

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

PRESENT: Mark Olson, Chair
Tracy Emerick
Brendan McNamara, Vice Chair
Fran McMahan, Clerk
Rick Griffin, Selectmen Member
Keith Lessard
Ann Carnaby, Alternate
Jason Bachand, Town Planner
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.

A Moment of Silence was given in memory of Planning Board member, Mark Loopley, who passed away earlier this week.

On a happier note, Mr. Olson introduced the new Town Planner, Jason Bachand, who has recently moved to Hampton from western Massachusetts.

*Mr. McMahan noted that the applicant for the Stowcroft Subdivision wishes to be continued to the Planning Board's December 17, 2014 meeting date.

MOVED by Mr. Emerick.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

14-047 10 Lyons Street

Map: 274 Lot: 11

Applicants: John & Katherine Catalogna

Owner of Record: Same

Special Permit: Installation of driveway and turnaround area constructed of permeable grasspave.

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

John and Katherine Catalogna appeared. They want to install a driveway on the right side of the house. It is within the 50' buffer. They would install green material, grass pave.

BOARD

The Catalogna's received the letter from Conservation not endorsing the project. Mr. Emerick asked if it is permeable grass pave. Mr. Catalogna said it was a recommendation from Conservation Commission for the project.

Mr. McMahon discussed the Conservation Commission's concerns. There is an area per Ms. Catalogna where the driveway goes over their property line. It is a narrow area for them to park side by side. They don't want damage to the vehicle. They want to stack their parking. The 50' buffer goes right through their landing and stairs. The house was built in 1910.

Mr. Emerick wants to know why they shouldn't be able to do it with permeable material. Mr. McNamara understands them not wanting to park so closely together.

PUBLIC

Ms. Dionne, Conservation Coordinator, appeared. The Conservation Commission reviewed the project and they did a site walk last week. They did not support the project. They felt there was a long strip which should be ample enough to fit two cars. The wetlands ordinance does not allow new parking to be in the 50' buffer. They had a strip outside of it, so the Conservation Commission does not see a need to park in the buffer. Ms. Catalogna said neighbors don't have room to park.

BOARD

Mr. Griffin asked if people parked in the back yard. This is nothing new per Mr. Griffin. Everyone parks in the grass.

Mr. Olson asked about parking at the front of the house. One side is the gas meter and the gas line runs across. Safety wise, they don't want to snug a car up near a gas meter.

Mr. Olson said there is a hardship.

MOTION by Mr. Griffin to approve the special permit.

SECOND by Mr. McNamara with the stipulation that the applicants use the particular type of material that the Conservation Commission would like them to use.

VOTE: 5 – 2 (Lessard & Olson) – 0

MOTION PASSED.

14-049 1052 Ocean Boulevard

Map 134, Lot 45

Applicant: David A. Pope

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

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

Mr. and Mrs. David Pope appeared. They started doing this type of work in 1978. They want a permit to put rocks where they belong. This would maintain the same footprint. The Popes read the Conservation Commission memorandum and they are in agreement with that.

**BOARD
PUBLIC**

MOTION by Mr. Lessard to grant the special permit in accordance with the Conservation Commission's stipulations in letter dated September 26, 2014.

SECOND by Mr. Emerick

VOTE: 7 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

***(SEE ABOVE-continued to 12/17/14)**

14-029 Stowcroft Drive/Dalton Woods (continued from July 16, 2014 & 9/3/14)

Map: 41 Lot: 1

Applicant: Richard Green/Green & Company Real Estate

Owner of Record: Lloyd T. Graves Revocable Trust

Design Review (Converted from Subdivision Application 14-004).

14-046 86 Woodland Road (continued from 9/3/14)

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. Coronati was not present yet.

MOTION by Mr. Lessard to continue Woodland to the end of the meeting.

SECOND by Mr. Griffin.

VOTE: 7 – 0 – 0

MOTION PASSED

14-034 376 Winnacunnet Road (continued from 9/3/14 & 9/17/14)

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.

