

HAMPTON PLANNING BOARD

MINUTES

November 7, 2012 – 7:00 p.m.

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

ABSENT: Rick Griffin, Selectman

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

III. NEW PUBLIC HEARINGS

12-045 540 Lafayette Road

Map: 144 Lot: 11

Applicant: LMR Properties, LLC

Owners of Record: Same

Site Plan: Conversion of 6 office units on 2nd floor in existing building to 3 residential dwelling units.

Waiver Request: Section V.E.8-Stormwater Management Plan of Site Plan Regulations.

Attorney Michael Donahue, Chris Ragusa, Principal of LMR Properties and Mike Keane, the architect on the project appeared. Mr. Cote did the work on the site plan. They are taking the existing property and are not changing the exterior of the building. They went through the ZBA and it meets the multi-family regulations. They are taking six office units and turning them into two-bedroom apartments. The building has a residential appearance. The parking is cramped for full-time office use. Having residential use added, they will meet the current parking requirements. They came in for a preliminary consultation and went before the ZBA. Attorney Donahue stated the PRC was helpful. They are asking for a waiver as noted above, and it has been reviewed by the DPW. The property has a good functioning drainage system.

BOARD

Mr. Lessard asked if the applicant has a copy of Mr. Steffen's comments and they stated "yes". The O&M Plan has been submitted and approved by the DPW per Attorney Donahue.

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Mr. McMahon discussed what an O&M Plan does for the public. The dumpster location was discussed. Attorney Donahue stated the dumpster should stay where it is. He would be glad to submit a further revision to the plan showing exactly where the dumpster will be if the Board would like. Assigned parking was discussed. The date of the revision is October 9th—there needs to be a revisions date added to the plan.

Mr. McMahon asked about trash pick-up and recycling. Pinard is handling recycling and trash. Interior lay-outs were discussed. Mr. Steffen stated that they will comply with fire / life safety codes. Mr. Keane said the 2nd floor will be three units and they will be 1200 square feet and one will be 1300 square feet. A fire suppression unit will be added to the building. Each unit has its own laundry facilities.

Mr. Lessard asked about outside barbecue space and residents grilling. Mr. Keane said there should be a patio located on the grounds. Mr. Lessard did not see any outside space on the plans. Mr. Lessard wants an area set up where residents can have an area for barbecues.

PUBLIC

None.

Mr. Lessard asked about snow removal. Mr. Ragusa stated that he takes care of plowing the lot - some snow in the past had to be hauled out of there in the past.

MOTION by Mr. Emerick to grant the waiver request.

SECOND by Mr. Lessard.

VOTE: 7 – 0 - 0

MOTION PASSED.

MOTION by Mr. Emerick to approve the site plan in accordance with the Town Planner's memorandum dated November 1, 2012, along with the stipulation on the dumpster re-location and adding a barbecue pad area residential units with the location noted on the plans.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

12-046 6 Johnson Avenue & 8 & 10 Riverview Terrace

Map: 293 Lots: 65, 71 and 72

Applicant: Albert R. Fleury

Owners of Record: Applicant is the owner of 6 Johnson Avenue. Zoo Property Management, LLC (Albert R. Fleury, Manager), is the owner of 8 & 10 Riverview Terrace.

Site Plan: Demolition of duplex to create additional parking spaces & Parking Lot Review.

Mr. Lessard recused himself.

Attorney Ted Morris appeared with Mr. Al Fleury, the applicant. Mr. Henry Boyd from Millennium Engineering was in the audience as well. The project is located in the RB Zone. This zone does not allow parking lots / areas, but a variance was received from the ZBA. The variance is to use the parking area for employees and patrons of Wally's Pub only. No

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other activities will be allowed for parking there. Fencing and one-way traffic flow was discussed. Aesthetics were discussed. Increased safety will occur as well. The off-street parking will reduce the traffic. Police Chief Jamie Sullivan discussed this with Attorney Morris. Attorney Morris met with the PRC. All of the suggestions have been added into the plans. Car parking for 24 spaces will and spaces for motorcycles will be constructed. Infiltration structures, proposed fencing and lighting were discussed.

BOARD

Mr. Nichols asked about the ZBA approval. He noted over a dozen people complained about alcohol problems at the location. Mr. Nichols noted that he has heard that the area has improved. Mr. Nichols also noted that there was no police representation at the PRC but many of the issues are Police related. The Board of Selectmen received input from the Chief. Three recommendations from the Police Chief were read by Mr. Nichols. (Attached to the Minutes).

Attorney Morris spoke with Chief Sullivan about the project and stated all of his points have been incorporated into the plans. He noted it should be better sound proofed.

Mr. Nichols discussed the ZBA minutes and noted that the ZBA wanted the Planning Board to discuss lighting and attendant issues.

Attorney Morris handed out a document depicting the lighting to be used.

Mr. McMahan asked about loading and unloading buses and large vehicles and the trucks/vehicles of the groups and acts arriving to perform at shows. Attorney Morris said the trucks/vehicles pull through on the southern side of the lot. They park by the retaining wall. This is within the property itself. The bus remains there and it is not running. It does not interfere with traffic flow per Attorney Morris.

Mr. McMahan asked about traffic flow and how it's communicated from Ashworth Avenue. Attorney Morris said there is a sign that indicates where parking is for Wally's.

Henry Boyd from Millennium discussed signage. He discussed when the lot is full; the sign would note the lot is full. He discussed a proposed one-way sign and stop signs to make sure traffic flow moves smoothly. Mr. Fleury will build a sign and it is shown on the plan—and it is illuminated. Mr. McMahan asked if it is in accordance with the Zoning Ordinance for signs.

Mr. Boyd discussed the lighting and stated that Sheet #4 of the Plan shows the lighting. Mr. Fleury made it brighter and stated that it is safer. Night-friendly lighting and the poles being too high was discussed. Lights will be on 18' poles.

Mr. Nichols asked about the parking lot monitor. The police are concerned for bigger shows. Once the lot is full, the intent is to make sure people park where they should. Attorney Morris met with Deputy Sawyer and Chief Sullivan and Mr. Fleury agreed to have employees out at the bigger shows walking around the lot to make sure everything is in order. Mr. Nichols said it's not just parking lot management, but management of the patrons. There has been a lot of misbehavior. Mr. Fleury communicates with Mr. Sawyer now and stays in touch during the big shows to make sure there is no loitering or misbehavior. How does the monitor fit in with the Planning Board was asked by Mr. Nichols. Mr. McMahan asked what

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time they close. Mr. Fleury said at the end of the night – when the bar closes, floor staff will go out and check things out. Attorney Morris stated “at closing through 1:30 a.m., the parking lot will be monitored”. Mr. Nichols said the Police Department and Wally's have a good relationship. Mr. Nichols asked for some ways the Planning Board could get something defined as being acceptable to the Police Department. Mr. Emerick asked what a major event is. Attorney Morris stated it could be added in the plans something along the lines of “In a manner that is acceptable to the Hampton Police Department.” This can be something subject to change if problems occur later on.

Mr. McNamara asked where the Police are regarding this proposal. Mr. Nichols is looking for the Planning Board to include a requirement in the project for the management or monitoring of the parking lot.

Mr. Fleury stated he doesn't want anything going on down there either. Mr. Olson asked about residents' concerns and addressed some of them. He is happy with entering on Johnson Avenue and leaving on Riverview and he likes that change. The fence detail looks nice and should buffer the noise. He asked about the height of the fence. Mr. Boyd said he thinks the fence is 8' high. The new fence along the Riverview side will have cuts in there to accommodate exit ways. Twelve foot aisle length widths for exits were discussed.

Mr. Olson asked about the fence near #8—chain-linked fence. It is a chain-linked fence now, but he will put a board fence there. Mr. Fleury will work with her on that. The fence on westerly side, the chain-link and stockade, will stay as is. Mr. Olson asked about plants and their size. Mr. Boyd said on Sheet #3, plantings—7 or 8 foot plants/trees will be put there and that will be added to the plan.

Mr. McMahon discussed letters from the other abutters; one from the O'Connors and one from Ms. Desroches. The Board has those letters their files for review and noted same.

PUBLIC

Ms. Sandy Marsolini, 8 Johnson Avenue appeared. She asked about only her fence being shown. She abuts this on both sides, from the back and side of the property. When the ZBA met, a member from the ZBA asked her about a preference of a fence and she stated she would like cement block, 10' high with stucco over it as her preference because of the fumes. Cars are parked within 4' of her house. Fumes are horrible. Her house is for sale and this is not a good item for potential buyers to see. The trash (cans, bottles, etc) is piled on the other side of the fence. If someone is monitoring it, she doesn't know who it is. Ms. Marsolini asks employees to clean it up and the employees say “yes” and nothing happens. Bottles are thrown over the fence; she sees no monitoring. The plan is devaluing her property.

Julie O'Brien of 16 Johnson Avenue appeared. She asked about the 24 parking spaces. Mr. Boyd explained the parking. He discussed the two additional handicapped spots as well. Ms. O'Brien asked if a traffic study has been done. Parking on both sides of street was discussed and it being hazardous. She read 805.20 parking stipulations. Pedestrian safety concerns were discussed and egress parking being a safety concern. Two egresses being dangerous was discussed and Hampton. She stated the ZBA had criteria regarding fencing—that in front of the parking area, there is supposed to be a double-sided fence. The fence

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currently is a 9' fence. It should not be a stockade fence. Residences around Wally's are losing their buffer. She thinks the entire lot should have double-sided fences. Mr. Boyd discussed fencing with Ms. O'Brien. Mr. Boyd discussed bumpers being installed in the parking lot so cars cannot bump into the fence.

Ms. O'Brien asked how wide the chain-linked fence is. It's about 18" per Mr. Boyd. It goes between the parking lot and #8 also. Mr. Boyd will add a note to the height on the revised plan.

Ms. O'Brien discussed current and proposed parking. She asked about egress. Cars backing out onto Johnson Avenue were discussed. Lighting was discussed again. There will be four lights. Grade of the surface that is dirt was asked about. Mr. Boyd discussed flooding and grades would be made better. Test pits were done. Top material and deep stone trenches will be used. Gravel and heavy rain events were discussed. Water will not be going into the street; it will be going to trenches on either side.

Ms. O'Brien asked about dumpsters and having them enclosed. Right now it will be Town pick up per Mr. Fleury. It will be enclosed by wooden fence per Attorney Morris.

Gates and hours of operation and employees and patrons for parking was asked about as this was discussed at the ZBA meeting. Attorney Morris will make sure they are addressed.

Commercial businesses do not require on-site parking. Taking cars off the streets of Hampton was discussed by Mr. Boyd.

Ms. Carol Cheney of 18 Johnson Avenue appeared. She asked about the attendant working on the Friday before Halloween. The employee directed cars to park where they should not park. She spoke with a police officer on duty about the noise. She stayed and watched people coming in and out to smoke. She spoke to police officer about people parking where they should not. Traffic dangers were discussed. She takes care of #7, #9 and #17 and #18 are hers, and #23 she takes care of. The snow storage was discussed and she spoke with Mr. Fleury about that problem. They are putting snow wherever they want. She wants to know what the rules are.

BOARD

Mr. McNamara said he hopes the new plan will relieve many of the issues of following the rules, etc. Having signs, bumper stops and going along with Police recommendations should alleviate the problems.

Mr. Steffen said the first plan from the PRC had different parking and a different layout. Concerns were expressed and the plans have been revised to address them. He noted a pedestrian walkway was added along with handicapped parking spaces. The committee recognized it is not an ideal situation because it is a congested area and there is a lot of activity but this is an improvement of the situation. Mr. Steffen indicated that he received from the Police Chief a note that he did not have any comments on the proposed plans other than what he had voiced at previous meetings. Revisions need to be made to the maintenance plan. The rest of the Committee is comfortable with what is proposed. The fencing details need to be revised for the final plan. Chris Jacobs of DPW wants to see some sort of maintenance plan for the landscaping.

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Mr. Loopley feels like the drainage is taken care of. Snow storage down at the beach is out of control; people do what they want. He is happy with Mr. Boyd's plan. Mr. Emerick said the gravel area can be for snow storage. The motorcycle area in the winter can be snow storage as well. Snow storage should be on site per Attorney Morris.

Mr. Olson said they may need to compromise a couple of parking spots in the winter.

Mr. Nichols said there should be a motion for approval with the conditions of the Town Planner and further conditions that #7 would be related to the parking lot attendant and #8 to do with keeping snow on site. Attorney Morris said there would be continued monitoring in accordance with the Police Departments concerns and requirements.

MOTION by Mr. Nichols to approve the site plan with the conditions listed in the Town Planner's memorandum dated November 2, 2012 and with the additional conditions related to the parking lot attendant and snow storage to remain on site. It was acknowledged that there would be continued monitoring in accordance with the Police Department's memorandum dated July 2, 2012. A revised plan will be furnished noting these issues along the corrections for the proposed fencing.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0

MOTION PASSED.

Mr. McNamara discussed the pig roast in the parking lot related to the ZBA's conditions of approval. Mr. Fleury responded that he will only do commercial activity in the commercial zone. This was not part of the motion.

12-002 20 Robin Lane

Map: 133 Lot 1

Applicant: Ellen Lavin

Owner of Record: Same

Special Permit (after the fact): Approval of generator pad.

Mr. Lavin appeared with his wife, Ellen Lavin. On December 1st, their home caught on fire. It was torn down to the foundation. It was in the wetlands buffer, so they came for a special permit. After the house was built, landscaping was done and after that, Ms. Dionne checked on the property and she noted that a generator at the rear of the house was in the buffer. Mr. Lavin did not know that. The generator is on a retaining wall with a crushed wall between. He wants an addendum (after the fact) to the special permit. There is a letter from the Conservation Commission requesting the permit be granted.

MOTION by Mr. Lessard to approve the special permit.

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

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12-049 189 Island Path

Map: 280 Lot: 55

Applicant: John Roberge

Owners of Record: Nancy Higgins Revocable Trust

Special Permit: Construction of fence.

Mr. Roberge did not appear. It was moved to be heard at the end of the meeting.

12-050 34 Vrylena's Way

Map: 195, Lot: 112-8

Applicant: Miguel Conde

Owners of Record: Meadow Pond Farm Corp.

Special Permit: Cutting of 4 trees within the wetland setback.

Mr. Miguel Conde appeared with Mr. Peter Olney, representing Meadow Pond Farm Corp. Mr. Conde wants to purchase the lot. Mr. Olney discussed removing trees. Stumps are leaning toward the house, or they have a root system that would go under the foundation or under utilities. The property could be damaged by this. They've been convinced to leave two trees during the site walk. The letter dated October 29th from the Conservation Commission was discussed and the applicant has that letter..

PUBLIC

Ms. Rayann Dionne, Conservation Commission Coordinator, appeared. She explained that there were originally four trees and during the Conservation Commission's site walk it was agreed that two of the trees could remain. The trees to be cut are labeled as #1 and #4, i.e. the ones closest to the driveway. The Conservation Commission agreed to allow the property owner to do plantings along the driveway edge in the 50' buffer if he wishes to do so.

BOARD

Mr. Lessard asked if a house is to be built. It was stated "yes". Tree #4 is not in the 50' buffer per Mr. Olson.

MOTION by Mr. Olson to approve the special permit with the stipulations contained in the October 29, 2012 Conservation Commission letter.

SECOND by Mr. McNamara.

VOTE: 7 – 0 - 0

MOTION PASSED.

12-051 16 Heritage Drive

Map: 34, Lots: 1 and 10-6

Applicant: Eric C. Mitchell & Sons, Associates

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Owners of Record: Edwin, Stephen, Thomas & David Batchelder & Maureen & David Kennedy

Lot Line Adjustment: Transfer 7,522 square feet to Map 34, Lot 10-6 from Map 34, Lot 1.

Mr. Chris Hickey appeared. He works for Eric Mitchell & Associates and he represents the Batchelders and the Kennedy's. The Batchelders own Lot #1, which is over 17 acres and the Kennedys own over 1 acre. The Batchelders are putting the property into a conservation easement. The Kennedy's have improvements encroaching on the Batchelder property. This is a landlocked piece. The owners give 7,000 SF to the Kennedy's in exchange for a 15' walkway from Heritage Drive so it can be monitored for conservation purposes. The house for the Kennedy's will conform to zoning.

BOARD

A trampoline was mentioned and also a patio.

PUBLIC

Mr. Ed Cassidy of 18 Heritage Drive appeared. Heritage Drive is a cul-de-sac. His concern is the neighborhood could be changed forever. This is a 15 foot right of way between Dave's property and his property. This could be allowed to be used as a logging road; to access the land, trucks could go down there. Clearing timber was discussed. Mr. Hickey referenced the properties not being close to each other. He said there is a 40 acre piece to the south that blocks from the other Batchelder property. Landlocked property was discussed. The landowner would have rights to logging. Mr. Hickey discussed wetlands on the area and the shortest area to get to the piece of property was discussed.

Ms. Ann Renstrom of 11 Heritage Drive appeared. Having traffic in the neighborhood was discussed. Construction vehicles traveling on that road was discussed also. She does not want the neighborhood to be changed.

Mr. Jay Diener of the Conservation Commission appeared. There is no access currently to this property and there is no way for the public to get to it. It's so the property owners would be able to get to the property and the land trust can have access to the property just to monitor the conservation easement. The public will not have rights to use the easement. There will be no signage and no public access and he feels the public has nothing to worry about. The owner has the right to log it per Mr. Diener. There's no agriculture on this lot.

Dave Viale, Land Protection Specialist from the Southeast Land Trust appeared. The right of way has limited uses. It's for benefit of Batchelders to access the property for the passing of recreation (non-motorized)/to pass and re-pass for access, wildlife management, or forestry—including cordwood harvesting, etc. Forestry can happen. He feels the right of way is a separate issue and noted that this application is for a lot line adjustment.

Judy Lyons of 7 Heritage Drive appeared. She asked if the Kennedy's can build and expand their property, why would they and then be put in a position to give something up. She feels the Kennedy's are giving up an easement that can hurt everyone. She is confused.

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The Kennedy's got a permit to build an addition. She asked where the easement was. Mr. Hickey explained the landlocked piece.

Mr. Emerick discussed quiet enjoyment of a residential neighborhood. He motioned that he thinks the Board should approve the lot line adjustment, but restrict it to not include forestry.

SECOND by Mr. Nichols.

Mr. Lessard discussed the Asian beetle and invasive species destroying the forest. He feels the Planning Board should be careful on how it discusses restrictions.

Mr. McNamara said to add in the motion “except for conservation purposes”. Mr. Olson said the Trust is to manage piece of land however it deems necessary. Mr. McMahan agrees with Mr. Olson, i.e. maintaining the ability to log if necessary.

Mr. Emerick amended his motion to add “except for conservation purposes.” Mr. Lessard asked why the Town was allowed to buy the easement. He asked if we are voiding our agreement.

Mr. Diener said Mr. Viale should be able to speak because he knows the terms best. He asked if the Town can restrict someone from doing forestry on his/her/its own property?

Mr. Hickey said maybe six acres could be logged, if anything. Mr. Viale discussed cutting and restrictions. He stated Southeast Land Trust enforces the terms of the Conservation Easement only. They are not landowners, etc. This is a lot line adjustment.

Mr. McMahan said the right of way is between two property owners.

Logging is not a quiet enjoyment of the property per Mr. Olson.

MOTION by Mr. Emerick to approve the lot line adjustment with the condition that the easement would be restricted from logging use except that which is conservation related.

SECOND by Mr. Nichols.

Mr. McNamara thinks people on Heritage would be happy with the Motion.

VOTE: 3 – 4 – 0

MOTION FAILED.

MOTION by Mr. Lessard to approve the lot line adjustment with stipulations contained in the Conservation Commission letter dated October 29, 2012 and in accordance with Town Planner's Memorandum dated October 31, 2012.

SECOND by Mr. Olson.

VOTE: 4 – 3 – 0

MOTION PASSED.

It was noted that the Conservation Commission letter includes terms that involve the granting of the easement and that would conflict with the Motion.

Mr. Lessard made a **MOTION** to reconsider.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 0

MOTION PASSED.

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MOTION by Mr. Lessard to grant the lot line adjustment along with the conditions in the Town Planner's Memorandum dated October 31, 2012.

SECOND by Mr. Olson.

VOTE: 4 – 3 – 0

MOTION PASSED.

12-052 140 King's Highway #7

Map: 183 Lots: 18-7

Applicant: Ann M. Donahue

Owners of Record: Ann M. Donahue Rev Trust

Special Permit: Installation of generator and gas line

Ms. Donahue appeared. She wants permission to install a generator within the 50' buffer.

Mr. Dionne, Conservation Coordinator, appeared. She stated when the Conservation Commission was out on the site walk they were not comfortable with having the generator so close to the wetlands. They have limited common area. There's only one side of the house it can be on. It should be located furthest from the wetland. It currently is right up against the wetlands. It has to be 5' feet away from the shed and the house.

MOTION by Mr. Olson to approve the special permit with the stipulations contained in the Conservation Commission letter dated October 29, 2012.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

12-049 189 Island Path

Map: 280 Lot: 55

Applicant: John Roberge

Owners of Record: Nancy Higgins Revocable Trust

Special Permit: Construction of fence.

The applicant was still not present.

MOTION by Mr. Lessard to continue to the December 5, 2012 meeting.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

12-053 64 Ashworth Avenue

Map: 287 Lots: 29, 31 & 32

Applicant: Town of Hampton (Fire)

Owner of Record: Hampton Beach Village District

Subdivision: Two-Lot Subdivision and Minor Lot Line Adjustment.

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Chief Silver of the Hampton Fire Department appeared. He noted that the lot line adjustment portion can be omitted from the application. This is a request to configure three existing lots owned by the Village District. This is to build a new fire substation at the beach. He went over the lot line adjustment for the public and for the Board. Plans are on the Hampton Fire Department's website.

BOARD

It was asked if there is authorization by the Precinct and Chief Silver stated that he was authorized by a vote at the Precinct Commission's meeting.

MOTION by Mr. Emerick to approve the two-lot subdivision.

SECOND by Mr. Loopley.

VOTE: 7 – 0 - 0

MOTION PASSED.

V. CONTINUED PUBLIC HEARINGS

VI. CONSIDERATION OF MINUTES of October 17, 2012

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- Courtesy Review – Site Plans for Hampton Fire Stations

Chief Silver explained the new Fire Station plans for the public (Winnacunnet Road). Plans are on the Hampton Fire Department's website. Chief Silver explained the design and the layout.

Mr. Emerick asked about building to the east so the Town land can be maintained for other Hampton projects. There is plenty of buffer area to the adjacent property.

Mr. Olson asked about the apparatus bay.

Chief Silver discussed the new station (Beach) and the design work. Only 10 percent is on the Winnacunnet Road site. Most of the work is at the Beach site, which is at the corner of Ashworth Avenue and Brown Ave. Trucks will turn north onto Ashworth Avenue.

This project will be mobilizing right before or right after Thanksgiving. The project should be done in August or September of next year. Mobilizing should occur at the Beach District site. The precinct garage will be used in the meantime.

- Conservation Commission - Revisions to Special Permit Application

Ms. Dionne and Mr. Diener discussed the Special Permit application and making it more user-friendly. Ms. Dionne discussed an after-the-fact fee. She asked the Board for their opinion on making a fee higher for those. Mr. Olson said to put "subject to additional costs". Maybe a

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percentage of the cost of the project could be a guideline. Mr. Nichols asked about what percentage of people had an oversight versus doing a project to just overlook a project. The Building Department charges double if a permit is not obtained. Mr. Lessard asked what other Towns do and Ms. Dionne has not checked that out.

It was asked if this would bring on more cheaters or provide incentive to do projects on a timely basis.

MOTION by Mr. Lessard to double the fees and Mr. McMahan agreed.

SECOND by Mr. McNamara and he noted the other changes are accepted as well with regard to Ms. Dionne's revisions as outlined.

VOTE: 7 – 0 – 0

MOTION PASSED.

- Zoning Work (continued from October 17, 2012)

Ms. Dionne and Mr. Diener appeared. A new Warrant Article was discussed changing the sealed surface requirement. Mr. Diener discussed flooding in Town. Paved driveways can cause puddles. Sealed surface impacts flooding in Town. Parking lots that come to us every year were discussed. New lots should meet new requirements. As far as previously-developed lots go, they should be able to stick to the amount of sealed surface they had previously. Mr. Emerick discussed Kennebunk Savings Bank. Mr. Emerick thinks this would kill re-development. Mr. Lessard asked if we should be talking more about paving issues. Mr. McMahan asked about technical analysis that supports what the Conservation Commission is looking for. Ms. Dionne discussed sealed surface articles she can obtain and provide to the Board. She stated the Rockingham Planning Commission put us at 34 percent and the beach area at 22 percent. We are past the threshold of causing impairment.

Mr. Nichols discussed beach properties.

Mr. Olson said to add maybe relative to the size of the lot. He discussed reducing a 5,000 square foot lot could be built at 60 percent, and that's 3,000 square feet. Mr. Nichols asked about smaller lots.

Mr. Nichols thinks it's too complicated to solve tonight. Mr. Diener discussed responsibility to the Town. Ms. Dionne discussed different zones and different size homes meeting different criteria. Starting at 5,000 feet and down would be one level and 5,000 feet and higher would be another level.

It was discussed to do a graduated reduction scale based on lot size. Mr. Nichols has an Assessor's data base and he will ask them to forward that to the Conservation Commission. Mr. Diener asked if 60 percent is good for larger lots in Town. Discussing how large is large is needed to be known. We need this information before the first meeting in December. They will work on the article for the Planning Board's review. Percentages could be used as well. The Conservation Commission should distinguish by lot size.

Mr. Steffen said our next meeting is November 21st, the night before Thanksgiving, and the deadline for the December 5th meeting is November 14th.

The Conservation Commission will see what they can do. Mr. McMahan asked about the 12th of December. For a hearing on the 5th, language is needed by the 14th. It can be a draft. The Conservation Commission will get something to us for next Wednesday.

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MOTION by Mr. Emerick to postpone action on the Minutes of October 17th until December 5, 2012 meeting.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Steffen discussed parking, downtown grant work and multi-family matters per Mr. O'Brien's letter. Nano breweries and cigar bars were discussed. Citizen petitions were discussed.

Mr. McMahon asked Mr. Steffen to draft these and go from there. This will be discussed at the December 5th meeting. Mr. Steffen will address signage, parking, multi-family residential - all of the items outlined in attachment #1 of Mr. O'Brien's letter. These will be noticed for the December 5th meeting.

- Capital Improvements Plan 2013-2018

Mr. Emerick discussed his cover letter. He showed the size of the CIP document. These will be on-line within the next couple of months. The scoring matrix was discussed. Projects are now going to be numbered by the importance of needing to be completed. SAU 21 will have numbers available soon.

Mr. Nichols said the items for 2013 and out are dynamic and it may be updated. Classifications can change. Mr. Olson thinks \$75,000 is high. Mr. Lessard and Mr. McMahon think its kind of low. To be on the CIP it has to be a \$75,000 capital investment. All members agreed the \$75,000 is a good number. That number will be re-visited next year.

MOTION by Mr. McNamara to accept the 2013-2018 Capital Improvements Program.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

VIII. ADJOURN

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 10:40 p.m.

Respectfully submitted,
Laurie Olivier
Administrative Assistant