

HAMPTON PLANNING BOARD

MINUTES

April 3, 2013 – 7:00 p.m.

PRESENT: Mark Olson, Chair
Brendan McNamara, Vice Chair
Tracy Emerick
Fran McMahan, Clerk
Mary-Louise Woolsey, Selectman Member
Keith Lessard
Mark Loopley
Jamie Steffen, Town Planner

ABSENT:

I. CALL TO ORDER

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

Mr. Olson stated that 1042 Ocean Boulevard wishes to be continued to the May 1, 2013 meeting.

MOTION by Mr. Lessard to continue 1042 Ocean Boulevard to the May 1, 2013 meeting.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Olson stated that 52 Tide Mill Road wishes to be continued to the Planning Board's May 1, 2013 meeting.

MOTION by Mr. Emerick to continue the matter to the Planning Board's May 1, 2013 meeting.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Loopley noted that 52 Tide Mill Road should have the deed restriction lifted and Mr. Steffen stated it has been.

II. ATTENDING TO BE HEARD

IV. NEW PUBLIC HEARINGS

13-013 115 Landing Road

Map: 239 Lot: 1

Applicant: Hampton River Boat Club

Owners of Record: Same

Special Permit: Increase elevation of roadway & parking areas to allow driving & parking on dry ground during periods of some high tides.

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Mr. Henry Boyd of Millennium Engineering appeared. He thanked Ms. Dionne for her time and assistance and Frank Richardson of NH DES for being helpful with the pre-application conferences, etc. He stated that the Conservation Commission is satisfied with the proposed design. He discussed access to the boat club; fill in the driveway and average (higher) tides. Mr. Boyd discussed the community of the boat house in Hampton. He noted the grades at the end of the pavement and the apron at the end of Landing Road and explained the need for a negative pitch from the street. He noted the 7.5 elevation level being achieved. (Note: 5.5 elevation levels is average for high tide now). He explained that the parking area is lower than the access. There will be no impact to the marsh - the parking area will receive the most fill. He noted that they have placed stakes into boat area to mark where the work area will end.

The State has requested that the applicants do some mitigation which will involve eradicating Phragmites. Mr. Boyd discussed removing the soils.

BOARD

Ms. Woolsey asked about an existing bulkhead. Mr. Boyd responded that it is where soil is scarfed out and pilings come out forming a bulkhead wall. Mr. Loopley asked about sloping to the edge – utility lines, etc. Mr. Boyd noted that silt fencing was discussed by Frank Richardson and described where impact locations were.

Mr. McMahon asked about compression of the area. Mr. Boyd thinks it has been sinking over the years, but no borings or compression tests have taken place.

Ms. Woolsey asked about the gravel parking lot and what crushed rock is. Mr. Tilton responded by describing the different sizes of stone / gravel.

PUBLIC

Mr. Fred Clews of NH Fish and Game appeared. He stressed the importance of the maintaining the facilities. This will help everyone in the community and the State.

Ms. Rayann Dionne appeared and stated that the Conservation Commission supports the project. She stated that they are pleased to see Phragmites being removed. Mr. McMahon asked about the site plan and she responded that it was accurate.

BOARD

Mr. Lessard asked about the fees Mr. Boyd mentioned at the beginning. Mr. Boyd noted that they are the NHDES wetlands application fees.

MOTION by Mr. Lessard to approve the special permit with the stipulations contained in the Conservation Commission's letter dated March 29, 2013.

SECOND by Ms. Woolsey.

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VOTE: 7 – 0 – 0

MOTION PASSED.

13-007 21 & 29 Hickory Lane (continued from March 6, 2013)

Maps: 170 & 184 Lots: 11 & 1/1

Applicant: Whiteside Family Trust & Richard & Helen Whiteside

Owners of Record: Same

Special Permit to Impact Wetlands: #21-proposed drainage mitigation for paved driveway violation & #29- proposed dwelling/septic rehabilitation.

Mr. Henry Boyd of Millennium Engineering appeared. He noted that the Whiteside's could not attend. He described the site as containing over 9 acres. It is privately owned with multiple homes (leased) on the parcel. Millennium was contacted by the applicants to do an improvement plan for Dwelling #29 (dilapidated dwelling). He noted that this is not a high tide matter. He discussed soil examinations and the septic system area. He discussed the violation letter from the Conservation Commission. Mr. Boyd noted that this has not gone to the NHDES Shoreland Division yet. He discussed reducing the pavement to 356 square feet.

He discussed stabilizing the slope and infiltration. They are proposing to plant more junipers. The existing walkway will be removed and replaced with permeable pavers. He noted that 1,200 SF feet of impact will be removed from impacting the river. The paved parking spaces will remain for the Whiteside's.

BOARD

Mr. Loopley asked about both areas being on the same plan sheet and that is the case. Mr. Lessard asked about the boundaries on the leased land. Mr. Boyd responded that the leased area lines are not shown on the plans. He noted that the State is only looking for fee ownership on the parcel. The leased lines only exist for tax purposes. Mr. Lessard asked about not seeing the gravel driveway on the plans. Mr. Lessard noted that there are many houses on the large parcel. Mr. Lessard asked about other violations. Mr. Boyd responded that he does not know of any. The Whiteside's are doing the work on the property.

Ms. Woolsey asked about the septic system and the leach field. Mr. Boyd responded that it will have to be properly disposed of under the NHDES regulations. Ms. Woolsey asked where the waste goes. Mr. Boyd responded that they have septic systems. The septic system will look like a raised bed. Mr. Boyd stated that this plan is much better for the environment.

Ms. Woolsey asked about the junipers, i.e. if they would be creeping junipers. Mr. Boyd responded that they are looking at the bushy, low-lying growth ones – not spreaders.

PUBLIC

Ms. Rayann Dionne appeared. She stated that the Conservation Commission is in support of the project. She stated in the recommendation letter that there are four stipulations based upon seeing that those revisions had/have been made to the plans.

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MOTION by Mr. Lessard to approve the special permit in accordance with the Conservation Commission's letter dated March 29, 2013 and based upon plans with the project number E111321, revision 3/18/13.

SECOND by Mr. Emerick.

VOTE: 7 – 0 - 0

MOTION PASSED.

12-001 16 Battcock Avenue

Map: 281 Lot: 59

Applicant: Terrence & Kelly Connor

Owner of Record: Same

Special Permit (*Amended): Remove existing concrete foundation, gravel driveway and revetment along tidal marsh & construct 583 SF addition to existing residence with new, eco-paver driveway. (*Changes include a 2' x 2' AC condenser and the deck was moved further from the wetlands along with a change of proposed pavement to eco-paver. Reduction of impervious area resulted from changes.

Mr. Joseph Coronati of Jones & Beach Engineers appeared. He explained that they appeared a year and a half ago with a project to put an addition on the house and remove the old foundation. They would also be improving the property and adding landscape plantings. It was approved and the work performed. There were a couple of changes to the site different than the approved plan which is why they are back with an amended application. He explained the changes. The deck was approved at the rear of the addition but the applicants brought it forward and added an air conditioner unit. More eco pavers were also added. Everything else is compliant. Notes 11 and 13 are calculations on-site. The Certificate of Occupancy has been obtained so this is to approve the as-built condition.

BOARD

Mr. Lessard asked about the design of where the driveway meets the right of way. Mr. Coronati explained that there is a two foot section of asphalt for the transition. Mr. Loopley asked about the boundary line and Mr. Coronati showed it. Mr. Loopley discussed the Driveway Regulations. Mr. Coronati explained that he think the driveway permit was issued before the driveway was built. Mr. Loopley thinks it is another violation of the regulations. The Board discussed concrete versus asphalt for the pavement. Ms. Woolsey asked if this property is sewered. It was stated "yes". Mr. Olson noted that the Driveway Regulations says "paved apron". He believes it is an issue that we need to deal with in the future. DPW believes pavement is asphalt. Mr. Olson expressed concern about driveways with pervious pavers needing to be nearly half asphalt. It could be a plowing problem. Ms. Woolsey asked if the Planning Board should check on driveway permits for pavers, but that is not something the Planning Board's does.

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MOTION by Mr. Lessard to approve the special permit for the as-built condition as shown on plans with the project number 11138, revision dated 2/20/13.

SECOND by Mr. Emerick who stated with the stipulations contained in the Conservation Commission's letter dated March 29, 2013.

VOTE: 6 – 0 – 1 (Loopley)

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of March 20, 2013

MOTION by Mr. Emerick to accept the March 20, 2013 Minutes.

SECOND by Mr. McMahan.

VOTE: 7 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

Mr. Olson stated that the Planning Board received a letter from Maury Friedman asking to be reappointed as an alternate member of the Planning Board.

MOTION by Mr. Loopley to reappoint Mr. Friedman.

SECOND by Mr. Emerick. It was noted that this would be for a three-year term ending with the March election in 2016.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Steffen discussed the letter sent by Dave Sharples regarding pervious pavers and driveway apron for property at 40 Boars Head Terrace. Mr. McMahan read the letter aloud. The letter is available for viewing in the Planning Office.

BOARD

Mr. Loopley stated that the Planning Board discussed this many times. He made a motion that the Planning Board invites a representative from DPW to a Planning Board meeting to what is acceptable for pavement within the Town right-of-way. Distances should be discussed. Mr. Olson agrees. Mr. Loopley said the DPW should clarify. Mr. Olson discussed people being allowed to do what they want. If it's on public property, it gets tricky. Mr. Lessard discussed plow damage that have occurred in the past.

Mr. McMahan discussed the right-of-way width and how far back one could go and who is responsible for what.

MOTION by Mr. Loopley to have DPW attend a meeting to discuss this with the Planning Board.

SECOND by Mr. Emerick to invite the DPW Director Keith Noyes or someone from the DPW. It was suggested that the board send a copy of the letter to Mr. Noyes. Mr. Steffen stated Mr.

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Sharples is seeking an interpretation from the Planning Board on this. He explained that the Planning Board has delegated the driveway permitting to the DPW but they are the Board's regulations. Ms. Woolsey asked again about sending Mr. Sharples' letter. It was stated though that DPW (Frank Swift) received the letter. There was discussion about keeping the first two feet from the edge of the road bituminous asphalt. Mr. McMahon discussed the concern with not having consistent road widths in Hampton.

Ms. Woolsey discussed pavers and the Town creating bituminous asphalt and that not being reasonable. It is up to the property owner to hook up to the Town road. Width was discussed before; no horseshoes, etc. Definition of pavement was discussed and it's come up before.

Mr. Sharples appeared. Section 2.J.5 of the Driveway Regulations was discussed. He noted that it is not DPW that makes interpretations of the law. He stated our Driveway Regulations do not have definitions. Mr. Sharples stated all he wants is an interpretation of the paved apron requirement. Mr. Sharples discussed the situation with his property. He explained that there would be 5 to 6 feet between his property and edge of the Town road which would have to be asphalt under DPW interpretation. He then would have approximately 12 feet of permeable pavers on his property. He does not want asphalt so he said he would just as soon keep it as grass if that would be the requirement. He noted that the regulations do not say that it is exclusively asphalt for the paved apron. Mr. Loopley stated he thinks we should have further discussion on this. Mr. Olson discussed Section I.3 of the regulations regarding appeals. Mr. Sharples stated he believes he is following the standards.

Mr. Lessard discussed the short apron at the end of the road. Mr. Sharples responded that he is not opposed to that he just wants the rules to be interpreted. Mr. Sharples would probably just put grass back if he has to do asphalt – he doesn't want to add more impervious surface. Ms. Woolsey said she feels we should still discuss this with the DPW Director as he may not been aware of all the information on this coming out of his department. The Highway Superintendent could be brought into this as well.

WITHDRAWAL of the Motion. Mr. Loopley asked if we need to clarify the definition in the regulations. The Board decided to start with a call to DPW to find out what is acceptable on Town land. Mr. Olson stated that the onus is really on the landowner that they can install what they want with the understanding that if it is damaged by the Town during plowing that they would be responsible for paying for the repair.

VII. OTHER BUSINESS

- **Conservation Commission-wetlands restrictions – tax cards (Rayanne Dionne)**

Ms. Dionne discussed a new way she has been exploring to educate and make the public aware of the Wetlands Conservation District. She explained that some people don't realize that they have wetlands or buffers on their property. Ms. Dionne she discussed the idea to use the tax cards to give them that information. Like with the building permit history she would like to add the special permit history. Ms. Dionne noted that she met recently with Jay Diener (Conservation) and Ed Tinker (Assessing) to discuss this. Mr. Tinker thinks there is limited

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room where permit notes are to add this information. Mr. Tinker recommended moving wetland information down to the highlighted landline valuation section. She explained that we could add a use code that does not affect the value of the property but it is restricted by characters. This would identify properties that have special permits. It is just an informational piece, not to highlight that areas have wetlands. She feels that this would alleviate after-the-fact permits that we are getting.

Ms. Dionne discussed the data base and highlighting properties. She also discussed identifying and noting properties that have or abut well-known, large areas of wetlands. It was mentioned from a real estate point of view, this could be harmful. Ms. Dionne discussed better informing the public. Ms. Woolsey commented that she thinks that this should go through the Board of Selectmen for approval of it. Ms. Dionne responded that Mr. Tinker didn't think they needed to go any further. Ms. Woolsey thinks it should get clearance from the Board of Selectmen - anything being done out of the Assessing Office should come from the Board. Mr. Emerick thinks it should be authorized. Mr. McMahan commented that he thinks we should only be identifying special permits on the form. Mr. Emerick agreed. He commented that it is a legal document and has concerns about a volunteer commission adding information to it. Ms. Woolsey stated that she will bring it to the Board of Selectmen and the Conservation Commission will as well.

MOTION by Mr. Emerick that Planning Board supports the idea to add the special permit approval information to the tax cards.

SECOND by Mr. Loopley. It was commented that the Planning Board can only recommend this and that the Conservation Commission should go forward in bringing this to the Board of Selectmen.

VOTE 6 – 0 – 2 (Woolsey & McNamara)

MOTION PASSED.

- **RSA 41:14-a request - review and recommendation on release of old right-of-way and deeding of two lots in Hampton Harbor to the Conservation Commission**

It was noted that this is pertaining to the Ocean Wok situation.

MOVED by Mr. McNamara agreeing on both the release of the old right-of-way and the deeding of the two lots.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Ms. Woolsey to update the impact fee assessment study done by Bruce C. Mayberry dated January 27, 2009. She noted that it is outdated and she would like Mr. Mayberry to update it to the current year. She explained that this motion is restricted to only updating the Mayberry report. Ms. Woolsey will ask once updated if the Planning Board will give serious consideration to impact fees. Mr. Lessard asked how the update would be funded. Mr. Steffen couldn't recall how the last update was funded but he thinks it wasn't paid for from the Planning budget. He thought it part of the original contract and would have been paid for from that line item. Ms. Woolsey stated that the Board of Selectmen would like the plan

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updated. Mr. Steffen explained what in the Planning budget for this type of work. There is \$5,000 yearly in our budget for technical assistance for planning and zoning work. Ms. Woolsey responded that she will talk to the Board of Selectmen about the money. The motion can be contingent on funding by the Board of Selectmen.

MOTION by Ms. Woolsey to have the Planning Board update the Mayberry report on impact fees from a source from other than from the Planning budget. She stated that she would take it to the Board of Selectmen next Monday night.

SECOND by Mr. McNamara noting the amendments outlined above to Ms. Woolsey's motion.

VOTE: 5 – 2 – 0 (Emerick and McMahan)

MOTION PASSED.

Ms. Woolsey added that she spoke with Mr. Schultz of the Building Department and he informed her that he processed \$37M in building permits last year.

Mr. Steffen gave a final plug for Downtown Hampton Charrette on April 13th at the Hampton Academy cafeteria. Fliers are at Town Hall and other places advertising the event. The consultant and design team will begin at 9:00 a.m. with the public input process which will go to around 10:30 a.m. Then the team will come up with the design plans and present them at 4:00 p.m. for the public. It was noted that there is a meeting with the State for the beach area going on the same day and time. Mr. Steffen said that the Charrette will be recorded so if one cannot attend they can view it at a later time. Ms. Woolsey asked where the money comes from on this. Mr. McNamara responded that it will not cost the Town money at this point. This is for ideas and to get input from the public. The stakeholders will then take the ball and go with it.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Loopley.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:53 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