

HAMPTON PLANNING BOARD

MINUTES

November 5, 2014 – 7:00 p.m.

PRESENT: Mark Olson, Chair
Tracy Emerick
Brendan McNamara, Vice Chair
Fran McMahan, Clerk
Keith Lessard
Ann Carnaby
Jason Bachand, Town Planner
Laurie Olivier, Officer Manager/Planning

ABSENT: Rick Griffin, Selectmen Member

I. CALL TO ORDER

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

Mr. McMahan stated that 86 Woodland Road is being continued and that the applicants are in agreement. The applicant is now looking to be heard on November 19, 2014.

MOTION by Mr. Emerick to move the 86 Woodland Road application to November 19, 2014.
SECOND by Mr. Lessard.

VOTE: 6 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

14-054 18 Hutchinson Drive

Map 167 Lot 17

Applicant: 18 Hutchinson Drive, LLC, c/of Lyman McCrea

Owner: Same

Special Permit: Construct 10' x 18' deck on existing house at SW corner of house; deck floor to be 6' from the ground.

Ms. McPherson appeared. She and her husband are requesting permission to have a deck built on the southwest corner. It would be 10' x 18'. The deck would be at least 6' off the ground. Three, 12" round sonotubes will be added.

BOARD

Ms. McPherson has the October 31, 2014 letter from the Conservation Commission and she and her husband are in agreement with it.

Mr. Emerick said it is a pretty straightforward application.

HAMPTON PLANNING BOARD

MINUTES

November 5, 2014 – 7:00 p.m.

Mr. Bachand stated that he drove out by the site and looked over the application. He recommends approval subject to Conservation Commission's letter.

MOTION by Mr. Lessard to grant the Special Permit in accordance with the Conservation Commission's letter dated October 31, 2014.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0

MOTION PASSED.

14-055 NH Route 101 – ROW

Maps: Numerous, Lots: Numerous

Applicants: Unitil & NHDOT

Special Permit: Relocate Unitil's existing electrical distribution service 3353 line to NH DOT's right of way.

Mr. NickGolon, with TF Moran and Nate Sherwood, a Unitil Senior Engineer appeared. The line runs between the Hampton River (Tide Mill Creek) and Church Street. Mr. Sherwood said there are two distribution lines – quite a way into the salt marsh. Both lines are old and are in need of an upgrade. In 2012, they lost both lines due to a snowstorm. They proposed to DOT to move both lines closer to the road. They only granted permission to move one line. There are underground cables in the marsh. They will remove the old poles.

The existing line is old and outdated. It will be 30' off the white line, but they will be able to reach the poles with a bucket truck.

There is a wetland dredge and fill application with the State. They met with all the necessary authorities. Endangered species were addressed (with reference to the salt marsh). They will walk the area before work and will make sure they are protected. They hope to do this during the winter months.

Impact was discussed. The majority of the area is not wetlands. Swamp mats will be put down. Sub-grade will not be disturbed.

The buffer impacts were discussed. Trenching is proposed as well.

They need an easement through an abutter's property. If the abutter does not agree, they will seek an easement from the Town; a 100' wide easement; 580 feet long (approx).

Temporary impacts are salt marshes on either sides.

BOARD PUBLIC

Ms. Dionne, Conservation Coordinator, stated the Commission supports the project. During the meeting, they forgot to get a recommendation to get a request for an easement from the Town. **The applicants will go back to the Commission to ask that. The Planning Board should write a letter if it supports the aerial option. They have to get a letter of support from the Planning Board.**

Mr. Bachand said he spoke with Ms. Dionne and checked out the site. It is an improvement.

MOTION by Mr. Emerick to grant the special permit in accordance with the Conservation Commission's letter dated October 31, 2014.

HAMPTON PLANNING BOARD

MINUTES

November 5, 2014 – 7:00 p.m.

The applicants feel like they are making progress with the abutters. **Mr. Emerick recommends an easement letter go out to the Board of Selectmen in case the abutter does not get on board with it.**

The applicant said work needs to be completed this winter. They want a letter as a back-up. They need to cross the river and go in the marsh. They are going aerial. The Conservation Commission would rather it not go underground. There are significantly less impacts if they go overhead. Connections can take on water.

SECOND by Mr. McNamara.

VOTE: 6 – 0 – 0

MOTION PASSED.

14-056 7A Merrill Industrial Drive

Map 142, Lot 4

Applicant: Rademo Realty Trust

Owner of Record: Same

Site Plan (Amended): As-built plan does not comply with prior plan approved by the Planning Board.

Mr. Dana Adams from DeNiro Construction appeared. They are asking for amended site plan approval based on changes made on the site when they did the installation. They met with Mr. Bachand on site and gave him an original as-built.

Mr. Adams discussed the access easement. The original approval had a driveway that ran up by the building. Electrical power could not be added per Unitil to the pole. A new pole was installed and a building was fed off of that. The generator location was discussed.

A curb cut was added. Making fire truck access easier was discussed. A stone retaining wall was added.

The dumpster location was changed as well. The dumpster for Blue Water was moved as well.

BOARD PUBLIC

Mr. Bachand brought this to the Board's attention. He noted it was not consistent with the approved plan. Mr. Bachand did a Planner's Memorandum (revised) since items were revised as he requested. The site is fully constructed. They are in the building. He recommends approval with the conditions in his Planner's Memorandum.

Mr. Bachand said the address on the original filed plan stated 7 Merrill Industrial Drive. There should be a cross reference for when the mylar is recorded for the amended site plan. This cross reference should be between the original filed plan (D-37390) and the amended plan to be filed. Chris Jacobs' letter was provided (October 6th letter). The detention basin was discussed. That has been completed. His letter is incorporated into the conditions.

MOTION by Mr. McNamara to approve the site plan as amended. Original site plan D-37390 was recorded at RCROD on 9/10/12 with address of 7 Merrill Industrial Drive, now amended

HAMPTON PLANNING BOARD

MINUTES

November 5, 2014 – 7:00 p.m.

noting 7A Merrill Industrial Drive, as noted in the Town Planner's conditions dated November 5, 2014 (revised).

SECOND by Mr. Lessard.

MOTION: 6 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

14-046 86 Woodland Road (continued from 9/3/14 & 10/1/14)

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.

(Note: Just voting on Subdivision)

V. CONSIDERATION OF MINUTES of October 15, 2014.

MOTION by Mr. Emerick to accept the October 15, 2014 Minutes.

SECOND by Mr. Lessard.

VOTE: 5 – 0 – 1 (Carnaby)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

Mr. Bachand has been working with the Town Attorney on Amendments. Public hearings will be in December. There will be one in January (1st meeting) as well.

Mr. Bachand discussed 377 Ocean Boulevard, the Warren Kelly application. That approval was vacated by the Planning Board. New plans have been submitted. He wants to move forward on the application.

The new site plan that he provided shows 25 units. The vacated plan shows 20. He is requesting a waiver for the fee of the 20 units, but will provide a fee for the new five units as well as the abutter notification fees. He asked if that would be acceptable. Abutter fees would be the same and are provided to us.

Mr. Kelly asked if a new special permit would be needed. Nothing has been changed. Ms. Dionne appeared. The impacts and position of the building are exactly the same. She does not feel there would be a new special permit.

HAMPTON PLANNING BOARD

MINUTES

November 5, 2014 – 7:00 p.m.

Mr. Bachand stated that Mr. Kelly wants to be heard in December rather than on first meeting in January. The Town Attorney thinks this is an amended application and it's a unique situation. Mr. Bachand was looking for the Board's thoughts.

No one on the Board has a problem with what Mr. Kelly has done. Moving him up to December is fine.

The Board would like to hear this on December 3rd.

Mr. Olson asked about changes of use. He discussed a request that did not seem to have to come to the Board. He felt the retail to retail change of use was dramatic. Mr. Olson thought it was not an appropriate business for that location. Mr. Emerick discussed this with Mr. Bachand. A year ago, Mr. Emerick remembered a gun dealer coming to Town, and it was checked out by the Police Chief. Federal government regulations, etc. He said the Planning Board has not authority to choose which retail business goes in what location. Mr. Olson thought the area was more pronounced. Mr. Emerick reiterated the Planning Board cannot decide this. Nothing in our Ordinance says “no”--that that business cannot go in that location.

Mr. McNamara thinks potentially all changes of use should be looked at in more detail. Mr. Olson asked if the Ordinance is too broad. Zoning and spot zoning decisions were discussed by Mr. Emerick.

Mr. Emerick said what is being discussed sets a dangerous precedent.

Ms. Carnaby asked for criteria for where dirty book stores (locations) can be, etc.

Mr. Olson discussed martial arts.

Ms. Carnaby asked how it is defined. Mr. McNamara discussed how it works.

Mr. Bachand discussed that he agrees with the idea to edit possibly the “Use Table” and make it be only in the “B Zone”, etc. This location is in the Town Historic District. Mr. Bachand said we can do something about changing the Regulations. Mr. Olson asked if the Board has the pleasure to do that.

Mr. Emerick discussed the concept of Change of Use. He noted the prior Planner was liberal/interpretive.

Mr. Olson asked about the abutters-and discussed say a dog daycare in certain locations.

The downtown smoke shop example was discussed. Mr. Olson wants to create a better environment.

Ms. Carnaby asked how we can set up criteria and asked if the Board wants to.

Ms. Carnaby thinks it's a good idea. Creating sub-sets of use which moving from one to another would not be a big deal. Noisy subsets versus quiet and peaceful/service of food, etc.

Mr. McMahan discussed Changes of Use in general. Parking issues and noise are problematic. **Mr. Bachand will craft something along with Change of Use. He will also look at the firearms issue. It was mentioned the Board should get ahead of the marijuana curve as well.**

Mr. Bachand discussed clarifications from previous amendments.

HAMPTON PLANNING BOARD

MINUTES

November 5, 2014 – 7:00 p.m.

Proposed Warrant Article – Flood Ordinance Amendments

Mr. Bachand discussed that the flood maps are being updated in 2015. Hampton needs to amend the ordinance to stay eligible and remain in the program. Results of compliance review were discussed. He worked with Kevin Schultz. It is based on Jennifer Gilbert's comments regarding new maps. This will be compliant with the new maps.

Mr. Bachand also requested feedback from the Town Attorney. Page 8 changes were discussed. Taking sections out and making it tighter. Base Flood Elevations were discussed. The definition is in the document. Mr. Bachand does not want us to fall out of compliance. Copying the State's language is redundant per Mr. Emerick. He would like the notation to say “per FEMA Regs”--along that line. Mr. Emerick said we should just make reference.

This will change insurance rates. Mr. Emerick said we don't need to re-write what FEMA writes.

Mr. Bachand said time wise it has to be in, for Zoning.

Site Plan and Subdivision Regs were changed and Mr. Bachand discussed that. He asked why “100 year” is in noted in Subdivision Regs and Site Plan Regs. We need to be consistent. **This will be heard in December.**

Mr. Lessard discussed the Precinct area. **He wants the Jennifer Gilbert document emailed to Precinct Board members. Precinct needs to get this in their hands.** Mr. Emerick said people can go to FEMA.com; people can put their address in and people can see what their insurance will cost, etc. Mr. Olson said this is looked at from 30,000 feet; a request or appeal can be made now, but the window will close at the end of this year.

This includes rivers and streams; not just ocean front properties.

- Proposed Warrant Article – Proposed Revisions to Section 2.3.7C

Ms. Dionne and Mr. Diener of Conservation Commission appeared. Mr. Diener and Ms. Dionne went to a smaller FEMA presentation. It discussed the National Floodplain Insurance Program. Adopting changes keeps the Town as a part of that. People can get insurance there.

Ms. Dionne also learned that there are current flood maps now. Some go into effect September, 2015. If one is in a zone that does not require flood insurance, some zones have expanded. She noted people should get flood insurance now – as one can be grandfathered as being outside. It is transferrable to next person who may purchase the property. Any substantial renovations to house are made, contact your insurer as you want all mechanicals up and out of the area. Put things a foot or two higher and you get a cost savings. There can be up to a 45 percent discount. She stated residents should have a detailed conversation with his/her insurance agent.

Buy insurance before September of 2015. Elevations vary on zoning.

HAMPTON PLANNING BOARD

MINUTES

November 5, 2014 – 7:00 p.m.

Flood maps are available at Town Hall and are on line. Ms. Dionne discussed talking with one's own insurance company.

Mr. McMahon discussed how this is going to change with Zoning.

Ms. Dionne thought first Article went smoothly. They were basically housekeeping changes. The vernal pool definition has been edited. Paperwork with changes is available at Town Hall, Planning Office.

MOTION by Mr. Emerick to move Warrant Article #1 to public hearings.

SECOND by Mr. Lessard.

VOTE: 6 – 0 – 0

MOTION PASSED.

Warrant Article #2 was discussed. They took Mr. Lessard's suggestion to re-look at the language. Information is available at the Town Hall, Planning Office. Creating a buffer between structure and wetlands edge was discussed. This can avoid violations. Making setbacks 12' from wetlands is proposed.

MOTION by Mr. Lessard, based on 12' (not including decks) to take it to public hearing.

SECOND by Mr. McNamara.

VOTE: 6 -0 - 0

MOTION PASSED.

It was asked if the Board should take FEMA Regs to public or should we wait for Attorney Gearreald. It was noted that the Board can make substantial changes after first public meeting. After the second meeting, it has to be simpler changes. We need 14 days between each.

MOTION by Brendan McNamara to move forward draft zoning ordinance amendment Sections 2.4 - Special Flood Area and Section 11.6 Floodplain Development Regulations for Public Hearing.

SECOND by Mr. Lessard.

VOTE: 6 – 0 – 0

MOTION PASSED.

Mr. Emerick thanked everyone for allowing him the privilege of being re-elected. Mr. McNamara thanked everyone who voted.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

HAMPTON PLANNING BOARD

MINUTES

November 5, 2014 – 7:00 p.m.

MEETING ADJOURNED: 9:15 p.m.
Respectfully submitted,
Laurie Olivier, Office Manager/Planning

****PLEASE NOTE****

**ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.
MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING**