

HAMPTON PLANNING BOARD

MINUTES

February 1, 2023 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Sharon Mullen, Clerk
Keith Lessard
Alex Loiseau
Brendan McNamara
Richard Sawyer, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT:

I. CALL TO ORDER

Mr. Emerick commenced the meeting by leading the Pledge of Allegiance and introducing the Planning Board members. Mr. Emerick noted that there will be a continuance on 7 & 9 Gill Street. The applicant wishes to continue to May 3, 2023.

MOVED by Mr. Lessard.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

22-034 188 Winnacunnet Road

Map: 191 Lot: 5

Applicant: Apex 188, LLC

Owner of Record: Same

Subdivision: Lot (4.182 acres) with existing single-family home to be divided into seven lots (6 new single-family lots).

Attorney Justin Pasay appeared with the applicant. Bob Stowell from Tritech Engineering was present. Attorney Pasay discussed the Preliminary Consultation held in May (2022). The PRC meetings went fine and issues were addressed. The historical barn was discussed at the Preliminary Consultation. As of today, Mr. Kozinczak (applicant - Apex 188, LLC) has drafted an agreement that the barn will be taken down before development. Mr. Paine recognizes the value of the barn. Photographs will be taken first.

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Mr. Stowell discussed the plan. It is over 700 feet of road from the easterly side of Winnacunnet Road and it ends in a cul-de-sac. It will have six new homes in the development. The small cottage will be removed. The application had two PRC meetings. Phasing was discussed. The curbing schedule can be added. There are outstanding issues from Joe Lynch – DPW. The sidewalk on Winnacunnet was asked about. Construction fencing will be added. The sidewalk needs to be replaced. The applicant agrees that there are several locations that will need to be cut. They will replace it all in one shot.

Mr. Stowell discussed Mr. Bachand's comments. The landscaping plan is provided and it shows buffering. They will re-visit that. They were heavy on the Mill Road side but not as heavy on the Windmill Lane side. The Mill Road apartment building on the corner was discussed. About 150 feet abuts the apartment building. Does it need screening was mentioned. The building appearance was discussed. The applicant is going to build his own home out there. Specifics on what should be built were discussed. He (the applicant) has a couple of examples.

The applicants are hoping to receive approval tonight.

BOARD

Mr. Loiseau asked about Lot 6 – the long narrow strip running out to Winnacunnet. Will it remain with Lot 6 was asked. Mr. Stowell said it is owned by Lot 6, but it has an easement so it will be maintained by the future Homeowners Association. It is not in the right of way; The Town does not want to take care of it.

Ms. Carnaby asked about the Preliminary Consultation – it was suggested that the last two lots be made one, and as she read through the Planner's Memo, several issues of concern could be alleviated by just doing one less house.

Attorney Pasay said they are aware of the suggested change. The minimum lot requirement was discussed along with impervious surface. That change won't affect this application because this application was filed before the Article was noticed. It has been in the works for a long time. They want a return on investment. The Town is getting 5 of 6 new lots that would comply with the new ordinance even though the ordinance won't apply to the property.

Ms. Mullen asked for the square footage of Lot 6 without the strip. Mr. Stowell said it is under 15,000 square feet; maybe 13,000 square feet.

PUBLIC

Barton McGirl, 25 Mill Road, appeared. He asked about drainage. He asked if everything was perc tested, etc. At his home, the rear of their lot, eastern end is very moist. He is concerned how it will be dealt with. They used to own the home next door also, and that is moist. Has all

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of this been factored into the equation was asked. Mr. Bachand said throughout the PRC process, drainage was a major item. CMA and DPW addressed the issues and concerns.

Mr. Bachand asked Mr. Stowell to explain the drainage. They did 9 test pits; 30” seasonal high water table to as much as 38. It is reasonably good soil. There is a small amount of runoff. The proposed conditions show the roadway will grab it and direct it to catch basins. Water is routed to forebay and bio-retention areas. The abutters on Mill Road will have better drainage. There will be less stormwater runoff leaving the property after the project than there is now per Attorney Pasay. The project and drainage were discussed and outlined in the plan.

Mr. McGirl discussed and asked about the term “dam” in relation to granite curbing. What dimension is granite curbing – 6” vertical rise.

Mr. McGirl asked if lots will be conforming. Mr. Bachand said they are.

Peter Tilton, 125 Landing Road, appeared. Is this going to be Town accepted. Mr. Bachand said it is anticipated to be Town accepted. They will have Town services - it meets Town standards.

Mitzi McGirl appeared. She asked to see the visual buffer. Will there be a fence or shrubbery was asked. There is a row of evergreens per the applicant.

How large are the plants was asked. About 7-10 feet tall per the applicant.

Brenda Kelly, 24 Windmill Lane, appeared. Will there be shrubbery abutting their lot as well was asked. The same evergreen screen is proposed per Mr. Stowell.

Brian Mills, 8 Windmill Lane, appeared. He abuts the property. Shrubby is on the Mill Road side, but nothing is on the Windmill side. He asked about plans for the homes; could the homes have a double wide trailer was asked. He noted on the Green and Co. development up the street, the lot is cleaned out, they are the same; it looks nice. What is going to be behind him next year was asked. He has a house 15’ from the fence. He does not think it is a good idea. It could be all different kinds of houses was discussed. He would like screening. There should be a tree line up all of Windmill. It can be 10’ off Mr. Mills’ property line. The rear setback in the RA zone is 10’.

They (applicants) are not proposing screening there.

Doug Statham, 28 Windmill Lane, appeared. He asked if it is a Town road, will they have street lights. Mr. Bachand said that is not in the proposal. Mr. Statham asked about animal habitat. There are no wetland impacts per Mr. Bachand, so it did not have to go to the Conservation Commission.

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Gabrielle Matthews, 20 Windmill Lane, appeared. She discussed support or not of the project. She does not support the development and the change it brings to the families and neighbors. It takes away from other Hampton residents/people. The families and neighbors stand to lose peace and quiet; their privacy; shade from all the trees and air quality. Displacing animals was discussed. It affects climate change. It was 2014 when they bought their home. The land behind them could never be developed they were told. They thought it would be their forever home. They are sad. Their kids love the neighborhood and friends. Deer, wild turkeys, fox, bunnies, raccoon - they may move. Allowing developments is getting rid of nature and beauty.

Kathy Paine, 188 Winnacunnet Road, appeared. She noted her family has lived there since 1638. As sad as she is about the development, nobody is sadder than her family. She could not afford to buy it. It's a legal situation. They decided to contact their friend; he would go into this caring about the heritage of the property. The builder cares about the Town. He cares about abutters. She also loves owls, foxes, etc. It just happens. People have to adjust. They won't put in double-wides. They are putting up barriers. They are losing almost everything.

Steve Barrett, 188 Winnacunnet Road, on behalf of his sister Kathy Paine and representing his mother, at home. He noted they had a hard time over the past couple of years coming up with this plan. His sister trusts the builder; the builder showed their mother a lot of respect. His sister and he are taking care of his mother. He asked others to try to be patient. He thinks it will be a beautiful community. They are going through changes too.

The fence on the property was asked about. They can't touch people's fences – 24 Windmill. Mr. Stowell said the fence is on the applicant's property. Mr. Stowell said he thinks the applicant will move the fence for 24 Windmill.

The Aquifer was asked about. Mr. Bachand said there is a proposed zoning amendment that expands the Aquifer Protection District. This property is not located within the current district. Under the proposed Zoning Article, it will be pulled into it. All but one lot meets the 20,000 square feet requirement, but they (applicant) submitted prior to the amendment moving forward. If it passes at Town Meeting, it will be grandfathered.

Phil LaRosa, 389 Exeter Road, appeared. He noted a lot of investment is going into this project. He hates the density going on in Hampton. He understands financial stress. Can the abutters purchase the land was asked. Slowing down density in Town was discussed.

BOARD

Mr. Bachand discussed his memo. The Heritage Commission was noted. The barn and cottage need to be photographed. Mr. Bachand thinks the lot (5-1) should have been part of the pre-existing duplex lot, but that was just an opinion for a better development. A Homeowner's Association will be established, and the strip of land will be included in that.

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Mr. Stowell discussed the drainage basin near Winnacunnet Road.

Mr. Bachand's Memo is available at the Planning Office.

Mr. Bachand recommends that the landscaping be extended along Windmill as well, not just along Lots 24 and 28 (Windmill). That is included as a suggested condition.

Mr. Stowell discussed 8 Windmill Lane with the fence and 20 Windmill Lane that has robust evergreen screen presently. Mr. Bachand's concern is that the fence is only 6' high and evergreens would grow higher providing more screening. Mr. Stowell discussed the multi-family screening on the other side – he suggested that if they need to do more on the Windmill side, he would like to take more of those back.

Ms. Leone is next to the Gallo's. Ms. Leone has tall hedges but there is a 10-foot gap.

Mr. Stowell again discussed the multi-family screening on the Mill Road side. His thought is to put that screening on the Windmill side instead. Mr. Bachand said he would leave that to the Board for discussion. In past subdivisions, both sides have been screened so it is not an unusual request.

Mr. Bachand discussed the exterior design. It is an important factor. He noted the Town does not want six homes exactly the same, or even three and three; there needs to be diversity within the development. They have designs of two houses and shared those with the Board. They will comply with it.

It is a complete plan per Mr. Bachand.

Mr. Lessard wants the 10' or 15' section along the Leone's lot to have a couple of trees there. Maybe also move the fence of the other abutter. The fence is marked. Mr. Stowell has marked the property. It should be done in a timely fashion per Mr. Lessard.

Mr. McNamara asked about 20 Windmill Lane. Is there a building next to lot line. Lot 5-3. The Leone's lot. What is the footage was asked.

Mr. Sawyer asked about the suggestion of making this one lot smaller. Would this be reduced by one lot was asked. That is not the intent per Mr. Bachand, it's a summary and not included in the conditions of approval. The conditions of approval are separate.

Mr. Loiseau asked about screening down the whole side of Windmill. One abutter on Windmill Lane wanted additional landscaping not depicted on the drawing per Mr. Lessard.

Mr. McNamara thinks it should go the entire way (shrubs); and the Board concurred. Extend the landscaping line all the way. Without exchanging the ones from the other side per Ms.

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Mullen. Attorney Pasay said they are happy to amend, however is necessary, to include what is depicted on the Mill Road side on the Windmill Lane side. They will just go the whole way. Mr. Pasay will revise the final plan set. The landscaping plan will be reviewed per Condition #20, final review and sign-off. Mr. Lessard noted the same distance apart as Mill Road.

MOTION by Mr. Lessard to approve the subdivision at 188 Winnacunnet Road based on drawings revised through January 18, 2023, with Plan #20137, with the stipulation that they will entirely landscape and with Planner's Memorandum dated February 1, 2023.

SECOND by Ms. Carnaby.

VOTE: 6 – 0 – 1 (McNamara)

MOTION PASSED.

23-004 27 Dumas Avenue

Map: 267 Lot: 3

Applicant: Ihab & Madiha Farag

Owner of Record: Farag Family Revocable Trust

Driveway Permit Appeal: Pavers in the Town ROW and non-conforming driveway

Mr. and Mrs. Farag appeared. Part of the front of house - there is an area with gravel. Gravel spreads around quickly. It is a safety hazard. They want to replace the area with cobblestone. Because of issues with the right-of-way, they are here.

BOARD

Mr. Lessard asked if this is the same as further up across the street. It is in the public right-of-way. It comes to us on appeal. It goes to the Board of Selectmen for the Hold Harmless Agreement. Mr. Sawyer said we approved a similar driveway request last year.

**PUBLIC
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Mr. Bachand made reference to his Memo. It would go to Board of Selectmen for the Hold Harmless and Indemnification Agreement.

The Board told the applicants that the public can park there. It is not the owner's property; it was noted and reiterated that anybody can park there.

MOTION by Mr. Loiseau to approve the Driveway Permit Appeal along with the Planner's Memorandum dated February 1, 2023.

SECOND by Ms. Mullen.

VOTE: 5 – 2 (Lessard and McNamara) - 0

MOTION PASSED.

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23-005 8 Ridgeview Terrace & 121 Mill Rd.

Maps: 146 & 145 Lots: 15 & 15

Applicant: Brian and Lisa Arakelian

Owner of Record: Same

Lot Line Adjustment: Transfer of 34,964 s.f. from 121 Mill Road (Map 145, Lot 15) to 8 Ridgeview Terrace (Map 146, Lot 15).

Henry Boyd, Millennium Engineering, appeared. The Arakelians (applicants) were in the audience. It is 2.03 acres. The applicants purchased the other parcel and are building another home. They want to make their home lot larger. This is transferring Parcel A, just under 35,000 square feet, and it will be combined to give them a new area. Mr. Bachand summarized it well in his Memo. The plan date – there was a revision of April 10, 2006 – Mr. Boyd will add that.

Mr. Boyd brought up that they are in the Aquifer Zone. This is in RA Zone. Since it is in the Aquifer, it is 20,000 square feet. Sealed surface on lots was discussed.

Mr. Boyd discussed Mr. Bachand’s Memo. A note stating “under construction” will be added. Mr. Lessard asked about the sewer easement. It will continue to go across Parcel A.

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PUBLIC**

Chad Moore, 127 Mill Road, appeared. He wanted to see the plan. He was worried about the displacement of water.

Jennifer Turino, 6 Ridgeview Terrace, appeared. They are having problems with drainage. It is going into a catch basin. It’s draining into properties across the street. They are concerned that the water is draining off now on what would be a new driveway. Consolidation of lots, what are the plans for future surface was asked. Will it have an adjoining driveway was asked. Ingress and egress was asked about. Will there be another traffic pattern being imposed. They don’t want that. What is the current construction doing to the road now was asked. There needs to be a stipulation with a process for the drainage and flooding to be addressed. She does not want this overlooked.

Mr. Boyd said this only has to do with a Lot Line Adjustment. The Building Permit was granted. There are existing issues out at the property. The leaching basin collects rainwater, but has no hard pipe outlet. It’s in the Town right-of-way. Mr. Boyd is working with the applicants. They may not be able to fix pre-existing problems, but it won’t be made worse. The applicant has put clay and stone there. They plan on having a driveway.

Ms. Mullen asked about the pattern of construction vehicles. There was a small pond at end of the driveway, she noted. The site drains that way per Mr. Boyd.

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Kathy Faulkingham, 14 Ridgeview Terrace, appeared and is also speaking for her mother-in-law Barbara who lives at 15 Ridgeview Terrace. She wants things to be kosher. It is not a small pond. Her mother-in-law has lived across the street for 60 years. Water has been redirected over the years. The applicant's house is behind hers. Ponds are streaming out of the ground. She spoke with the DPW Director. They have been pumping water for a month. This is nearly constantly now for a month. There was a pump pumping from the new construction into the sewer. She is concerned about any lot changes until the water problem is resolved. She has water coming onto her land and it's ponding on her property.

Ms. Faulkingham also noted her mother-in-law fell Saturday because she was landlocked and tried to step over a foot of water to get to the mailbox.

Mr. Boyd said there is a water issue out there. Mr. Boyd will look at this himself.

BOARD

Mr. Bachand discussed that these are important issues being raised this evening. The Building Department and the DPW should be aware of this. However, what is in the jurisdiction of the Board this evening is just a Lot Line Adjustment. The Board has his memo recommending approval with conditions therein. It was reiterated that everything that was stated is important.

MOTION by Mr. Lessard to approve the Lot Line Adjustment along with conditions in Mr. Bachand's Memorandum dated February 1, 2023.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

22-039 7 & 9 Gill Street (CONTINUED TO MAY 3, 2023 – SEE ABOVE)

Map: 223 Lot: 35

Applicant: Denis O'Neil (9) & Gill Street Rev Trust (7)

Owner of Record: O'Neil Family Revocable Trust (Denis and Maureen O'Neil, Trustees) and Gill Street Revocable Trust (J. Perras & S. Gorman, Trustees)

Wetlands Permit: Owners of both properties looking to fill in a small, low-lying isolated wetland portion of their yard that periodically floods/ponds & ices over in winter months (reaching egress points which are vital to be open in case of emergency).

V. CONSIDERATION OF MINUTES of January 18, 2023.

MOVED by Mr. McNamara.

SECOND by Mr. Loiseau.

VOTE: 7 – 0 – 0

MOTION PASSED.

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VI. CORRESPONDENCE

VII. OTHER BUSINESS

40 Ashworth Avenue – Request for a one-year extension of the conditional approval for condominium conversion

Mr. Bachand said 40 Ashworth Avenue is seeking a one-year extension for its condo conversion. They need the extension because condominium documents need to be reviewed. Mr. Bachand recommends the extension to February 3, 2024.

MOVED by Ms. Mullen.

SECOND by Mr. McNamara.

VOTE: 6 – 0 – 1 (Loiseau)

MOTION PASSED.

Mr. Bachand noted we applied for and received the HOP grant. The next step is to visit the Selectmen for acceptance of the funds. This will be scheduled for the February 13th Board of Selectmen meeting.

Mr. McNamara asked if Tori (the new Coastal Resilience Coordinator) can come to a future Planning Board meeting. He wants her to come in and meet again with the Board and discuss what may be in the pipeline/goals, etc.

Ms. Mullen discussed that in two weeks we will be discussing the Master Plan again. She noted a plan is being put forward to develop an aggregation plan for the Town to purchase energy that Unitil delivers to our homes. There is a likelihood we can buy cheaper power and lower residents' utility bills. She is concerned about net metering. People with solar installations take advantage of this to go toward installation. Solar is connected to the transmission system and residents sell power that they create to utility companies at retail cost.

Ms. Mullen noted the CPA Agreement that the Town is developing is a plan that will not permit net metering. She thinks that could be in conflict with our Master Plan. She said the entire plan is to opt out; one would be connected to it unless one says "no". Net metering customers, the Town does not know how many would qualify/benefit. They need to file additional documents with the Town. They would not be compensated for energy they are producing. Her concerns are for a potential conflict with the Master Plan and net metering. Ms. Mullen spoke with Julie Glover (Chair). Mr. Sawyer said Ms. Mullen may want to further discuss this with the Town Manager.

Mr. Bachand noted this is Article 33 for Town Meeting, and there are documents on the Town website for people to review.

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Mr. Lessard has not followed this. We purchase electricity from other vendors but go through Unitil. If this passes, nothing changes. Your bill will still go through Unitil.

Ms. Carnaby discussed that there is a company going around talking about free solar panels as a way of introducing the product to the Town.

VIII. ADJOURNMENT

MOTION by Mr. Loiseau to adjourn.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:33 p.m.

Respectfully submitted,

Laurie Olivier, Office Manager/Administrative Assistant

****PLEASE NOTE****

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

MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING