

HAMPTON PLANNING BOARD

MINUTES

July 18, 2012 – 7:00 p.m.

PRESENT: Fran McMahon, Chair
Mark Olson, Vice Chair
Tracy Emerick
Rick Griffin, Selectman Member
Keith Lessard
Steven Miller, Alternate
Brendan McNamara, Clerk
Jamie Steffen, Town Planner

ABSENT: Mark Loopley

I. CALL TO ORDER

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

Mr. McMahon discussed changes to the agenda. He stated that the 52 Nudd Avenue special permit application will need to be moved to the September 5, 2012 meeting.

12-030 52 Nudd Avenue

Map: 274, Lot: 137

Applicant: Richard Atwood

Owner of Record: Richlor Realty Trust

Special Permit: Installation of new drainage system into existing driveway to create effective stormwater management system & general site improvements.

MOVED by Mr. Emerick to continue the 52 Nudd Avenue special permit application to the Planning Board's September 5, 2012 meeting.

SECOND by Mr. Lessard.

VOTE: 6 – 0 – 0 (Mr. Griffin was absent)

MOTION PASSED.

12-033 48 Hobson Avenue

Map: 289, Lot: 8

Applicant: Kelly Ford

Owner of Record: Same

Special Permit: Replace rear deck from 8 feet x 6 feet to 10 feet x 8 feet.

Mr. McMahon stated that the applicant wishes to be continued to the August 1, 2012 meeting.

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MOTION by Mr. Lessard to continue the 43 Hobson Avenue special permit application to the August 1, 2012 meeting.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0 (Mr. Griffin absent)

MOTION PASSED.

Mr. McMahon stated that 7 Gill Street application will be heard before the Seacoast United Soccer Club applications.

II. ATTENDING TO BE HEARD

- Gabriello Gabrielli – Parking Lot (14 spaces) - 15 Church Street

Mr. Corey Colwell from MSC Civil Engineers appeared. He handed out supplemental packages for the Board. He noted that they are not revised. Attorney Nadeau also appeared. Mr. Colwell explained the timeline and details of the special permit approval to construct brick pavers in the wetlands buffer. He noted construction of brick parking area was done to provide more parking on site. Brick pavers, fence and insulation of blueberry bushes were discussed. Storm water run-off was discussed. The past history of the site which included lodging and rental housing was discussed. It was noted the property currently has six rental units. In the future they may want to convert to condominiums. The applicant wishes to do some temporary beach parking for now. The required number of parking spaces for the existing use was discussed. Six units at 2 spaces per unit require 12 spaces. The existing tenant spaces currently are at 10 spaces. They would designate spaces numbered 13 and 14 on the plan as tenant parking to comply with the 12-space requirement. Spaces 1 through 12 would be for the temporary parking. It was stated that spaces 1 through 9 don't have correct aisle width but the access would be one way only. It was further stated that spaces 1 through 4 could be compact car only. It was noted that if more spaces were needed, they would angle the 6 spaces. The 11 foot aisle width requirement was discussed. Mr. Colwell noted that a waiver is required for not lining the spaces on brick pavers. He stated that painting white lines on brick pavers would not be aesthetically pleasing.

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Mr. McMahon asked where the exit is located on the east side. Mr. Colwell responded that it is pavement right up to the building. Mr. McMahon would like to see sufficient room for vehicles to maneuver. Mr. Colwell responded that he will to add the existing parking spaces on that side to the plan.

Mr. Lessard asked for a definition of a compact car. Mr. Colwell responded that compact cars are usually 4 feet shorter than standard cars. They are measured in meters, but it would be between 8 and 11 feet. Eleven feet is the maximum length. Mr. Colwell stated in the first option they could rent spaces 1-5 and have them be designated for compact cars only with 6-12 for any vehicle. The second option would be 8 spaces available for any car. There is only room right now for 3 legal spaces. They are non-parking spaces unless they are lined up. Mr. Lessard feels

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that they should paint the lines on the brick area. Mr. Lessard asked about the space between parking spaces 3 and 4. Mr. Colwell stated that that is designated to remain open as explained in note 9. The attendant would control that space staying open. There was more discussion about the six apartments units. It was noted that the owner occupies two units. Mr. Steffen noted that the Assessor's office has it listed as 8 residential units. The owner purchased the property in 1971 but he doesn't know when it became apartments. It was noted that if there are 8 units, there needs to be another parking space. Mr. McNamara asked how large the units are. Mr. Colwell is not sure - there are a total of 8 bathrooms but he does not know how many kitchens there are in total. Attorney Jay Nadeau appeared - counsel for Mr. Gabrielli. He confirmed that there are 8 units. He does not know how large they are. Mr. Nadeau stated that Mr. Gabrielli wishes to condo the property as part of his estate planning. Right now there are two apartments rented and six units unoccupied. He confirmed that there needs to be another parking space. He confirmed that the temporary parking is for a one-year term.

Mr. Colwell stated that there is enough room on site for all parking. Some would have to be designated as tenant parking. Mr. Nadeau stated that he will put signage up stating "tenant parking only".

Mr. Lessard would like to see 8 legal size parking spaces. Mr. Steffen stated it would depend on the use. It was one per unit. If he decides to condo the property that may change the parking requirement, but right now he may be grandfathered as one space per unit. Mr. Lessard stated he would like a certain number designated as tenant parking. He stated he is against the compact car parking option. Mr. Lessard asked where dumpster(s) will be located.

Ms. Rayann Dionne, Conservation Coordinator, appeared. She explained that the spacing around the pavers is permeable, and there should not be an issue with striping the pavers. She noted that all snow storage needs to be outside the 50' wetlands buffer and that should be noted on the plan. She also stated that the dumpster has to be outside of the 50' buffer.

Mr. Colwell responded that he thinks that the dumpster is no longer on-site - there is an enclosure for trash. He will check that. Mr. McMahan asked if it's private trash pick-up. Mr. Colwell is not sure.

Mr. Emerick stated that he feels that the Board should approve the more dense parking option. Mr. McNamara would first like to see where parking is on the Charles Street side - there may not be legal parking there. Mr. McMahan stated to look at that for the rear parking as well. Mr. Colwell responded that he will designate the three spaces on the plan for the Board to see. Mr. McNamara stated he would like to be clear on the parking spaces for tenant parking. There would be 8 spaces on-site and they need 12 spaces for tenants - that's with 3 parking spaces marked out on Charles Street. There would need to be 20 parking spaces with parking option #2. Storage in the garage was asked about. Designation of units were discussed and the size of the apartments. Mr. Colwell will do a separate sheet showing unit size and the space required.

MOTION by Mr. Emerick to continue the matter to the August 1, 2012 meeting. The applicant will check on the parking requirements for each unit. Trash and snow removal will be addressed. The parking spaces along Charles Street will be shown on the plan and Mr. Colwell will determine if the existing spaces are grandfathered. Mr. Emerick asked which plan the Board prefers. Mr. McNamara prefers the angled spaces plan. Mr. Lessard does also, as well as Mr.

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McMahon. Mr. McMahon asked again about trash disposal. The barrels can be rolled out to Church Street.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

III. NEW PUBLIC HEARINGS

12-032 11 Susan Lane

Map: 286, Lot: 5

Applicant: James Hatzos

Owner of Record: Same

Special Permit (after the fact): Re-cover existing stone driveway with one-half inch of granite stone.

Mr. Hatzos appeared. He stated he added some crushed stone on his existing driveway. He did not receive the recommendation letter from the Conservation Commission. He stated he was asked to pull the corners back. He did agree to do that. He further stated that the Conservation Commission has now asked him to pull it all back. He stated he will have trouble turning his car if he pulls it back as far as what is being asked of him. His trucks are bigger than his cars and have a wider turning radius. He pulled the stone back 2 to 2 ½ feet. He noted that Ms. Dionne is coming out to his property next Monday to view what has been done to make sure it complies with what the Conservation Commission has asked for.

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Mr. Lessard asked about the stone being removed back to the original driveway. Mr. Olson asked about the 4 and 8 foot strips between the house and the driveway.

Ms. Dionne, the Conservation Coordinator, appeared. She stated they went on site and the stone has been expanded beyond the existing footprint. They want further stone to be pulled back to meet the former U shape. She explained that it needs to be pulled back more to go back to the original footprint. She will look at it next week. She wants stone to be within the original footprint of the driveway and edging added to keep stone from getting pushed toward the wetlands.

Ms. Harrington, a neighbor appeared. She stated that she does not feel there has been substantial change to the area. She feels it looks nicer now. She further stated that she believes there are no stones moving toward the wetlands.

Mr. Lessard asked him to comply by putting the gravel back to the driveway.

MOTION by Mr. Lessard to approve the special permit in accordance with the stipulations contained in the Conservation Commission's letter dated July 9, 2012.

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

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12-035 7 Gill Street

Map: 223, Lot: 35

Applicant: Angelina Marquis & Diane Gorman

Owners of Record: Diane Gorman

Special Permit (after the fact): Placement of 7' x 7' vinyl snap-on shed, 3 ½ feet from wetlands.

Ms. Marquis and Ms. Gorman appeared and stated they do have a shed on their property.

BOARD

Ms. Lessard asked why they put the shed in when they have been previously told they could not. The applicant responded that she has no place to put their chairs, gas grill, lawn mower, etc. She stated it is a snap together building - not a permanent shed. She further stated that neighboring units have sheds on their properties. Mr. McMahon stated violations happen everywhere, but that does not make it justifiable.

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Ms. Rayann Dionne, Conservation Coordinator, appeared. She stated that previously the existing shed was to be removed for mitigation. No additional buildings were to be added per the stipulations of the special permit approval. She noted in 2009 they wanted to replace a fence and also put up a shed. The fence was granted and the shed was denied. She feels the same criteria still holds true now. She stated that if she hears of other sheds that may be located in the buffer or wetlands she investigates. The applicant stated when they bought the property they were given a permit to build their residence. After the sewer moratorium, they were told it was wetlands which she feels is from the building of other houses around them. She explained that was why the lots were reconfigured. Ms. Goethel, Conservation Commission member appeared. She stated that she was the vice chairman of the Conservation Commission when this all started. She explained there used to be two cottages and they merged the two. By allowing them to have a larger building part of the mitigation was that they would not have anything else at the back of their property. She stated that there are other wetlands out there. She further stated that when they were allowed to increase the sealed surface they agreed to no more intrusion into the back yard. She doesn't know what the hardship is.

MOTION by Mr. Lessard to deny the special permit for placement of 7' x 7' vinyl snap-on shed, 3 ½ feet from wetlands.

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Mr. Emerick asked about the tax map for the property. It used to have a porch between the two buildings. Mr. McMahon has seen the site before. The two buildings used to be attached. **SECOND** by Mr. McNamara. He stated his second on the motion is because of the previous mitigation. He noted that the request was denied in 2009, and the shed is there. Mr. Miller added that they agreed to no shed in 2004.

VOTE: 5 – 2 - 0 (Mr. Emerick & Mr. Griffin)

MOTION PASSED.

12-034 311 Winnacunnet Road

Map: 206, Lot: 44

Applicant: Seacoast United Soccer Club

Owners of Record: Paul Willis & Ian Burgess

Special Permit: To fill 6,661 square feet of wetlands and impact 58,461 square feet of wetlands buffer.

Christian Smith and Lindsay O'Reilly appeared. Paul Willis was in the audience, along with Tom Viviano, Jim Gove and Ian Burgess. Mr. Smith handed out the presentation plan to the Board. He discussed the three isolated man-made wetlands. He discussed the correspondence from the Conservation Commission. Ms. O'Reilly stated they are not man-created wetlands. They are man-induced wetlands. It's from inactivity. It would not provide aquatic habitat. Storm water storage and treatment was discussed. She explained that they are creating 15 times more storm water storage on site with the proposed system as well as additional storage from constructed gravel wetlands. She noted that there are 43,500 cubic feet of storm water storage and 5,989 cubic feet of storage from the gravel wetlands. She explained that this is more than a detention pond. It is also creating wetland habitat that may attract wildlife. Mr. Smith stated that UNH has been doing testing on gravel wetlands and they are shown to have high pollutant removal results. He further discussed the benefits. He stated that it is a cleansing mechanism. He also explained that a portion of the parking area will be crushed stone and gravel.

BOARD

Mr. McMahon asked if the crushed stone parking area would become impervious. Mr. Smith said it has a small CN number—there is some infiltration that takes place. It will become more compacted as time goes on. Mr. McMahon asked if they looked out porous pavement.

Mr. Lessard discussed the values of wetlands. He asked about proposed mitigation. Ms. O'Reilly said she believes what is proposed does show a compromise on that. Mr. Lessard asked about the existing detention pond. Mr. McMahon asked about the status of the State permit. It has been submitted per Ms. O'Reilly. She stated that they have 75 days to act upon it and they are 15 days in.

Mr. Lessard asked if our engineers had comments on the wetlands.

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Tom Welch appeared. He stated that he is a direct abutter. He abuts about 1600 SF of the property. He discussed site elevations. He believes that there is a lot of storm water run-off. He's offered to do a land swap with the applicant. He feels that he is going to end up with a large area that won't dry out very well. He stated that the water table is very high. He can dig a 5 foot hole in the yard and get water. His other concerns are vehicle headlights and exhaust. He stated that his house is about 160 feet away. He is also worried about dust travelling to his home.

Mr. Jay Diener of the Conservation Commission appeared. He discussed the difficulty in balancing the interest of the property owner and the Town in having an athletic outlet for kids and protecting wetlands. He stated the voters at Town meeting have passed the wetlands regulations and the Conservation Commission wants to see them upheld. He read some applicable sections aloud: 2.33 – Permitted Uses and 2.31 – Purposes. He asked the Board to keep in mind the origin of a wetland, and explained that our ordinances don't care whether a wetland is man-made or naturally occurring. He stated that all have value.

He also discussed the drainage calculations. He stated 6,000 SF of wetlands plus 58,000 SF of wetlands buffer would be destroyed which is approximately an acre and a half in the Wetlands Conservation District. He feels the drainage calculations would change drastically.

Mr. Diener then discussed wildlife habitat. He explained that just because endangered species may not be present does not make it a less viable habitat. He had concerns about the gravel wetlands right on the edge of the parking lot. He noted cars coming in and out and toxic waste and lights do not make a viable wildlife habitat. He discussed the statement about the wetland pockets not being vernal pools. He noted that vernal pools that they made the determination in February but vernal pools cannot be addressed until the spring. He also discussed the crushed stone parking. He feels that it is no different than asphalt. He noted that on the site walk the Commission asked the applicant to consider putting in permeable parking lot surfaces. They have had no response to that. He feels that filling in an acre and a quarter with no mitigation is not good. Runoff will drain onto Mr. Welch's property. The storm water is supposed to be maintained on site. He feels that there are too many problems that will impact the Town. He would love to see an indoor basketball facility in the Town of Hampton, but he feels this is not the place for it.

Mr. McMahon asked about the wetlands acreage. It was noted that the 6,600 SF are the wetlands and 58,000 SF are the wetlands buffer. Put together it is an acre and a half.

Mr. Peter Tilton appeared. He stated that he is on the Conservation Commission, but he is speaking as a resident. He discussed restoration of salt marshes. He stated that there is too much run-off going into existing areas. He discussed our wetlands ordinance. There are to be no structures in the Wetlands Conservation District. He stated the Town has had buildings half torn down in order to comply with this. He asked how the Town can reconcile that to hundreds of people when this applicant wants to fill an acre and a half. He stated that had had seen Mr. Steffen's memorandum to the Board and he disagrees with the statement that "these areas to be filled do not offer significant wildlife habitat." Mr. Tilton stated that he believes we still have wildlife habitat. He further stated that habitat is the area left untouched. He indicated that he would like to hear from Mr. Steffen regarding his assertion about the wildlife habitat comment. He discussed existing conditions and the high water table.

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Steve England appeared. He stated that he is not an abutter. He spoke in favor of the project. He remembered it as a gravel pit. He thought that was mitigation. He asked when an area stops being wetlands.

Chuck Whitney appeared. He stated he is in favor of the project for the kids. He agrees with the wetlands talk.

Ellen Goethel appeared. She explained that the intent of the wetlands ordinance is to ensure wildlife habit and drainage and flood protection. She asked for that to be kept in mind. She noted that there had been a stream running through it before the landfill was there. She stated it is a viable wetland. She further stated that if this were a homeowner who wanted to fill in this much property the Planning Board would say no. If this were a condominium project that wanted to fill in wetlands, the answer would be “no”. She stated that she would like the Planning Board to think of the precedence it will set.

Paul Sullivan appeared. He stated that he voted for the wetlands ordinance, but noted that when he voted for it, he didn't understand it. He stated that we throw common sense aside when we pass ordinances. He discussed the landfill impacting the wildlife habitat. He thinks the soccer club is a good thing.

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Mr. Smith discussed the swale and runoff onto Mr. Welch's property. He stated the water flow all goes on the Seacoast United property. He explained that water may eventually get to Mr. Welch's property but they are required to contain all of their runoff on-site. He indicated that CMA Engineers will be reviewing this as well as NHDES.

Mr. Gove appeared. He discussed his credentials. He stated that they have met with the NHDES Wetlands Bureau. They went through delineation process with them. They agreed on a pre-application basis that there is no problem with the project. He discussed wetlands functions. Poorly-drained soils and buffers were discussed. He indicated that there are natural soil conditions and they meet the criteria for vegetation. He explained in order to have vernal pools you need water in them and these pockets had no water in them. He discussed flora and wildlife and wetlands species. He discussed the wetlands ordinance purposes and requirements.

Mr. Emerick stated that both arguments are valid. He commends the Conservation Commission for doing their job. He asked though what is in the best interest of the Town. He goes with the people over wildlife. Mr. Lessard stated there has to be some mitigation, like what was done on Drakeside Road and Foss Manufacturing (filled in wetlands). He would like to know more about the proposed mitigation. He asked if this could be an industrial warehouse at some point. He would like the applicant to propose reasonable mitigation and it doesn't have to be on-site.

Mr. Griffin stated that the Conservation Commission does a great job. He sees that the audience really wants this project. He stated where Hampton does not have a youth center he is in favor of the project but he agrees with Mr. Lessard that there should be some kind of mitigation offered.

Mr. Emerick stated he would like to hear the drawbacks with the land swap with Mr. Welch. Mr. Smith responded that he had the conversation with Mr. Welch before the meeting.

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The major drawback is having the site re-designed, plus there would then be new abutters that would have to be taken into consideration.

Mr. Steffen discussed possible mitigation on-site. He suggested the triangular piece of land behind the soccer arena. He discussed that there seems to be enough area back there to do something but it is shown as an area for snow storage and landscaping. It does not have to be on site per Mr. McMahon. Mr. Olson stated this is the most difficult decision for him. He explained that it makes sense to have a facility like this in a location where you have existing recreational facilities like the skateboard park, in-line hockey and the soccer facility. They should be grouped together and this location lends itself to this area. He discussed other options such as building on top of existing soccer facility. He discussed mitigation options such as another piece of land in Town or creating something in the triangle piece. Mr. Smith responded that they had to look accommodating the 100 year storm. He further responded that the applicant has stated that he will be willing to continue the hearing for a month so they can find offsite areas to aid in mitigation. Mr. McMahon stated they will need to work with the Conservation Commission on this. Mr. McMahon asked about the impact on the Welch property. He would them to take a closer look at whether the runoff will adversely affect his property.

MOTION by Mr. Emerick to continue the matter to the August 15, 2012 meeting.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

12-027 311 Winnacunnet Road

Map: 206, Lot: 44-2

Applicant: Seacoast United Soccer Club (through)

Owners of Record: Paul Willis & Ian Burgess

Site Plan Review: 36,000 SF basketball facility with parking and fitness center conversion within existing soccer facility building.

Christian Smith with Beals Associates and Lindsay O'Reilly of Gove appeared. Mr. Smith indicated that they received the memorandum from CMA Engineers on the traffic study review. Mr. Smith also stated they added more detail on the landscaping. He has not received a second review memorandum as of yet. Mr. Steffen stated that he forwarded to the Board the traffic one from CMA. The impact on the Landing Road/Winnacunnet Road intersection was discussed. Mr. Lessard asked what the current level of service the intersection is. Steve Pernaw appeared and stated that there is not one level of service there. Westbound left turns were discussed. Mr. McMahon discussed potential safety concerns and the hazardous turning movements. He thinks it's the worst intersection in Town. Mr. Pernaw stated peak traffic will occur not at peak times in Hampton. He stated that the intersection should be designed for peak summer traffic. Mr. McMahon does not agree with Mr. Pernaw.

Mr. Emerick stated that the intersection is not in the current Capital Improvements Program (CIP). Mr. Miller stated he feels it's a horrible intersection.

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Mr. Tom Welch appeared. He stated that his concerns are with the position of the parking lot - it's at the same elevation of his house. He further stated that there is no noise mitigation proposed. He brought up his concerns again about car lights. He noted that Hardardt's Way was not supposed to be a public road, but now it is. Sand from the gravel parking lot blowing toward his property is a concern. He asked about security issues, i.e. having a parking lot behind two buildings.

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Mr. Lessard asked for the landscaping plan. Mr. Smith noted it is on the Utility and Lighting Plan sheet. The site lighting was discussed. Mr. Steffen stated he did not see where the white spruce trees are located. Mr. Smith pointed out on the plan their location. Mr. Smith stated a "living" fence with landscaping will prevent car lights from shining onto the Welch property. They will add that on as well as scattered lighting units.

Mr. McNamara asked about the parking figures. He discussed the 1 for every 3 person capacity requirement. He asked if that included players on the team. Mr. Smith responded that the kids usually come with their parents. Occupancy of building at any given time was discussed by Mr. McNamara. Referees and staff need to also be included in the number - it's the human load that Mr. McNamara is referring to. Mr. Smith responded that he will review that. Mr. McNamara mentioned parking for the fitness center as well. Mr. Smith will review all that.

Mr. Steffen stated that CMA's engineering review was received. He indicated that their only outstanding comment was regarding the Stormwater O&M Plan. He stated that they want to make sure there is wording in the report that someone qualified needs to do annual inspections and reporting. Mr. Smith indicated that he will respond to Bill Straub of CMA about that. Mr. Steffen discussed other plan revisions that he would like to see: 1) the handicap parking space requirement needs to be listed in the parking requirements and 2) all zoning variances shall be listed. Mr. Emerick asked about parking issues the Planning Board has done in the past. Mr. McNamara said spaces have to be delineated.

Mr. Lessard asked about a crosswalk on Winnacunnet Road. Mr. Smith responded that there is not a good place for children to land. He discussed a sign stating "Pedestrian Crossing". "No Parking" signs can be placed as well. Mr. Steffen stated that he sent the Police Chief a request for input on these issues. He indicated that the Police Chief stated he wouldn't be opposed to a crosswalk on Winnacunnet Road but he would need to see a design first. Mr. Smith responded that he can look at a crosswalk further if the Board would like. Mr. Smith stated he cannot tie into the driveway due to the slope of the area and that make it difficult to do a walkway down the side of the driveway.

Mr. Ian Burgess appeared. He stated that he lives on Penniman Lane and said that no one walks there. He indicated that kids from the skateboard park are the only ones who walk to the facility. Mr. Steffen stated that there is a sidewalk on Winnacunnet Road and a

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connection to the facility driveway is what they are looking for. Mr. Smith responded that he will look at it with Steve Pernaw.

Mr. Steffen discussed the issue of police officer control of traffic for tournament weekends as was discussed at the first hearing. He stated that he discussed this Police Chief Sullivan and he thinks the Planning Board needs to be more structured with it. It was asked at what events police would be needed. Special events and clinics may warrant police coverage. It was asked who will determine when it's needed. Tournaments are scheduled out every four or five months. It's a fluent process. Mr. McMahon Stated is worried about timeliness - providing a detail officer that the applicant would pay for and time to let police know would have to take place. Mr. Viviano stated he would contact the police. Mr. Lessard asked who would alert the applicant to know when it would be warranted.

Mr. Viviano appeared. He noted that the soccer facility doesn't do many tournaments - there could be six to eight tournaments a year. Mr. Viviano Stated he will meet with the police department to make these arrangements.

Paul Willis appeared. He stated that he thinks the traffic and police detail will not be a problem. He informed the Board that he has had no problems with traffic control at tournament events at their facility in Epping. He will work closely with the Town during tournament events.

MOTION by Mr. Emerick to continue the matter to the August 15, 2012 meeting. Mr. McMahon stated that if any changes occur with the special permit that both plans will have to be consistent.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of June 6, 2012 and June 20, 2012.

MOTION by Mr. Lessard to accept the June 6, 2012 Minutes.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 1 (Mr. Miller abstained)

MOTION PASESD.

MOTION by Mr. Lessard to accept the June 20, 2012 Minutes.

SECOND by Mr. Emerick.

VOTE: 4 – 0 – 3 (Messrs. McNamara, Miller & Griffin abstained) MOTION PASSED.

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VI. CORRESPONDENCE

VII. OTHER BUSINESS

Mr. Emerick stated that he scheduled a kick-off CIP meeting on Monday afternoon. He discussed that the intent is to make the document more meaningful to the Town as far as long-range planning. He indicated that they adopted a concept/manual—and certain items are worthwhile and some are overkill for moving forward with the process. He stated that an email went out earlier in the day to department heads, school officials and the CIP committee with the new criteria. It was decided that \$75,000 is not a high enough threshold and has been increased to \$150,000. He read the changes. The document is more detailed. When projects come in, each project will get scored—1 through 4 for prioritizing. This hopefully will be a better planning tool. There was good participation. Mr. McMahon stated he thinks in the past the fiscal and planning functions just weren't merged.

- ZBA letter on zoning changes

Bill O'Brien provided a letter to the Board on zoning issues. Mr. McMahon discussed areas that our Zoning Ordinance is silent on, such as new State legislation. He noted the charitable gaming and nano brewery statutes for example as well as hookah lounges. The gist of the letter is that Mr. O'Brien thinks we should pick up on these - some legislation was enacted a couple of years ago. He feels we've missed the ball on these. Mr. Emerick responded that some of these are use approvals so that variances wouldn't be needed. Local standards need to take control versus what Concord says. The Board discussed previous efforts at trying to correct zoning problems, in particular with multi-family residential at the beach. Mr. Lessard noted that we have tried to correct the multi-family zoning problems, i.e. setbacks, in the past but the voters have not passed the proposals.

Mr. McMahon stated he thinks addressing possible zoning changes now is good timing. Mr. Emerick stated he thinks we should go along with the State rules. Mr. McNamara stated he will help work on that.

Mr. McNamara asked about the signs and parking space striping at the Drift Resort. Mr. Steffen stated the stripes have been painted over and the signs removed. Mr. Lessard mentioned striping of a sidewalk along the boulevard. It was indicated that it's a State controlled road and it would need a permit from the State. Mr. Lessard would like the two state sidewalks to be connected - maybe the HBAC can deal with it.

Mr. Steffen indicated that he has nothing further from the Town Manager about the Ocean Wok access easement situation. Mr. McNamara asked if the Selectmen can give any input on this. Mr. McNamara stated at the Planning Board's June 6th meeting, we were told it take between one to two weeks for some type of answer. Mr. Griffin responded that he has done what he can but that's where it stands. Mr. McNamara would like to know if we can do anything. Mr.

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Emerick responded that we don't have anything further to do - we're waiting for the State and Federal government to get back to the Town.

Mr. Steffen stated he received paperwork from the Town Attorney before the meeting regarding an appeal of the Planning Board's decision denying the subdivision request of Ronald Remick for the property between Winnacunnet and Esker Roads. This is for the Board's information.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 10:00 p.m.

Respectfully submitted,
Laurie Olivier
Administrative Assistant