

## HAMPTON PLANNING BOARD

### MINUTES

May 7, 2014 – 7:00 p.m.

**PRESENT:** Mark Olson, Chair  
Brendan McNamara, Vice Chair  
Tracy Emerick  
Fran McMahan, Clerk  
Rusty Bridle, Selectman Member  
Keith Lessard  
Mark Loopley

**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.

#### II. ATTENDING TO BE HEARD

- Gabriello Gabrielli – Parking Lot (13 spaces) - 15 Church Street

Mr. Corey Colwell of MSC Civil Engineers appeared. The parking lot was approved at the August 1, 2012 Planning Board meeting. This application is just to extend the approval for another year. Site boundaries, buffer zone and improvements were discussed. There are “for rent” parking spaces and permanent spaces. Eight units are associated with the building. Eight spaces are not part of the parking lot approval. He discussed the spaces. Thirteen are “for rent” spaces. The application does not change the number of spaces. Proposed conditions were discussed. The spots are 9' x 18' and markings will note same on the lot. No proposed construction is included with this application. The lots are on pavement or permeable surface. The Parking Rules sign will be moved to the East side. This is to get it out of the wetland buffer. There will be a 2<sup>nd</sup> sign facing Charles Street.

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Mr. Loopley asked why the applicant is asking for a temporary parking lot rather than a permanent parking lot. Mr. Colwell did not believe it qualified for permanent parking spaces. Mr. Loopley asked who polices the Charles Street parking spots. The spots on Charles Street are not for rent.

Mr. McMahan asked how many units are in the building. Mr. Colwell said he sees eight units in the building; there is one space per unit. Mr. Colwell said the units were established in 1971. This is grandfathered status. This came up in 2013. It was determined at that time that it is grandfathered status per Mr. Colwell.

Mr. McNamara asked about handicapped spots. Mr. Colwell noted that handicapped spots are required after 15 spaces. There are over 15 spaces. Mr. Colwell said there is a

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parking lot for 13 spaces; then separate spaces allotted for tenants. The parking lot is only 13 spaces. Mr. Colwell said if a handicapped space is necessary, it is not a problem.

Mr. Loopley asked how wide the curb cut is on Church Street. It's more than 20' per Mr. Colwell. Our maximum width on a driveway is 24'. Mr. Colwell said it pre-existed.

Mr. Lessard asked if the plan received in 2014 was compared with the one that we used in 2013. It was noted that this is a new plan. This is not a revision of the old plan. Parking location and stall size is different.

Mr. McNamara asked about a dumpster. It is on Note 12. The Conservation Commission wanted a dumpster out there.

Mr. Olson asked if there are issues to bring this on, i.e. if there are concerns about the lot being grandfathered. It was noted that the lot does not meet the current Regs. Mr. Olson wants to know why we keep giving a temporary permit. Mr. Colwell is relying on the prior Planning Board decision.

Mr. Olson agrees with Mr. Welch's recommendations.

Mr. Loopley seconds that.

**MOTION** by Mr. McNamara to deny the parking lot plan in accordance with the Recommendations of the Town Manager; said Recommendations dated April 4, 2014.

Mr. McMahan stated a total of 25 spaces would be required. It is 18 spaces. We took 21 straight from the Ordinance.

Mr. Colwell said he thinks we are heading down a slippery slope because it was grandfathered status and now it is not. If he were looking for a permanent parking lot, it would be different.

Mr. Colwell asked if the Board would want this to become a permanent parking lot. Mr. Olson stated the Planning Board would like it conforming. The use of the spaces needs to be dedicated to the units. They are year-round units.

**SECOND** by Mr. Loopley.

**VOTE: 7 – 1 (Emerick) - 0**

**MOTION PASSED.**

- JCM Capital Management, LLC – Parking Lot (68 Spaces) – 275 Ocean Blvd.

Mr. McKeon and his daughter appeared to request a temporary parking lot.

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This is for a temporary parking lot. The McKeons still own the lot. There are no curb stops down there now. Mr. McKeon stated they park the cars themselves. There are bricks set into the ground. This is the same lay out as last year.

**MOTION** by Mr. Emerick to grant the temporary parking lot.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**III. NEW PUBLIC HEARINGS\**

- Repeal: Amendment-Subdivision Regulations, Attachment 3, Appendix C – Stormwater Drainage System Easement

Mr. McMahan read the Notice (provided in Planning Department) aloud to the public. This is an administrative procedure. Mr. Welch stated that currently the Town can be made the back up (beneficiary per se) of the drainage systems on site plans and subdivisions. If the owners fail to maintain it, the taxpayers have to maintain it. The Board of Selectmen is not in favor of this. Mr. Lessard asked about ones currently in existence. It does not affect projects in the past per Mr. Welch. Anything accepted under 41:14-a. They stay in effect until those conditions are removed. They stay in place forever. This is from here on out per Mr. Lessard. From here on out, the PRC will back out of the maintenance of the structures as part of the development process. The Town will inspect them. If there is something wrong, the Town will notify the owner. If an owner does not allow the Town to go on the property, the Town will get an administrative search warrant. If there is failure to perform, the Town will have to correct it and bill the owner for the cost if it is not corrected by the owner.

Mr. Lessard asked about failure for performance. Mr. Welch stated a failed system is happening now. The Town has to go inspect it and advise the individual how it needs to be corrected. If not corrected, then a Court Order will happen. If there's damage to private property not owned by person who owns the facility, they can be sued. To recover losses, one would sue the homeowners association or whoever owns it.

Mr. McMahan asked about non-administratively completed projects. If the Selectmen didn't complete a process with an easement, they are dead. If projects are easy to maintain, how will that be handled? Mr. Welch said the Selectmen could reach a private easement agreement. The Planning Board would not deal with that.

**MOTION** by Mr. Emerick.

**SECOND** by Mr. McMahan.

**VOTE 7 – 0 – 0**

**MOTION PASSED.**

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**14-014 52 & 54 Glade Path**

Map: 273 Lot: 8 (Blocks 01 and 02)

Applicant: Glade Path Condominium, c/o Barbara Gingrande

Owners of Record: Barbara Gingrande, President & Pamela Lyman

Special Permit: Placement of revetment to control shoreline erosion. Some changes to be made to shoreline landscaping.

Ms. Gingrande appeared (Pam Lyman was in the audience). They want to stop erosion. Mark Batchelder from Ambit Engineering appeared as well.

**BOARD**

Mr. Emerick stated he went to the site walk and they need to do something. Mr. Loopley asked if this was similar to what has been done on similar properties and he stated “yes”.

**MOTION** by Mr. Emerick to grant the Special Permit in accordance with the Stipulations contained in the Conservation Commission letter dated April 28, 2014 and Town Manager’s Recommendations dated April 30, 2014.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0.**

**MOTION PASSED.**

**13-040 56 Mooring Drive**

Map: 289 Lot: 35-1

Applicant: Donna Gaznick-Hopler

Owner of Record: Same

**Special Permit (Amended):** Increase rear lower deck by 24 sq ft (4' x 6') to accommodate 2nd story stairwell and clearance for lower deck exit/doorway. All asphalt under rear deck to be removed and replaced w/ crushed stone.

Mr. Gaznik and Ms. Gaznick-Hopler appeared. They received a variance. It was asked if the variance that was granted should be noted on the plan. Mr. Loopley stated it should be noted on the plan. The variance was for the existing rear deck. Mr. Loopley asked when he did the remodeling. He asked if another site plan had to be drawn. It was noted that the note should be on the site plan. That is a condition.

**MOTION** by Mr. McNamara to grant the amended special permit along with the stipulations contained in the Conservation Commission’s letter dated April 28, 2014, noting that the ZBA variance should be added to the plan. John Minton (sp) will put that on the plan and provide it to the Planning Department.

It is a vast improvement per Mr. McNamara.

**SECOND** by Mr. Lessard.

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**VOTE: 7 – 0 - 0.**

**MOTION PASSED.**

**14-015 59 Campton Street**

Map: 304 Lot: 17

Applicant: Karen Gallahue

Owner of Record: Domenic D. Rosa 2003 Trust

Special Permit: Construct single-family house (57' x 27') with attached deck and steps. A sidewalk, patio and driveway to be constructed (pervious).

Mr. Corey Colwell appeared with the designer and contractor. The property is bounded by residential buildings. The lot is disturbed upland of a tidal buffer. The property falls in three flood zones. This is for the construction of a residential house, with a deck and steps and walkway. A pervious walkway leading down to the pervious patio is proposed. The house and deck is beyond the 50' buffer. A pervious driveway is proposed. Pedestrian and vehicular access was discussed. At the Conservation Commission site walk, it was asked to add a granite restraint on the south side of the proposed walkway. The restraint is to stop stormwater from getting into the adjacent property.

The Conservation Commission also wanted proposed grading.

When construction is complete, 37 percent will be covered with sealed surface.

The Conservation Commission is in support of this application.

**BOARD**

Mr. Loopley asked if any work will be done on Town land and it was stated “no”. There may be stairs in the future, but the seawall is in good shape.

Mr. McMahan stated the sealed surface shows 85 percent; it is 60 percent. There is a revision of 4/22/14. Mr. Olson asked where Note #2 is referenced. Mr. Olson likes the changes.

**PUBLIC**

The Conservation Commission has the current plan. Mr. Lessard asked him to discuss adjacent lot owners. Mr. McNamara asked about the driveway. It will be made with stones.

**MOTION** by Mr. Emerick to grant the special permit along with the stipulations contained in the Conservation Commission letter dated April 30<sup>th</sup> and plan dated April 22, 2014.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**14-016 24A & 24 B Purington Lane**

Maps: 120 Lots: 15

Applicants: Anna Makos, Trustee & Anna Makos and Christine Barker

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Owners of Record: Same & Nicholas & Janice Makos  
Driveway Permit Appeal.

(Aside-Note) - Mr. Lessard stated we need to fill the Town Planner's position. We currently have the Town Manager doing two jobs. Our Town Attorney is also working as a second acting Town Planner. He stressed it is important that we have a professional planner. Mr. McNamara thanked Laurie for her work, as did Mr. Lessard and the Board. The position is full-time job.

Ms. Anna Makos and Ms. Barker appeared. They are appealing the driveway permit that was denied. They want to move the driveway. Both owners own it 50/50. It will be added onto the condominium documents when it is completed.

Mr. Olson stated that one side may be converted to living space. There will not be power in the building immediately. They would like 24', but 12' is fine. This reminds Mr. Olson of the Reddington Lane driveway appeal.

Mr. McMahan stated the property will be there long after they are gone. A friendly arrangement does not always stay in place. The applicants will put the information in the condo documents. It was noted that there used to be construction issues, but that is not problem anymore; they rent space for their equipment.

**MOTION** by Mr. Emerick to grant the driveway permit in accordance with the stipulations contained in Fred Welch's Recommendations dated April 18, 2014; said access to not exceed 24 feet.

Mr. Olson stated that Mr. McMahan brought up a good point and noted that there is no Homeowners Association in place.

**SECOND** by Mr. McNamara.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**14-004 Stowcroft Drive (Dalton Woods)**

Map: 41, Lot: 1.

Applicant: Richard Green, Green & Company

Owner of Record: Lloyd T. Graves Revocable Trust.

Subdivision & Special Permit: Subdivide parcel into 13 single family residential lots.

Wetlands impact for proposed roadway, gravel wetlands, pond and tree planting.

Joe Coronati of Jones & Beach appeared along with Attorney Stephen Ells, Michael Green and Rick Green. Attorney Kalman (special counsel) appeared along with Attorney Solomon (former member of the Hampton Planning Board). Mark West and Jim Gove are in the audience as well.

This is for a 13-lot subdivision – off of Stowcroft. PRC meetings have been held. Most comments have been responded to.

Mr. Emerick stated this could be an exercise in futility. If there is a question of parcel of land ownership, he asked if the Planning Board should move on. Mr. Olson asked if we

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will hear this matter. Attorney Ells wants to discuss this. They want the Board to accept jurisdiction. Mr. Olson asked if we need to go through the motions of hearing the presentation, with the land issue not resolved. Mr. Emerick stated it is not a complete plan. If it's going over someone else's property, it is not a complete plan. He likes the project, but the small parcel needs to be discussed and corrected. Mr. Olson believes he has a valid point.

Mr. McNamara said if they have something to point out, that's fine. Mr. Emerick said the Planning Board can listen to everyone, but this is not a complete plan so we cannot take jurisdiction. Mr. Coronati wants to run through the site/project.

Attorney Ells discussed the access issue. They have seen the Town's position. Attorney Ells discussed material regarding access issues. First is the Memorandum discussing the access issue. All of the Minutes are attached (hand out) as well from 1982 and 1983. Attorney Solomon was a member on the Planning Board at that time. A letter is attached from him. A blow up of Note #3 was discussed. Item #3 is a memo on an earlier set of comments regarding protective covenants. The Town raising money for Town roads was discussed (includes Stowecroft Road). Stowecroft is on the Hampton street map.

Mr. Ells thinks the Planning Board (30 years ago), considered three abutting parcels. The Planning Board forced the developer of Stowecroft to create lots A, B and C. Lots C and A are already allowed for Fieldstone and the other street is Westridge. Attorney Ells read Footnote #3. Attorney Ells stated that any time a street way or lane is shown on a plan, that street, way or lane is to be used for the purposes of a street. Dedication is in force until removed. After 1985, RSA 231:51 "Dedicated Ways", was enacted. He read it aloud. Prior to the mid-80s, it went away after 20 years. That is not the case when this was created. He feels dedication never ended. He thinks the Town of Hampton owns it by operation of law. Property should have been transferred to the Town. There was dedication to public use for access. It has not been eliminated. It is still there.

Attorney Ells discussed the six-year period. He does not believe that is what the Note (Note #3) says. That is the time Fraina had the rights to sell to the abutters. After that, the Town owned it. The purpose does not go away in his opinion.

Richard Millette was the engineer back then. Information is in Planning Board package.

Attorney Ells discussed the protective covenants imposed after the original approval. Peter Loughlan's book on Land Use – he notes that private covenants cannot be considered.....(read aloud). This is provided in the Planning Department. Private restrictions and covenants should not come into play.

Attorney Solomon appeared. He was a member of the Planning Board in 1982 and 1983. He has a clear recollection of what the Planning Board wanted at that time. Providing access to undeveloped abutting properties was paramount. They wanted a network of roads. Also, there was a prohibition on reserved strips of land. He reviewed the plan and Minutes. In 1982, the only reason the Planning Board was concerned with Parcel B was because they needed to get to the property on the other side. Fraina wanted to reap the money for the first six years. Mr. Olney was clear that he wanted to provide access to Grave's property.

The first sentence of Note 3 is clear. This project was approved under the new law. Mr. Solomon discussed his recollection on the intent and consequence of the vote.

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Attorney Ells discussed the access point to Fieldstone subdivision. Fraina Corp had six years to sell. The property access was used for more than six years.

Attorney Gearreald is making a legal argument about title. He believes there are questions on this.

Mr. Olson said he is just seeing Attorney Ells' comments now (7 minutes ago). Comments dated April 8<sup>th</sup> and January comments were discussed.

Attorney Gearreald is creating a record of their position and is giving the Board more documentation. He handed out three recorded plans to Stowcroft and Fieldstone Circle (Lot C) and Westridge (built off of Lot A). Note 3 – that is blown up. It is three sentences. He discussed non-buildable lots. After six years, ownership goes to Town of Hampton. (provided in Planning Department). He believes six years relays to access. Lot C has not been committed to public servitude for a street.

Attorney Gearreald stated that the Polizzo case involved a strip that was not labeled as a lot. This is a six-year access. This has never been deeded to Hampton. It cannot be used for access. Attorney Gearreald provided all the minutes with regard to all the subdivisions.

Both Fieldstone and Westridge were approved by the Board within six years. Westridge was May 21, 1986 (conditional); Fieldstone was given conditional approval on October 28, 1987.

Mr. Gearreald stated that Fieldstone was not created under the new law as Attorney Solomon stated.

Dedicated ways was adopted on July 16, 1989. He read it aloud (available in the Planning Office). This statute was not in effect at the time of approval. It is dedicated as a "lot", not a street, lane or alley.

This has not been built or used within 20 years. Rules were not what they are now, back in 1983.

Attorney Gearreald discussed Attorney Solomon's attachment to Attorney Ells' documents and read the 5<sup>th</sup> paragraph. It was just Attorney Solomon's interpretation; not a recollection. Attorney Ells says that the Town owns the strip. The Town does not have a deed to it and no one can produce it.

In the face of this problem, a Court should decide this problem. This Board should not proceed.

Attorney Ells discussed the access strip to Fieldstone and recorded plan D-21212. (check)

Mr. Emerick asked about illegal, unbuildable lots. Calling it a lot is the wrong use of the word. He thinks it looks like a roadway. He wants the legal issues resolved.

Mr. Olson said this is unusual. This needs to be resolved before moving forward. He feels the Planning Board does not need to listen to anything more. Attorney Ells stated it may need to go to Court. If the parties can agree, then no Court will be needed. The applicants want the Board to accept jurisdiction. They will work with the Town on this. They may file a declaratory action.

Mr. Loopley is not comfortable going forward. The 65 days would start. Mr. Emerick stated we cannot accept jurisdiction. This shows a road going over a contested piece of land. Mr. McMahon stated he would not be comfortable as well.

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Attorney Ells believes he satisfied the issues that needed to be dealt with. If they need to go to Court and fix it and come back, they will do that.

It was reiterated that this is not a completed plan. It is showing a right of way being contested. Stowcroft Road is not a Town road either.

Mr. Coronati went over the plans. It is half field and half woods. It is two cul-de-sacs. And has just under 1,000 feet of road. He noted the wetlands on the plan. Mitigation of the 680 sq. feet of wetlands was discussed. The road will be 28' wide. Drainage from the lots will drain into the wetland area. Everything gets treated in the gravel wetland.

Mr. Coronati discussed water coming across field into their properties. They added a berm with trees to be added. A swale will be added along property line. CMA gave sign offs for engineering. Most comments have been signed off from the PRC.

In 2004, Lloyd Graves had J&B do the wetlands delineation. A recent delineation (re-flagging) needed to be done. Soils were checked as well. Delineations from 10 years are very different. Wetlands do change.

Mark West appeared (West Environmental). He's been doing wetlands for over 25 years. He flagged the wetland boundary last fall. He was comfortable with the flagging he did out there. It is a shallow slope. Jim Gove followed up in the winter and spring of this year. He has to stamp the plans. He will need to recheck it. The 1987 manual has been updated. Jim Gove's boundary is upslope from the wetland boundary. Mr. West discussed his credentials.

Jim Gove appeared (Gove Environmental Services). He discussed his credentials. He discussed jurisdictional wetlands and zoning. He is looking at soils as poorly-drained soils. The area below the top soil layer shows poorly-drained soils. He made over 109 observations. Hydric soils and utilizing the 1987 manual was discussed. You do not use that manual alone; you use the manual supplement. The boundary is accurate.

Mr. Coronati stated that no wetlands or poorly-drained soils were found on the property. Mr. Olson stated most people feel that standing water denotes wetlands.

Mr. Coronati discussed the cul-de-sac and it being eliminated. A waiver was submitted. Cul-de-sacs off of cul-de-sacs were discussed.

Attorney Ells wants action on accepting jurisdiction. Mr. Lessard asked if a traffic study was done and Mr. Coronati stated "no".

Mr. Emerick asked about the North Hampton strip. He feels we are creating an undevelopable lot. That land was given to Lot 9. Homes will all be built in Hampton. Mr. Emerick said it was an interesting site walk. Having the presence of water on the property does not make wetlands.

Attorney Sumner Kalman appeared. He said the Board cannot deny the plan. He is asking the Board to vote favorably on jurisdiction. He discussed the application as being complete. He read the statutes. He wants to know why the application is incomplete.

Mr. Olson said circumstances are unusual.

Mr. Emerick said we've been informed by counsel that there is a question with regard to a piece of the property. Attorney Kalman said a conditional approval could be the resolution of taking care of the issues. He doesn't want litigation.

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Mr. Welch stated that the Town's position is that we don't own this property. Anyone who knows the property has been noticed. It's private property. The change in the tree law was discussed. He asked who got noticed on that strip (owner of the property). Proper notice was not given. There have been two divorces, three deaths, corporations, etc.

Mr. Olson stated that we need to be sensitive to the public.

### PUBLIC

Mr. Diener of the Conservation Commission appeared. This came before the Commission in February. The Commission approved the special permit in February. There was 2' of snow on the ground at that time.

They revisited the site because of the 2005 delineation. The Conservation Commission's concern is that the difference between 2005 and 2013 is significant. They want confirmation of what delineation is accurate. They want an independent review. RCCD may be a good independent body to handle this. He said the field was wet; not necessarily wetlands, but very wet. Drainage issues may create hazardous issues later on down the road. Abutters have water issues on their properties. Issues should not be made worse with development. He is concerned about drainage.

Rob Burrus, 7 Fieldstone Circle, appeared. He handed out a package and discussed its contents. It is available at the Planning Department. Excessive water was discussed. Vernal pools and water levels were discussed. Water drains through people's properties as well. They want an independent verification to be completed. There is a seasonal spring in the area. Rainfall on pictures was less than 1/4"--as recorded. Where the water will go was discussed and water mitigation. The east side and mitigation and not affecting abutters were discussed. Falcone Circle will be impacted by the water as well as the other abutting streets. He asked who will be responsible for long-term care of drainage.

Mr. Burrus discussed that in 2009 and 2010, the owner was given a permit to log the property. The DES Regs stated he did that in the wetlands area. The current landowner did not raise or obtain permits. There are long-term effects to logging. He discussed that this is a private road.

Mr. Burrus asked if the Town would repair roads due to damage. Long-term protection of people who already have property was discussed and water issues that result or worsen due to new construction. He asked how abutters would be taken care of in case of water issues.

Mr. David Drolet, 34 Stowcroft Drive, appeared. He discussed Lot B. He discussed protective covenants to the neighborhoods and that they are recorded at the Rockingham County Registry of Deeds (June 27, 2008). He read the amendment. It made reference to the easement. Everyone obtained the Restrictive Covenants and Amendments. He thought there were Restrictive Covenants that should be taken into consideration. He handed out the paperwork.

Ms. Louise Drolet appeared. Nobody owns Lot B. She asked why this should go forward. Water problems were discussed.

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Ms. Rayann Dionne, Conservation Coordinator, appeared. She noted if the Board chooses to not accept jurisdiction, the Commission can work up a wetland delineation review and vernal pool survey. The Conservation Commission would need a vote of approval from the Planning Board to move forward with that. That would need to be included in the motion.

Mr. Lessard asked to suspend the public hearing in case the Board needs more public input at a later date. Mr. Olson said we learned a lot tonight.

Mr. Emerick asked about what Ms. Dionne needs. Ms. Dionne said she's not sure if the Planning Board can have a side motion to contact the RCCD. She said the Commission cannot go forward and do a review without the Planning Board's okay. It is a review that is at the applicant's expense. Mr. R. Green said he agrees with what the Commission wants. Mr. Emerick said to Ms. Dionne to go forward with that and Mr. R. Green is fine with that.

The Planning Board gave its approval to move forward with that.

Mr. Emerick said we are moving forward. He believes there are valid comments about having a drain study. Mr. Loopley is not comfortable with accepting jurisdiction with all the issues and too many unanswered questions. He would not accept a motion with any conditions.

Mr. Emerick said we have a plan that potentially involves someone else's property. Mr. McMahon stated the property owner is in dispute and he asked Mr. Gearreald what Board should do. Attorney Gearreald said the situation is so unique that it will take a judge to resolve the issue. Mr. Lessard asked if the abutters to Lot B would have an interest.

Mr. Lessard asked who owns Stowecroft Drive. It was noted whoever the successor of Fraina Corp. owns it. Mr. Welch said a Deed never came to the Town. The Town does plow and pick up trash and we paved it once.

**MOTION** by Mr. Emerick to continue the application to the first meeting in June (June 4<sup>th</sup>).

**SECOND** by Mr. Lessard.

Mr. R. Green said if the Planning Board does not want jurisdiction, he wants to just move this to Court.

Attorney Kalman said make a motion to not accept jurisdiction.

**MOTION** by Mr. Emerick added that this is to be move to June 4<sup>th</sup> so the wetland review can take place and the public hearing can continue on.

**SECOND** by Mr. Lessard.

**VOTE: 5 – 1 (McMahon) – 1 (Bridle)**

**MOTION PASSED.**

**14-009 21 & 23 Concord Avenue**

Maps: 296 Lots: 98 and 99.

Applicant: Concord Avenue Holdings, LLC. Driveway Permit Appeal.

Owners of Record: Same

Driveway Permit Appeal.

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Mr. Ned Loughlin appeared. He received ZBA approval in January of this year. Mr. Emerick said we have a problem with the 24'. Mr. Olson was impressed with the project.

**PUBLIC**

Loretta Schuck, Boston Avenue, appeared. She received the Notice. She doesn't know what this involves. She just wants it to be earth; not asphalt. She wants to make sure there is no asphalt involved. In heavy rain, a lot of water gets on her property. The ZBA pointed out to her that there would not be pavement. Mr. Loughlin agreed.

**MOTION** by Mr. Emerick to grant the driveway request in accordance with the Town Manager's Memorandum dated April 18, 2014.

**SECOND** by Mr. McMahon.

**VOTE: 7 – 0 - 0**

**MOTION PASSED.**

**14-017 119 Ocean Blvd & 6 I Street**

Maps: 290 Lots: 22 & 81

Applicant: Alex Ross

Owner of Record: Segar, LLC (to both)

Site Plan (amended): Revision to off-site parking plan; use of parking lot at 6 I Street for additional (off-site) parking for the benefit of 119 Ocean Blvd.

Mr. Alex Ross appeared (Ross Engineering) along with Chuck Rage. They came before the Board in August of last year. They went through the site plan review process and received approval from the Board. They went to the ZBA after that and they had recommendations to off-site parking plan. Those revisions have been made and they received variances. The Town determined that the applicant needed to come back to Planning Board so that it can see the revised plans and review same. This was approved by the ZBA. The Town Manager gave his approval. Alex Ross read it aloud. Mr. Ross will forward the Planning Department a mylar (recordable plan). It is recommended that it be striped.

**MOTION** by Mr. McMahon to approve the amended Site Plan.

**SECOND** by Mr. McNamara.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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**11-044 Juniper Lane & Huckleberry Lane (Litchfield Drive)**

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

Applicant/Owners of Record: Great Meadow Realty Trust; Huckleberry Woodlands, Inc., Candia Rangeway Realty Trust, David & Julee Sanderson, Trustees

Conditional Approval Modification - Drainage System (Maintenance) – outside the Right of Way. **(TO BE VOTED ON TO CONTINUE TO THE MAY 21, 2014 MEETING)**

Mr. Joe Coronati (Jones & Beach) appeared and stated they are seeking a conditional approval of the drainage system outside the right of way, but wish for this to be continued to the Planning Board's May 21, 2014 meeting date.

**MOTION** by Mr. McNamara to move this Conditional Approval Modification to the Planning Board's May 21<sup>st</sup> meeting date.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

- Juniper Lane & Huckleberry Lane 8-lot Subdivision – Approval Extension Request

Mr. Joe Coronati (Jones & Beach) stated they are seeking a extension on the approval of the 8-lot subdivision and this is date sensitive and needs to be addressed.

**MOTION** by Mr. Emerick to continue the extension request to the Planning Board's June 18<sup>th</sup>, 2014 meeting date.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

(after 10:00 p.m. – No More Applications to Hear for this Evening)

**IV. CONTINUED PUBLIC HEARINGS**

**14-005 1042 Ocean Blvd. (continued from March 19, 2014)**

Map: 116, Lot: 12-1

Applicant: Mark & Janet Gacek

Owners of Record: Same

Special Permit: Construction impacts for grading and a retaining wall within the 50' buffer.

Mr. Loopley stated that Rayann Dionne of the Conservation Commission wants to attend this application with the Planning Board and she left earlier on.

**MOTION** by Mr. Lessard to move the application to the Planning Board's May 21, 2014 meeting date..

**HAMPTON PLANNING BOARD**

**MINUTES**

**May 7, 2014 – 7:00 p.m.**

**SECOND** by Mr. Loopley.

**VOTE: 6 – 1 (Emerick) – 0**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES of April 2, 2014**

**Continued to May 21, 2014.**

**VI. CORRESPONDENCE**

- Steven Miller – Alternate request
- Ann Carnaby – Alternate request

**MOVED** by Mr. McNamara to accept both Steven Miller and Ann Carnaby as alternates.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**VII. OTHER BUSINESS**

- Resumes (Status)  
The Board asked Laurie to invite the applicant to come to meet them on May 21<sup>st</sup> at 6:00 p.m.

Mr. Gearreald discussed the Memorandum on the position of the Town Planner. He asked to share his Memorandum with the Budget Committee. He needs approval by the Planning Board as it is waiving the attorney/client privilege.

**MOTION** by Mr. Emerick to allow the Memorandum to be shared with the Budget Committee.

**SECOND** by Mr. McMahan.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

Mr. Emerick stated that on 15 Church Street, the Board took a 180 degree turn. We gave temporary approval in the past. Then we said, “no” you need this now. We should notify applicants ahead of time. Laurie can give out Planner's memoranda ahead of time.

**VIII. ADJOURNMENT**

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

**SECOND** by Mr. Bridle.

**VOTE: 7 - 0 – 0**

**MOTION PASSED.**

**MEETING ADJOURNED: 10:25 p.m.**

Respectfully submitted,

**HAMPTON PLANNING BOARD**

**MINUTES**

**May 7, 2014 – 7:00 p.m.**

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**