

**HAMPTON PLANNING BOARD**

**MINUTES**

**September 3, 2014 – 7:00 p.m.**

**PRESENT:** Mark Olson, Chair  
Tracy Emerick  
Brendan McNamara, Vice Chair  
Fran McMahan, Clerk  
Rusty Bridle, Selectmen Member  
Keith Lessard  
Mark Loopley  
Laurie Olivier, Planning Coordinator

**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.

Attorney Olson stated that there has been a request on the Stowcroft application. The applicant is requesting a continuance for 30 days. Their wetlands application has not been returned. The next meeting will be held on October 1, 2014.

**MOTION** by Mr. Lessard to continue the Stowcroft application to the Planning Board's October 1<sup>st</sup> meeting.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 - 0**

**MOTION PASSED.**

**II. ATTENDING TO BE HEARD**

**III. NEW PUBLIC HEARINGS**

**14-034 376 Winnacunnet Road**

Map: 207 Lot: 9

Applicant: Susan Scott

Owner of Record: Same

10-lot subdivision & Special Permit to impact wetlands: Subdivision to tie into existing manhole located in the buffer.

Mr. Rick Green appeared along with Henry Boyd of Millenium Engineering and Attorney Ells. Susan Scott was present also. Mr. Boyd stated this is 7.8 acres. There is a sewer easement (Town easement).

They are proposing 10 lots. Lot 5 is about 2 ½ acres. It is in Aquifer Zone.

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Grading was discussed. There is 28' of pavement. Water is not released off site.

They are here for a special permit because they are tying into an existing sewer system. Town sewer runs through the isolated wetlands. They don't need to get into the wetlands.

One hydrant is proposed for the site. There is an existing hydrant currently. They have met with all PRC conditions.

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Mr. McNamara asked where the new sewer was going. Mr. McMahan asked about utilities. Sheet 6 shows utilities. Catch basins were discussed. Utilities are all underground. Turn-around design was approved by the Fire Department per Mr. Boyd. Mr. Olson asked about drainage easement and which lot(s) it is on. Ninety (90) percent is on Lot 5. It also goes into Lot 6. Mr. Boyd discussed Note 4 with responsibility of easement. It should say **“homeowner's association”....that needs to be revised (it needs to be in O&M as well)**. Mr. McMahan said those conditions cannot be changed except by the Planning Board. Attorney Ells said conditions of approval state that input from the Planning Board is required. Homeowners may never modify the portion without it coming back to the Planning Board.

Mr. Loopley asked about Lot 5. It has 107,000 s.f. - he asked if there's some way to get the basin responsibility to the Homeowner's Association. The tax bill will be substantially different. The owners will pay land tax on something they can't even use.

Mr. Lessard is concerned with the cul-de-sac being at the property line of the abutter. Lot 193/75. He asked about double-fronted lots. Mr. Boyd said it strikes it by .01 (one hundredth) of a foot. He said people may not want a road right up the back of their house. He asked if there will be buffers. He asked about lights. The area used to be quite private. He thinks there is a hardship on that area. It is in the public right of way. Mr. Boyd said Mr. Green may be able to help with that. Mr. Lessard asked if they could have one less lot.

Mr. Lessard did not see where street lights are going to be on the cul-de-sac. Mr. Boyd stated that they don't want street lights. Mr. Green said at the PRC they did not want street lights. Mr. Green does not have any objection to putting in street lights. **Mr. Loopley said we can look at the Regs.** Mr. Lessard asked about lights at the end of Winnacunnet and the new road. Mr. Boyd said they do not want any. Mr. Boyd will have to check on that.

Paul Tarnowski appeared. Mr. Olson discussed how the PRC works.

Mr. Boyd discussed Brad Street. Mr. Tarnowski asked about elevations and lowest grades. Mr. Tarnowski asked about how 10 houses will affect the drainage. Mr. Boyd explained the drainage. There could be excessive water in a rain event, but the water should be gone in a day or two. It is an infiltration system.

Mark Kahigian (Fielding Lane) appeared. He is concerned about 100 year storms, etc. There is water between Lots 2 and 3 and water stays for days. He is on Lot 4. He has water running into his garage. Water cannot disperse into culverts. It runs into the house. Berms are roughly now 4' high. He discussed swales. It's grass and will run into Fielding. Piping up to Winnacunnet was discussed. He wants the Board to take a look at the house lots on Fielding Lane. He asked if it is going to be piped. Mr. Boyd discussed recharging the Aquifer. This

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project has been reviewed by two engineers. Mr. Boyd discussed the project in more detail and how large homes have to be constructed because they are in the Aquifer.

Valerie Grahn, 18 Sanborn Road, appeared. She thinks she is the lot where the property touches. If it's touching at all, it's touching. It will affect her quality of life with her three young children. Seeing headlights constantly is a big change. She is disappointed at Mr. Green for building a lot of homes in that location. It is the first time she's had a chance to speak up. She thinks they are trying to get as much money as possible. Mr. Boyd said it's his job to design the best neighborhood that he can. Mr. Green said he would heavily plant that area.

Mary-Louise Woolsey, 148 Little River Road, appeared. She discussed problems with new developments slopping water on existing neighbors. People have property rights. Property can decrease. She noted that the Board of Selectmen has stepped down totally in repairing swales, berms, etc. The Town will not take care of them. The Town can force the Homeowner's Association to take action. The Town will not correct anything.

Ms. Woolsey is working with Assessing and the Town Manager to see if permits have been pulled due to water on various properties. New developments will refer the property owner, attorney, etc. to the fact that the Town will have nothing to do with maintenance on the property. Drainage information will go on deeds. She discussed the PRC. She discussed turning radius of Fire, etc. She hopes the Board is listening to what they are saying. Ms. Woolsey is getting complaints on Sanborn Road already now.

Mr. Chris Morse, 16 Sanborn Road appeared. There is a major drainage problem between 16 and 18 Sanborn Road. He asked where water is going to go. He already has water going through his yard. Mr. Boyd reiterated how the water will run. Mr. Morse said both properties are up-slope.

Mr. Jim MacDonald, 26 Sanborn Road, appeared. He feels this is getting pushed down their throats. He thinks something shady is going on. He wants the lot lines – all back corners on both sides of development, prior to digging, to make sure everything is on the up and up.

Mr. Bob McElreath, 28 Sanborn Road, appeared. He loves his view. He is worried about the construction process. He asked what will buffer them from construction and how long construction will occur. He asked if there will there be a fence. Will there be trees was asked. Mr. Green said it's not required. He said they typically plant a lot of trees. A small section could be fenced. He plans to plant trees along the line to buffer both sides. There will be arborvitaes, pine, etc. He has about 100 trees to plant. He asked about noise. He wants privacy.

Mr. Doug Kirkland, 22 Bradstreet Road, appeared. He feels he is the highest lot. He pumps water out from March until June – 24/7. He asked about ledge. He is 5' above grade. Mr. Green said the drainage plan has been reviewed.

Ms. Grahn (?) re-appeared. She discussed back of Lots 6 and 7. She said there is no divider on the property. Mr. Olson said this will be reviewed and inspected as it goes along. We need to refer to our consultants. She asked about implications.

Mr. Emerick discussed the O&M Plan. It is filed with the Town. They write to the Town (letter) and it is monitored. This is submitted annually. Ms. Grahn (?) also asked about beautification. She is concerned about pools in their neighborhood. Mr. Green said the project

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should move quickly/smoothly. Mr. Boyd said they need a Federal permit as well (for an acre or more projects).

Richard and Kathleen Sacco, (Brad Street) appeared. He discussed large construction. He and his wife get water, even though their property is higher.

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Mr. Olson went on the site walk with the Conservation Commission. He heard concerns of the Conservation Commission. Mr. Olson read the August 29<sup>th</sup> letter from the Conservation Commission aloud. They recommend the granting on plan dated 6/30/14 with two stipulations (letter is available at Planning Office).

Mr. McNamara stated as long as water issue is taken care of better than it is now, he's all for the project.

Mr. McMahan asked about planting plan. **The Planning Board wants a planting plan.** Mr. Green said he likes to avoid fencing. He would like to use a natural buffer/sizable trees.

Mr. Olson said the Planning Office's latest letter (in file) from Fire (July 22<sup>nd</sup>) that there appears some aspects are not in compliance. **We should check on it.** Mr. Olson gave the letter to Mr. Boyd. **We need a sign off from Fire.** Mr. Olson discussed double frontage. The swale does not lend itself to planting per Mr. Olson. He asked Mr. Green to put plants on the woman's property who had issues with headlights, etc., and Mr. Green stated he would do that.

Mr. Lessard wants it continued. We are operating without a Planner.

**MOTION** by Mr. Lessard to accept jurisdiction.

**SECOND** by Mr. Emerick.

Mr. Green discussed the planting plan. It's going to be hard to provide. He can come along the property line. He can stake and count. There may be 50+- plants with certain heights that will be shown. Mr. Loopeley said that's what they are looking for.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Emerick to continue this matter to September 17<sup>th</sup>.

**SECOND** by Mr. McNamara.

Mr. Boyd needs to get planting plan and Fire Department approval. The lights need to be addressed as well. Mr. Olson said the PRC meeting discussed the lights – not having any overhead utilities. Mr. Olson made reference to PRC matters. Mr. Olson stated that Attorney Mark Gearreald said at the PRC to not sign what Unitil and Fairpoint require. Mr. Boyd will look at the Reg, as will the Board.

Mr. Green will work with 18 Sanborn Road resident to work on plantings.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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It was requested to hear the following three (3, 4 & 5) Ocean Boulevard special permit applications as they are after the fact/emergency and require approval only.

**14-038 974 Ocean Boulevard**

Map: 152 Lot: 17

Applicant: Michael Desmarais

Owner of Record: Michael Desmarais, Trustee

Special Permit-Emergency/After the Fact: In-kind repairs/construction of existing sea wall/revetment to provide continued shoreline stablization and protection from coastal storm events.

**14-039 976 Ocean Boulevard**

Map: 152 Lot: 14

Applicant: Richard Desmarais

Owner of Record: Richard Desmarais, Trustee

Special Permit: In-kind repairs/construction of existing sea wall/revetment to provide continued shoreline stablization and protection from coastal storm events.

**14-041 970 Ocean Blvd.**

Map: 152 Lot: 021

Applicant: Norman Krukonis

Owner of Record: Norman & Gloria Krukonis

Special Permit: In-kind repairs/construction of existing sea wall/revetment to provide continued shoreline stablization and protection from coastal storm events.

Mr. Anthony Curro, appeared. He is representing 974 and 976 Ocean Boulevard. Work was completed on April 22<sup>nd</sup>. They did not alter the footprint. Everything was approved and inspected.

Norm Krukonis, 970 Ocean Blvd appeared. The area worked on is on his own and the above applicants own their properties.

**PUBLIC**

Ms. Rayann Dionne, Conservation Commission appeared. The applicants all built within the footprint. They did not need permission from the Board of Selectmen. It is not located on Town property.

**BOARD**

**MOTION** by Mr. McNamara to approve the after the fact application for 974 Ocean Boulevard.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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**976 Ocean Boulevard**

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PUBLIC**

**MOTION** by Mr. McNamara to approve the after the fact application for 976 Ocean Boulevard.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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**970 Ocean Blvd.**

**BOARD  
PUBLIC**

**MOTION** by Mr. McNamara to approve the after the fact application for 970 Ocean Boulevard.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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**14-046 86 Woodland Road**

Map: 148 Lot: 4

Applicant: RK DOLLA, LLC

Owner of Record: Same

Subdivision & Special Permit: Five residential home lots off 840' cul-de-sac. Special permit to impact wetlands: Road crossing the wetland is unavoidable.

Mr. Joe Coronati, Jones & Beach, appeared with Mr. Bob Dockham. It is a 5-acre property on the south side of Woodland Road. An easement at the back of the property for sewer was brought from Hunter Drive to the rear of the site. The property is flat; all wooded. The back of the yard is in the buffer. This is for an 840' cul-de-sac on the west side of the land. Setbacks are met. The gazebo will be kept. Gravity sewer will run from Lot #1 – out back. Hydrants were discussed. Only one is needed. The detention pond was discussed. A foot and one-half deep shallow pond was discussed. Soils are good. **An O&M Plan will be recorded; a Homeowner's Association will be established.** The Conservation Commission – buffer impact was discussed. Mitigation for buffer impacts needs addressing. The applicant feels issues have been addressed. A box culvert was discussed. They agreed to do a box culvert. Granite bounds and placards will be placed. The site is wooded so it is not easy to mitigate. Mr. Coronati discussed the “ARM Fund”. He feels the box culvert suffices.

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Mr. Emerick asked about utilities. They are underground. There is overhead electricity running to the house. The first pole will be a drop pole. **Applicants will see what Unutil says and go from there.**

Mr. McNamara asked about the fuel tank. Mr. Dockham said they are planning to remove it. It has not been verified yet. Mr. Coronati said he believes it is there. It may be a large 2000 gallon tank. It will take a large machine to take it out. Mr. Coronati said it will be removed prior to the sale of the existing house. **Laurie Olivier stated that Fred Welch stated that the underground oil tank must be removed.**

Mr. Loopley asked if there is fuel in the tank it could become a liability. Mr. Lessard said there are State laws. If there is a spillage there is liability.

Mr. McMahon asked about sealed surface. He **thinks the amount is incorrect. It should be 60 percent. We are in an Aquifer Protection area. It should state 25 percent; 75 percent is incorrect.** He asked about the tax map in the package. He asked if you can use the same cul-de sac. He asked how Lot 5-A is accessed. Mr. Coronati said 5-A is the lot next to Ken Sakurai's home. Mr. Olson said Lot 3 could be developed. It was asked where snow would go (plowing). Mr. McMahon stated that he wouldn't want all kinds of cul-de-sacs off of Woodland Road. Mr. Emerick said once the Town road goes in, the property to the South could go and do the same thing.

### PUBLIC

Mary-Louise Woolsey appeared. She is a neighbor and she objects to the plan. She discussed the oil tank and she has a concern about it. She discussed getting fire apparatus and turn around down the road. She said it is exceptionally narrow. It goes near the Town wells. This is digging way back down. Salt from road and run off and oils from cars are going to contaminate the water. Our drinking water comes from back there. The wells have been there for a long time.

Donna Taylor Brown, 8 Hunter Drive, appeared. She discussed drainage coming off of Woodland Road. She lives near the infiltration pond. The soil is so saturated that they pump constantly. She looked up US Wild Life (documentation); it is noted as a seasonally flooded, saturated area. It's a vernal pool in there. She had the plan granting sewer easement to the Town. This project will impact 1600 square feet of wetlands. She showed the Board where the wetlands are. The berm will be put in the middle of where the wetlands are. They were pumping in February. She is against the project. No planting on easements was discussed. She asked how developments can get so close to the easements. She wants the impact wetlands looked at extensively.

Alanna Flynn, 4 Hunter Drive, appeared. Her sump pumps (2) are going constantly. Pumps ran 24 hours/day. She can't imagine a road being put in. She asked by taking the wetland area away, where will water drain. She does not want more water in the basement. There is a vernal pool (active). The damage is done when wetlands are filled; we can't take it back. It needs to stop.

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Charlene Billings, 6 Hunter Drive, appeared. She looked at plot plans. The area for lots is small. She does not think it's wise to build there. It's so wet in that area. She will be impacted by Lot 4 and mostly Lot 5. She asked how houses would be sited on the property. Lots are being crammed in there. The roadway has to be recorded at the Registry of Deeds and accepted by Selectmen. Maintenance will fall on the Homeowner's Association. She's afraid it won't be done properly. Lawn care will need to comply with the Shoreland Protection Act. No fertilizers, pesticides, etc. can be applied and she discussed yard waste. She discussed minimum lot size not being accurate 20,000 s.f. - not 15,000 s.f. She discussed buildable areas. Zoning setback is 10'. She thinks it's cramming houses in there.

Jane Walker, 90 Woodland Road, appeared. On Lots 3, 4 and 5 it was asked if they will be septic. They will be connected to sewer. All lots will have sewer. No septic. Mr. Dockham will pay to have the sewer line go down to the new road. It can't be tied into Woodland because it's higher. Her house will be affected by Lots 1 and 2 and possibly 3. Lot #1 sits in her front yard. It will devalue her property. Lot 3 will hit the back of her property. Water could be pushed on her property.

Paul Flynn, 4 Hunter Drive, appeared. The Lots 3 and 4 which abut the back of his property, he is concerned with water. He is worried about the impact to his back yard.

Arthur Moody, 3 Thompson Road, appeared. He discussed the deep lots. He proposes a zoning amendment. All zoning districts have come up. He thinks we should consider increasing Residence A from 15,000 to something higher.

Rayann Dionne, Conservation Coordinator, appeared. The Conservation Commission does not support the project. There was no wetland mitigation being offered. There is over 5,000 s.feet buffering problem too. There is substantial impact. The Conservation Commission looks for on-site mitigation. The 24" culvert to box culvert is not substantial enough. The wetland they are crossing is 25' and they are sweeping it down to 4'. She feels the applicant needs to come up with more mitigation. She said they are maxing out the development. Mr. Lessard asked about multiple box culverts. Ms. Dionne discussed with Joe C. the 4' culvert. That is the smallest one that is made. They are expensive. She is not worried about expense; it is not what the Conservation Commission looks at. Buffer edges must be clearly defined. Some houses could have tight space.

Mr. Emerick said people have to cross wetlands to get to their property. Ms. Dionne said they can cross at the point of least impact. The Conservation Commission has issues with providing protection for wetlands and the buffer. The Conservation Commission wants mitigation. The 200 s.feet is not substantial enough. Rayann is challenging the applicant to check to see what else is out there.

Donna Brown discussed sloping down toward the drainage area. Woodland Road is at elevation 57 – detention pond is down at 36. Mr. Coronati discussed roadway drainage going toward a pond. It is heading south; not to the north. Stormwater from road goes to the detention pond. Ms. Brown asked if the proposal will help with drainage on Hunter. She asked when they plow, she asked where snow will go.

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Mr. Lessard asked about wetlands and water shed. Mr. Coronati discussed the road being narrow. **It's 28'. The cul de sac follows Town road standards. They turned a truck around Stowcroft; Scott Steele was fine with it. There are no open concerns.** With regard to the drinking wells – all stormwater is treated. There is treatment for all the water. A note was added to plan on that requirement. They are impacting one wetland; others are out of buffer completely. Buildable areas are within the setbacks. There should not be property devaluation as Mr. Dockham builds nice homes per Mr. Coronati. As for mitigation, Mr. Coronati stated the Lots are tricky. He thinks the box culvert should be counted more than it is being counted. They tried to stay out of all the buffers. Lot 5 – location of where house would be built was discussed. Running the driveway along sewer easements was discussed. A house would be in the middle of Lot 5. The easement would be the access way.

Mr. Olson discussed the box culvert. If a 24" pipe was good - he asked about putting larger pipes to support the road. They don't want the crossing to separate what is one entity. He asked why they can't have two underpasses. Joe C. said he's done round culverts in the past. Mr. Olson asked about what DPW wanted. It came up at the PRC. **Bill Straub agreed with Conservation Commission that wetlands should be connected.** Mr. Coronati talked about turning box culvert upside down. Mr. Olson wants the creative toolbox taken out. Mr. Coronati. said they'll have to do something around d 4' deep.

**MOTION** by Mr. McNamara to continue this application to the October 1<sup>st</sup> and to accept jurisdiction. The applicants are to work with the Conservation Commission.

**SECOND** by Mr. Lessard.

Mr. McNamara that the applicants are also to work with CMA, the Conservation Commission and DPW with any outstanding issues..

**VOTE: 7 – 0 – 0.**

**MOTION PASSED.**

It was noted that the public can come back at that time.

Mr. Olson noted that at 10:00 p.m. the Board reserves the right to postpone to the next meeting. The Planning Board opted to continue on.

**14-042 101 Drakeside Road**

Map: 187 Lot: 1

Applicant: Peter Hosmer, TH Seacoast Properties, LLC

Owner of Record: Same

Condo Conversion: Convert existing duplex into two, residential condominium units with outdoor parking and municipal utilities. Waiver Request: Section V.E.-Detailed Plan (Submission Requirements)

Attorney Steve Ells appeared. This is an existing duplex. He wants to convert it to a two-unit condominium. No changes to structures. They asked for waiver to the detailed plan. One

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change he wants to make to condo site plan is they want to divide the land in two halves; the east half to go with the east property; footnote added. Limited common area east and limited common area west. People want to know where their yards are. It's the same plan. Driveway and sewer system will be common. He feels people like condominium lines.

**BOARD**

**PUBLIC**

**MOTION** by Mr. Emerick to grant the waiver.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Emerick to grant application along with the request to split/divide the land into two halves and along with the conditions prepared by the Planning Office.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**14-043 139 Mill Road**

Map: 127 Lot: 57

Applicant: W. Turner Porter, Jr., Tuck Realty Corp.

Owner of Record: Roy and Joyce Peterson

Subdivision (two-lot): Subdivide current lot into two residential lots.

Attorney Peter Saari appeared with Joe Coronati of Jones & Beach. This is creating two lots with a common entrance. Mr. Coronati said a 15' wooded buffer was added along the side. The buffer area was discussed. The house stays. The driveway will be cut out of there. The impervious area was discussed. The lot will conform with the sealed surface requirements. This is in the Aquifer.

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Mr.. McMahon asked about variances. It is Note 11 on the Plan. It was minimum frontage, lot width and lot size. They needed to even the frontage out. Mr. Lessard asked about hashmarks to the southwest – along the property line. It was noted that that is the wooded buffer. No additional curb cuts. Mr. Lessard asked about the fence. Attorney Saari stated they offered that.

**PUBLIC**

**BOARD**

Mr. Olson said an applicant on Mace did this as well. He doesn't like pork chop lots and driveways like this. He does not like this one and is not for it. He asked if there's a way to **design it better. Mr. Coronati said maybe he can show it coming out easier. Mr. Coronati stated that he can and will revise it.**

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**MOTION** by Mr. Emerick to grant the application with the adjustments that the driveway will be revised to make exiting/entering easier and along with the conditions from the Planning Office. The fence in the back will be included along Lot 48.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**14-044 183 Island Path**

Map: 280 Lot: 42

Applicant: Craig Sullivan

Owner of Record: Hilda Silva

Special Permit: Reconstruct existing residence with reduced footprint and addition of 2nd story. Addition of landscaping and stormwater infiltration.

Tracy Tarr appeared with Craig Sullivan. The applicant wants to construct a two-story home. There will be no change in the orientation of the house and no additional impact. There's about 1200 s.feet of impact. Native plantings are proposed. A drip trench and rain garden is proposed. They incorporated the Conservation Commission's conditions.

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Mr. Olson was on the site walk. Along the HOTL – he asked if that's where markers will be placed. The corners are where the markers will go.

**MOTION** by Mr. McNamara to grant the special permit with the conditions contained in the Conservation Commission's letter dated August 29, 2014. The Plan was signed off on August 26<sup>th</sup> by the Conservation Commission.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**14-045 1064 Ocean Boulevard**

Map: 98 Lot: 30

Applicant: Robert Eberle

Owner of Record: Same

Special Permit: Demolish existing structure & construct new home. Reduction of sealed surface within the 50' buffer.

Mr. Henry Boyd, Millenium Engineering, appeared along with Rob Eberle. They went to the Conservation Commission meeting. Mr. Eberle wants to take down existing structure and replace with a nicer home. No issues with stipulations. Mr. Olson went on this site walk and stated Mr. Boyd is correct. Mr. Olson asked about pie-shaped wedge. He asked if something will change there. Three permits are being sought. Pervious pavers are being installed. The house will be raised and a completely new house is being built.

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**MOTION** by Mr. Emerick to grant the special permit along with the stipulations contained in the Conservation Commission's letter dated August 29, 2014.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**MOTIN BY** Mr. Lessard to adjourn.

**SECOND** by Mr. Emerick.

Mr. Kelly and Chief Silver appeared.

**MOTION** by Mr. Lessard to re-open the meeting.

**SECOND** by Mr. Emerick in order to discuss **377 Ocean Blvd.**

- Decision Letter: 377 Ocean Boulevard (incorporation of Decision letter conditions to approval granted on August 20, 2014)

Chief Silver appeared. He submitted an email recently to the Planning Board based on the Planning Board's approval of the above at its last meeting. Chief Silver read our letter with conditions and looked at the Minutes. He feels his conditions were not discussed accurately at the last meeting (20<sup>th</sup>) and he felt it was important to convey what his position is verbally to the Board. Conditions in the Planning Office's letter were also not verbally given at the vote and they should be incorporated with the Planning Board's vote. Chief Silver accurately stated his position via Memoranda on roadways (he prepared the Memoranda in July) which was presented at the last meeting. He believes there are alternatives to the arrangement proposed. He discussed three different alternatives. Pieces of information were not provided per Chief Silver. It is an incomplete picture. He is not satisfied that issues are being addressed. Mr. Olson thanked Chief Silver for setting the Board straight. He asked Mr. Silver if the issues have been resolved. Chief Silver said there has been no discussion since the 20<sup>th</sup>. He wants to be sure the Board granted the application being fully aware of the facts of the matter.

Mr. Lessard told the Planning Board that obviously our Department Head is not satisfied with the information. It is tough where we don't have a Town Planner right now. It is a favorable project for the site. Egress and access to back properties were discussed. It is not desirable to drive through buildings for emergency response. If there is adequate access on the front side, it is tolerable. Accessing properties to the rear is not acceptable. If there was an incident or blockage at the front property, or a car fire under the parking area and an investigation happened for several days; people in back properties would not be able to enter the property. He feels incumbent to deal with this now – before construction.

Mr. McNamara asked if there were another way to get to that property (easement). Chief Silver gave the applicant three alternatives. One was elimination to property in the rear. One way is to relocate the drive to the side of the front structure. Mr. Kelly could also work with the

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adjacent property owner. Maybe an easement could be extended. Even if it were a gated access way would suffice. Chief Silver would be good with that.

**MOTION** by Mr. Loopley to vacate the last approval and revisit this application at the next meeting along with conditions prepared by the Planning Office.

**SECOND** by Mr. McMahon.

Mr. Kelly apologized to the Chief. Mr. Kelly said the Chief did not say ‘no’ nor did he say ‘yes’. He discussed he hired a fire engineer who stamped a letter which said there are no NH laws against drive thru’s. Mr. Kelly said the project and finances are underway and that the Board voted to approve it. Based on the Board’s decision, he has spent tens of thousands of dollars. He said he was up front with Chief Silver and Mr. Steele. Mr. Kelly does not think this is fair. He can’t apologize enough to Chief Silver.

Mr. Kelly said Ron’s Landing has an easement that goes to the parking lot. He said there is a fire easement that runs down to the house in the back. Chief Silver said there were several issues. There were instructions on sprinklers as well. He asked Mr. Kelly to provide another situation from another Town. Mr. Kelly never provided Chief Silver with examples. Mr. Silver was not aware at this meeting time if any document was provided. He is looking for other examples of similar circumstances so he could use it as a basis for Code review. He could then contact them. There are still provisions in the statute and in the State Fire Code, per Mr. Silver, that do grant Chief Silver authority on life saving, to act in the best interest for the community. He acts in the best interest of the community using the Code as a guide. Chief Silver said the idea of an easement from the adjacent property may be an alternative. He can amend his site plan to amend access to his property, showing it can be maintained. If there is an easement on the adjacent property, he has not seen anything yet. That easement needs to come to his property line.

Mr. Loopley asked about no gate at the easement.

Mr. Kelly discussed what he thought he was approved for. Mr. Kelly said everyone approved the project, with one abstention. The letter was in the Board’s folders. Mr. Olson said it doesn’t trump Chief Silver’s authority to go outside the bounds of the Planning Board’s decision. Mr. Olson hears both sides. The Planning Board did not vote on the conditions itemized in the decision letter. Chief Silver said his position which stated he cannot recommend the project means that his position is “no”.

Mr. Loopley stated the decision needs to be vacated and then if he meets his conditions of approval, he can go from there. Mr. Loopley said there are conditions he has not met. Mr. Olson said our clock is ticking. If we want to change our approval, we have to do it in 30 days. Mr. Lessard asked if the Chief’s letter is a protest of the approval. Mr. Emerick said it is 30 days from August 20<sup>th</sup>. We can meet on the 17<sup>th</sup>.

We can approve the conditions on the 17<sup>th</sup> per Mr. Lessard. Mr. McNamara said provided that the Chief and Mr. Kelly work out the concerns, we will accept the conditions and go from there.

**HAMPTON PLANNING BOARD**

**MINUTES**

**September 3, 2014 – 7:00 p.m.**

Mr. McMahon is in favor of vacating and coming back in two weeks. Mr. Emerick said if we vacate it, we have to start all over again. If we have to vacate on the 17<sup>th</sup>, we will. Mr. Kelly asked if the Chief says the drive doesn't work, then that means the project is dead. Chief Silver wants to see/review physical arrangement of access from adjacent property. He is satisfied with alternate access. He wants to hear or see information on other communities. Mr. Kelly told Chief Silver that this was common in other communities and Chief Silver wants to see the back-up information on that.

Mr. Kelly was informed that the Motion could be to vacate on the 17<sup>th</sup> of September.

**MOTION** by Mr. Loopley to take a vote on September 17<sup>th</sup> to either vacate or not vacate the prior Motion voted on August 20, 2014.

**SECOND** by Mr. McMahon.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

The Planning Board stated that this matter will be first on the AGENDA.

**ADJOURNMENT**

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

**SECOND** by Mr. McNamara.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 11:05 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**