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

Mr. Henry Boyd of Millenium Engineering appeared with Mike Green and Rick Green of Green & Co. Susan Scott appeared and Jenna Green appeared as well. Mr. Boyd said there were two remaining issues from the Planning Board's last meeting and the street lights is one. Out of the PRC there was a discussion that street lights may not be desired at the location. Mr. Boyd was **instructed to do a waiver request** on street lights and he did so. Plantings were discussed as well. The number of plants was discussed. He asked how many plants would be installed. The roadway was staked. Buffer to lots of neighbors was discussed. Mr. Boyd added a note to the plan. Mr. Lessard asked for deer-resistant plants to be installed on both sides of the road. Shrub growth was discussed.

Attorney Ells appeared.

Fencing on the line and plantings on property at 18 Sanborn were discussed. Mr. Bachand expressed concerns about the properties on either side of the 18 Sanborn property and the buffered area as it relates to spillover from vehicle headlights at the end of the cul-de-sac. The right of way abuts to the Town property.

There is no planting plan.

BOARD

Mr. Emerick said plantings and lights were the only issue.

Mr. McMahon discussed abutting properties; 16, 18 and 20 and asked if those property owners were spoken to as well.

Mr. R. Green said anywhere that the property line is, it **should say a "Minimum" of 75** trees, but he will heavily buffer that entire line. It will be heavily planted.

Mr. Lessard asked about a no-cut zone. He asked how they will be protected and would the Town let them plant in the right of way. They can't plant in the right of way. It will be a fence or evergreens slightly onto her property. Mr. Boyd does not think there is a need for a no cut strip. Mr. Lessard asked if there can be a buffer. Mr. R. Green said trees hang into the lots. Certain trees need to be cut. Mr. Lessard noted that not everybody likes trees. Plantings placed along that property line on both lots cannot be cut per Mr. R. Green. **He could add that. It is for lots 16 and 20.**

Mr. Olson said it is 1"=50'. The right of way abuts the property.

PUBLIC

Ms. Valerie Grahn appeared of 18 Sanborn Road; she lives at that address with her three young children.

She said the cul-de-sac comes up to her property line. She handed out photos. Her lot is 10,000 s.f. Her Attorney highlighted concerns. She read the Regulations. Section D in the Subdivision Regs were discussed.

Ms. Grahn discussed excavation. She asked about debris on her property and damage to her fence (potential).

She discussed prosperity. Her house is on the market right now and it will be hard to sell. That is a hardship for her to sell the property.

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

Incurring damage was discussed. Snow removal was discussed.

The double-fronted lot was discussed. She will have a road in her back yard if this project moves forward. She asked for the intent of language in the Code.

She is not against development. She is speaking for the safety of her children.

Fire regulations were discussed.

Safety is her primary concern. She will work with the Greens and Ms. Scott. Ms. Grahn has alternatives to the design.

She would like the cul-de-sac moved 10' off her property line. She asked for the Greens to maybe cut out a lot; making a 9-lot subdivision instead of a 10-lot subdivision.

She discussed the applicants going for a variance.

The third proposal was handed out by Ms. Grahn and it is a re-positioned cul-de-sac. Re-distributing property lines were discussed. She came up with three potential changes. She believes the Greens can come up with some sort of plan to give her a 10' buffer. She wants safety over maximizing profit for the Greens. She is asking for an additional 10'.

Mr. Olson thanked her for her efforts.

Mr. Emerick asked how wide the right of way is. It is 50' wide. The edge of the road to her fence is 11'. Ms. Grahn wants an additional 10'. She wants 21' from the right of way.

Mr. Green said the pavement is not touching the property line. They are 11' off the property line. Mr. Green (Rick) said if the Town allows them to plant in the right of way, they could close in the gap.

Mr. Lessard said there is about 15' of right of way abutting the radius of the lot. Underground electric in the right of way is going against the fence. Mr. Boyd said the road itself is 11' off the property line. Mr. Boyd said there is also a curb there. Utilities go through the right of way. Mr. Olson said there is at least 20' – 25'; as radius goes away.

PUBLIC (continued)

Don Abraham from Fielding Road appeared. He asked about maintenance and responsibility of drainage. How quickly the Homeowners' Association will be formed was asked. The Association is formed at the time the documents are recorded. The Homeowners Association will be responsible. The developer is responsible until that time. Maintenance is required annually.

Mr. Lessard discussed the O&M Plan. Mr. Abraham asked if it is overwhelmed, who is responsible for repairing damage of houses close to the area. Mr. Emerick said at that point it is a civil matter.

Mr. Abraham asked about a berm around the detention area and asked about plantings. The Town will not be involved in this development.

Mr. Boyd discussed water issues. Mr. Boyd stated they did test pits. The infiltration basin was discussed.

Mr. R. Green said drainage was reviewed by the Town's Engineer.

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

Ms. Mary Louise-Woolsey appeared. She discussed water run-off. The Town will not intervene with drainage problems. She asked if the Planning Board would stipulate in this type of development that the requirement for the Association **be placed in the Deed. The Board stated “yes”.**

Mr. Griffin asked the Town Manager about costs to the Town with drainage problems. In the future, it will be made clear that the Town is not responsible for problems amongst neighbors.

Mr. Olson asked why the cul-de-sac is skewed like that. Is it based on wetlands setbacks per Mr. Boyd as well as grading for storage and infiltration. He noted Ms. Grahn did a good job, but the size of the detention area is critical. Mr. Boyd thinks Valerie's (Grahn) plan looks good. He is not sure if her plan would work. Mr. Olson asked if it could be deeper. Mr. Boyd said he wants separation above the water table.

Mr. McMahon said it may need a reconfiguration of the basin. Maybe they could go deeper. Mr. Olson said it's hard to ignore the points about the Regulations.

Mr. R. Green said he'd like to take another shot at getting 10 more feet. Ms. Carnaby asked if they can get together.

Mr. Boyd said it will be 21'.

Mr. Olson said 75 trees (total) to be included. That is 7 ½ plants per lots. He asked where that number came from. Mr. R. Green said he walked the property line. **It should say a “minimum” of 75 trees.** Mr. Green wants to leave as much vegetation as possible. **Mr. Boyd will fix that.**

Mr. Bachand discussed the cul-de-sac coming up to 18 Sanborn. He likes the idea of pulling it away as Mr. R. Green discussed. That would provide extra space. He also discussed the headlights looking at #16 and #20 to reduce the impacts of headlights coming into those properties as well. **The “minimum of 75 trees” is important to correct** – whatever it takes to have adequate buffer is what it needs. Many conditions are standard.

Mr. Bachand said the waiver is for the street lights and landscape plan. The waiver will cover both of those.

Mr. Bachand said they are in **an Aquifer – it should say “no salt area”** because it is in an Aquifer protection zone. He also **wants as-built plans to be submitted** to planning and DPW. He would love to see work on the cul-de-sac pulled back. Mr. R. Green asked for conditional approval based on them being able to achieve that. If it doesn't work, they will come back before Planning Board.

Mr. McMahon would like to see a plan. Mr. Lessard said that makes it more favorable. Mr. Bachand wants to see the plan as well.

Mr. R. Green does not want to cut a lot of trees.

Mr. Bachand reiterated he wants to see the plan. He recommended to continue to the next meeting. He would like to review the revised cul-de-sac layout.

MOTION by Mr. Emerick to continue this matter to the Planning Board's October 15th meeting.

SECOND by Mr. Griffin.

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

VOTE: 7 – 0 - 0

MOTION PASSED.

14-046 86 Woodland Road (continued from 9/3/14)

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. Joseph Coronati appeared with Robert Dockham, owner of the property. The primary outstanding item from the first meeting was to go back to the Conservation Commission regarding mitigation. The Conservaton Commission felt the first go around did not deal with enough mitigation. They went back to the Conservation Commission and discussed different options.

