

HAMPTON PLANNING BOARD

DRAFT MINUTES

June 3, 2020 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Alex Loiseau, Clerk
Fran McMahan
Mark Olson
Keith Lessard
James Waddell, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT:

I. CALL TO ORDER

*The Planning Board Chairman Tracy Emerick, has determined that, due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, in order to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this body is authorized to meet electronically. Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, Chairman Emerick is confirming that the Planning Board are: Utilizing a teleconference service for this electronic Meeting. The Public may join the teleconference by calling toll free **1-857-444-0744** and using the code **156034**. If anyone has a problem, please call **603-929-5805**.*

Mr. Emerick commenced the meeting by introducing the Planning Board members.

Mr. Emerick read the Governor's State of Emergency criteria regarding the meeting being held telephonically. Prior to the meeting, the Planning Office gave information to applicants on how to access the meeting electronically.

Attendance was taken and it was stated who was in the room. All Planning Board members were home; no one was present with members. All votes will be taken by roll call.

II. ATTENDING TO BE HEARD

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III. NEW PUBLIC HEARINGS

20-024 35 Munsey Drive

Map: 76 Lot: 9

Applicant: Edward Stevens & Cathy Pascoe

Owner of Record: Same

Driveway Permit Appeal: Second Driveway requested (too many curb cuts)

Ms. Cathy Pascoe and Mr. Ed Stevens called in. They are requesting a permit for a second driveway. It is for the main level of the house. Her brother is moving in soon and has serious mobility issues. To access the main level, he needs to go up a steep set of stairs. It is difficult. They are worried about emergency services to the house also. As they age, it will also be difficult.

BOARD

Ms. Carnaby asked if another option was considered. Cutting out the shape of the proposed driveway and turn it around 45 degrees and stretch it where it says 12' and put it back down so it comes off of the existing driveway – would that work was asked. Ms. Pascoe said there is a septic tank on that part of the property. It would not work.

Mr. Olson said it is not the only one with two curb cuts in the neighborhood.

**PUBLIC
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MOTION by Mr. Olson to grant the driveway permit appeal for a second driveway.

SECOND by Mr. McMahon.

ROLL CALL VOTE: 6 – 1 (Lessard) – 0

MOTION PASSED.

20-026 220 A & B Towle Farm Rd

Map: 155 Lot: 4

Applicant: Dylan Drake & Kyle Averill (The Homestead Estates)

Owner of Record: Kyle & Kelly Averill & Dylan & Tessa Drake

Condominium Conversion (Amended): Amend condominium site plan to include garage(s), driveway(s), trellis removal, shed(s) construction, etc. Additions/improvements noted on Plan.

Waiver Request: Section V.E. – Detailed Plans

Mr. Dylan Drake and Mr. Kyle Averill, both applicants for each of the above addresses telephoned in. They want to build garages. The Legal Department said they have to come back to the Planning Board based on the condominium docs. Rather than coming back all the

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time, they want to propose now what they will want to do with the garages, etc. It is allowed in the zone. They wanted to remove the trellis, but they cannot. Mr. Bachand's memo says the units have to touch. Mr. Drake assumed it must be in the Regulations somewhere. They want to separate the driveways. The site distance will be improved with the new driveways.

BOARD

Ms. Carnaby thinks the condominium documents, as written, put the owners through hoops that could be avoided in the future. It seems to have been made overly complicated.

Mr. Olson thinks it is a good improvement.

**PUBLIC
BOARD**

Mr. Bachand said there is a condition incorporated for the driveway approval so that DPW will be able to issue the permits. They will need two separate driveway applications. Attorney Gearreald will need to review the condominium documents. It seems cumbersome to come back to the Planning Board for a garage, then a shed, etc. - he agrees. He recommends approval with the conditions in his Memorandum dated June 3, 2020. He noted there is also a waiver request.

MOTION by Mr. McMahon to approve the waiver.

SECOND by Mr. Lessard.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

MOVED by Mr. McMahon on the amended condominium conversion along with the Planner's stipulations in his Memorandum dated June 3rd.

SECOND by Mr. Lessard.

ROLL CALL VOTE: 7 – 0 - 0

MOTION PASSED.

20-027 2, 6 & 7 Scott Road & Scott Rd.

Map: 125 & 126 Lots: 44 & 7, 31 and 34

Applicant: Casemo Realty LLC

Owner of Record: Same.

Site Plan (Amended Application): Merge lots 31 & 34 and construct an approximately 28,800 s.f. industrial building with associated parking & driveway

Mr. Joe Coronati and Mr. Tom Moulton are on the line. Mr. Lessard recused himself; he is an abutter. Mr. Coronati, Jones & Beach spoke. The property is owned by Tom Moulton.

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He owns most of the properties in that area. The proposal is for all the lots. Only #6 Scott Road has the major development. They added 2 Scott Road because of parking that expanded over the property line. Same with 7 Scott Road. Lots 31 and 44 are what they are dealing with mainly. This is an industrial warehouse type use. Businesses and companies are in that area. Mr. Moulton wants to add a building to the parcel. A 28,800 square foot industrial building. The access is from Scott Road.

The proposed site plan shows new parking areas. Most of the area is asphalt or gravel or concrete. Green space is to remain. Most of the area is impervious. The existing building on 6 Scott Road is to remain. They went through the PRC process; did updates on drainage, stormwater improvements also. A detention pond is proposed. R-tank system for roof water. They will treat stormwater.

Utilities run through the property. There is a sewer easement running through the property along with other lines. They need to connect to the lines. Lighting is from the building itself. The eave of the building is 18' tall. It is not tall; not visible from Route One.

He will rent out spaces to businesses. It will increase industrial business in Hampton. Similar to Merrill Industrial Drive.

They received the Memorandum from Mr. Bachand. Easements were discussed. They want to relocate the sewer easement. They are willing to do that to make sure the existing sewer is in the easement that the Town has.

They received a letter from the abutter from 500 Lafayette Road. Mr. Coronati said it's challenging. They will work this out with the abutter. They have an access easement across the property. The easement said it can be relocated. Mr. Coronati believes the lawyers can work out the final location of the easement.

Ms. Carnaby would like to see the easement issue well defined in terms of an agreement before weighing in on the project. She discussed Architectural Guidelines – it could be more attractive. The building will be visible from the future greenway. There should be consideration for what will happen to traffic patterns. She wants more attention to those concerns before deciding.

Mr. Coronati discussed the existing and proposed buildings. He noted 7 Scott Road is on the property line adjacent to the greenway. Mr. Coronati thinks they are distant from the greenway. He discussed business-minded uses.

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Ms. Carnaby said it needs to get cleaned up. Parking bikes, etc., toward Route One. She thinks consideration of upgrade and clean up needs to take place. Mr. Coronati said they could look at something to break up the façade with awnings. They do want an industrial building though. Ms. Carnaby said it can compliment in a nicer way.

Mr. Moulton discussed feet of space. This building will be set back from the rail-trail. He keeps things in impeccable shape. His properties, he feels, look nice.

Mr. Olson thinks there is room for improvement. Detention basin-the bottom looks like it is 10' deep. Sides look large, and it could be dry although there have been problems with drainage. He asked if this should be fenced; is it a hazard for kids. It is a deep hole in an area that is undefined. It is a deep hole to leave exposed.

Mr. Coronati discussed stormwater treatment. That is why they went with the deeper pond. There are drainage problems on the railbed. They do not want to provide fencing. Mr. Olson said it is a hazard.

Mr. Moulton said maybe good-sized rocks around it would be a good idea.

Mr. Olson asked about the impact. It could be a one-man operation or ten-men. A traffic study may need to be done. Traffic in that area; Walgreens, Hannaford; it is already a disaster. Times of day, parcel deliveries, etc. This is a pretty significant increase in use.

Mr. Moulton does not think it will be bad. He thinks maybe there will be 6 tenants there. He has many options. He thinks a traffic study is unnecessary.

Mr. Olson said whether 12 or one or six, there is a half an acre of enclosed space and use will be increased. Parking spaces – shows much more intense use.

Mr. Coronati said the area is already used by businesses in Town. A couple of companies rent outdoor space on that parcel. He does not think traffic will be affected.

Mr. Coronati said there are multiple ways out of the property. A traffic light is used as well. Early arrivals and early exiting also occurs.

Mr. Loiseau thinks the building matches what is down there. He asked about the letter at 500 Lafayette Road-where is that in reference to the property. It is directly to the south of the applicant's property.

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Mr. McMahon asked about drainage in the area. He believes a lot of Route One drainage goes through Hannaford and down to the railroad right-of way – Exeter Road. How will it function was asked.

Mr. Coronati discussed usually railroads are the highest land around; in this, it is the lowest. Everything on the west side of Route One to North Hampton drains to the west and comes down to the railbed. There is a lot of stormwater that comes from Hannaford, this property, etc. There is a below grade cast iron pipe buried under the railbed.

A large amount of stormwater comes down the railbed and exceeds the capacity of the pipe below the railbed. It flows over the railroad/the old railbed down toward Depot Square. Then it heads to the west side of the railbed. It is a bit of a problem per Mr. Coronati. They are hoping to work with the DOT. Mr. Moulton is worried about this. They are coordinating with the DOT. They have a contact now. The drainage system needs help. They are working on a solution.

Mr. McMahon said sometimes there is a bad situation and we need to understand this parcel may contribute to this. We need to make sure they need what they need to do on their piece of property.

Mr. McMahon said to look at the building. He thinks what is shown is pretty basic and wants them to do the best they can with that.

Mr. Emerick said these buildings are good for business start-ups.

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Mr. Bachand discussed some form of traffic study. He thinks the comment is valid. It came up at the PRC meeting. The DPW and he brought it up then. Having a traffic engineer look at it was requested. Mr. Bachand read the Jones & Beach response to this item from Mr. Coronati's letter. Mr. Bachand said it should be considered.

Mr. Coronati does not believe it is a high traffic generator. He does not see back up on Scott Road.

Mr. Bachand agrees that the building would be hidden fairly well from Route One, but more should be done to bring it up aesthetically.

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Easements-there are many. He has a suggested condition for Attorney Gearreald's legal review of easements.

The abutters concern about the easement needs to be straightened out with the Town Attorney also before the plan is recorded.

There was a PRC comment from the new Building Inspector – people having a tendency to stay overnight in units. He included a condition that it not be occupied by tenants overnight.

Mr. Moulton said there was an isolated situation, someone recently divorced stayed overnight. People are not allowed to stay overnight.

Easements should not involve the Town per the applicants.

Mr. Bachand noted it is Condition #12 of his Memorandum.

Mr. Bachand discussed the Lot Merger. It should be 31 and 44. There was a typo.

Mr. Bachand recommends if the project is approved this evening, he recommends to include the conditions in his Memorandum dated June 3rd, amended to correct the typo.

BOARD

Ms. Carnaby asked about the traffic study. It gets heavily backed up on Route One. Especially summer traffic. She asked if there is a set of criteria regarding traffic studies. Mr. Emerick said they are looked at individually. Mr. Emerick said we have a failed intersection. Mr. Bachand said it is looked at on a case-by-case basis per the regulations.

Mr. McMahon said it is the intersection.

MOTION by Mr. Waddell to grant the site plan along with the conditions in the Planner's Memorandum dated June 3rd, excluding Condition #12.

SECOND by Mr. Loiseau.

ROLL CALL VOTE: Ms. Carnaby: Abstained.

Mr. Waddell: Yes.

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Mr. Olson: No. He said it is in nobody's purview tonight at who looks at easements. We do not let applicants decide if our attorney needs to review this. The Board does not get told how it's going to be. If there is an issue with an abutter, we need to know the abutter's concerns.

Mr. McMahon: No.

Ms. Carnaby changed her vote to "No". She abstained first (above). Ms. Carnaby asked if this can instead be continued to July 1st, and get a reading from Town Counsel in the meantime.

Mr. Loiseau wants more time to think on this now.

Mr. Emerick noted this motion does not pass.

MOTION by Mr. McMahon to approve the application along with the conditions in Mr. Bachand's Memorandum dated June 3, 2020.

SECOND by Mr. Waddell.

Ann Carnaby: Yes.

Jim Waddell: Yes.

Mark Olson: No.

Alex Loiseau: Yes.

Mr. McMahon: Yes.

Mr. Emerick: Yes.

ROLL CALL VOTE: 5 – 1 (Olson) – 1 (Lessard – recused) MOTION PASSED.

20-028 38 Island Path

Map: 282 Lot: 12

Applicant: Richard & Martha Bernier

Owner of Record: Richard & Martha Bernier, Trustees, Revocable Trust.

Wetlands Permit: Raise the existing house and deck to elevation 11.5 so the structure will be above flood elevation

Mr. Norman Carpentier, Carpentier Construction, telephoned in. They do not object to any of the recommendations from the Conservation Commission.

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MOTION by Mr. Lessard to approve the Wetlands Permit along with the conditions in the Conservation Commission letter dated May 27, 2020.

SECOND by Ms. Carnaby.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

20-023 44 Reddington Landing (continued from May 6, 2020)

Map: 43 Lot: 20

Applicants: Sean and Kristene Kelley

Owner of Record: Same.

Conditional Use Permit for ADU: Construct approximately 639 s.f. attached accessory dwelling unit to be located within proposed addition to home.

Attorney James Scully telephoned in. This is for a 639 square foot accessory dwelling unit. They thought they had to go to the ZBA because it is in the Business District. A variance was passed in the 90's for a 13-lot single-family subdivision in the B Zone. That is why this is permitted. They contacted the Airfield; the owner had no issues. An addition is below the existing house.

BOARD

Mr. Olson said it keeps in the spirit of the ADU ordinance; it compliments the house. The only access to the bathroom is through the bedroom—he just wanted to note that.

Mr. McMahan asked if it (the ADU) is the first floor and the second floor. The first floor is only shown. Rooms are above – are they bedrooms was asked. Attorney Scully said he can text the builder if that is what they want. Mr. Kelley arrived on the line. The area above the first floor – there are no rooms; just attic space. Mr. Kelley said there is no plan now to use that space. Mr. McMahan noted that it could be used though.

Mr. Lessard agrees with Mr. McMahan. It doesn't show that it is unoccupied space. Two gable windows cut into the addition over the ADU. Mr. Kelley said it is just for aesthetic purposes.

PUBLIC BOARD

Mr. Bachand discussed the space above. The ADU only allows a maximum of 800 square feet. The Board can include no additional expansion of the ADU if it wishes. Otherwise, Mr. Bachand has no issues. If approved, he recommends said approval with the conditions in his Memorandum dated June 3, 2020.

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MOTION to approve by Mr. Olson including conditions in Planner’s Memorandum dated June 3, 2020.

SECOND by Mr. Lessard.

ROLL CALL VOTE: 6 – 1 (McMahon) – 0

MOTION PASSED.

20-021 349 Lafayette Road (continued from May 6, 2020)

Map: 175 Lot: 5

Applicant: Paul Rabenius

Owner of Record: Lafayette Road 349, LLC

Site Plan: Construct a 2,565 square foot Auto-Service Station with improved access, parking and utilities.

Mr. Rabenius phoned in. Chris Rice, TF Moran is on the phone. Dana Newcomb, from Dana’s Towing is also on the phone. This is in the Town Center-South District. The previous building was demolished. There are no wetlands on the property. A 2,565 square foot auto service station is proposed. One story with attic space and storage. The use is permitted by Zoning. Hours are 8 to 5. Trash storage is inside the building. No sales of vehicles on or off site. Three service doors and one service bay door facing Lafayette Road was discussed. Thirteen spaces are provided.

The site and sidewalk are flush with the existing roadway. The sidewalk will be provided. Aquarion Water and natural gas are available. Proposed improvements are being worked on.

They came to the Planning Board in 2019 for a conceptual consultation. They went to the ZBA on February 20, 2020.

Low level landscaping was discussed. A drainage analysis has been provided. Easements were discussed. They will work with their Attorney and the Town on doing whatever is needed. Curb cuts were discussed.

Mr. Rice discussed the crosswalk. They are happy to work with staff on the crosswalk. After the roadway improvements are done, that would be a good time to address this.

Mr. Rice – flatbeds are not parked on site. Occasionally, they will be on the property. It is a tow business. Late night tows occur also. They will try to not park along the front area. They would like the Board to consider that.

Paul Rabenius concurs with everything.

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Ms. Carnaby was surprised at the landscaping. She thought at the conceptual consultation on the review, the plantings that go around the corner from Winnacunnet Road to High Street, she asked that they be tall enough to shield the view of rows of cars parked and perhaps put in a couple of benches. The plantings are very low. She is not sure if that is aesthetically pleasing.

Ms. Carnaby thinks the crosswalks need a lot of consideration to accommodate the pedestrian traffic that will increase in that area. A crosswalk closer to the bank should be placed. Even one at the other bank and Chamber of Commerce. She thinks we need to give more consideration to this on another night. Signage was discussed. It was not what she was expecting to see. The one-year permission to use parcel for temporary parking lot was discussed. The tow trucks are there all the time, and not where the parking is indicated on the plan. They are parked in the front where we asked that they not be.

Mr. Olson sees Ms. Carnaby's concerns. Mr. Olson wants the intersection re-aligned.

Mr. Olson asked about a white area on the drawing – along the Kennebunk Savings Bank line. Is it delineated as something else was asked (on the plan)

Mr. Rabenius does not know what this is. Nothing should be there. Maybe it was a snow pile. It is in the designated snow storage area.

Blocking visibility along the corner (having plantings too high) was discussed. It has been discussed with staff.

Mr. Olson read Ms. Hale's memo on this. An island to delineate a right hand turn. She suggested detail to further break up the cross walk. Would they consider that was asked.

Mr. Rabenius said there may not be enough width. He would drop it before the crosswalk. Making it 5' wide. Mr. Olson thought it was interesting. They are open to working with the Town as it is developed.

Mr. Loiseau thinks it is a big improvement.

Mr. McMahon thinks the crosswalk is essential, and the applicant needs to work with Public Works. Between sidewalk (new) (and curb line) is Town property. The plan shows loaming and seeding. Is that the Town's responsibility was asked or is Dana going to mow the grass.

Chris Rice said they are committed to put in the curb line; then it is Town's responsibility to maintain.

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Mr. McMahon asked about the roof signs, will they be illuminated was asked. Mr. Rabenius said yes – over the top of the sign. No messages of any sort will be on the signs.

PUBLIC

Dana Newcomb telephoned in. He discussed tow trucks. They are a towing company; they take pride in equipment. He keeps the trucks looking good; they are billboards for him. Nobody has talked poorly about how the trucks look compared to what was there before.

BOARD

Mr. Bachand said signage in this location is a big deal. Incorporating architectural elements was discussed. It is in the suggested conditions.

Landscaping was discussed. The height was a staff concern; that is why there are lower level plantings. The refuge island should be worked on. The triangular piece of land is being worked on by the Town Attorney and the applicant's attorney.

Keeping tow trucks and flat beds across the street was always the thought here per Mr. Bachand. Having a delegated spot on the site in the evening may be alright, if the Board wishes to amend (the conditions).

If the Board wishes to approve this application at this time, he recommends it be with the conditions in his Memorandum dated June 3, 2020.

Dana Newcomb discussed servicing for 45 years. The gas trucks were bigger than the tow trucks there now.

Mr. Lessard asked if this project is approved, is signage in the drawing not approved, and it would it have to meet the Sign Ordinance. That is correct. Mr. Lessard wants clarification.

MOTION by Mr. Lessard to approve plan based upon the Planner's memorandum dated June 3, 2020.

SECOND by Mr. Waddell.

Mr. Lessard thinks parking trucks on site is fine for now.

Mr. Emerick said they are in the tow truck business; they should park where they want.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

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V. CONSIDERATION OF MINUTES of May 20, 2020.

MOVED by Mr. McMahon to accept and approve the Minutes.

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 – 1 (Loiseau muted) MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

Mr. Bachand discussed his email about ideas for meeting in person. Mr. Emerick said let us see what the guidelines are for the State. The first meeting in July there will be different guidelines. It is an approach. If the Board has any thoughts we can discuss and see what we can do.

Mr. McMahon asked if we are communicating with the Governor. What about the interests of the Town. When will business be in a more normal fashion was asked about. Mr. McMahon thinks we as a Town should be able to do more than we are doing right now. Ms. Olivier said there is a teleconference on Thursday; it may be good to ask Mr. Sullivan at that time.

Mr. Waddell said Mr. Sullivan is attending the meetings. Mr. McMahon does not think this is as productive as it should be. There is synergy (when meeting in person). Ms. Carnaby agrees. It is extra hard without sight. She asked why the Town cannot use Zoom. Mr. Waddell said that is because it has been hacked.

VIII. ADJOURNMENT

MOTION by Mr. McMahon to adjourn.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 – 0 MOTION PASSED.

MEETING ADJOURNED: 8:50 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