

HAMPTON PLANNING BOARD

MINUTES

June 5, 2019 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Alex Loiseau, Clerk
Fran McMahon
Mark Olson
Brendan McNamara, Alternate
James Waddell, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: **Keith Lessard**

I. CALL TO ORDER

Chairman Emerick commenced the meeting at 7:00 p.m. by leading the Pledge of Allegiance and introducing the Planning Board members. Mr. Emerick noted that the applicant for 974 Ocean Boulevard wishes to withdraw. He also noted the applicant for 23-25 Kentville Terrace wishes to withdraw.

Chairman Emerick noted the applicant for Campbell Drive wishes to be continued to July 3rd.

MOVED by Mr. McMahon.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

- **Change of Use: 446 Lafayette Road**
Wine and Cheese Sales to Coffee Roasting / Coffee Shop

Mr. Joe Yazgan appeared. He wants to open a small coffee roasting business and café on site. There will be a coffee bar and they would be selling coffee beans. There could be some small local deliveries by restaurants. The name will be Blue Harbor Coffee LLC. The hours will be dependent on volume; they are thinking now 6:00 a.m. to 3:00 p.m.; it depends on the season and sales.

Mr. McNamara asked if he will roast the beans and Mr. Yazgan stated ‘yes’. Exhaust will be at the back of the building. A double wall venting system will be put in place.

MOVED by Mr. McMahon.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

HAMPTON PLANNING BOARD

MINUTES

June 5, 2019 – 7:00 p.m.

III. NEW PUBLIC HEARINGS

19-019 83 Church Street

Map: 274 Lot: 43

Applicant: Lisa Martel and Nina Labonte

Owner of Record: Same

Wetlands Permit: Replace two decks in kind (same footprint) on piers.

Ms. Martel and Ms. Labonte appeared. Their father built a deck and upper deck in 1986. They need to replace it. They won't change anything (footprint). It's not safe as it is right now.

**BOARD
PUBLIC
BOARD**

Mr. Olson asked if they saw the Conservation Commission's letter. They are fine with the Conservation Commission's stipulations. Mr. Bachand recommends approval along with the conditions in the Conservation Commission's letter dated May 29, 2019.

MOVED by Mr. McMahon.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

19-020 28 Island Path, Unit 1

Map: 282 Lot: 16

Applicant: Dawn Dufresne

Owner of Record: Dawn Dufresne & Krystal Fowler-Pope

Wetlands Permit: Installation of 4' H x 29' L vinyl fence and 4' H x 4' L wide gate between shed and house.

Ms. Dufresne and Ms. Pope (applicant and owner) appeared. They discussed the deck as noted above. They will also install a 10' x 4' high double gate to close off the area. They have small puppies and they want them to enjoy the back yard. It will help with foot traffic as well.

BOARD

Mr. Olson asked if there was a fence before. There has not. He asked about the posts in the pictures. They are just to get an idea of where it will be. They are going to put up a vinyl, flow thru fence. They received the letter.

HAMPTON PLANNING BOARD

MINUTES

June 5, 2019 – 7:00 p.m.

**PUBLIC
BOARD**

Mr. Bachand said it is straightforward and recommends approval along with the conditions in the Conservation Commission's letter dated May 29, 2019.

MOVED by Mr. McMahon.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

19-021 943, 947 & 951 Ocean Blvd.

Maps: 151 Lots: 4

Applicant: St. Magnus Condominium Association

Owner of Record: Same & 26 unit owners (listed in project file)

Wetlands Permit: Removal of corner rotted fence & replace with new fence of same material.

Mr. Bachand noted the applicant is not here as of yet.

Mr. McNamara said to continue with rest of the Agenda and we can circle back. It was agreed.

IV. CONTINUED PUBLIC HEARINGS

***WITHDRAWN**

***18-063 974 Ocean Boulevard** (continued from November 7, 2018 & December 5, 2018 & March 6, 2019)

Map: 152 Lot: 17

Applicant: Michael Desmarais

Owners of Record: Michael Desmarais Revocable Trust

Wetlands Permit: Replace existing house with a larger house that is 6' further from the HOTL and includes a new pervious driveway and pervious patio; reducing the percent of impervious area.

18-045 23-25 Kentville Terrace (continued from 8/1/18, 09/05/18 & 10/3/18 & 11/7/18 & 02/06/19 & 4/3/19)

Map: 274 Lot: 94

Applicant: Lewis Reese, Trustee

Owner of Record: Lewis Reese, Trustee, 23-25 Kentville Terrace Realty Trust

Condominium Conversion: Convert existing (two) detached single-family residential units into condominium form of ownership. Waiver Request: Section V.E. Detailed Plans.

See Above – Withdrawn

HAMPTON PLANNING BOARD

MINUTES

June 5, 2019 – 7:00 p.m.

19-016 Campbell Drive (continued from May 1, 2019)

Map: 156 Lot: 1

Applicant: Geoffrey Rallis

Owner of Record: Judith M. Haufler

Site Plan: Construction of two residential (condominium) duplexes with a private driveway off the end of the cul-de-sac.

Waiver Request: Section V.E.2 – Detailed Plans, Natural Features (for additional upland areas on parcel that have not been mapped).

See Above – Continued to July 3, 2019

V. CONSIDERATION OF MINUTES of May 15, 2019

MOTION by Mr. McMahon to accept and approve the May 15th Minutes.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (McNamara)

MOTION PASSED.

VI. CORRESPONDENCE

- **Rockingham Planning Commission Annual Meeting - Wednesday, June 12, 2019 (6-9 PM) at the Galley Hatch**

Mr. Bachand said he forwarded the information to the Board. The registration deadline is today, June 5th. Sign-up can be done online. John Broderick, former NH Chief Justice is the guest speaker.

VII. OTHER BUSINESS

- **339 Ocean Boulevard – Parking Lift Location Change**

Mr. Bachand said he received this request from Michael Green, Green & Co. They want to relocate one of the lift spaces. Space 3-4 is where it is currently located. He wants to relocate the lift at Space 11 up and 11 down (noted on plan in the Planning Office). Mr. Bachand spoke with Mr. Schultz (Building Department); he's okay as long as there are only three lifts. They got relief from the Zoning Board. Mr. Bachand asked if this can be handled as a field modification, or does the Board wants to see it as an application. He ran it by Attorney Gearreald and he has no problem with proceeding as a modification if the Board agrees. It was noted 11 up and 11 down is currently one single space; the lift space is where it says "3"—across the way. It's moving it over – from 3. This change is a result of arbitration with the condominium association also. Ms. Carnaby wants to know what the need is to switch. Mr. Bachand said it's because of arbitration with the condominium association. The Association took a vote to allow them to move the space. Mr. Bachand does not know what triggered this. Mr. Olson asked why it is limited to 3.

HAMPTON PLANNING BOARD

MINUTES

June 5, 2019 – 7:00 p.m.

Mr. Olson said he noted the lift – he thinks he finds it dangerous for cars to be up high. Are they going to end up having 4 was asked by Mr. Olson. Mr. Bachand said Mr. Schultz said as long as it stays 3, there is not an issue with this request. Mr. McNamara said we are not an ownership Board.

Ms. Emerick thinks it's a field modification. If the Association voted for this, then it should be okay. Mr. Loiseau said these are typically deeded. Mr. McNamara said we review condominium documents about trash; maybe this needs review.

If there are more than 3 lifts, it will be another issue – that's not what this request is for. Mr. McMahan asked about the zoning relief. It was for the number of lift spaces.

MOVED by Mr. Olson to accept it.

SECOND by Mr. Waddell as a field modification.

VOTE: 7 – 0 – 0

MOTION PASSED.

• **737 and 739 Ocean Boulevard – Status of Parking for Condominium**

Mr. Bachand discussed the history of this matter. It is a condominium conversion approved in 2000. Not all four parking spaces shown on the approved plan were constructed. Numbers 3 and 4, along Ocean Boulevard, were not constructed. The Board previously discussed and agreed that it is not feasible to construct these two spaces, but the compliance issue remained. As of 2006, the Zoning Ordinance requires one space per unit for conversions that are pre-existing and non-conforming. Mr. Bachand's previous recommendation was to have an amended condominium site plan and application. Attorney Steve Ells wanted to keep costs down by filing a document with the Registry (Amended Declaration), which he did. It references only one space per unit. Mr. Bachand said it accomplishes the same thing. With that said, Mr. Bachand noted the concern is that there is the lack of an amended application to the Planning Board. He discussed this with Town Attorney Mark Gearreald. This can be remedied on the Planning Board's end by having the applicant file an Amended Application for Condominium Site Plan Approval. The applicant could request a waiver of providing a new site plan. The decision letter would be recorded. Mr. Bachand asked for the Board's thoughts on this.

Mr. Emerick asked what the problem is. What is the issue was asked. Mr. Bachand noted two parking spaces were not constructed as approved. There is a wall there (retaining wall). It is pretty clear that it is not safe to park in spaces along Ocean Boulevard. You can really only have one space per unit as is there today. Mr. Emerick asked again, what is the issue.

Mr. Waddell said this came to the Selectmen. It was supposed to be four parking spaces, this is how it came about. There are two spaces. Mr. Emerick said we don't ask people to come back if they do less. Mr. Bachand said the parking requirement has changed since 2000. Mr.

HAMPTON PLANNING BOARD

MINUTES

June 5, 2019 – 7:00 p.m.

Emerick said to fix paperwork, ok. Mr. McNamara said if there is an issue with parking there, why was there an issue with parking, using their own parking was asked. Re-doing the paperwork does not solve the problem anyway per Ms. Carnaby. Attorney Ells already recorded the document and it complies with our Regulations today. Mr. McMahon said owners can park across the street and get leased spaces. It's not practical to put spaces in the front (along Ocean Boulevard) was noted. Ms. Carnaby asked if we can just reaffirm. Mr. Olson asked why this wasn't amended. Mr. Bachand said he had recommended that they come back with an amended site plan and application. There was back and forth with Attorney Ells; the clients can't pay. The residents would have to start from scratch. Mr. McMahon said it's just paperwork. Mr. Waddell said if it's clarified on the paperwork, it should be ok. Ms. Carnaby said they have to re-do the paperwork.

Mr. Bachand said there are two ways to approach this: One way is to file the Amended Application for Condominium Site Plan Approval; not providing a new plan with the application. Attorney Ells' Amended Declaration and the plan are already on record. They are filing the paperwork. Mr. McNamara asked if they also have to go before the ZBA, and Mr. Bachand said they may and that he will need to discuss further with Attorney Gearreald. It is a less costly approach because they would not need to re-do the plan. We (Planning Board) could agree to waive the application fee. Option 2 is to do nothing per Mr. Bachand and simply accept what Attorney Ells recorded. It does comply with what the Board wanted. Attorney McMahon said this will be bounced back before the Planning Board and the Board of Selectmen if we do nothing.

Mr. Loiseau discussed if someone wanted to use the spaces down the road. Could they re-amend their condo documents was asked. Attorney Ells' amended language says spaces have never been constructed and shall never be constructed.

Having the application fixed was discussed. The people would come back to us. Mr. Bachand will talk further with Attorney Gearreald and ask them to file the application. Mr. McNamara said a public hearing may be necessary for people to come out to speak. This would be a public hearing. Amend the application and have a public hearing. Mr. Olson said to have them do it all right. They can submit waiver requests. We want an application.

MOTION by Mr. McNamara.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

• **Heritage Commission – Appointment of Planning Board Member**

Mr. Bachand discussed Article 45 from the 2019 Town Warrant. The Selectmen have already appointed two regular members to the Heritage Commission. They need to fill one more regular seat. There also must be a Planning Board representative and a Board of

HAMPTON PLANNING BOARD

MINUTES

June 5, 2019 – 7:00 p.m.

Selectmen representative. Mr. Bachand is asking for someone from this Board to be nominated – although the Selectmen ultimately make the appointments.

MOTION by Mr. Olson to nominate Ann Carnaby.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

Ms. Carnaby will need to be appointed by the Selectmen next.

- **Update on proposed Master Plan Initiation Sessions**

Mr. Bachand said the first session is scheduled for June 19th. He received a call from Tim Roache (RPC) and we were going to do the Master Plan 101 presentation on June 19th. The RPC has a schedule conflict and has requested a different date. It could be our July 17th meeting. Mr. Bachand asked if the Board still wants to meet on this at the 2nd meeting of this month, or start July 17th. Mr. McMahon says we should proceed. Ms. Carnaby agrees; Mr. Olson does also.

Jim Waddell will be the BOS representative; ZBA representative is Tom McGuirk; Sharon Raymond from the Conservation Commission; Rick Griffin for the HBAC; Brian Warburton for the Budget Committee. Barbara Kravitz is interested in participating, and Mr. Bachand asked the Board if she could do so as resident at-large. The Board agreed with that.

- **Submittal Checklist Disclaimer – Applicant Verification of Abutters, Applicants, and Holders of Conservation, Preservation, and/or Agricultural Preservation Restrictions**

Mr. Bachand discussed a change to the Submittal Checklist. Attorney Gearreald previously provided suggested language. Mr. Bachand scaled it back significantly then discussed further with Attorney Gearreald. Ms. Carnaby said this is clear and concise. The Board is satisfied with the change.

Mr. Emerick asked about Ocean Boulevard – the applicant did not make it. Ms. Rayann Dionne (Conservation Coordinator) appeared. She noted the applicant missed the Conservation meeting as well. The Commission did opt to review it in their absence. They are replacing an existing fence with similar materials. There weren't any issues. Ms. Dionne said it's up to the Board. Mr. Olson said we should push it to June 19th.

MOTION by Mr. Olson to continue this application to the June 19th meeting.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

HAMPTON PLANNING BOARD

MINUTES

June 5, 2019 – 7:00 p.m.

VIII. ADJOURNMENT

MOTION by Mr. Olson to adjourn.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 7:51p.m.

Respectfully submitted,

Laurie Olivier, Office Manager/Planning

****PLEASE NOTE****

ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.

MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING