.

BOARD

PUBLIC

Ms. Rayann Dionne, Conservation Commission Coordinator, appeared. She stated that they have been working with the property owner and they are on board with restoring the site. She noted that the applicants are to use a shovel and wheelbarrow for the work.

Mr. Peter Rowan appeared. He is an abutter. He stated that he is concerned about how quickly the restoration would be completed. He would like the Board to enforce 45 days. He noted that it's been there illegally for 14 months. He stated he has a fence that he would like to put up and his fence company has been waiting for month and a half.

Ms. Fernandes explained that Mr. Rowan wanted a date for it to be removed and her husband was told that in July. Her husband has moved it away from the property line.

Ms. Dionne stated the Conservation Commission did not set a date for removal. She stated that they want it removed as soon as possible and if the Planning Board wants to put a

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deadline of 60 or 90 days they would be fine with that. Ms. Fernandes stated that her husband is currently getting a price to have it removed.

Mr. McMahon asked the Board about imposing a timeline. Mr. McNamara stated 45 days seems fair. Mr. Lessard asked for 60 days.

MOTION by Mr. McNamara to approve the special permit with the stipulations of the Conservation Commission letter dated July 30, 2012 and with the further condition that the stone is to be removed within 60 days. Mr. McNamara clarified that a date should be given. The motion was revised to give a completion date of September 30, 2012.

SECOND by Mr. Emerick.

It was noted that if it was not completed by then it would go to the Building Department for enforcement.

VOTE: 7 – 0 – 0

MOTION PASSED.

12-039 Hampton-Exeter Exp. (Route 101)

Map: 251 Lot: NHDOT ROW

Applicant: Aquarion Water Company

Owners of Record: State of New Hampshire

Special Permit: Water line repair in (Wetlands Conservation District) public right of way

Mr. Carl McMorran appeared and stated it has been restored.

MOTION by Mr. Lessard to approve the special permit for the water line repair in NHDOT right-of-way.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

12-033 48 Hobson Avenue (continued from July 18, 2012)

Map: 289, Lot: 8

Applicant: Kelly Ford

Owner of Record: Same

Special Permit: Replace rear deck from 8 feet x 6 feet to 10 feet x 8 feet.

Mr. McMahon stated the applicant wishes to have this continued. It was noted that the first meeting in October would probably be best.

MOTION by Mr. Emerick to continue the matter to the October 3, 2012 meeting.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

7 Scott Road applicant(s) still did not appear. This will be added to the next agenda and the Planning Office will contact them to let them know they need to appear.

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IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of July 18, 2012.

MOTION by Mr. Lessard to accept the July 18, 2012 Minutes.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 1 (Carnaby)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

VIII. ADJOURNMENT

MOTION by Mr. McNamara to adjourn.

SECOND by Mr. Olson.

MEETING ADJOURNED: 9:05 p.m.

Respectfully submitted,
Laurie Olivier
Administrative Assistant