

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
May 10, 2004 7:00 PM**

**PRESENT:** William Sullivan, Chairman, Virginia Bridle, James Workman  
Cliff Pratt, Rick Griffin  
James Barrington, Town Manager  
Karen Anderson, Administrative Assistant

**I. SALUTE TO THE FLAG**

Attorney Mark Gearreald led the audience in the flag salute.

**II. ANNOUNCEMENTS**

Fishing Derby

Mr. Pratt noted that the annual fishing derby will be held at Batchelder Pond on May 21<sup>st</sup>. Information is available through the Recreation Department.

Lessard/Preston Recognition

Mr. Griffin commended those involved with the event recognition event for Colonel Paul Lessard retiring as Moderator and Charlotte Preston, retiring as a Supervisor of the Checklist. He noted that it was a nice evening that was well attended.

Get Well Wished

The Board of Selectmen wished Olive Lessard well as she is recovering in a Boston Hospital.

Rumor Control

Mr. Sullivan told the Board that there is a rumors around that Bucky Connelly had passed away. He wanted to assure everyone that the rumor was not true and while Mr. Connelly has been ill, he is doing better.

Hampton Arms Fire

Mr. Sullivan noted that the Fire Department responded to 340 Lafayette Road for a structure fire today and the crew did a good, aggressive job and kept a serious fire from destroying an entire building. The Board commended the Department for their efforts today.

**III. APPOINTMENTS**

1. Mr. Tom Nigrelli, Proposed Development on Drakeside Road

Mr. Sullivan noted that Mr. Nigrelli has been invited to talk to the Board about a proposed development on Drakeside Road. He explained that this is a public meeting, but not a public hearing. The public present was welcome to stay until the end of the meeting to share any public comments they wished.

Mr. Sullivan told Mr. Nigrelli that the Town is an abutter to the project and the Board would like to understand what is being proposed. Mr. Nigrelli showed the Board the current plan that has been accepted by the Planning Board for jurisdiction on Drakeside Road which includes development of condominiums on Drakeside Road and on an area of upland at the rear of the property. He explained that the plan was brought to the Conservation Commission and they have expressed a desire to eliminate any development in the area furthest away from Drakeside Road. Mr. Nigrelli explained that the largest developable area is beyond a salt marsh area and there was some sound ecological and wildlife reasons for trying to protect that area. As a result of those concerns, alternate plans were developed. Mr. Nigrelli explained that a yield plan was drawn that would provide the highest number of units possible while meeting the zoning regulations and a alternative concept plan has been drawn that eliminated the development on the sensitive area and limits development adjacent to Drakeside Road. That plan will require some fill to wetlands, but the impact is minimal. This plan is being prepared for reconsideration and comments by the Conservation Commission. Mr. Nigrelli emphasized that this is not an official plan, but the consensus of the

Conservation Commission at the meeting was that this plan was more highly endorsed than any plan that had development in the lower portion of the property. The lower portion of the property would be put into a conservation easement with a recreational trail area developed leading to a sitting area. Mr. Nigrelli said that a partial presentation of this has been made to the Planning Board and the conceptual plan will be brought to the Planning Board next week, along with the original plan.

Mr. Pratt asked how much area will be filled on each of the various plans. Mr. Nigrelli said that the alternate plan fills about 1 acre, where the original plan would have filled approximately 15,000 square feet. Mr. Pratt asked if the filling in of the wetlands will be mitigated. Mr. Nigrelli said that they are giving up and preserving the upland in the back that is adjacent to a sensitive wetland, and there will be a mitigation area that will pre-treat any runoff from the parking before it gets to the marsh. Mr. Nigrelli said that 21.3 of the 25 acres will be placed in a conservation easement.

Mr. Workman asked what the number of units was for each of the plans. Mr. Nigrelli said that original town house proposal was for 32 large units, the yield plan would provide 74 units and the alternate plan being proposed would be 66 units in three buildings. Mr. Workman asked how many of the 25 acres is upland. Mr. Nigrelli said he believes there are 8 acres of upland.

Mrs. Bridle asked if another pump station will be needed for this proposal. Mr. Nigrelli said that another station is not needed and the development will be serviced by the existing lines. Mr. Nigrelli noted that with the current project he is working on, 50% of the buyers are adding the elevator or elevator option and with this proposal the units are smaller so each building will have a central elevator, the units will be all on one level and there will not be individual garages for each unit. Mrs. Bridle asked if it is going to be age restricted. Mr. Nigrelli said that it will not be age restricted, but they are small condominiums that don't appeal to younger families. He said that they are just getting the first tenants in the age restricted (over 55) building and are finding that the average age is 75.

Mrs. Bridle said that she hears there will be an exciting event on Saturday. Mr. Nigrelli said that the pump station is done, with a final clean water, dual pump test on Thursday that has been requested by Public Works. Mr. Nigrelli noted that this test had already been done and it did work, but it will be done again on Thursday. It is hoped that by the end of this week or early next week the station will be live and the entire line will be on the pump station. Mr. Nigrelli explained that the inverts that needed to be raised were started today and there are six or seven more that are anticipated to be completed by June 15<sup>th</sup> in order to allow the other properties on Drakeside Road to hook into the system. The Page Property and the Durant Properties will be the first two added.

Mr. Griffin asked if other parts of the Page Farm have been built on. Mr. Nigrelli said that the original Page house was subdivided off from the rest of the land and there have been plans to subdivide the property that have been withdrawn for various reasons. He added that he does not own this property and will be buying it from another developer.

Attorney Gearreald asked how far the new sewer line goes up on Drakeside goes in relation to this development. Mr. Nigrelli stated that the line extends well beyond the proposed development. Attorney Gearreald asked if laterals are put in that correspond to each of the proposed three buildings. Mr. Nigrelli said that the idea had been that the site would be more than a few house lots so one 8" central lateral was put in. Attorney Gearreald asked if the lower, upland area that will not be developed is in a tidal wetland. Mr. Nigrelli said that the upland area is developable with no wetland fills on the site and no development proposed outside the 100' buffer as established by Dr. Frank Richardson. A small amount of fill is required for the access road. Attorney Gearreald asked for the comparison of the heights of the original and alternate proposals. Mr. Nigrelli said that the height has remained the same at 35'. Attorney Gearreald asked about the elevators on the three proposed buildings. Mr. Nigrelli said that the preliminary plan is that there would be one elevator per building in the foyer of each building.

Mr. Nigrelli was thanked for explaining the proposal to the Board.

#### **IV. OLD BUSINESS**

##### Town Manager's Report

##### Employment Anniversary

Officer Jack Donaldson was congratulated on his 40<sup>th</sup> anniversary with the town as a special police officer.

##### Rotary Auction

The Rotary auction is currently on-going on-line at HamptonRotary.org until May 13. The live auction will be held next Friday evening, May 14, at Faro Gardens at Josephs in Hampton Falls. Tickets are available for \$35 per person from any Hampton Rotarian.

##### Rescue Boat

Fire Chief Lipe reports that the new Marine 1 rescue boat became operational May 1. There will be an "open house" for the boat when there is a weekend with good tide conditions and available staff to make the tour safe and appropriate. The Board will be provided more information on that as it becomes available. If the Board members would like a tour (either individually or collectively) that can be arranged .

##### Private Detail Wages

On the question raised last week of relating the private detail wages to the private detail revenues, Mr. Barrington explained that there are three factors that lead to difficulties in directly relating the two numbers. First, the billings include a 20% overhead that is included in the revenue report but not in the "private detail wages" line. Second, when a police department vehicle is used, we bill a fee for that, but there is not an identifiable off-setting expenditure. Third, there may be a lag between billing and wage disbursement that could create a temporary disparity. Certainly, overall it is expected that the revenue generated to exceed the expenses for "private detail wages".

##### Hampton School Board

Mr. Barrington told the Board that he and Chief Wrenn are scheduled to attend the Hampton School Board meeting on Monday, May 17, to discuss the School Resource Officer funding for the HAJH. A majority of the Board members indicated that they will attend.

##### Boy Scout Project

Mr. Barrington noted that he received a request from Boy Scout Troop 177 to allow them to cleanup the High Street Parking Lot as a community service project. Their intention is to perform this cleanup the week of May 11. A letter thanking them and accepting their offer is in your packets.

##### Parking Request

Mr. Barrington informed the Board that he received a request to allow free parking on June 7 at the Island Path Parking Lot for a prom being held at the Ashworth Hotel. Once it was determined that this was not the Winnacunnet Prom, the request was declined.

##### Beach Litter

Mr. Barrington reported that he received a visit, a phone call, and two letters concerning the litter at the beach last weekend. He met today with Mr. Noel, Ms. Johanna Lyon from DRED and John Hangen to discuss the problems. In the past, DRED has been very helpful in addressing weekend trash pickup, but it does not appear to be something they are obligated to do. The town will have the summer crew on after June 15<sup>th</sup> and will be able to handle the collections at that time. Mr. Barrington said that the town has had a standing offer with the beach businesses to provide trash bags if they will remove the full one from the sidewalk barrels and properly store them until collection time. Mr. Barrington said that the group agreed that a wider discussion of trash handling and removal is appropriate, and even more pressing, with discussions of economic revitalization of the beach.

Mr. Griffin said that he has heard a lot of complaints about the beach itself being a mess this year as well. Mr. Barrington noted that the problem occurred on a beautiful early season beach day, which coincided

with Patriots Day in Massachusetts and school vacations in Maine and Massachusetts. The crowd was not expected that early in the season and no one was prepared. Mr. Griffin asked about Mr. Hangen’s notation in his memo “that this exemplifies the need for a trash cop”. Mr. Barrington said that this has been a sore subject for Mr. Hangen and he faces an ongoing enforcement problem with people that block the sidewalk and don’t follow the waste ordinances. Mr. Barrington added that there are several businesses at the beach that could be encouraged to improve the cleanliness of the area in front of them. Mr. Griffin said that what he thinks the town needs is a uniform closing and opening standard at the beach and the Chamber of Commerce is one place to start with that. Mrs. Bridle said that people that come and see this type of trash at the beach will not come back. She added that the blame can be put on budget cuts or manpower problems, but the condition will ultimately hurt everyone. Mrs. Bridle noted that DRED is collecting money from the meters but have not agreed to help us with trash. Mr. Sullivan asked how long the barrels have been out. Mr. Barrington said that he believes they have been out all winter. Mr. Barrington said that he had understood that they were to be picked up by the State, but that does not appear to be the way the State understood it.

Private Details

Mrs. Bridle asked about the private detail wages and asked if all wages paid for details are reported under the private detail wage line. Mr. Barrington said that they were. She asked if a vehicle detail line could be added for next year to show that expense as well. Mr. Barrington said that the expenses for those vehicles are not itemized as separate expenses at this time and the costs are contained in the gasoline and maintenance line items. Mrs. Bridle asked if there could be a separate sheet at the end of the year to show all costs associated with the special details. Mr. Barrington asked how much information is desired, because the research and itemization will take significant time and it may not be cost effective. Mrs. Bridle said she would like to see what is billed for wages and vehicles, on a quarterly basis.

Parking Lot

Mr. Workman noted the request for free parking on June 7<sup>th</sup> at the Island Path Lot and asked if the town would be having someone working on a Monday evening at that time of year. Mr. Barrington said that normally there would not be on a Monday, but with a known event there likely will be.

School Resource Officer

Mr. Pratt said he would not be able to attend the Hampton School Board meeting next week, but wanted to be sure that the School Board knows that if they do not fund the School Resource Officer, he will be making a motion that the officer will not be returning in September.

Consider Acceptance of Playhouse Circle Easements under RSA 41:14-a

The appropriate public hearings have been held in conjunction with the Board’s acceptance of the drainage easements at Playhouse Circle.

**Mr. Pratt MOTIONED** that the Board of Selectmen accept the drainage easements at Playhouse Circle in accordance with RSA 41:14-a.

**Mr. Griffin SECONDED**

**VOTE: UNANIMOUS FOR**

**IV. NEW BUSINESS**

Highway Safety Matters

Mr. Sullivan thanked the Highway Safety Committee for a copy of their minutes. Letters were received with recommendations from the Highway Safety Committee in regard to parking on Winnacunnet Road, missing signs and Five Corners.

The Board reviewed the concerns of the Highway Safety Committee with cars parking “head in” in front of Wine Chiropractic and extending over the sidewalk. The recommendation is to allow only parallel parking in that location. The list of missing and incorrect street signs will be forwarded to Public Works for correction.

The Highway Safety Committee has requested that the Board of Selectmen consider budgeting funds for a professional engineering study of the Five Corners intersection. Mr. Sullivan said that he knows Five Corners is a problem.

Mr. Pratt said that the Wine Chiropractic problem could be solved with requiring parallel parking or by putting up curbing. The least expensive remedy is parallel parking. Mr. Griffin said that he used to have a business across the street from that location and does feel that the current parking arrangement is dangerous.

**Mr. Pratt MOTIONED** that the street area in front of Wine Chiropractic be limited to parallel parking.  
**Mr. Griffin SECONDED** **VOTE: UNANIMOUS FOR**

**Mr. Pratt MOTIONED** that the Board support the Highway Safety Committee requesting funds in 2005 for a traffic study at Five Corners.

**Mrs. Bridle SECONDED** **VOTE: 4 FOR**  
**1 OPPOSED (Workman)**

Mr. Workman said that he does not think the town needs to spend money to know there is a problem at Five Corners..

Mr. Sullivan said that the remedy is to bring Mace Road across to Little River Road and make the intersection a four-way stop. Mr. Barrington said that if a professional study is done he would not be surprised to see a "round-about" recommended.

#### Rockingham Planning Commission

The Board reviewed a letter from the Planning Board requesting the appointment of Francis McMahon as a representative to the RPC, replacing Gerry Ridzon.

**Mr. Workman MOTIONED** that Mr. Francis McMahon be appointed as a commissioner with the Rockingham Planning Commission, representing the Town of Hampton.

**Mr. Pratt SECONDED** **VOTE: UNANIMOUS FOR**

#### Wastewater Treatment Plant

Mr. Pratt asked for a status update on the repair at the wastewater treatment plant. Mr. Barrington said that he signed a purchase order for the replacement parts and expects the plant to be fully operational before the season gets underway.

#### Firefighter's Memorial

Mr. Sullivan announced that the annual Firefighter's Memorial will take place in Hampton this year at Station II on Sunday, June 6<sup>th</sup> at 9:00 AM.

#### Tuck Road

Mrs. Bridle commented on the letter the Board received with concerns about traffic on Tuck Road and Cogger Street. Mrs. Bridle said that the letter states that the children play in those streets and asks that the access from the health facility be closed. Mrs. Bridle asked that parents not allow the children to play in any of the town streets because streets are for cars and are not playgrounds. She is very concerned that a child will get hurt. Mrs. Bridle noted that she is seeing several basketball hoops along town streets again and reminded residents that is not allowed.

## **V. MINUTES**

The minutes of May 3, 2004 were accepted as written.

**V. CONSENT AGENDA**

1. Request for Voluntary Toll Booth – AIFF Local 2664 for Burn Foundation, 7/11/04
2. Dance Hall Permit – Wally's Pub
3. Pool Table Permit – Wally's Pub

**Mr. Workman MOTIONED** that the Board of Selectmen approve the consent agenda.

**Mr. Griffin SECONDED**

**VOTE: UNANIMOUS FOR**

**VII. PUBLIC COMMENTS**

Mr. Jack Murningham, 101 Drakeside Road said that he attended the Conservation Commission meeting and told the Board that the alternate plan that Mr. Nigrelli was not approved or endorsed by the Conservation Commission. He also noted that while Mr. Nigrelli said that the property has not been used, it is being used for hay cutting. Mr. Murningham said that he moved here four years ago from Lowell to escape density problems and does not want to see Drakeside Road over developed. He pointed out a quote from Mr. Nigrelli that appeared in the Portsmouth Herald "that the property is owned by someone as an investment that they would like to get something out of" and Mr. Murningham said that he and all of his neighbors also have investments in their properties as well and as an abutter he has the right to fight this development because it is not good for the environment or the neighborhood.

Mr. Murningham said that he has nothing against the development of a property if it increases the value of the surrounding property but putting in apartments in an area of single family houses is not an improvement. He has concerns that the additional units will bring additional cars and motor cycles to the road. He stated that he feels that the property taxes from Hampton Meadows will decrease 15% to 35% as a result of this development and asked the Selectmen to help the residents of Hampton Meadows and oppose this project.

Mr. Griffin said that the comment was made that these are going to be apartments but he believes that condominiums are being proposed.

Ellen Goethel, Hampton Conservation Commission said that the town is an abutter and the value of this property is the transition it provides from meadow to salt marsh. She said that the Conservation Commission did take a straw vote at the last meeting when they were asked which of the three plans they felt was best and the what was the most distressing thing about the plan. The Commission unanimously stated that the plan with development only at the road was the least offensive although they felt it was too dense. The Commission had asked Mr. Nigrelli to keep the development along Drakeside Road and to infringe into the buffer as minimally as possible. Mrs. Goethel told the Board that up to this point the Federal Government was not willing to invest in this property for preservation purposes because it was considered unbuildable and the Wetlands Conservation District ordinance was written to protect this type of property.

The land along Drakeside Road is buildable and house lots could be put in without the need for wetlands permits or variances. Mrs. Goethel added that the yield plan was presented to the Conservation Commission as a veiled threat of what could be done without the need for any permits. Mr. Griffin asked Mrs. Goethel about the roadway and if it was all solid land. Mrs. Goethel said that it is not, it is wetland and/or within the buffer. She noted that the buffer is considered part of the Wetland Conservation District. Mr. Workman said that Mr. Nigrelli had indicated that about 15,000 sq. feet of fill would be required for the road

Mrs. Grace Murningham, said that she was one of the seven houses that face Drakeside Road and that she had spoken with Mr. Frank Richardson who told her he was not in favor of buildings being put under the utility lines. She also said that she was disappointed to have been told by someone that speaking with the Board about this was a waste of time. She asked what the Board's opinion was of density. Mr. Sullivan

said that he feels this is very dense proposal and he will be asking the Board to take a position as an abutter to the property for the Planning Board hearing. He noted that the Selectmen's representative will not be able to sit on the Board and vote on this case. Mr. Pratt said that he has learned to let the Planning Board make their decision as a separately elected board, but it is his opinion that this is too dense and the road is as busy as it can handle.

Mr. Workman said that he will speak for the Board but will not be able to vote on that case. The regulations permit certain things to happen that may not be what we may think is proper. Mrs. Bridle said that as someone that used to sit on an adjacent porch and enjoy looking at the meadow she feels the current development is already too dense. She does not care that it is not family housing and believes that Hampton needs to address affordable housing. She feels that enough is enough on Drakeside Road.

Mr. Griffin said that it is important to realize that the Board invited Mr. Nigrelli to come tonight in order for the Board to be able to fully understand what he wants to do. It is good that the residents are bringing their feelings forward and the Board has listened. Mr. Griffin said that he is opposed to any filling of the marsh at all.

Mr. David Anderson, 50 Hampton Meadows said that his biggest concern is the safety of traffic on Drakeside Road and accidents with residents pulling out of Hampton Meadows onto Drakeside Road. He noted that there was an accident about three weeks ago when someone pulling out of Hampton Meadows onto Drakeside Road was hit. He indicated that the Planning Board has requested that a traffic study be done.

Mrs. Maxine Pritcher, 112 Hampton Meadows said her concern is with the height of the buildings and explained to the Board that she paid a premium for a lot in the rear that faced woods and now there is a large apartment building. She said that they moved to Hampton to retire and were willing to pay extra for privacy and now have 18 decks looking down onto their deck and she does not want that to happen to anyone else. Mr. Griffin said that 35' is the height limit although the developer did request an increase in height to the existing building through the Zoning Board of Adjustment in order to improve the aesthetics of the roof and that was approved. Mr. Sullivan said that a lot of people care about development, but there are things that builders can do within the guidelines. Mrs. Pritcher urged everyone to drive through Hampton Meadows and see the view that her unit now has. Mr. Sullivan said that he doesn't drive through that development because the signs clearly state that it is private property. Mrs. Bridle said that all of you bought your houses from someone and if misrepresentations were made, they should complain. Mrs. Pritcher said that when she asked if anything could be built across the street she was told that it was wetlands and nothing could be built.

Mr. Murningham said that Mr. Nigrelli made three statements that are not true and she asked where the resident's safety net is when things said are not true. Mr. Workman said that the Planning Board forum allows more opportunity to refute statements that are made. Mr. Pratt said that conditions can be made on a plan to make sure things are done according to the plan, if there are concerns. Mr. Sullivan said that this Board will see to it that the concerns of the neighborhood are brought forward to the Planning Board.

Mr. Charlie Preston asked about the capacity for the sewer and water services for 66 additional units. Mr. Sullivan noted that the water moratorium has been lifted and he was not sure what the capacity of the sewer treatment plant is. Mr. Barrington said that with everything working correctly the plant is now at 60-65% of capacity.

Mr. Preston spoke about trash on the beach and he noted a letter from DRED offering to re-establish trash collection on the west side of the beach with some conditions. Mr. Preston asked if a Memorandum of Understanding has been finalized. Mr. Barrington said that it has been drafted and Mr. McLeod had related to Johanna Lyon that the trash collection was never part of the agreement. Mr. Preston said that the potential is there to have the merchants handle the trash collection in front of their businesses in exchange for getting resident parking for weekdays at the meters until June 15<sup>th</sup>. He said that this will give some

incentive to merchants to keep the area in front of their businesses clean. Mr. Preston said that he has a copy of an ordinance from another town that addresses this and he will provide that to the Town Manager. Mr. Griffin asked if Mr. Preston had thought about a uniform opening and closing policy. Mr. Preston said that he has, but his emphasis now is to get free resident parking on weekdays. Mr. Griffin said that if the goal is to have a year-round development at the beach, there needs to be a policy for maintenance year – round and some uniformity with opening and closing procedures for the season.

Mr. Sullivan noted that there were a lot of residents at the meeting tonight. He asked the Town Manager if the Selectmen’s Representative to the Planning Board will be able to speak at the public hearing. Mr. Workman said that he will be speaking from the floor but will not be able to vote on the case.

**VII. ADJOURNMENT**

**Mr. Pratt MOTIONED** that the meeting be adjourned. (9:10 PM)

**Mr. Workman SECONDED**

**VOTE: UNANIMOUS FOR**

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Chairman