

**HAMPTON PLANNING BOARD**

**MINUTES**

**June 3, 2015 – 7:00 p.m.**

**PRESENT:** Brendan McNamara, Chair  
Fran McMahan, Vice Chair  
Ann Carnaby, Clerk  
Tracy Emerick  
Keith Lessard  
Mark Olson  
Rusty Bridle, Selectman Member  
Jason Bachand, Town Planner  
Laurie Olivier, Office Manager/Planning

**ABSENT:**

**I. CALL TO ORDER**

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

Mr. McNamara stated that the applicants for 183 Island Path have asked for a continuance until June 17, 2015.

**MOVED** by Mr. Lessard to hear 183 Island Path on June 17, 2015.

**SECOND** by Mr. Olson.

**VOTE: 7 - 0 - 0**

**MOTION PASSED.**

**II. ATTENDING TO BE HEARD**

- **Presentation – Proposed Municipal Parking Lot at 164, 166, 168 and 170 Ashworth Avenue**

Mr. Chuck Rage, HBV Chairman and Attorney Sharon Somers appeared. Mr. Rage stated they went over this plan for months (since February). It was voted on at the yearly meeting. They are looking to tear down Clews Hardware store. No drainage issues. They are just putting in crushed stone. If they pave later, they will put in drainage systems. There will be entrances in and out of Ashworth Avenue. Fencing will be in back and up the sides (will not disturb neighbors).

Mr. Lessard asked about stacked spaces. There will be seven. Once buildings are down, there will be higher fencing. Mr. Lessard asked for the fence to be stockade so headlights will not be a bother. Mr. Rage said it will be vinyl. They will do weekly spaces for hotels and cottage owners. It creates more parking at that end of the beach per Mr. Rage. Mr. Lessard complimented the Precinct. Mr. Rage thanked the Clews also. Ms. Carnaby asked if it's one way in and out only and it was stated "yes".

Mr. Olson asked about cars facing the sidewalk and asked to delineate by the sidewalks, i.e. posts. Mr. Rage said this will be manned.

Mr. Bridle asked about the shed. It will be to store signs. There will be some sort of restroom.

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Mr. Bachand asked for trash barrels to be provided and about hours of operation. Mr. Rage said weather judges that; maybe 7:30 a.m. on possibly, but this lot may not be as busy at night.

Mr. Emerick asked about stacked spaces and who would go there. It was noted maybe people who stay weekly. Fence height was asked about—4' decorative. There is not a deed restriction. **Mr. Emerick asked them to check that out.**

**III. NEW PUBLIC HEARINGS**

**15-024 28 Hobson Avenue**

Map: 290 Lot: 11

Applicant: Mark Carnevale

Owner of Record: Mark and Kathy Carnevale

Special Permit: Lift existing dwelling and place on proposed new foundation.

Mr. Henry Boyd of Millenium Engineering, appeared. The Carnevales could not attend. Mr. Boyd said he went to the Conservation Commission last week. He received the Conservation Commission letter. He noted 83 percent is sealed surface. A 2' wide stone trench was discussed. Mr. Boyd said his client is happy to make the changes requested by Conservation. Removing pavement to the north was discussed. Mr. Boyd asked his client about removing asphalt to the east side of the deck and that is good. They decreased some of the sealed surface. He forgot to include a note that Conservation Commission wanted regarding 78' of plantings. Mr. Boyd can revise the plan. If including the note is in the conditions, he's good with that also. The client wants to lift the house and put in a new foundation.

**BOARD**

Mr. McNamara asked about a portion of the deck and erosion. Mr. Boyd stated it is not for the portion noted.

**PUBLIC**

Mr. Bachand noted the foundation is currently in rough shape. He recommends approval along with letter dated May 29, 2015 and **the planting note should be added to the plan.**

**MOTION** by Mr. Lessard to grant the Special Permit along with the stipulations contained in the Conservation Commission's letter dated May 29, 2015 and adding the planting note as noted above.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**15-026 52 Mooring Drive**

Map: 289 Lot: 36

Applicant: Katherine Crafts

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Owners of Record: Marissa McGrath & Katherine Crafts

Special Permit: Install masonry wall; construct 10x23 pervious deck; replace existing driveway with pervious driveway; install pervious drainage around home perimeter; plant indigenous grass.

Mr. John Difeo of Difeo Construction appeared. He discussed the project with the Board.

**BOARD**

Mr. Lessard asked if the drawings have been updated. Original plans include pervious decking. The only change is a post in the driveway. There is a change in the masonry wall. Mr. Lessard asked about the marsh wall. They will change stockade fence; they may go with low-profile (shorter) fence (3'-4'). Mr. Lessard noted they are not asking for a concrete wall in the back.

**PUBLIC**

Mr. Bachand recommends approval along with the stipulations contained in the Conservation Commission letter dated May 29, 2015, and the approval excludes installation of the masonry wall noted above.

**MOTION** by Mr. Lessard to grant the Special Permit along with the Conservation Commission's letter dated May 29, 2015, excluding installation of masonry wall noted above.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**15-027 183 Island Path (Noted above: CONTINUED to June 17, 2015)**

Map: 280 Lot: 42

Applicant: Hilda Silva

Owners of Record: Same

Subdivision and Minor Lot Line Adjustment: Replace Existing Building; Waiver Request: Section V.E.1, 3-5, 7-9, 12 & 13 of Subdivision Regulations-Detailed Plan.

**15-028 5, 6 & 7 Anchor Court**

Map: 266 Lots: 35, 36 & 17

Applicants: Cindy Porter, Ron Wanderlich & Rob Vittozzi

Owners of Record: Same

Special Permit: 1,700 s.f. of Anchor Court to be recovered with 3/4" crushed stone (2" coverage) over entire area of existing porous surface to above-referenced lots.

Mr. McNamara stated the applicants are not present and **MOVED** to place this application at the end of public hearings.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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**15-029 10 Anchor Street & 3 Anchor Ct.**

Map: 265 Lots: 15 & 16

Applicants: Jacob Councilman & Michael Roy, Trstee

Owners of Record: Jacob Councilman & Michael Roy, Trustee Merco Realty Trust

Special Permit: Installation of granite curbing to divide driveway & parking area from marsh; spread 1 1/2" of crushed stone over existing crushed stone area (3,000 sq. ft.)

Mr. Lessard noted that applicants for 10 Anchor Street and 3 Anchor Court are not present and **MOVED** to hear this at the end of public hearings.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 - 0**

**MOTION PASSED.**

(\*heard after 5, 6 7 Anchor Court – below\*)

**15-030 465 Winnacunnet Road (heard before two above)**

Map: 222 Lot: 102

Applicant: Unitil Energy Systems, d/b/a UNITIL

Owner of Record: Same

Special Permit: Installation of voltage regulators (3) using approx three utility poles.

Mr. Tom Murphy appeared. There is existing flying tap; in line with the right of way. They collected data stating that at the customer level, it's mostly for residential construction. Voltage levels have dropped below what NH Public Utility Commission requires—114 volts. Voltage was discussed; it's a mechanical piece of equipment.

There is minimum impact. Two options were discussed for the regulators. Installing on the high side was discussed. Footprint is minor – between 9 and 12 s.f. will be utilized.

They received the Conservation Commission letter and are in full agreement to comply with the items.

**BOARD**

Mr. Lessard went on the walk. It was pretty clear cut. Mr. McMahon discussed how it does not look good. Mr. McMahon asked where they will be physically. Mr. Murphy explained. They will be similarly elevated. They are taller in vertical height. Not as much width is needed. Mr. McMahon asked about noise. They can do pre-and post-monitoring. He doubts if there will be perceivable noise. Humming was asked about. Mr. Murphy said no complaints have been filed on these types.

**PUBLIC**

**MOTION** by Mr. Emerick to approve the Special Permit along with the conditions contained in the Conservation Commission's letter dated May 29, 2015.

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**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**IV. CONTINUED PUBLIC HEARINGS**

**15-017 4 Ocean Drive (continued from May 6 , 2015)**

Map: 304 Lot: 18

Applicant: 4 Ocean Drive, LLC

Owner of Record: Same

Special Permit to Impact Wetlands: Demolish existing structure & construct new home.

Reduction of impervious area on the site.

Mr. Shayne Gendron, Herbert Associates, appeared. He is representing 4 Ocean Drive LLC. Joe Faro (owner) would arrive soon with his general contractor. It is an existing home. He wants to tear it down and prepare the one shown. They used Jim Gove for the wetlands work. They applied to NH for the Shoreland Permit and received it. The Conservation Commission was not in favor of the first project ideas. The applicant tabled it and they worked on it again. They had a meeting with Ms. Dionne and the Chairman and made changes to the plan. A few spot grades were added to the plan. Drainage was discussed.

Existing conditions were discussed. Proposed conditions, patio area being at grade level, etc. were discussed and edited. Mini catch basins and heavy rain events were discussed.

Conditions from the Conservation Commission, i.e. markers on both corners of the house was asked about and noted. Driveway area for the house is porous pavers. The Conservation Commission asked for archways to be opened up. Mr. Faro, owner, appeared.

**BOARD**

Mr. Lessard asked if the elevation spots are where the Conservation Commission wanted them. Ms. Dionne said one Conservation Commission member wanted to amend/add spot elevations. There is not much change in the grades. Mr. Lessard noted it was a great improvement.

**PUBLIC**

Ms. Rayann Dionne, Conservation Coordinator, appeared. The Commission was pleased that they made changes and they are happy with proposed conditions. They are showing permeable pavers in the right of way. **They have to go in front of the BOS.**

Mr. Emerick asked Ms. Dionne if she knew if driveway was public or Town road. It meets where the Town road ends. They don't want pavers abutting to road. They may look for an apron of asphalt. Ms. Dionne wants them to have pavers; Town wants them to have apron. It's outside the 50'. They are not counted in reduction of sealed surface on site. It's a design feature.

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John Alon (sp) builder stated that part of the permitting process is that they had to get a driveway permit from DPW. DPW had no problem. They are going to put the apron in.

Chris Whitley Plymouth Street, appeared. He is concerned about the deck. They have a private area there. He asked if the deck could be shrunk on west side.

Howard Perkins, 8 Ocean Drive representative, appeared. He agrees with Mr. Whitley. The deck on the west side is 10 feet from property line and it's on 2<sup>nd</sup> level. There's going to be a storage area on back side of deck. The architect discussed the deck.

Mr. Faro said it's a combination of shake siding and stone. There is a trellis.

Emily Defusco appeared. Her mother claims she never got an abutter letter. She was sorry she missed the Conservation Commission meeting. She asked about stone storage area. She wants to be heard.

Steve Davis appeared, 12 Ocean Drive. They welcome the Faros to the neighborhood. They are not opposed. He handed out a letter to the Planning Board. Impact on views to river and ocean were discussed. Setback requirements were discussed. They had to reduce the width of the home. The second floor deck was discussed. Having the deck off first floor was asked about. He asked for trees not more than 10' high to be planted.

Pictures he handed out were discussed.

Tony Fallon, owners of 3 Ocean Drive, appeared. He is in favor of the proposal. This meets the Regulations.

The architect noted that the deck was made smaller from the original proposal. They are within building setbacks. They met with the Building Inspector. There is a 45 degree angle to meet building setback. It originally was 90 feet. It meets height regulations and setbacks everywhere; it is under impervious thresholds. They did their homework.

Mr. Faro said through the process they worked with the Town. The Conservation Commission gave its concerns. They will build what conforms with the Town's wishes. They made the deck smaller. Property will be staked out. They knew about 15 Ocean's concerns.

Ms. Dionne, Conservation Commission appeared. She stated the HOTL was discussed. The property was already developed. You can maintain what is developed in a re-development situation. She noted on the first go around, there was concern. They pulled back the side deck. Once they are outside the 50'; it's outside of the Conservation Commission's jurisdiction. The Conservation Commission did a thorough job with the plan.

### BOARD

Mr. Bachand said the project is in compliance with Zoning and that he also spoke with the Building Inspector. He recommends approval of the application along with the stipulations contained in the Conservation Commission's letter dated May 29, 2015.

**MOTION** by Mr. Emerick to approve the Special Permit with the Conservation Commission's stipulations dated May 29, 2015.

**SECOND** by Mr. McMahon.

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Mr. McNamara noted to those present and for the public that the Board hears all concerns. Decisions are made on what is allowed and within the Ordinance and other criteria are taken into consideration also.

**VOTE: 7 – 0 - 0**

**MOTION PASSED.**

**15-028 5, 6 & 7 Anchor Court**

Map: 266 Lots: 35, 36 & 17

Applicants: Cindy Porter, Ron Wanderlich & Rob Vittozzi

Owners of Record: Same

Special Permit: 1,700 s.f. of Anchor Court to be recovered with 3/4" crushed stone (2" coverage) over entire area of existing porous surface to above-referenced lots.

Mr. Michael Roy appeared along with Chris Wanderlich. They are putting stone on the ground around the houses.

Mr. Roy said there are about 5 houses at the end of the road. They are resurfacing the area – no sealed surface of any point.

**PUBLIC**

Ms. Rayann Dionne appeared and noted that she and the Board are discussing 5, 6 and 7 Anchor Court now/first. There is existing stone there now. The applicants are refreshing the stone. It's a right of way they use to access cottages. Proper edging was discussed. She stated the Conservation Commission is in support of the 5, 6 & 7 Anchor Court proposal.

**BOARD**

Mr. Lessard gave the applicants the Conservation Commission letter with stipulations. Mr. Roy read the stipulations. It was noted that this permit is good for two years. Ms. Wanderlich does not have any problems with the stipulations.

Mr. Bachand noted that he looked at the property and is in agreement with the Conservation Commission stipulations dated May 29, 2015.

**MOTION** by Mr. Emerick to grant the special permit along with the stipulations contained in the Conservation Commission letter dated May 29, 2015.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**15-029 10 Anchor Street & 3 Anchor Ct.**

Map: 265 Lots: 15 & 16

Applicants: Jacob Councilman & Michael Roy, Trstee

Owners of Record: Jacob Councilman & Michael Roy, Trustee Merco Realty Trust

Special Permit: Installation of granite curbing to divide driveway & parking area from marsh; spread 1 1/2" of crushed stone over existing crushed stone area (3,000 sq. ft.)

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Michael Roy spoke again and noted that they have curbing and that is fine with him.

**PUBLIC**

Ms. Rayann Dionne appeared and said this went well; the stone is existing. They were pleased to see the edging.

Mr. Bachand noted that he saw the property and recommends the approval also subject to the stipulations contained in the Conservation Commission letter dated May 29, 2015.

**MOTION** by Mr. Emerick to grant the special permit in accordance with the stipulations contained in the Conservation Commission letter dated May 29, 2015.

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES of May 20, 2015**

**Ms. Carnaby noted there is a correction to be made on Page 2. It's states Mill "Street"; it should be Mill "Road".**

**MOTION** by Mr. Lessard to accept the Minutes, as amended.

**SECOND** by Mr. Olson.

**VOTE: 6 – 0 – 1 (Bridle)**

**Ms. Carnaby also asked for "meeting" to be added on Page 8. So noted.**

**VI. CORRESPONDENCE**

Mr. Olson discussed sump pump installation and sewer network. He asked if some sump pumps should be evaluated. Infiltration and inflow overburdening the systems was discussed. He wanted to share it with the Conservation Commission and gave it to Ms. Dionne. Sump pumps being tied into sewer networks was discussed. Ms. Dionne asked if there was an incentive. Our Hampton wastewater treatment plant taking a hit was discussed.

**VII. OTHER BUSINESS**

- **Bond Reduction Request #2 – Colby Place Subdivision, 376 Winnacunnet Road**

Mr. Bachand said the Planning Department received a second request to reduce the bond on the above project. It went to CMA Engineers and Chris Jacobs of DPW and both were in agreement to reduce the surety amount held by the amount of \$137,260.00.

**MOTION** by Mr. Lessard to reduce the surety by the amount noted above.

**SECOND** by Mr. McMahan.

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**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

- **Operation & Maintenance (O&M) Manual Procedures**

Mr. Bachand discussed Operation & Maintenance Agreements/Manuals (O&M's). The procedure was discussed. Mr. Bachand discussed the problems we are finding such as ownership changes, follow thru's; some O&Ms not being attached to recorded Registry/condo documents. Deeds not referencing the Agreements, etc. HOAs were discussed also and how to deal with the O&M Agreements.

Template O&Ms were discussed and Ms. Dionne may want to discuss. Tracking approvals was discussed.

Engineers to be responsible for tracking were discussed.

MS4 is a requirement with the State. Ms. Dionne reviews the draft O&Ms and they are challenging. A template would be helpful. Ms. Dionne makes many of the same changes on many different applications. Re-visiting O&Ms maybe should occur as well. Hampton Meadows was discussed also (detention ponds). Finding condominium contact people is difficult. Identifying who should receive the yearly reports was discussed. Mr. Lessard asked about water – wells – if there is a similar process that we could maybe use for O&M organization purposes.

Mr. Olson thinks it's hard to go to the applicant's engineer. The HOA would have to pay the engineering firm. It was asked how HOAs work. What kind of legal authority exists was asked.

Mr. Emerick asked if a lien of some sort could be filed--something that could show up with a title search. If we got a copy of the deed recorded for the file....we would have it in there. Mr. Emerick asked about getting a covenant that this gets addressed.

**It was noted that we should present this to the attorney**, Mark Gearreald. Mr. Lessard discussed putting notes on tax cards and asked if there is a place on the card for an O&M notation.

It was also asked if we could put a fee on it (to make sure work is done) and waive the fee once the report is received.

Ms. Dionne discussed Storm Tech Systems.

Mr. Lessard asked about easements to the HOA. Easements may be an idea. We can ask **Attorney Gearreald**.

Putting a lien on people who don't file the O&M Report.

Mr. McMahon said this is like an impact fee.

**Mr. Bachand is going to reach out to the Town Attorney**; he could talk to the **Registrar also**. **Maybe another community like Exeter or Portsmouth has an example.**

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Mr. Bachand discussed the CRS grant application and the CRS system for reduction in flood insurance premiums. Ms. Dionne submitted the application today. We have contribution commitments from HBVD, HBAC, and BOS. We are partnering with RPC. It gets into our flood insurance program. For each class, there is a five percent lower rate for insurance. Ms. Dionne would like to see prior documents. We are the #1 policy holder in the State. We have a lot of repetitive loss properties in Town. There is a breakdown provided at the Town Hall.

Mr. Bachand noted that recording fees and application fees are posted on the Town's website. Emails to common applicant representatives were emailed out as a courtesy. The public hearing will be held July 1<sup>st</sup> to update these fees into our Site plan and Subdivision Regulations.

Mr. Bachand noted that he is going to the NH Planners Conference this Friday.

**VIII. ADJOURNMENT**

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

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 8:58 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**