Mr. Coronati discussed changes. They narrowed the impact in the buffer. They tightened up the retaining wall. The Impact to the buffer is 40' wide; they removed some of the grading and the impact of the buffer. It reduced the buffer impact by about 8 ½ percent. They added plantings on the back of Lot 2. Seeding was discussed. They will use the Conservation seed mix. Once trees are removed, more sunlight will come in. Planting arborvitaes was discussed. They want more buffers on four of the lots. Cross-hatching on lots 2, 3, 4 and 5 were discussed. Lots 3, 4 and 5 will be restricted per Note 23 on the plan. Mr. Coronati read Note 23. This can be in the Deed as well, but it will be on the recorded plan. Mr. Coronati thinks mitigation has been satisfied.

Mr. Coronati handed out a waiver for street lights. The Town does not want to maintain street lights and the owner does not feel they need street lights.

Mr. McNamara asked if children are living in the neighborhood and there are no lights. **Mr. Emerick said we need to change the Regs in Site Plan.** Mr. Olson said he does not want to get rid of street lights. Mr. McNamara understands the Town does not want to maintain lights. The HOA may take care of street lights. Mr. Griffin said Hampton has a lot of street lights compared to other Towns. Mr. Griffin noted electric rates are going up.

Mr. Olson does not want to grant the waiver.

Mr. Coronati said street lights have to be connected with underground wire. There is a wetland crossing. If it is the HOA's responsibility, the Town will not want it in the right of way. Five homeowners will have to split the costs of this. The whole length of the road does not need to be lit up. Mr. Coronati said there is a utility pole at the end of the road.

Ms. Carnaby asked about solar lights. Mr. Coronati has little experience with that. The solar light is quite large. It would avoid underground wires. Mr. McNamara said maybe a solar one at the end of the cul-de-sac would be a good idea.

Mr. Lessard asked about Sherburne. They had unique lamps on there.

Mr. Lessard asked why the Board of Selectmen did not bring the light issue before the Planning Board.

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

The fire hydrant is within the **project (to be added)**; the closest one is 288 feet going toward Little River Road.

Mr. Lessard asked about markers in the wetlands. They will be put at the edge of the 50' buffer. It will be a wetland conservation district sign.

PUBLIC

Mr. Carl McMorran, Operations Manager for Aquarion, appeared. He is concerned about the adverse affects on the project. Wells were discussed. The project is in the Town's Aquifer protection zone. He wants to see the area remain forest. Development and excavation and contaminants were discussed. It is a high transmission capacity. He noted 350 gallons per minute and any contamination will get to the well quickly. There is a thick layer of marine clay. It slows infiltration and acts as a barrier. Excavation work should not punch through the layer. He does not want to see this approved so water supply is protected.

He listed conditions he wants to see added if approved.

- 1. Two observation wells. Liable for remediation and contamination or find replacement well.**
- 2. No salt or de-icing of chemicals be allowed.**
- 3. Any excavation be restricted.**

These will be provided to the Planning office.

Mary-Louise Woolsey appeared. She talked to Carl after the last meeting. She felt he should have been involved in this project. She asked about fertilizers. She asked about contaminants. She asked who will supervise monitoring the neighborhood and wells. She does not mind the house being restored, but feels it is a disaster to do the project. She discussed losing wild life in our area also. She asked that the wells be taken care of. Intruding in wetlands is a huge problem. She strongly opposes this development.

Mr. Doug Brown, Hunter Drive, appeared. He reinforces Mary-Louise's comments. He can't believe it's under consideration for approval. US Fish & Wildlife Service paperwork was given at last meeting. In March and April there is build up. The water is up to his driveway. He has concerns of this property to drain properly.

Mr. Brown went to the builder's website. He looks like a re-modeler. Remodeling is his forte. Mr. Brown does not see large developments on the website. If he has problems, he asked who will take care of it. Mr. Brown wants to know of his experience on building in the wetlands. Seasonally (means annually) to him. He will drop paperwork off to the Planning Office.

Maureen Schulde, 82 Woodland Road, appeared. She lives right next door. The Conservation Commission walked the property in the middle of the summer. The water issue is very bad. She does not have a water problem, but knows, on Hunter Drive, there is a huge water problem. Her house is elevated. She is worried about drainage. She asked where the water will go. The road to be built is close to her property line. She is worried about fill being brought in. There is a ledge issue there as well. She is concerned also about the wells. She is

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

on a private well. She asked who will be addressed if/when everything is done. Animal life is enjoyed. She wants clause for new homeowners that they can't put up a fence. She asked about the oil tank. If approved, it needs to be removed.

Mr. Paul Flynn, 4 Hunter Drive, appeared. He is concerned about water run-off, etc. He can't take any more water.

Ms. Rayann Dionne appeared. The applicant revisited mitigation. They did a good job. The areas being expanded will be part of the wetland conservation district. The Commission wants the area to be protected outside the wetland conservation district so there is no loss of wetlands. There is an increase in the amount of the buffer, but they have freedom to shape them as needed to not disrupt the buildable area. The Commission appreciated being able to revisit the protection.

Mr. Joan Walker, 90 Woodland Road, appeared. The clay barrier was discussed. Sewer systems in lots were discussed. Test pits were discussed. Gray clay was discussed and the records went to Concord. If wanted/needed, in checking under Hunter Drive, the records could be found on the level of clay barrier.

Charlene Billings, 6 Hunter Drive, appeared. Her lot would abut lots 4 and 5 in the development. She asked what kind of buffer she would have. Mr. Coronati discussed the wooded area. Ms. Billings is concerned over the well situation. She hopes this is considered strongly. She discussed long, narrow lots in Hampton. She is worried for the future of the Town of Hampton with long, narrowed roadways. She is concerned about construction in her backyard as well.

Ms. Woolsey would like them to check with counsel to check on liability of Town with this issue with wells. She asked if Town wells in the future have to be shut down. What would the damage be to the Town. Ms. Woolsey wants this question answered.

BOARD

Mr. Emerick said he feels it is not the Planning Board's issue. Ms. Woolsey sat on Boards in the past. Ms. Woolsey cares about the water in Town.

Mr. Olson asked about the zone around the well. Mr. McMorran stated the State standard is a 400' radius around a well. There is a broader area that includes the Aquifer protection zone that we defined. They do a survey every three years to observe if there are any improper activities going on there. Mr. Griffin wants to know if he should have been notified as an abutter. He was not an abutter.

Mr. McNamara is as worried about the wells as the public is, and Aquarion and Ms. Woolsey. Anything that hurts the Town will hurt abutters as well. He feels it's a broader issue.

Mr. Emerick said the land has rights. This is a legal subdivision. This came up on Mill Road; same issue. He said Aquarion should buy it if it's worried about the land and wells. This situation is similar to Wayside Farm. This is in accordance with the RSAs, etc. per Mr. Emerick.

Mr. Griffin asked about monitoring wells. Expecting the HOA to be responsible for water/well testing was discussed by Mr. Lessard.

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

Test pits were discussed.

Mr. Coronati said the Town has Aquifer rules. This issue is not new. It covers about 15 percent of the Town. Infiltrating and treating storm water was discussed. Stormwater goes to a treatment plant. Sheet P1, Note 22, grading was discussed. This project is for five homes on five acres.

MOTION by Mr. Emerick to grant the special permit along with the stipulations in the Conservation Commission letter dated September 26, 2014.

Jason Bachand discussed his conditions of approval. **He wants further sign off and approval from the Conservation Commission.**

Mr. Lessard discussed the observation well. There would be natural gas on the street. It is not on cross sections. That means propane tanks per Mr. Lessard. No underground storage tanks. **The Planning Board needs to know what type of fuel they will use to heat.** UGTs were discussed. Propane tanks aren't prohibited in the Aquifer. Underground heating oil tanks were discussed. They are more stable than oil tanks per Mr. Olson. They want the option to have propane. Underground heating oil tanks may be how it is worded per Mr. Lessard.

SECOND by Mr. Griffin.

VOTE: 6 – 1 (McNamara) - 0

MOTION PASSED.

With regard to the waiver, it was asked who would be responsible for the street lights. Mr. Lessard asked if it required notification. Mr. Emerick said we never had an issue with street lights and having the Association pay for them. Mr. McNamara said we don't have to grant the waiver. Mr. Emerick said the Town would usually take care of street lights.

MOTION by Mr. Emerick **to not grant the waiver** and that the if/when the street lights go in, they get paid for by the Association. Mr. McNamara wants to see one at the end of the cul-de-sac; one at the intersection as well. Mr. McNamara wants to see them abide by the Site Plan Regulations. One will be wired and solar or whatever at the end. Mr. Emerick said they would leave it up to them. Having the option would be good per Mr. Coronati. It will be the end of the street and at the end of the right of way. Let the Town take care of them; if the Town has a problem with them, they can get back to them. We will require that they install the lights without involvement of the Homeowner's Association.

SECOND by Mr. McMahan.

VOTE: 6 – 0 – 1 (Griffin)

MOTION PASSED.

MOTION by Mr. Emerick to grant the five-lot subdivision with the planner's letter, excluding the underground tank provision and if they need to work out an easement on the monitoring wells to be installed for the water company to monitor.

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

Rick Griffin left.

Carl McMorran can do the monitoring part. Aquarion will work out the details. It is a pipe down to Aquifer. It will be along the south edge of the property. They will do routine testing for contaminants. Or prove that nothing has happened which is an alternative. Knowing where contaminants are coming from was asked. Mr. McMorran will get back to Joe Coronati on depth. It may be about 50' down.

Mr. Emerick asked to include the monitoring well adjacent to the road in his motion. Minimizing tree clearing to the rear of the lots was asked by Mr. Bachand and the Board opted to not include that.

NO SECOND

MOTION by Mr. McNamara to deny the application because of the possibilities of danger to the wells and to water supply and to all the abutters' concerns. He empathizes with the abutters. He feels it is not a good location for the 5-lot subdivision.

Mr. Lessard wants a legal opinion about Aquifer protection. The sewer easement was asked about, but he wants to know the size of the main. He thinks it should be postponed for more clarification. Maybe the water company would file a 30-day objection. They may want to protect the wells. Mr. McNamara said we have to be cognizant of public and public safety. Mr. McNamara thinks it is a public safety issue.

Mr. Emerick said it goes by all our regulations.
Mr. Lessard wants more clarificaton.

SECOND by Ms. Carnaby. She wants more clarification.

Mr. McNamara is worried about drinking water and wells and stated it's a public safety issue. He is worried about drinking water and the wells.

Ms. Carnaby asked if it would make a difference if there were only two homes allowed – away from well. She asked if the Planning Board has the right to suggest that. Mr. McNamara said they can change the number of homes on the property.

VOTE: 2 – 3 (Olson, McMahan & Emerick) – 0

MOTION by Mr. Lessard to continue this application to the Planning Board's November 5, 2014 meeting date and that in the meantime **the Planning Office will seek legal guidance on protection of the source of public drinking water in our community.** Mr. McMahan wants to include a discussion of the State's regulation of water supplies. **He wants to hear more from Aquarion.**

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0

MOTION PASSED.

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

We are okay with the 65-day clock on accepting jurisdiction.

V. CONSIDERATION OF MINUTES of September 17, 2014.

MOVED by Mr. Lessard to accept the September 17, 2014 Minutes.

SECOND by Mr. Emerick.

VOTE: 5 – 0 – 1 (Carnaby)

MOTION PASSED.

VI. CORRESPONDENCE

Mary Louise Woolsey handed out the CIP paperwork. Next CIP meeting is October 6th at 4:00 pm.

Rayann spoke with Jennifer Gilbert regarding the flood plain section zoning changes. A warrant article may come out on that later. Amending the regulations regarding flood plains will be discussed.

VII. OTHER BUSINESS

Island Path:

Rayann Dionne appeared. The special permit is still active. It was granted in 2013 and there was a stipulation that the applicant had to complete remediation work. The applicants came back last year. Applicants were issued a cease and desist. It expired September 15th of this year. They want it extended out because there is an appeal DES permit (wetlands bureau). The appeal was dismissed. The property owners came in and want to have an extension on the remediation part. They want another new deadline and the Conservation Commission recommended May 31, 2015. The Planning Board may want to grant an extension for the special permit because it expires January 5, 2015. The Conservation Commission is on board with granting the recommendation since circumstances were outside of the owner's control.

MOTION by Mr. Emerick to grant the extension to May 31,2015.

We are giving them 5 months to come into compliance per Mr. Lessard. Mr. Olson said we've been waiting forever for this to happen. Rayann said they got through 75 percent of their remediation before they were required to stop by DES. They took retaining wall down, but they need to grade and plant and there are permeable pavers and parking areas that needs to be constructed now. She feels about 75 percent is completed. The plastic is pulled up. The retaining wall has been taken down. Permeable pavers and planting is remaining. Conservation wanted these violations corrected.

This has been going on since 1995 per Mr. Belanger. Mr. Belanger said the Special Permit has been dragging out. Mr. Belanger thinks work is tied to the permit. Mr. Belanger

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

wants this continued so they can separate remediation versus duplex. Mr. Olson said we are dealing with this as an administrative problem.

Ms. Dionne said plantings can't be planted right now. Permeable pavers and trucking material can be tough. Grade first, then plantings, retaining wall and then permeable paver installation. There was an appeal to the wetlands counsel which held them up. They rendered an opinion in mid-July. Ms. Dionne was told the next level of appeal is court. Now they felt comfortable resuming. Rayann said this time, the expiration was out of their control. The Special Permit is good through January of 2015. All remediation work was to be completed by the deadline. They can now continue with remediation until the permit expires.

Ms. Dionne wants the remediation work done and to give an extension for the remediation work. They would like to extend the remediation work to be done by January 5, 2015. The remediation piece and building of duplex are two separate issues. The Conservation Commission wants remediation deadline wants it extended to May 31, 2015. The remediation deadline date has expired.

Mr. Lessard would like the applicant to come in and explain this to us. He should come before the Board. This one is more complicated than others.

In the special permit there was a deadline for remediation to be completed. They can either continue with remediation or not. Right now, they cannot do remediation. Mr. Lessard wants to get the work done.

Rayann said there is remediation and construction of duplex. They won't get it done by the time the special permit expires in January. The Conservation Commission wants to extend remediation deadline out to the end of May – May 31st. Mr. Olson doesn't think it needs to go into spring of 2015. They will come for extension of the special permit.

MOTION by Mr. Emerick to extend the special permit out to January 5, 2015.

SECOND by Mr. McMahon.

VOTE: 6 – 0 – 0

MOTION PASSED.

The vacated seat of Mr. Loopley was discussed. Mr. Emerick ran into Tom Higgins about a month ago. Mr. Higgins stated if we need somebody on our Board, he is back in Town. Mr. Lessard said he would be a great fill in until election day. Mr. McMahon stated we should poll existing alternates first. It would be twice a month from now until March. We need consistency at our meetings.

It was noted at the last Planning Board meeting Chief Silver talked about 377 Ocean Blvd having an opening (driveway) smaller than what was granted. CMA directed them to close down the opening to allow for a people door. SFC (Fire Dept's consulting firm) did the documentation. They were consultants for Fire Department. It was a disservice for Chief Silver to comments at the meeting on 377 Ocean Boulevard as it appears the comments were in inaccurate.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

HAMPTON PLANNING BOARD

MINUTES

October 1, 2014 – 7:00 p.m.

SECOND by Mr. McNamara.

VOTE: 6 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 10:16 p.m.

Respectfully submitted,

Laurie Olivier, Planning Coordinator

****PLEASE NOTE****

ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.

MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING