

**HAMPTON PLANNING BOARD**

**MINUTES**

**September 5, 2012 – 7:00 p.m.**

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

**ABSENT:**

**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 announced that the applicant of 52 Nudd Avenue has requested a continuance to the October 17, 2012 meeting.

**MOVED** by Mr. Emerick to continue the matter to October 17, 2012.

**SECOND** by Mr. Olson.

**VOTE: 6 – 0 – 0 (Mr. Griffin absent at start of meeting)**

**II. ATTENDING TO BE HEARD**

**III. NEW PUBLIC HEARINGS**

**12-042 24 Tuttle Avenue**

Map: 292 Lots: 57 & 58

Applicants: Jacqueline McCallum & John Maciejewski

Owners of Record: Same

Special Permit: Replacement of and/or (re-)construction of porch, garage, shed & patio.

The applicants appeared. They stated that they had received the Conservation Commission letter. They discussed building an 18' x 19' foot porch, a 10' x 12' shed, and a 10' x 18' patio. It was noted that the previous shed was over a 30-foot sewer easement. Stairs will be constructed inside the garage and will access the third bedroom (upstairs). The current stairs are not to code. All setbacks will be met.

Mr. Loopley asked about the garage and driveway not being shown on plan. He asked how cars will be parked in the driveway. Mr. Lessard stated it needs to be shown on the plot plan. Mr. McMahon stated it should be fine to state "existing driveway" on the plan.

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Rayann Dionne, Conservation Coordinator, appeared. She stated that the Conservation Commission is happy with the plan. She noted that moving the shed is good and permeable pavers will be used. The Conservation Commission would like to have photo documentation so they will have a better idea of how the paver work is completed.

**MOTION** by Mr. Lessard to approve the special permit with the stipulations contained in the Conservation Commission letter dated September 3, 2012 and to have the driveway added to the plan.

**SECOND** by Mr. Emerick. He asked the applicants submit a new plan to Planning Office.

**VOTE: 6 – 0 – 0 (Griffin absent)                      MOTION PASSED.**

**IV. CONTINUED PUBLIC HEARINGS**

**12-034    311 Winnacunnet Road (continued from July 18, 2012 & 8/15/12)**

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.

Mr. McMahon stated that the Board will only be dealing with the special permit application for this portion. Mr. Christian Smith of Beals Associates and Jim Gove of Gove Environmental appeared. They handed out a presentation plan. Mr. Gove stated they had a meeting with the Conservation Commission. They removed wetland construction on site of area of conservation easement. Detailed notes have been added to plan on phragmites. Table 1 was discussed as contained in the Conservation Commission letter. Mr. Gove stated it needs to be modified. The wetland loss is correct, but the buffer loss is reduced to 55,171 SF. The total impact within Wetlands Conservation District is 61,832 SF.

He further stated for the proposed mitigation the species control is still present. The square footage is correct. The upland area being protected is 14,680 SF, for a total proposed mitigation of 67,765 SF. The applicants would place 2.77 acres into a conservation easement or deed restriction—whichever is best for the Town. The applicant has agreed to pay for doing that.

Mr. Gove stated that the buffer loss was reduced by moving some of the parking to the north side of the building. The disturbance is now between 30 to 40 feet away from the major wetland. Mr. Gove noted that there is nothing in the Zoning Ordinance regarding compensatory mitigation. He discussed natural wetlands.

Mr. Smith discussed the gravel parking area and the drive aisles. He stated there is a 3,300 SF reduction. The level spreader is now further away from the Welch property. Additional plantings are proposed along the north side. There are now 54 Mission

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Arborvitae to be planted and stockade fence will remain. He discussed that change from Grasspave to Gravelpave for some of the new parking spaces.

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Mr. Steffen stated that the term “natural” wetlands are from the previous zoning regulations. That term was changed this past March.

Mr. McMahon asked about phragmites mitigation. It was noted that some of the phragmites may be on abutting property. They have added a note on the plan to state that the applicant will work with the DPW on this. Mr. Gove stated that it is an ideal location because it is an isolated area.

Mr. Lessard asked about the phragmites toward Hardardt's Way and on the Welch property. Mr. Smith responded that they will do their best to work with Mr. Welch for the removal on his property.

Mr. Loopley asked about the snow storage areas. Mr. Smith responded that they are not in the Wetlands Conservation District. There is no fencing proposed in that area. Mr. Loopley asked about pushing snow further south. Mr. Smith responded that they could add a fence in that area. Mr. Smith noted that the storm water ponds will be about 2 feet deep.

### PUBLIC

Mr. Jay Diener of the Conservation Commission appeared. He stated that he appreciates the proposed phragmites mitigation on Town-owned property. They are concerned about phragmites on the Welch property and the spread of them.

He further stated that they are not opposed to the wetland development but they feel removing an upland area displaces wild life habitat. Off-site mitigation was discussed and the Foss project. He explained that Foss proposed to fill wetlands and after several years of discussion they offered three acres of mitigation, some of it on-site and some of off-site. He noted that there is nothing in our Zoning Ordinance that specifies what the mitigation should be but they feel there is precedent set as that can be used as a guide. He stated that the Conservation Commission would prefer on-site mitigation as much as possible.

Mr. Diener discussed the additional plantings along the eastern portion of property. He noted that the Conservation Commission could not come up with Town-owned sites that need mitigation. Mr. Diener stated that the Conservation Commission would support a variance to utilize the overflow gravel parking area to reduce the wetlands impact. The southern end of the building (parking) should be converted to gravel parking spaces. The Conservation Commission recommended sealed surface versus gravel. Absorption and filtration benefits were discussed. The Conservation Commission was disappointed that that was not taken up.

Mr. Diener further discussed the Foss project as well as two more projects where appreciable impact and compensation occurred. He handed out an outline showing mitigation impact to mitigation ratio. The Hampton Meadows and the Drakeside Road / Longview Place project impacts were discussed. He showed figures on what occurred in the past. Mr. Diener discussed the Cultec system and noted that there is no experience in town

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with the system. He suggested that the Planning Board to consider a bond so that the Town is covered for a minimum of three years should the system fail.

Mr. Griffin appeared.

Ms. Carol Welch, 18 Penniman Lane appeared. She stated that she has lived in her home there for 17 years. She stated that there is an extreme amount of water (runoff) that comes across her property. Other neighbors have experienced similar situations. She also stated there is a lot of wildlife habitat in the area. She discussed her concern about runoff from the piles of melting snow. She also expressed a concern about the overflow of the stormwater ponds into their backyard. She stated that she wanted everyone to know that they offered a land swap as an attempt to alleviate their concerns. She stated she would like the ordinance to be upheld and noted that much smaller projects have been denied because of wetlands impacts.

Ms. Bonnie Searle, 16 Penniman Lane, appeared. She stated that she feels the parking lots should be paved.

Ms. Robin Day, Hedman Avenue, appeared. She stated that she supports the application. She feels the applicants have been respectful to the concerns of the Conservation Commission but she feels that there's no other place for this facility could go in town.

Mr. Paul Sullivan appeared. He stated that he supports the application. He stated the Town-owned land was discussed by the Conservation Commission. Mr. Diener stated the other properties were not Town-owned land.

Mr. Steven England, 13 Wingate St., appeared. He stated that he is in favor of the proposal. He discussed the Town's rules on wetlands.

Mr. Anthony Ciolfi appeared. He stated that he appreciates the 11 parking spaces being moved. He stated he would speak later with regard to the site plan.

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Mr. McMahon stated that some of the items on the special permit can impact the site plan, such as the GravelPave. Mr. Lessard stated that he thinks the Planning Board can deal with both applications together.

Mr. McMahon closed the public hearing on the special permit.

### **12-027 311 Winnacunnet Road (continued from July 18, 2012 & 8/15/12))**

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.

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Mr. Christian Smith and Mr. Jim Gove appeared. Mr. Gove stated that his clients have agreed to completely pave the parking area as part of the approved plan. Mr. Gove discussed gravel pavers versus grass pavers. Grass pavers are usually used for overflow parking or emergency parking. Mr. Gove stated that he feels effective infiltration is more beneficial in this instance. He feels the pavers are as efficient as porous pavement and should last 16 to 20 years. Mr. Smith noted that they are fairly maintenance-free.

Mr. McMahon asked for clarification on the parking spaces. It was stated that the note will be removed on the plan that states the pavers will only be added in the event that the parking area is paved. A possible variance was discussed on utilizing the current parking overflow area. It was stated that hardship would be a difficult argument. The proposal for a cross walk was discussed. Fog lines will be added. A bike rack will be added to location. Signage and striping were discussed for Winnacunnet Road at the entrance. Mr. Steffen stated that he did not receive comment from CMA Engineers on the latest plans.

Mr. Smith noted that the drainage analysis may change. There was discussion about the Alteration of Terrain permit with the State. The rip rap apron was extended per Mr. Smith. Landscaping was added to Sheet 5. Parking requirements for the existing and proposed uses have been addressed - he indicated that the Building Dept. has stated that the Certificate of Occupancy is for 300 people which would be divided by 3 to calculate the parking. The hours of operation for the fitness center will be 6:00 a.m. to 10:00 p.m.

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Mr. Loopley asked about the 'nose' that sticks out from the building on the plan. He asked if that was the mechanical room. Mr. Loopley asked why it couldn't be moved more to the left.

Mr. McNamara asked about parking calculations. He asked if the Fire Department determined a maximum number of people allowed to be in the building. It was responded that the Fire Chief has reviewed the plans and worked with them on access. It was further responded that the number of parking spaces works for the capacity of the building.

Mr. Olson stated that he agrees with Mr. Ciolfi and Mr. Diener comments about the good faith efforts on the part of the applicant. He asked about the paved shoulder and why it is not separated by curbing. Mr. Smith responded by saying it would be cost about \$65,000 to do that and may affect the ability to get financing. He noted that signage for "No Parking" will be added as well.

Mr. Lessard asked about the landscaping plan. He believes the Mission Arborvitaes will make a good screen. He asked about utilizing Cape Cod curb instead of granite. He also asked about maintaining the striping and the parking pavement. He stated that the pedestrian way should be clearly marked and re-painted annually.

The angle of parking spaces was discussed. It is due to the 12-foot fire lane.

### PUBLIC

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Judi Park of 3 Wentworth Avenue appeared. She stated that she has concerns about traffic and signage. She asked if the existing signage was legal, and if there was going to be any changes. It was responded that there will be no change to the size but will include new lettering for the basketball facility. Mr. Steffen noted that they received a variance for one sign at the entrance. It was discussed that as long as the sign footprint remains the same it meets the variance approval. Mr. Steffen noted that if they alter the sign they may need a new sign permit.

Ms. Park asked about the traffic study. She noted that they stated at the June 20<sup>th</sup> meeting that they were going to get more information on trip generation. Mr. McNamara clarified that they said it would be forthcoming since they schedule events as they come up and didn't know the exact numbers right now. Ms. Park asked what figures were used for the traffic study. Stephen Pernaw (Traffic Consultant) appeared, but will speak later. Ms. Park expressed further concerns regarding the traffic impact. The Landing Road intersection in particular. She is concerned about tournaments. She feels the traffic impact should be looked at in more detail. Mr. Loopley stated that he agreed with her.

Mike Myers, 21 Hayden Circle, appeared. He stated that he coaches youth sports. He stated that he feels that the applicants have acted in good faith and he would like the project approved. He believes our Town needs it. Field and court times were discussed.

Ian Burgess, Penniman Lane, appeared. He stated he would like people to be able to walk to the facility but he feels that the applicants have gone above and beyond for this project. He stated he doesn't think the walkway would be used. He noted that more kids walk to the skate park and there are no walkways there. He stated that every situation is different with regard to wetlands.

Mr. Tony Ciolfi appeared. He stated he is in favor of the basketball facility, but he thinks there should be safe pedestrian access. He stated he feels the shoulder and sidewalk are adequate. He discussed new parking layout. They are on a 25-foot driveway. Cars coming in and out will conflict with foot traffic. He thinks parking spaces should be pushed out. He feels the site plan overall has improved.

Mr. Stephen Pernaw appeared. He explained the trip generation calculations and stated that best estimates were obtained. He discussed how he came to his conclusions. Weekday travel was discussed. Weekend conditions were discussed. He noted that the Town's consulting engineer reviewed the numbers.

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Mr. Loopley asked if the conditions of the special permit were changed. Mr. McNamara replied "yes". Mr. Steffen's memorandum and Conservation Commission letter were noted. Mr. Emerick stated he is concerned about setting precedence. He explained that our regulations have no requirement for mitigation. He feels that the site plan has been made better. He wondered why the applicant did not pursue the land swap further. He stated he thinks the project is for the betterment of the Town.

Mr. Olson discussed the magnitude of the Foss project--16 acres versus 1.5 acres for this project.

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Mr. Lessard stated no one will be building in wetlands. He feels that the site has come a long way. He discussed making sure that the gravel ponds not get filled with snow. He believes the 5 foot paved pedestrian walkway is a good idea. He stated it is important that the landscaping be maintained and the supports the use of GravelPave 2. He also stated that getting the Welch's consent on the phragmites removal would be good. Mr. Loopley asked about a bond for the project. Mr. Smith responded that if the drainage system begins to fail it is in their best interest to get fixed as soon as possible. Mr. Loopley stated he would like the drainage analysis updated.

Mr. McNamara stated that the amount of loss of wetland and the buffer is insurmountable in his mind--in accordance with our zoning ordinance. He does not support the location of the facility on the plans. He stated that he does applaud the work that was done by all of the parties.

Mr. McMahan stated that he thinks the developer has done a good job to mitigate as best it can. The Landing Road intersection is a major concern to him but he doesn't know that we can hold the developer accountable for it. He feels the value of the wetlands is minimal. He spoke of other projects that filled wetlands, in particular the Drakeside road development. He noted that large portions of those properties were undevelopable due to wetlands and when people were generous that were to their own benefit. He supports the project as it is now proposed.

Mr. Loopley stated he does not have a lot of faith in the traffic study. He noted his comments regarding the traffic situation.

The Board discussed the proposed conditions of approval:

### SPECIAL PERMIT

- Gravelpave 2 porous paving is a condition listed in the special permit letter, as proposed. Remaining areas will be bituminous. It was confirmed that the 11 parking spaces have already been relocated on the plans.
- Phragmites and Japanese Knotweed to be removed with the stipulation that the developer do its best effort to get the Town and abutting property owner (Welch) to allow them to enter and work on the properties. Mr. Gove explained the removal process will be the same as a removal effort that was done on 22 acres off of Banfield Road in Portsmouth. The removal will follow methods approved by NHDOT and the NH Dept. of Agriculture.
- Gravelpave 2 porous paving will be on the site plan and part of the special permit approval.
- It was noted that there is no maintenance plan for the Gravelpave 2.
- Level spreader will be moved further away from the Welch property. It was noted that that is shown on the plan before the Board.
- Conservation easement or deed restriction for the 2.77 acres? The Planning Board stated it doesn't really have a preference and looked to the Conservation Commission for their input. Mr. Diener stated if the Conservation Commission has a choice, they would

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prefer the deed restriction. Attorney Gearreald will need to review the wording for the deed restriction.

**MOVED** by Mr. Lessard to approve the special permit.

**SECOND** by Mr. Emerick.

**VOTE: 4 – 1 (McNamara) – 2 (Griffin and Loopley).**

**MOTION PASSED.**

**SITE PLAN**

- Stipulations contained in Mr. Steffen's Memorandum, dated August 31, 2012.
- For the southernmost parking area, the driveway aisles shall be paved and the parking spaces shall be Gravelpave 2 porous paving.
- Additional lane striping / signals per the Police Chief. Mr. Lessard would like the striping to be re-painted annually.
- Mr. McNamara requested that the parking spaces be determined by the assembly permit or certificate of occupancy (CO) number divided by 3.
- Mr. Lessard would like to see proposed arborvitaes replaced with something deer resistant.
- A guardrail shall be installed along the southernmost end of the driveway / parking spaces to keep gravel wetlands intact.
- Mr. Loopley commented that he hoped that if traffic is not what they predict it would be they would conduct a further study
- Police detail based upon tournament usage (covered in condition #9 in Mr. Steffen's memorandum).

**MOTION** by Mr. Emerick to approve the site plan with the above-outlined conditions.

**SECOND** by Mr. Lessard.

**VOTE: 6 - 0 – 1 (Griffin)**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES of August 15, 2012.**

**MOTION** by Mr. McNamara to accept the August 15, 2012 Minutes.

**SECOND** by Mr. Olson.

**VOTE: 4 – 0 – 3 (Loopley, Lessard & Emerick)**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

Mr. Steffen discussed the Community Planning Grant (CPG). He stated that he has received four proposals (RFQs). He said he will email them to the Board. He discussed

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interviewing the four to make the selection. It was asked if the advocate who spoke at a Planning Board meeting is one of the consultants being considered.

Mr. Steffen noted that there will be a pre-construction meeting on Thursday, September 10<sup>th</sup> at 10:00 a.m. for the Sea Spray Condominium project. (former Old Salt restaurant site).

A development proposal by the Kennebunk Savings Bank for the Gray Funeral Home and former Cumberland Farms convenience store parcels was discussed. Mr. Steffen noted that a second Plan Review Committee (PRC) is scheduled for Thursday, September 6th at 2:00 p.m. The Board discussed meeting notices for these meetings. Mr. Steffen stated he feels the PRC process is going well and has been beneficial to all. He did note that we have not had 100 percent attendance yet for these meetings. The number of people who should be present is 7. People need to show up. The Planning Board discussed Mr. Steffen following up with attendees, reminders, etc. Mr. Steffen should speak with Mr. Welch about lack of attendance.

The traffic light by the Galley Hatch was discussed. Hoyle Tanner & Associated was hired to do a conceptual design / preliminary engineering. The conceptual plans will be presented to the Selectmen later this month. Kennebunk Savings Bank has already bought the land. The corner won't be worked on for a long time. We have CMAQ funding.

Mr. Steffen discussed the intermodal transit center study that is underway for the Route 101 / Route 1 interchange. The first meeting of the advisory committee occurred earlier in the day. He noted that the Request for Qualifications will go out in a couple of weeks. There will be another meeting of the group in October. The Rockingham Planning Commission (RPC) is coordinating the effort.

**VII. ADJOURN**

**MOTION by Mr. Olson.**

**SECOND by Mr. Emerick.**

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 9:17 p.m.

Respectfully submitted,  
Laurie Olivier  
Administrative Assistant