

HAMPTON PLANNING BOARD

MINUTES

July 3, 2013 – 7:00 p.m.

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

ABSENT: Tracy Emerick
Mark Loopley

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 it was requested to hear 10 & 14 Sapphire Avenue first and there was no objection.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

13-031 10 & 14 Sapphire Avenue

Map: 223, Lots: 66 & 74

Applicant: Lucille W. Walker, Trustee of the Lucille W. Walker Revocable Trust

Owner of Record: Same

Special Permit: Tidal bank stabilization of the Eel Ditch with coir logs; Removal of existing dug well in the buffer.

Since their engineer was not in attendance yet, Lucille Walker's daughter asked to be heard later.

13-020 3 Perkins Avenue

Map: 293, Lot: 29

Applicant: Jerome and Karen Prevost

Owners of Record: Same

Site Plan Review: Construct three unit residential bldg.

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

Attorney Stephen Ells appeared on behalf of the applicants. Chris Kirby, their civil engineer also appeared. They reviewed Town Planner's memorandum. The stormwater management plan was discussed. Attorney Ells discussed the impact fees. He asked the

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Board to consider giving them a credit for this application. He explained that it will have new units that will have an impact, but he would like the Board to consider a credit for what was there previously. Mr. Steffen stated they need to apply for a waiver before the Board could discuss it. Attorney Eells stated he is asking for consideration, not a waiver. He does not want the Board to waive the impact fees. Mr. Lessard discussed the redevelopment at former Old Salt property and the partial fees in that case. Attorney Eells asked the applicants how long the property has been vacant. Attorney Eells stated he will research the issue further and asked to have the issue dealt with at a later time. Mr. Steffen discussed the waiver process and read the criteria in the ordinance.

Ms. Woolsey asked if the units would be for year-round occupancy. Attorney Eells stated “yes”. He stated that the plan at this time at to not make the units condominiums. Attorney Eells stated the project would be very similar to the one built at 2 Concord Ave.

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Ms. Woolsey asked about snow storage and discussed the lot being wet. She also discussed sealed surface amount. She asked where snow melt would runoff to. Mr. McNamara stated the snow storage could not occur in the parking space area. Ms. Woolsey discussed runoff and contamination of the marsh. The proposed bio retention area was discussed. Mr. Kirby noted that stormwater is soaking in the ground now.

Mr. Lessard asked if the Fire Department has seen where the snow storage will be. Ms. Woolsey discussed fire department access. Mr. Steffen read comments from Mr. Steele of the Fire Department. Attorney Eells stated the parking and snow storage areas have been discussed in the past. He further stated that the enforcement can be addressed. Ms. Woolsey commented that she thinks the site has difficult access for the Fire Department. Attorney Eells responded that if they had to they could truck off the snow.

Mr. Lessard discussed Mr. Steele’s comments and the second egress being at the back of the building. It was noted that there is a stairwell coming down as well. Mr. Lessard discussed power outages and egress if the area is blocked. He discussed snow storage on a crosswalk. Attorney Eells responded by stating it may be a cleaner resolution to have the snow trucked off site. He noted that there is no extra space for snow storage.

Mr. Lessard stated that the development may be converted to condominiums one day and asked about assigned parking. There will be no assigned parking spaces per Attorney Eells but people renting units will have designated spaces. The parking arrangement would be in the lease. Mr. Eells stated the Planner may need to follow up on how the spaces are being utilized. Mr. Lessard noted that people do not follow the parking rules and the rules should be clear to the owners and the tenants. Two spaces will be allowed for each unit. Mr. Lessard noted that some people/landlords charge for the second space.

Ms. Woolsey discussed the current water line replacement project by Aquarion Water Company occurring on the street.

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Mr. Olson discussed the 32' wide driveway curb cut. He noted that the maximum width is 24' for driveways. Parallel parking was discussed. It is 50 feet for multi units per Mr. Steffen.

Attorney Ells discussed the odd shape of the lot.

Mr. Lessard asked about a maintenance plan for the bio retention area. Mr. Kirby noted it described on the plan.

Ms. Woolsey asked about access for the largest ladder trucks. She discussed concerns about the site accommodating more than one emergency vehicle. Attorney Ells commented that the vehicle would need to back out – it would not be able to turn around. Attorney Ells discussed the hydrant location.

Mr. Lessard discussed amounts of snow to be removed—different storms/snowfall.

Jerome Prevost appeared. He stated if there is two inches of snow he would shovel it and it will go into the green space.

Ms. Dionne, Conservation Commission Coordinator appeared. She noted that she was at the PRC meeting. She suggested using signage to keep snow storage out of certain locations. She discussed how what is approved on a plan doesn't get passed on to the company doing the work. She asked about snow blowing versus plowing.

Mr. Lessard discussed a three-foot high wind row and showing complete parking spaces. Mr. Olson stated it may be six feet high. Mr. Lessard stated that he does not want snow storage in front of walkways. Ms. Woolsey thinks this is over-intensive development. She would like to see a single family residence only.

MOTION by Ms. Woolsey to deny the application.

Mr. McNamara stated that he wanted to make sure that the parking spaces are adequate. Attorney Ells discussed not allowing all of the snow to be shoveled to the green space. Snow will be kept away from the fences and parking areas. He stated that they would like a reasonable compromise. Ms. Woolsey commented that there could be problems in the future. Attorney Ells noted that it is in compliance with zoning.

There was more discussion about what to do about snow removal.

There was then discussion about trash and recycling storage and disposal. Mr. McMahan asked Attorney Ells to discuss Note #11. Attorney Ells stated the garage should be able hold the carts. There was discussion about whether there was adequate space for both cart storage and parking in the garage. Mr. McNamara asked about having a small structure built.

Mr. Olson asked if anyone was prepared to make a motion.

MOTION by Mr. McNamara to continue the application to a future meeting to allow the applicant to address the issues raised by the Board at this meeting.

SECOND by Mr. McMahan.

Attorney Ells noted that the issues that need to be addressed are storage of the trash carts/ bins, and snow removal / storage. He asked if there were any other issues. Mr. Lessard asked about Scott Steele's comments regarding fire apparatus turn-around. Mr. McMahan

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stated he would like to have the Stormwater O&M Plan reviewed by DPW. Attorney Ells stated that he will get that to us at the beginning of next week.

Attorney Ells discussed the fire inspector's comments. Attorney Ells stated you can't turn around a large apparatus and he will just need to let Fire know that the trucks/vehicles will need to back up. He commented that he believed the PRC resolved the issues, but apparently it didn't. Mr. Steffen noted that Fire wasn't in attendance at that meeting. Attorney Ells stated he may want add a note to the plan as well. Attorney Ells would like this to be heard at the July 17th meeting.

MOTION by Mr. McNamara to continue the matter to July 17th meeting to allow the concerns previously discussed to be resolved.

SECOND by Mr. McMahan.

VOTE: 5 – 0 – 0

MOTION PASSED.

Mr. Olson stated that 10 & 14 Sapphire Avenue would be heard next.

13-031 10 & 14 Sapphire Avenue

Map: 223, Lots: 66 & 74

Applicant: Lucille W. Walker, Trustee of the Lucille W. Walker Revocable Trust

Owner of Record: Same

Special Permit: Tidal bank stabilization of the Eel Ditch with coir logs; Removal of existing dug well in the buffer.

Mr. Joe Coronati of Jones & Beach Engineers appeared. He stated that the Walkers would like to stabilize the bank on their property. He explained that the ditch has eaten away about 10 feet of the property - they are losing some of their land. The concrete wall will be removed or filled in. They are working with Frank Richardson on the no mow buffer – about 5' wide along the ledge. They also need a State wetlands permit. The work will be done with a rubber-tired machine.

Ms. Woolsey discussed the abutter on the right putting in logs of some sort. She asked Mr. Coronati to explain it. The neighbor is causing some of the problem.

Mr. Olson stated that the applicant indicated that the current has changed. He asked about log stabilization. Mr. Coronati answered that it will prevent further erosion. He explained that obstructions change the flow of the water. He stated that the applicant isn't looking to regain the land, but to save it from further erosion. Vegetation was discussed.

Mr. Lessard asked about the tidal and marsh areas. Mr. McNamara asked about the longevity of area.

Mr. McMahan asked who owns the old ditch. Mr. Coronati believes nobody owns it. Mr. McMahan asked about a hydraulic analysis. The coir logs will absorb energy. Mr. McNamara discussed the overhang.

Ms. Woolsey asked about the alleged illegal structure on the right side of the property and if it was part of the cause of the problem. She asked if the Town should check into it.

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Mr. Coronati stated he believes it becomes a civil matter. Ms. Woolsey asked if the logs will help the applicant's problem. Mr. Coronati answered "yes" for the Walker property.

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Ms. Dionne, Conservation Commission Coordinator, appeared. She stated that the Conservation Commission has viewed the property and they felt like it's more of a riverine situation. She stated she spoke with NHDES prior to the application coming in for another property owner north of this property, and the NHDES thought this equipment was best solution. She noted that the Conservation Commission is very interested in seeing how this project progresses. They would like photo documentation of the installation process and six months down the road. She noted that there is a lot of salt water. Mr. Olson noted that he has been using this product since 1993 and he is happy with it.

MOTION by Mr. McMahon to approve the special permit with the stipulations contained in the Conservation Commission's letter dated June 28, 2013.

SECOND by Mr. Lessard.

VOTE: 5 – 0 – 0

MOTION PASSED.

13-028 68 Mooring Drive

Map: 289, Lot: 32-1

Applicants: Paul and Catherine Murray

Owners of Record: Same

Special Permit (After the Fact): Replace existing deck with new deck (same size) and cement footings.

Mr. and Mrs. Murray appeared. They are replacing the deck because it is rotting out. It is approximately 19 to 20 years old. It will be the same size and same shape.

MOTION by Mr. Lessard to approve the after-the-fact special permit based upon the plan signed and dated by the Conservation Commission Chair and the usual stipulations attached.

SECOND by Ms. Woolsey.

VOTE: 5 – 0 – 0

MOTION PASSED.

13-030 8 Ballard Street

Map: 280, Lots: 38 & 46

Applicant: Sonja Starmer

Owners of Record: Same

Special Permit: Installation of chain link fence.

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Mr. Starmer appeared with the applicant Sonja Starmer. They would like to install chain link fencing. Ms. Woolsey asked about the height and whether it complies with our regulations. Ms. Starmer stated that she is extending the fence; she owns the four lots. Ms. Woolsey asked whether there would be enough space for Fire access the lot. Ms. Starmer stated “yes”. She noted that the fence has to be six inches off the ground.

MOTION by Mr. Lessard to approve the special permit with the stipulations contained in the Conservation Commission’s letter dated June 28, 2013.

SECOND by Ms. Woolsey.

VOTE: 5 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

IV. CONSIDERATION OF MINUTES of June 19, 2013

MOTION by Mr. Lessard to accept the June 19, 2013 Minutes.

SECOND by Ms. Woolsey.

VOTE: 5 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

- Rockingham Planning Commission - Representative to the “1996 Corridor Management Plan”

Mr. Steffen stated that the Rockingham Planning Commission has asked the Selectmen to appoint a Town representative for the Project Advisory Committee for update to the 1996 Corridor Management Plan. Mr. Steffen noted that he received a letter of interest from Ann Carnaby. Mr. Steffen noted that the first meeting is on Thursday, July 11th. Ms. Woolsey stated that she is interested in attending the meeting as well. Mr. McNamara commented that the Board could open this to the public. It was asked if it needed to be posted in the foyer at the Town Offices. Mr. Steffen stated that he could post it on the website. He noted that the Committee is expected to meet six times within the year. Ms. Woolsey stated that she would be happy to attend the first meeting and be the first alternate. The Board decided they would give people until the next meeting on July 17th to submit letter or email of interest. They would then make the recommendation to the Selectmen.

Mr. Steffen stated that he received a memorandum from the Town Manager about signs in the POR District. Mr. Steffen read it aloud. Mr. Steffen noted that he had spoken with the Town Manager and explained to him what had occurred with the proposed zoning amendment. The Planning Board proposed to amend the sign regulations for the POR District in 2008 but it got defeated. He discussed the sandwich board signs amendments that were done in 2011 and

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the electronic message signs amendment done in 2012. He explained that the signage requirement in the POR District is in the body of the ordinance and was not put in the sign tables. He discussed how it is currently vaguely worded and should be changed. Mr. Steffen noted that currently signs are only addressed through the site plan review process. There are no requirements for existing signs that may be changed or replaced. He noted that we may want to prepare something for the 2014 warrant.

Ms. Woolsey discussed former lot of the Town Offices and signage.

VII. OTHER BUSINESS

Mr. Steffen discussed the temporary parking lot at 15 M Street. He stated that the approval expired in the fall. The owner, Mr. Riccio has been contacted several times about the need to renew the permit if he is going to continue with the use. Mr. Steffen noted that he has made two site checks recently and has noticed a sign and parking. Mr. Riccio has not reapplied for another temporary parking lot approval. Mr. Steffen stated the Board needs to direct the Selectmen or Building Inspector to pursue it as a violation. Mr. Lessard commented he thinks this is a Building Department issue. It was asked if Mr. Steffen needs to send a memo to the building inspector.

Mr. Steffen discussed the 3-lot subdivision at 35 Huckleberry Lane. He stated that the owner Frank Prevost has been addressing his conditions of approval. He recently met with Chris Jacobs in DPW about the sewer extension. He has the okay from Mr. Jacobs to install two lines instead of one thus eliminating the need for a homeowners association for the maintenance. In addition, since the drainage channel is only on one lot there would not be a need for a homeowner's association on that either. Mr. Steffen asked for the Planning Board's approval to change the two conditions administratively from the homeowners association to the individual owners. Mr. Olson is fine with it. Mr. Lessard stated as long as it is clear in the deed it should be okay.

Ms. Woolsey discussed a warrant article dealing with the height of buildings. She asked if it's still on the Planning Board's radar.

She also discussed the CIP and the differences of opinion. She asked how the CIP should be handled. She stated she sees a lot of (expensive) projects coming in the not-too-distant future. She thinks there should be a broader view taken by the Planning Board. The Planning Board stated that the CIP has come a long way. Mr. McNamara stated that this could be discussed more when Mr. Emerick, the Chair of the CIP Committee is present.

Ms. Woolsey stated the Board of Selectmen is considering setting up guidelines for the Planning Board on the responsibilities for trash removal for projects like 20 Keefe Avenue and other large projects. Mr. Lessard stated we work with the DPW. Mr. McNamara discussed how we work with the developers on the trash issues for all of the site plan review projects that come forward. Ms. Woolsey said it's just something the Selectmen are discussing. Mr. McNamara noted that the underlying trash policy has always been under the Selectmen's direction. Ms.

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Woolsey stated the Selectmen are working with DPW on this. The Selectmen just want to make sure that both they and the Planning Board are working on the same page.

Ms. Woolsey discussed a recent Zoning Board of Adjustment meeting. She feels it's tied in with Planning Board. She discussed Peter Ross's most recent project. She noted that the ZBA turned the variance down. She feels that there will be an increasing problem with regard to water levels. She wants to discuss the possibility of looking at updating our zoning to deal with some of the sensitive areas. She is most concerned with the areas west of Ashworth Avenue. She has a big concern with wetlands. Mr. McNamara discussed upgrades to the drainage system that are normally proposed with these projects that helps the situation. Mr. McNamara stated we don't allow people to build where it will impact abutters. Ms. Woolsey noted that it happens all the time. Mr. Lessard stated people have the right to use their land in a lawful fashion. Ms. Woolsey is making a plea to have this issue considered. Zoning and planning are inter-related and she feels it needs to be addressed.

VIII. ADJOURNMENT

MOTION by Mr. McNamara to adjourn.

SECOND by Ms. Woolsey.

VOTE: 5 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:39 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