

HAMPTON PLANNING BOARD

MINUTES

October 3, 2012 – 7:00 p.m.

6:15 p.m. - Public Meeting – Town Manager’s Conference Room, upstairs Town Offices
Nonpublic Session – RSA 91-A:3, II (a), roll call vote required

PRESENT: Fran McMahon, Chair
Mark Olson, Vice Chair
Tracy Emerick
Rick Griffin, Selectman Member
Anthony Ciolfi, Alternate
Brendan McNamara, Clerk
Jamie Steffen, Town Planner

ABSENT: Mark Loopley
Keith Lessard

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.

II. ATTENDING TO BE HEARD

**** (Applicant has requested a continuance to October 17, 2012 meeting)**

12-036 372 Exeter Road (Continued from 8/1/12 and 9/19/12)

Map: 51, Lot: 8

Applicant: John D. Lovetere

Owner of Record: Same

Subdivision & Special Permit Applications: Three-Lot Subdivision

MOTION by Mr. Emerick to continue the applications to October 17, 2012 meeting.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

- Preliminary Conceptual Consultation – 20 Keefe Avenue – Eight (8) Cottage Condominium Units

Mr. McMahon stated this is a preliminary consultation only. There can be discussion of the details of the proposal, but it is not a formal application. There will be no vote by the Board.

Attorney Peter Saari of Cassasa and Ryan and Mr. Coronati of Jones & Beach Engineers appeared. They explained that the proposal is for an 8-unit condominium bungalow project. It is currently a vacant gravel surfaced parking lot. The proposal has been before the Zoning Board of Adjustment for variances. Attorney Saari discussed the site layout. He noted that Keefe Avenue is a private street. He explained that it has to go to the Board of Selectmen after approval by the Planning Board for permission to build off of a private street. He asked if the

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statute would apply. Fire truck access was discussed and ingress and egress. There was litigation years ago. The applicant will be coming back to the Planning Board at a later time for site plan review.

Mr. Coronati explained the previous development history of the site. He stated it came before the Board in 2006 as a 10-unit project and included an additional parcel. They are now proposing 8 single units that will be two-bedrooms with a screened porch. The driveway will be a private drive. There will be two parking spaces per unit. They will be upgrading Keefe Avenue. The engineering and surveying have not taken place yet.

Drainage and paving were discussed by the Board.

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Mr. McMahon asked about Keefe Avenue infrastructure project and sewage. Mr. Coronati responded that sewer was replaced in the early 1980's. Mr. Coronati stated it is now all PVC piping in Keefe Avenue but he is not sure who paid for it.

Mr. McMahon asked if they have gone to the Conservation Commission. No was the response. It was noted that these will be year-round residents with no basements – they will be a single story on a slab.

Mr. Olsen discussed fire truck maneuvering. Mr. Coronati noted that trash will be collected privately. Residents will roll out barrels in front of the units for collection.

Mr. Ciolfi stated that the elevations should be shown because of flooding. Mr. Coronati stated that they need to be built at an elevation of 10' and they are currently at 9'. FEMA regulations were briefly discussed.

III. NEW PUBLIC HEARINGS

12-033 48 Hobson Avenue (Continued from July 18, 2012 & 8/1/12)

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.

The applicant did not appear. Mr. McMahon stated there is a letter in the packet from the Conservation Commission which outlines the chain of events between April, 2011 and September, 2012 for this case.

MOTION by Mr. McNamara to deny the special permit and give the applicant 30 days to apply for the Town special permit and State wetlands permit (NHDES) application. Mr. Steffen responded that they have already applied for the Town special permit, he believed in May of 2012.

Ms. Dionne of the Conservation Commission appeared. She explained that they did not file the NHDES permit and that's why it has been continued. She stated that the Conservation

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Commission would like to review both applications at the same time. She stated that a decision needs to be made, but she has not been successful in contacting the property owner.

The Board further discussed the permitting process and determined that if the State permit is not applied for in 30 days and the Town special permit reapplied for the case will need to be turned over to the Building Department for enforcement.

SECOND by Mr. Emerick to Mr. McNamara's motion.

VOTE: 6 – 0 – 0

MOTION PASSED.

12-041 24 Winnacunnet Road & 355 Lafayette Road

Map: 175 Lots: 3 & 6

Applicant: Kennebunk Savings Bank

Owners of Record: Same

Site Plan Review & Special Permit: Remove existing on Lot 3 to construct the remaining building on Lot 6 into a bank with drive through.

Mr. Joseph Coronati appeared with Michael Keane of Michael Keane Architects. Mr. Coronati gave an overview of the proposal. He stated it is the Gray Funeral Home and former Cumberland Farms store sites. They wish to remove the former Cumberland Farms building and all pavement on that lot and portion of Gray Funeral Home. There would be a drive-thru added. He discussed relocating the curb cuts. The curb cut on Lafayette Road would be moved further away from the intersection. A sidewalk will be constructed from public sidewalk to front door. The plans for handicapped accessibility were shown. Landscaping was discussed. Sign location was shown and discussed. A sign will be added to the site on Lafayette Road. LED lights and decorative lights will be added. The sewer systems will remain the same and the underground electric will stay in place. The drainage will be renovated with the catch basins and pipes being replaced. A rain garden will be added to north side of the property and 11 parking spaces adjacent to it will be constructed of eco pavers. The impervious area will be reduced by 26 percent.

They are also seeking a Town special permit. There are wetlands off site and they have discussed the buffer impacts with the Conservation Commission. They will be increasing the buffers with this proposal.

Mr. Coronati discussed the plan review committee meetings. He stated he believes they have satisfied all of their requirements.

Mr. Keane discussed the building renovations - there are not many changes. The porch and existing entryway was discussed. The only change on the southerly side (Winnacunnet) will be that the stained glass windows will be replaced with double hung windows. A cupola will be added and it will have clapboard siding. They expect the bank to be active in the community.

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Mr. Emerick asked about impact on Town services. There will be a dumpster location. Snow storage will be along the islands and the property lines and signs indicating no snow storage in the buffer area (between signs). Snow storage will be where the rain garden is located and there will be an overflow catch basin in the rain garden.

Mr. McMahon asked about traffic flow – ingress and egress. Mr. Coronati responded that there will be two full access driveways. He discussed the proposed stacking and turning lanes.

The future intersection improvement was discussed. Mr. McMahon asked how close their new driveway entrance will be to the Dunkin Donuts entrance. Mr. Coronati responded approximately 25 feet. The turning movements of the northbound right into Dunkin Donuts and the southbound right into bank were discussed. Mr. Steffen stated that the issue came up at the first PRC meeting with concern expressed about being close to Dunkin Donuts driveway. The applicant considered that and responded that the peak traffic hours are different for the two uses. Dunkin Donuts is earlier in the morning so they don't feel that it will be traffic problem.

Mr. Ciolfi discussed the sidewalks. He asked if will be concrete on Winnacunnet Road. They will leave the sidewalk in place and it is currently flush with driveway. Truncated dome panels will be added. There will be no curbing currently on Winnacunnet Road. It was stated that Hoyle, Tanner and Associates (HTA) and applicant should communicate throughout the project. Mr. Coronati noted he talked recently with Todd Clark of HTA and was told that they are at the preliminary engineering stage. He further noted that Chris Jacobs of Hampton DPW has asked that some of the sidewalk not get put in at this time with money put aside to have that work done when the intersection is reconstructed. Mr. Griffin noted that the intersection project will now go to the voters for approval. Mr. Keane stated that they would work with NHDOT. Mr. Ciolfi asked about the long-term drainage plan. It was stated that there will be an Stormwater O&M Plan implemented.

Mr. McNamara stated he would like to see signage added at the driveway on Winnacunnet Road—for folks to be watchful of pedestrians. The applicants agreed. It was also noted that if the driveway on Lafayette Road gets a sidewalk that would be a good idea for that area as well.

Mr. Olson asked if the bioretention area shown on sheet 3 is a grass swale. He also noted that on Sheet E-1, it isn't specific about the plantings, but they do show perennials. He discussed vertical curb detail. He asked if it was going to be sloped granite for the island. Mr. Olson also discussed the creative alignment of a sidewalk. Mr. Coronati responded that they would look that over again.

Mr. McNamara asked about signage. Mr. Keane responded that he does not have that design yet, but it should be the same height. Mr. Keane stated that they would like to use the sign at the former Cumberland Farms - the pole and base is still there. Mr. Keane said he would like to get back to the Board on that. Mr. Ciolfi discussed adding a picnic table in the grass area by entrance

Mr. Coronati explained the existing drainage easements for the former Odyssey House. The northern side of the property (catch basin) flows west onto Lafayette Road. Mr. Steffen noted that reducing the current straight pipe flow was an issue raise at the first PRC meeting.

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The change to the drainage plan is a result of that meeting. The applicant's representatives stated that they found the PRC meetings to be helpful as well.

Ms. Dionne of the Conservation Commission appeared. She stated that the Conservation Commission is in favor of the plans. She stated that she likes what they have proposed for the project and the good low impact design features were a result of it of the PRC meetings.

Mr. Emerick commented on the PRC process being effective. Mr. Steffen responded that this was the first one that had two reviews. Mr. Steffen stated he thought there was good interaction between the committee members and the applicant representatives and it was a constructive process. He stated he was comfortable if the Board wanted to conditionally approve the project. Mr. Steffen did note that he didn't have written sign-offs yet from Fire and DPW. The Board commented that there is a problem with no sign-offs. It was noted that Fire did not attend and not every department head was in attendance again. Mr. Steffen she he has received verbal approvals from both Fire and DPW and from what he can see the revised plans have addressed their concerns.

MOTION by Mr. Emerick to approve the special permit in accordance with the Conservation Commission letter dated September 26, 2012.

SECOND by Mr. McNamara.

VOTE: 6 – 0 – 0

MOTION PASSED.

MOTION by Mr. Emerick to approve the site plan with the conditions contained in the Town Planner's memorandum dated September 28, 2012. He also stated that the approval motion also includes giving the applicant the flexibility to continue the new sidewalk on-site directly south instead of having the "jog" in it. In addition, the Board would like to have pedestrian warning signs, or other markings / indications installed at the drive exits for safety of the public.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

12-043 80 Island Path

Map: 281 Lots: 27

Applicant: Kevin Garcia

Owners of Record: Same

Special Permit: To replace existing deck with new deck within the same footprint.

Mr. Henry Boyd of Millenium Engineering appeared. He explained that a permit was obtained from the Building Department, but then the applicants realized the frame was collapsing. The Building Inspector advised Mr. Garcia to go to the Conservation Commission and file a special permit.

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MOTION by Mr. Emerick to approve the after the fact permit with the stipulations contained in the Conservation Commission's letter dated September 26, 2012.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

12-044 15 Mace Road

Map: 128 Lot: 49-2

Applicants: M. Jay and Sharon Ponchak

Owners of Record: Same

Subdivision: Two-Lot Subdivision

Waiver request: Section V.E. –Detailed Plan of the Subdivision Regulations.

Mr. Henry Boyd appeared along with Sharon Ponchak. The Zoning Board of Adjustment hearings were discussed. The lot is nearly 60,000 SF. There are 69+ square feet of frontage. The lot is also in the Aquifer Protection District. The shared driveway proposal was discussed. They would rather have a separate driveway. The Zoning Board of Adjustment decision required a shared driveway. Siting the driveway was discussed. Mr. Boyd stated he was not happy with the ZBA decision prescribing the building envelope of 60 x 60 and requesting it is located in the northwest corner of lot. He did not know if Ms. Ponchak needs it to be where shown.

The driveway was discussed and the existing trees. Mr. Boyd believes the future home just needs to meet the setbacks. A detailed plan was discussed. There is not proposed grading shown. Utilities and proposed sewer was shown. He noted a mistake on the plan where the garage is shown as an existing dwelling – it is not a dwelling unit. Mr. Steffen stated that there is enough detail is shown on the plans for utilities. Mr. Emerick asked what the logic is for the shared driveway. Mr. Olson stated he feels it complicates things in the future. Mr. Emerick and Mr. Olson stated that they disagree with the ZBA's decision on the shared driveway. It was noted that the applicant does not object to it.

Mr. McMahon asked where the square came from. Ms. Ponchak responded that the ZBA wanted to see where it potentially the house would be located – so they asked for a building envelope to be placed on the plan. Mr. Boyd responded that he isn't sure if the building envelope location is necessary. He discussed the utility line locations and locating a 14' wide driveway. He stated that he thinks they should go back to the ZBA to get clarification.

Mr. McMahon asked about going for a building permit. Mr. Emerick stated that they should be fine. Mr. Emerick further stated he does not feel that the ZBA has the authority to tell them where to put the building envelope. The Board discussed allowing a reduction in the frontage and the applicant possibly needing to go before the ZBA. Mr. Boyd commented that if there's an issue with the applicant and the ZBA later he does not want the ZBA to go against the Planning Board.

Mr. McNamara stated he would like more input by the ZBA.

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Ms. Gail Howard appeared. She asked where the new house would be located and how large it would be. Ms. Ponchak responded that they are thinking no more than 2,000 SF in size. Mr. McMahon commented that the Board can't dictate the style of the house, etc. Ms. Howard stated that she has a purchase and sale agreement on the property at 29 Mace Road and the new buyer would like to know where house is going to be located. She stated that there is a reason for the "horseshoe" driveway.

Mr. Andrew of 33 Mace Road appeared. He stated Ms. Ponchak decided to keep the new building envelope closer to their current house. He discussed the tree lines and was told that it would not be touched. He would like to make sure that the trees stay where they are and not knocked down for building purposes. He discussed the recent Little River Road subdivision and how the trees on that property were to be kept and that it was placed in the deed to that effect. He stated he would like that take into consideration for this application also. Mr. McMahon responded that Ms. Ponchak can cut down her trees. In the Little River Road situation it was maintained as a visual break along the driveway. Mr. Andrew thinks the spirit shouldn't change from what Ms. Ponchak expressed at the ZBA meeting. Mr. Boyd again commented that he would like to make sure that the ZBA's conditions are met. He would like the Planning Board to get a letter of understanding from the ZBA on this.

The Board discussed that a shared driveway diminishes the value of both lots. Mr. Steffen stated that a property is allowed one driveway for each frontage and there is 70' of frontage. Ms. Ponchak discussed frontage.

Mr. McNamara stated the Board could deny the detailed plan waiver and ask to see a better plan. Mr. McMahon said this is for a subdivision. Mr. Boyd suggested approving the plan with the easement on it.

MOTION by Mr. McNamara to approve the waiver request, Section V.E.-Detailed Plan.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0

MOTION PASSED.

MOTION by Mr. McNamara to approve the two-lot subdivision, as detailed on sheet 1 of 2 on the plans dated August 15, 2012.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0

MOTION PASSED.

Mr. Steffen will draft a letter to the ZBA.

Dalton Lane

Map 130, Lot 8

Proposed amendment to subdivision approval of Kevin O'Donnell, 6-lot residential subdivision at 89 Woodland Road to approve utility locations under RSA 231:160-a.

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Mr. Kevin O'Donnell appeared. He stated this is to approve the utility plans. It does not affect anyone.

MOTION by Mr. Emerick to approve the plan as submitted.

SECOND by Mr. McNamara.

VOTE: 6 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of September 5, 2012.

MOTION by Mr. Emerick to accept the September 5, 2012 Minutes.

SECOND by Mr. Olson.

VOTE: 5 – 0 - 1 (Mr. Ciolfi)

MOTION PASSED.

VI. CORRESPONDENCE

Mr. Steffen discussed the impact fees letter from the Town Manager. Mr. Emerick stated that he thinks more impact fees is a bad idea. He feels that the impact fees charged for single family dwellings (\$3,600) is too substantial. He doesn't support imposing Departmental impact fees. Mr. McNamara stated he is not comfortable addressing this without the rest of the Board present. Mr. Steffen commented that Bruce Mayberry, the consultant who did our previous studies could be available to discuss the fees again. Mr. McMahan agreed that the rest of the Board should be able to review the material. Mr. McMahan discussed the school impact fees and the 6 year window to spend the fees—how that money was sitting in an account. Mr. McMahan would like it placed on the next agenda. Mr. Steffen explained that a Town Meeting vote has given the Planning Board the authority to adopt additional fees. It would require a public hearing by the Board.

Mr. Olson commented it's discouraging. Mr. McMahan commented that we are not big enough- Hampton does not have that many large vacant parcels of land.

Mr. Steffen discussed upcoming law lecture series that might be beneficial for Board members to attend. The closest sessions are at the Newington Town Hall. He noted that recent impact fees State law will be discussed.

VII. OTHER BUSINESS

Zoning Ordinance amendment dates were briefly discussed.

Mr. McMahan discussed an email received from Attorney Gearreald regarding the Esker Road subdivision denial (Remick). The decision has been appealed to superior court. The original trial was April 4, 2012 but the Town was never served. That has been addressed but

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now the appellant's attorney is requesting a postponement of the merits hearing for November. The appellant has asked for the matter to be postponed until June of 2013. Mr. McMahon commented that he is not in favor of it and wants to stay with the November 14th trial date.

The Planning Board was polled and it decided to not agree with the postponement and it wishes to keep the November 14th date.

- CIP Update

Mr. Emerick commented that the CIP update is moving along. He said there is a strategy now. He mentioned the difficulty in following the CIP handbook guidelines for rating projects and noted that we have developed our own scoring system for projects. He commented that everything that needs to be done will be included but urgent projects will be the priority. He also commented that the CIP Committee is working on making the capital requests more available to Hampton citizens. The meetings are occurring every two weeks and the next meeting will be a week from Columbus Day. Mr. Steffen noted that the Budget Committee has requested that Mr. Emerick attend the October meeting of the committee to discuss the new approach.

- Community Planning Grant Update

Mr. Steffen gave a grant update. After an interview process, he, Mr. McMahon and Mr. McNamara selected Jack Mettee Planning Consultants. Mr. Steffen stated he is meeting with Mr. Mettee next week to finalize the agreement for services. He noted that there was a grant workshop the previous Friday for the public outreach portion of the grant. He also noted that he may do press release about our selection.

- Zoning Work

Mr. Steffen discussed the zoning amendments letter received from Bill O'Brien, Chairman of Zoning Board of Adjustment. He asked for input from the Board on whether it want to pursue any of the suggested changes for next years' ballot. He commented that some of the changes suggested by Chairman O'Brien will be addressed through the community planning grant effort and he suggested holding off on those. Mr. McMahon commented that time should be spent on this and it should be placed on agenda for next meeting. Signs need to be discussed.

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VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. McNamara.

VOTE: 6 – 0 - 0

MOTION PASSED

MEETING ADJOURNED: 9:00 p.m.

Respectfully submitted,
Laurie Olivier
Administrative Assistant