

**HAMPTON PLANNING BOARD**

**Minutes**

**January 02, 2008 – 7:00 p.m.**

**PRESENT:** Tracy Emerick, Chair  
Robert Viviano, Vice-Chair  
Fran McMahon, Clerk  
Keith Lessard  
Tom Higgins  
Jim Workman, Selectman Member  
Bill Faulkner  
James Steffen, Town Planner  
Kristina Ostman, Planning Coordinator

**I. CALL TO ORDER**

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

**II. CONTINUED PUBLIC HEARINGS**

**07-083 Olde Hampton Village**  
340 Lafayette Road  
Site Plan Review  
Parking Lot Expansion and Drainage Rehab.  
Pegasus Management Corp.  
Map 175 Lot 8  
Owner of Record: Narcissus Real Estate, LLC

**APPLICANT** Applicant by written request has requested a continuance to January 16, 2008

**BOARD DISCUSSION**

Mr. Higgins discussed the issue of continuing projects to the next meeting date (2-weeks away) when it becomes apparent that the applicants are not ready to come before the Board to present updated material. He noted that this particular application is an example, because of the four previous requests for continuation. He stated it is apparent that the two-week continuances are not enough time for some applicants to resolve the issues and be prepared to appear before the board. He feels that the Board should consider continuing applications further into the Board's calendar, such as a month. Mr. Higgins also remarked that the repetitive requests for two-week continuances clog up the agenda, and they do not allow other applications to be heard, as the agendas appear as full.

**MOVED** by Mr. Lessard to continue the hearing to January 16, 2008.

**SECOND** by Mr. Faulkner

**VOTE:** 6-0-1 Mr. Higgins voted in opposition **MOTION PASSED**

**III. PUBLIC HEARING ON ZONING AMENDMENT**

Town Planner Mr. Steffen explained the Article 2 Amendment.

**Article 2**

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Mr. Steffen informed the Board members as to the reason why the description of the district boundaries was changed. In conversations with Town Counsel, the previous description of simply listing the lot and tax map number that are within the district gives the appearance of spot zoning.

This is a textual change to describe the same by metes and bounds. This method clarifies precisely what properties are within the district.

**BOARD**

Discussion ensued on the format of article and whether to have the boundary description placed at the end of the proposed article. It was determined that the Planning Office would seek Town Counsel's advice as to the placement of the district description. The Board favors the placement of the description at the end of the Article with a Note to voters that the description is to be found at the end of the Article.

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Jean Boudreau – Winnacunnet Road, owner of several properties north of the Ashworth Hotel. She asked the Board to extend the Beach Commercial district boundary to the Little Jack's property. The Business Seasonal district, which is a commercial district, extends farther north and they are excluded from the changes proposed. These changes would have helped the property owners north of the Ashworth. She feels with the district proposed as it is, would only benefit a few property owners within the current Business Seasonal District. The properties north of the Ashworth Hotel will continue to appear before the Zoning Board of Adjustment to seek the relief from zoning, which will be allowed under this proposed zoning amendment. She and other property owners do not want to be left out of the benefits of the zoning amendment. She noted that the Ashworth Hotel is not the end of the commercial district.

Discussion ensued among Board members on the issue of why the district area was defined as proposed. It was explained to Ms. Boudreau that the Board would be taking future action on changes to the remaining areas that are north of the Ashworth Hotel and within the Business Seasonal Zoning district in stages.

Discussion ensued among the Board members noting that a change of this nature would be substantial and would necessitate a new public hearing. It would be decided that to go with this request would jeopardize the passing of the proposed amendment.

**MOVED** by Mr. McMahon to approve the textual change regarding the placement of the description of the proposed district in the article and to move the article forward to the ballot. The amendment will be re-formatted for clarity and to place the description at the end of the article.

**SECOND** by Mr. Faulkner

**VOTE:** 7-0-0

**MOTION PASSED**

**Note:** Matter added to the current ordinance appears in underline. Deleted matter appears as ~~stricken through~~.

**ARTICLE 2**

**HAMPTON PLANNING BOARD**  
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Are you in favor of the adoption of Amendment No.1 as proposed by the Planning Board to amend the Zoning Ordinance in following manner: 1) ARTICLE II DISTRICTS, Section 2.1 Zoning Map to change a portion of the Business Seasonal (BS) zoning district to Beach Commercial (BC); and 2) Add to ARTICLE II DISTRICTS a new section titled Section 2.6 Beach Commercial as follows?

**Section 2.6 Beach Commercial (BC) District**

**2.6.1 Purpose**

The Beach Commercial (BC) district is intended to enhance the value of land and buildings, to unlock the potential of creative architecture and development, to create incentives for new development, to establish adequate setback regulations, and to create new definitions for the district while preserving the character of this historically lively oceanfront area of Hampton.

**2.6.2 Boundaries**

The Beach Commercial (BC) zoning district shall be within the boundaries shown on the Town of Hampton Zoning Map. NOTE: The written description of the proposed Beach Commercial (BC) zoning district, which references what properties (by Lot number and Tax Map number) are to be within the proposed district, is located at the end of this Article.

**2.6.3 Protection of Existing Zoning**

The zoning requirements for the BS, G, RA, RB and RCS districts shall remain an integral part of the Town of Hampton Zoning Ordinance and shall be neither modified, repealed nor amended by this Article.

Where the Beach Commercial district provisions are silent on a zoning rule or regulation, the zoning requirements of the Town of Hampton Zoning Ordinance shall apply.

Uses permitted in the Beach Commercial district shall include all uses permitted in the Business Seasonal district, except those specified hereinafter.

**2.6.4 Definitions**

Existing definitions set forth in the Town of Hampton Zoning Ordinance shall apply to all developments within the Beach Commercial district, except that the following additional definitions shall apply to the Beach Commercial district:

- A. Building Height: This height shall be determined by the vertical distance measured from grade plane to the average height of the highest roof surface. The average height of sloped roofs is the mid-height between the roof eave and the roof ridge regardless of the shape of the roof.
  - 1. Unoccupied architectural appurtenances (i.e. turrets, cupolas, bell towers, etc.) and structural screening (i.e. facades, parapets, low wall extensions and railings used to screen mechanical equipment, roof top units, elevator over rides, exhaust hoods, etc.) shall be excluded.
- B. Drive-Through Retail Establishment: Any business, commercial and or retail use, which utilizes a vehicular drive-up window.

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- C. Habitable Space: An area of any structure that is legally accessible and intended for human occupancy for residential, business, or commercial uses. Mechanical rooms, parking areas, storage areas, closets, bathrooms, toilet rooms and other passive accommodations shall not constitute habitable space.
- D. Mixed-Use Development: A development that contains a combination of residential use and one or more permitted principal business or commercial uses, which are retail and/or professional in nature. A combination of a business or commercial parking facility with residential dwelling units shall not constitute a mixed-use development.
- E. Parking Space: An on-site, or off-site parking space having an area of not less than 162 square feet, with minimum dimensions of nine (9) feet wide by eighteen (18) feet long measured at right angles, plus access and maneuvering space, whether inside or outside a structure, exclusive of driveways, for the exclusive and permanent use as a parking space for one motorized vehicle, and further being surfaced with durable pavement and connected with a street, right of way or immediately by a surfaced driveway which affords satisfactory ingress and egress.
- \*Stacked parking means a parking situation where more than one space exists in a line of spaces and only one space in the line has unobstructed access at all times into or out of the adjacent street or right-of-way. Stacked parking shall constitute one parking space.
- F. Recordable Deed: A provision, acceptable in form and substance to the Town Attorney, and the Planning Board, in a deed of real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. The deed shall limit the redevelopment of the property for any other purpose or use other than the proposed purpose or use, and shall bind all subsequent purchasers in perpetuity.
- G. Recreation Space:
1. Recreation Space - Active: Recreational uses, areas, and activities oriented toward competition activities and involving special equipment. Playgrounds, sports fields and courts, swimming pools, picnic areas, biking trails and golf courses are examples of active recreation uses.
  2. Recreation Space - Passive: Recreational uses, areas or activities oriented to noncompetitive activities, which either require no special equipment or are natural areas. Bicycle riding, hiking and bird watching are examples of passive recreation activities.
- H. Residential/Commercial Parking Development: A development that contains a combination of either residential, business or commercial units on the upper floors of a structured parking facility.
- I. Setback: Setback is the horizontal distance measured perpendicularly from the property line inward to the nearest structure.
- J. Yard: An area of open space unobstructed from the ground up, extending along a property line and inward to the nearest structure.

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1. Front Yard: A yard extending for the full width of the lot between the front line of the nearest structure and the front property line.
  2. Side Yard: A yard unoccupied, except by an accessory structure or accessory use as herein permitted, between the nearest structure and the side property line. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.
  3. Rear Yard: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest structure and the rear property line.
- K. Valet Parking: A service of parking cars, to provide parking at an off-site location to visiting guests.

**2.6.5 Use Regulations**

**A. Permitted uses:**

Uses permitted in the Beach Commercial district shall include all uses permitted in the Business Seasonal district, except those specified hereinafter. The following uses shall be permitted uses in the Beach Commercial district:

1. Mixed-use development.
2. Residential/Commercial parking development.
3. Fish and shellfish, wholesale and retail sale.
4. Roller-skating and ice-skating rinks.

**B. Prohibited uses:**

Any use not specifically enumerated above or set forth as permitted in the Town of Hampton Zoning Ordinance for the Business Seasonal District shall be prohibited.

In addition to those uses prohibited in the Business Seasonal District in the Town of Hampton Zoning Ordinance, the following uses shall be prohibited in the Beach Commercial district:

1. Drive-through retail establishment
2. Automobile garage, repair, sales, and service
3. Moped rental, sales, repair and service
4. Filling Stations
5. Car wash
6. Tattoo parlor
7. Chemical warehouse
8. Motorcycle repair, sales and service

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9. Warehouses

10. Storage and/ or sales yard for coal, cordwood, building materials and landscape materials.

**2.6.6 Dimensional Requirements**

A. Maximum height allowed: 65 feet with the exception that unoccupied architectural appurtenances to which there is no permanent access (cupolas, spires, chimneys, flagpoles, air conditioning units, etc.) and comprising not more than 25% of the structure's footprint in plan view shall be excluded.

i. In no instance shall any appurtenance extend to a point greater than 75 feet in height measured vertically from the established average grade plane.

B. Minimum lot area (sq. feet): 5,000

C. Minimum lot area per dwelling unit (sq. feet): 1,250

D. Minimum frontage (sq. feet): 50

E. Minimum lot width (sq. feet): 50

F. Minimum habitable space per dwelling unit (sq. feet): 400

G. Residential Recreation Space requirement: Minimum requirement for the first 3-5 units proposed is 550 sq. ft.; for each additional unit proposed over 5; an additional 100 sq. ft. per unit is required; for each unit proposed over 10, an additional 50 sq. ft. per unit is required.

H. Maximum amount of sealed surface per lot, including but not limited to driveways, parking lots, and structure envelope: 85%

I. Setbacks:

1. Front setback: 4 feet minimum setback. If frontage is located on Ashworth Avenue or Ocean Boulevard, the maximum allowed front setback shall be 20 feet.

a. Balconies, decks, porches, and other similar elements shall be considered part of the structural front setback requirement and the setback shall be measured from the vertical plane of the most projected surface, but a cantilevered section, an entrance way or permanently installed canopy is excluded.

2. Corner lots: If the lot is a corner lot, then the address of the lot shall be considered the front setback, any other frontage(s) shall be considered a side setback.

3. Side setback: 4 feet minimum setback.

a. Cantilevered sections, overhangs, balconies, decks, porches, and other similar elements shall be considered part of the structural setback requirement for side setback and the setback shall be measured from the vertical plane of the most projected surface.

4. Rear setback: 7 feet minimum setback.

J. Any yard that is not a front yard or a rear yard shall be considered a side yard.

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K. Article VIII- Multi-Family Dwelling: Article VIII Multi-family dwelling requirements shall not apply to developments within the Beach Commercial District.

L. Residential off-street parking requirements: Two parking spaces shall be required per dwelling unit and provided on-site.

M. Residential/Commercial parking development off-street parking requirements:

1. Two parking spaces shall be required per dwelling unit and provided on-site.
2. For every (8) eight residential dwelling units, (1) one-guest parking space shall be required and provided on-site. If less than (8) eight residential dwelling units are proposed, (1) one-guest parking spaces shall be required and provided on-site.

All required residential and guest parking shall be recorded by deed in perpetuity.

N. Mixed-use development:

1. Lots having frontage of 100 feet or less shall contain a minimum of 65% gross floor area of business or commercial use (other than parking) on the ground and or the first occupied floor.
2. Lots having frontage of more than 100 feet shall contain a minimum of 55% gross floor area of business or commercial use (other than parking) on the ground and or the first occupied floor.
3. Residential use off-street parking requirement:
  - a. May have at least one (1) parking space per dwelling unit and provided on-site.
  - b. For every (4) four residential dwelling units, (1) one guest parking space shall be required and provided on-site.
  - c. A recorded deed for the off-site property location shall be acquired by the developer for all off-site parking as defined in section N.3.c.i. The recordable deed shall be submitted to the Planning Board; approved and accepted; before approval of the project is granted.
    - i. A provision, acceptable in form and substance to the Town Attorney, and the Planning Board, in a deed of real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. The deed shall limit the redevelopment of the property for any other purpose or use other than the off-site parking requirement for the mixed-use development, and shall bind all subsequent purchasers in perpetuity. The deed shall run with the land and the approval of the project in perpetuity. The project approval shall be voided if any matter or form dissolves the deed.

O. Hotel and motel uses: Hotel or motel uses shall provide parking as defined in section O.1. If said off-site parking is greater than 600 feet away, when measured from the nearest lot line of the development, then valet parking shall be provided by the development. A recorded deed for the off-site property location shall be acquired by the developer for all off-site parking as

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defined in section O.1.a. The recordable deed shall be submitted to the Planning Board; approved and accepted; before approval of the project is granted.

1. A hotel and or motel use shall provide one parking space for the first 330 square feet of sleeping room space. One additional space shall be provided for each sleeping room greater than 330 square feet. One additional parking space shall be provided for each sixteen (16) units as guest parking. Sleeping rooms in rooming houses: One space per sleeping room plus one guest space per sixteen units.
  - a. A provision, acceptable in form and substance to the Town Attorney, and the Planning Board, in a deed of real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. The deed shall limit the redevelopment of the property for any other purpose or use other than the off-site parking for the hotel or motel use, and shall bind all subsequent purchasers in perpetuity. The deed shall run with the land and the approval of the project in perpetuity. The project approval shall be voided if any matter or form dissolves the deed.
- P. Business/Commercial structures or uses shall not display or advertise goods for sale purposes or display coin-operated vending machines of any type in any location which would infringe upon the required yard areas or public areas specified in this ordinance.
- Q. Article V- Signs: The provisions and requirements for the Business Seasonal district under Article V- Signs shall apply to all developments in the Beach Commercial district.
- R. Lighting standards shall be in accordance with the design details as referenced in the “Hampton Beach Infrastructure Improvements Project” plans.
- S. Structures are prohibited from casting shadows on the sand on the easterly side of Ocean Boulevard prior to 6 pm from May 15<sup>th</sup> through September 15<sup>th</sup>. Unoccupied architectural appurtenances (i.e. turrets, cupolas, bell towers, etc.) and structural screening (i.e. facades, parapets, low wall extensions and railings used to screen mechanical equipment, roof top units, elevator over rides, exhaust hoods, etc.) shall be included in the calculation, when determining the shadow effect of the structure.

### **2.6.7 Severability.**

In the event that one or more of the provisions of this Ordinance are found or determined to be illegal or unenforceable by the New Hampshire Superior Court or the New Hampshire Supreme Court, then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this Ordinance which provisions will remain in full force and effect.

## **BEACH COMMERCIAL ZONING DISTRICT BOUNDARIES**

**NOTE: The Zoning Map was changed by amending portions of the Business Seasonal zoning district to the Beach Commercial zoning district. The district boundaries of the Beach Commercial zoning district shall be bounded by the following descriptions:**

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Beginning at a point at the Northeast corner of Lot 53, Map 282 (reference Map 283); then running 150 feet (±) in a Westerly direction to the Northwest corner of Lot 53, Map 282; then turning and running 180 feet (±) in a Southerly direction along the Westerly side of Lot 53, Map 282; then turning and running 150 feet (±) in a Easterly direction along the Southerly side of Lot 53, Map 282; then turning and running 150 feet (±) in a Northerly direction along the Easterly side of Lot 53, Map 282; to the point of beginning.

Beginning at a point at the Northeast corner of Lot 43, Map 282; running in a Westerly direction 68.2 feet (±) to the Northwest corner of Lot 43, Map 282; then turning and running in a Southerly direction 50 feet (±) along the Westerly side of Lot 43, Map 282; then turning and running 37 feet (±) in an Easterly direction along the Northerly side of Lot 28, Map 282; then turning and running 49.64 feet (±) in a Northerly direction to the Northeast corner of Lot 27, Map 282; then turning and running 100.36 feet (±) in a Westerly direction along the Northerly side of Lot 27, Map 282; then turning and running in a Southerly direction 100 feet (±) along the Westerly side of Lot 27, Map 282; then turning and running 49.66 feet (±) in a Westerly direction along the Northerly side of Lot 27, Map 282; then turning and running 104.02 feet (±) in a Southerly direction along the Westerly side of Lot 27, Map 282; then turning and running 157.8 feet (±) in a Easterly direction along the Southeasterly side of Lot 27, Map 282; then 71 feet (±) along the Northeasterly side of Lot 28, Map 282; then in a Northerly direction 56 feet (±) along the Easterly side of Lot 43, Map 282; to the point of beginning.

Beginning at a point at the Northeast corner of Lot 86, Map 282; running in a Southwesterly direction 115.39 feet (±) along the Northerly side of Lot 86, Map 282; then in a Westerly direction 51.32 feet (±) along the Northerly side of Lot 85, Map 282; then 51.32 along the Northerly side of Lot 84, Map 282; then 99.82 feet (±) along the Northerly side of Lot 83, Map 282; across Ashworth Avenue to the Northeast corner of Lot 82, Map 282; then 112 feet (±) in a Westerly direction along the Northerly side of Lot 82, Map 282; to the Northwest corner of Lot 82, Map 282; then turning and running in a Southerly direction 66.5 feet (±) along the Westerly side of Lot 82, Map 282; then 51 feet (±) along the Westerly Side of Lot 104, Map 282; then turning and running 28.4 feet (±) in a Westerly direction along the Northerly side of Lot 122, Map 282; then turning and running 17.6 feet (±) in a Northerly direction along the Northeast side of Lot 122, Map 282; then turning and running in a Westerly direction 18.6 feet (±) along the Northerly side of Lot 122, Map 282; then turning and running in a Southerly direction 23.11 feet (±) along the Northwest side of Lot 122, Map 282; then turning and running in a Westerly direction 75.62 feet to Jones Avenue, then turning and running 25.93 feet (±) in a Southerly direction along the Westerly side of Lot 122, Map 282; then 250 feet (±) along the Westerly side of Lot 121, Map 282; then 50 feet (±) along the Westerly side of Lot 166, Map 282; to the Southwest corner of Lot 166, Map 282; then turning and running 40 feet (±) in a Easterly direction along the Northerly side of Lot 165, Map 282; to the Northwest corner of Lot 183, Map 282; then turning and running in a Southerly direction 41.03 feet (±) along the Westerly side of Lot 183, Map 282; then turning and running in a Westerly direction 166.12 feet (±) along the Northerly side of Lot 183, Map 282; then turning and running in a Southerly direction 166.65 feet (±) along the Westerly side of Lot 183, Map 282; then 209.08 feet (±) along the Westerly side of Lot 204, Map 282; then 76.39 feet (±) along the Westerly side of Lot 4, Map 287; then

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81.05 feet (±) along the Westerly side of Lot 18, Map 287; then turning and running 10 feet (±) in a Westerly direction along the northerly side of Lot 26, Map 287 to the northwesterly corner of Lot 26, Map 287; then turning and running in a Southerly direction 230 feet (±) along the Westerly side of Lot 26, Map 287 to the Southeast Corner of Lot 25, Map 287; then turning and running 75 feet (±) in a Easterly direction along the Northerly side of Lot 30, Map 287; then 127.45 feet (±) along the Northerly side of Lot 31, Map 287 to the Northwest corner of Lot 32, Map 287; then turning and running in a Southerly direction 57.17 feet (±) along the Westerly side of Lot 32, Map 287; then turning and running in a Westerly direction 136.27 feet (±) along the Southerly side of Lot 31, Map 287; then 145 feet (±) along the Southerly side of Lot 30, Map 287; then 55 feet along the Southerly side Lot 28, Map 287; then turning and running in a Southerly direction across Brown Avenue Extension to Lot 50, Map 287; then in a Southerly direction 475 feet (±) along the westerly side of Lot 50, Map 287; then 171 feet (±) to the Southerly side of Lot 1, Map 290; then turning and running in an Easterly direction 205 feet (±) to the Northeast corner of Lot 11, Map 290; then turning and running in a Southerly direction 58.8 feet (±) along the Easterly side of Lot 11, Map 290; then across Hobson Avenue to the Northeast corner of Lot 36, Map 290; then in a Southerly direction 58.8 feet (±) along the Easterly side of Lot 36, Map 290; then turning and running in a Easterly direction 94 feet (±) along the Northerly side of Lot 48, Map 290; to the Northeast corner of Lot 48, Map 290; then turning and running in a Southerly direction 69.31 feet (±) along the Easterly side of Lot 48, Map 290; then across Manchester Street to the Northwest corner of Lot 66, Map 290; then turning and running in a Southerly direction 71.09 feet (±) along the Easterly side of Lot 65, Map 290; then 42.58 feet (±) along the Easterly side of Lot 72, Map 290; then turning and running in a Westerly direction 88 feet (±) along the Southerly side of Lot 72, Map 290; then across Keefe Street to the Northeast corner of Lot 87, Map 290; then in a Southerly direction 54.5 feet(±) along the Easterly side of Lot 87, Map 290; then turning and running in a Westerly direction 29.5 feet (±) along the Southerly side of Lot 87, Map 290; then 58.5 feet (±) along the Southerly side of Lot 86, Map 290; then turning and running 67.7 feet (±) in a Southerly direction along the Easterly side of Lot 93, Map 290; then across Mooring Drive to the Northeast corner of Lot 122, Map 290; then in a Southerly direction 68.2 feet (±) along the Easterly side of Lot 122, Map 290; then turning and running in an Easterly direction 43 feet (±) along the Northerly side of Lot 132, Map 290; then 100 feet (±) along the Northerly side of Lot 134, Map 290; then turning and running in a Southerly direction 100 feet (±) along the Easterly side of Lot 134, Map 290; then turning and running in a Westerly direction 100 feet (±) along the Southerly side of Lot 134, Map 290; then across Auburn Avenue in a Southerly direction to the Northwest corner of Lot 150, Map 290; then in a Southerly direction 146.9 feet (±) along the Westerly side of Lot 150, Map 290; then turning and running in an Easterly direction 38.5 feet (±) along the Northerly side of Lot 171, Map 290; then turning and running in a Southerly direction 25.7 feet along the easterly side of Lot 171, Map 290; 9.7 feet (±) along the Easterly side of Lot 5, Map 293; then turning and running in a Easterly direction 49.9 feet (±) along a right of way and the Northerly side of Lot 12, Map 293; then turning and running in Southerly direction 58.1 feet (±) along the Easterly side of Lot 12, Map 293; across Perkins Avenue to the Northeast corner of Lot 29, Map 293; 100 feet (±) along the Easterly side of Lot 29, Map 293; 80 feet (±) along the Easterly side of Lot 49, Map 293; then across Johnson Avenue to the Northeast corner of Lot 65, Map 293, then running in a Southerly direction 80 feet (±) along the Easterly side of Lot 65, Map 293; then turning and running in a Easterly direction

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39.94 feet (±) along the Northerly side of Lot 73, Map 293; then turning and running in a Southerly direction 80 feet (±) along the Easterly side of Lot 73, Map 293; then across Riverview Terrace to the Northeast corner of Lot 90, Map 293; then running in a Southerly direction 80 feet (±) along the Easterly side of Lot 90, Map 293; then 79.84 feet (±) along the Easterly side of Lot 109, Map 293; then across Bragg Avenue to the Northeast corner of Lot 126, Map 293; 80 feet (±) along the Easterly side of Lot 126, Map 293; then turning and running in a Westerly direction 40 feet (±) along the Southerly side of Lot 126, Map 293; then 40 feet (±) along the Southerly side of Lot 125, Map 293; then turning and running in a Southerly direction 80 feet (±) along the Easterly side of Lot 146, Map 293; then across Tuttle Avenue in a Southeast direction to the Northeast corner of Lot 165, Map 293; then running in a Southerly direction 80 feet (±) along the Easterly side of Lot 165, Map 293; 80 feet (±) along the Easterly side of Lot 2, Map 296; then across Fellows Avenue to the Northeast corner of Lot 14, Map 296; then turning and running in a Southerly direction 80 feet (±) along the Easterly side of Lot 14, Map 296; then 80 feet (±) along the Easterly side of Lot 28, Map 296; then across Dow Avenue to Lot 43, Map 296; then turning and running in a Westerly direction 80 feet (±) along the Northerly side of Lot 43, Map 296; then turning and running in a Southeasterly direction 79 feet (±) along the Northeasterly side of Lot 19, Map 295; to the southeast corner of Lot 19, Map 295; then turning and running in a Southerly direction 50 feet (±) along the Easterly side of Lot 23, Map 295; then 50 feet (±) along the Easterly side of Lot 27, Map 295; then turning and running in a Westerly direction 100 feet (±) along the Southerly side of Lot 27, Map 295; then turning and running in a Southerly direction 166.66 feet (±) along the Westerly side of Lot 31, Map 295; then turning and running in a Easterly direction 100 feet (±) along the Northerly side of Lot 41, Map 295; then turning and running in a Southerly direction 65.66 feet (±) along the Easterly side of Lot, 41, Map 295; then 7.55 feet along the Southeast corner of Lot 41, Map 295; then turning and running in a Westerly direction 97.32 feet (±) along the Southerly side of Lot 41, Map 295; then turning and running in a Southerly direction 59.06 feet (±) along the Westerly side of Lot 49, Map 295; then turning and running in a Easterly direction 99.99 feet (±) along the Northerly side of Lot 56, Map 295; then turning and running in a Southerly direction 99.92 feet (±) along the Easterly side of Lot 56, Map 296; then turning and running 100 feet (±) in an Easterly direction along the Southerly side of Lot 127, Map 296 to Ashworth Avenue; then across Ashworth Avenue to the Southwest corner of Lot 128, Map 296; then in an Easterly direction 22.42 feet (±) to the Southeast corner of Lot 128, Map 296; then turning and running 4560 feet (±) in a Northeasterly direction along the Westerly side of Ocean Boulevard and crossing Q, P, O, N, M, L, K, J, I, H, G, F, D, C, B, and A Streets to the point of beginning at the Northeast corner of Lot 86, Map 282.

Mr. Steffen outlined the changes to the POR District for Article 3.

**Article 3**

This amendment is to enlarge the district by adding Tax Map 162, Lots 42 & 43, which are located on the corner of High Street and Mill Road. In addition of Tax Map 161, Lot 51, which is a lot is located in the middle school parking lot would be included in the POR District. This lot was accidentally omitted in the 2007 zoning amendment for the POR district. The lot is currently located within the boundary of the POR district.

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**PUBLIC**

Paul Sullivan, 189 High Street. He stated as he understands the proposal it was not brought forward by any property owner to be included in the POR District. He noted that no one in this neighborhood is asking for this change. The two properties are located in an area that has the highest accident rate in the Town. He feels the change would be detrimental to the residential neighborhood, and is a drastic change the residential character. Mr. Sullivan and the other property owners would like the area to stay residential. He noted that there currently are no businesses in the area, and there is no need to change the area.

**BOARD**

Mr. Emerick clarified that this hearing and the proposal were noticed, and have been discussed in previous zoning workshops and public hearings. He explained that the idea was to eliminate spot zoning; the inclusion of this lot does not preclude the lots from remaining residential.

Discussion ensued among the Board members regarding the residential nature of the neighborhood. It was noted that the area is currently RB and has been separated by the POR district. It was determined that the removal of the lots would not be a substantial change to the zoning article.

**MOVED** by Mr. Lessard to accept the public comment and remove lots Map 162, Lots 42 & 43 from the proposed zoning amendment and to move the article amendment forward to the ballot.

**SECOND** by Mr. Workman

**VOTE:** 7-0-0                      **MOTION PASSED**

**Note:** Matter added to the current ordinance appears in underline. Deleted matter appears as ~~stricken through~~.

**ARTICLE 3**

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board to amend the Zoning Ordinance in following manner: 1) ARTICLE II DISTRICTS, Section 2.1 Zoning Map to change a portion of the Residence A Zoning District, specifically Tax Map 161, Lot 51, to the Professional Office / Residential (POR) Zoning District; and 2) ARTICLE II DISTRICTS, Section 2.1 Zoning Map to correct the legal description of the Professional Office / Residential (POR) Zoning District?

**Section 2.1 Zoning Map**

1) The Zoning Map was changed by amending a portion of the Residence A Zoning District to include the following property in the Professional Office / Residential (POR) Zoning District: Tax Map 161, Lot 51 (east side of Academy Ave) and to delete that lot from the 4<sup>th</sup> Note in Section 2.1 where it is listed among the lots not included in the POR Zoning District.

2) Legal description correction amendment: The Zoning Map was changed by amending the portions of the RA and RB zoning districts to POR for the properties which are bounded by the following description: ...Proceed north along the edge of the existing B district then east along the same boundary and then north again along same boundary to High Street then east along

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southerly side of High Street to the northwesterly corner of Map 162, Lot 42 then south along the westerly boundaries of Map 162, Lot 42 and Map 162, Lot 43 to the point of beginning.

**Article 4**

Mr. Steffen explained that there are four revisions to Article 4.

These are made to clarify the intent of the district and to ensure consistency with the Zoning Ordinance.

1. To reword to reference the written description as well;
2. To reword portions of the commercial use regulations section so that it is consistent with Article 3.22 of the Zoning Ordinance;
3. To clarify subsection D. Height, setback and area regulations to reword the existing dimensional requirements section to provide more specific requirements for building height, setbacks and minimum lot area per dwelling unit; to add further dimensional requirements for lot frontage and width; and
4. To clarify Subsection F. Signs to include specific requirements for new signs in the POR zoning district.

**PUBLIC** No Comment.

**BOARD**

Mr. Lessard questioned why the reference to “Site Plan Review” removed. It was explained that Site Plan Review has not been removed but reworded to reference use changes as well. Mr. Steffen explained site plan review will still be required where necessary.

Discussion ensued on the types of signs allowed and not allowed and what was meant by changeable copy sign. It was determined that changeable copy sign does not mean a flashing sign.

**MOVED** by Mr. Faulkner to forward the amendments to the ballot.

**SECOND** by Mr. Higgins

**VOTE:** 7-0-0

**MOTION PASSED**

**Note:** Matter added to the current ordinance appears in underline. Deleted matter appears as ~~stricken through~~.

**ARTICLE 4**

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board to amend the Zoning Ordinance in following manner: 1) ARTICLE II DISTRICTS, Section 2.7 Professional Office / Residential District, Subsection B., to reword to reference the written description as well; 2) ARTICLE II DISTRICTS, Section 2.7 Professional Office / Residential District, Subsection C. Use regulations, to reword portions of the commercial use regulations section so that it is consistent with Article 3.22 of the Zoning Ordinance; 3) ARTICLE II DISTRICTS, Section 2.7 Professional Office / Residential District, Subsection D. Height, setback and area regulations, to reword the existing dimensional requirements section to provide more specific requirements for building height, setbacks and minimum lot area per dwelling unit

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and add further dimensional requirements for lot frontage and width; and 4) ARTICLE II DISTRICTS, Section 2.7 Professional Office / Residential District, Subsection F. Signs, to include specific requirements for new signs in the POR zoning district?

1. **B.** The District Boundaries are as displayed on the Town of Hampton Zoning Map and described in writing in the 4<sup>th</sup> Note contained in Article 2.1 of the Zoning Ordinance.
2. **C. Use regulations.** In the POR, no building or land shall be used, and no building shall be erected, altered or enlarged, which is arranged, intended or designed for other than one or a combination of the following uses:
  - (1) Principal uses
    - a. Single family residential
    - b. Professional uses allowed are the uses currently defined under Article 3.22 of the Zoning Ordinance only. (All uses may require use change and/or site plan review and approval).
      - ~~b. Professional services: (All uses subject to Site Plan Review Approval by the Hampton Planning Board): Artists' studios except tattoo parlors and body piercing studios.~~
        - ~~1. Banks, savings and loan associations and other financial institutions, including automatic tellers and accessory drive-up services, provided that there are five on-site reservoir spaces per drive-up window or automatic teller.~~
        - ~~2. Clinics, for people only.~~
        - ~~3. Governmental Facilities~~
        - ~~4. Office buildings.~~
        - ~~5. Professional Services such as offices for doctors, attorneys, architects, engineers, accountancies, etc.~~
        - ~~6. Photographic studios.~~
        - ~~6. Travel agencies~~
    - c. Other activities not included ~~in any other category~~ under Article 3.22 but that are of a compatible nature with surrounding residential uses may be permitted pending Planning Board review and approval.
3. **D. Height, setback and area regulations in the POR District.** ~~In the POR, the height of the buildings or structures, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows, provided that buildings erected exclusively for dwelling purposes shall comply with the front, side and rear yard requirements shall comply with Hampton zoning for single family residences~~
  - (1) Single Family Residential: The height of the buildings or structures, the minimum dimensions of lots, and the minimum lot area per dwelling unit permitted on any lot shall comply with the dimensional requirements of Article IV, under the Residence A (RA) district.
  - (2) Nonresidential or mixed-use structures shall conform to the requirements contained in subsection H. Architectural Standards, and the following dimensional requirements:
    - a. Front setback: 20 feet





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Freestanding Sign	-	-	-	-	50	50	50	50	<u>32</u>
Incidental Sign	4	4	4	4	4	4	4	4	<u>4</u>
Marquee Sign	-	-	-	-	32	32	32	32	-
Pennant	-	-	-	-	4	4	4	4	-
Political Sign or Poster	6	6	6	6	50	50	50	50	<u>6</u>
Portable Sign	-	-	-	-	-	-	-	-	-
Projecting Sign	-	-	-	-	32	32	32	32	-
Real Estate Sign	6	6	6	6	32	32	32	32	<u>6</u>
Residential Sign	6	6	6	6	-	-	-	-	-
Roof Sign	-	-	-	-	32	32	32	32	-
Roof Sign, Integral	-	-	-	-	64	64	64	64	-
Suspended Sign	-	-	-	-	32	32	32	32	-
Temporary Sign	4	4	4	4	4	4	4	4	<u>4</u>
Wall Sign	-	-	-	-	50	50	50	50	<u>32</u>
Window Sign	%	%	%	%	%	%	%	%	<u>%</u>

% = fifty percent (50%) of the window area

**Article 5**

Mr. Steffen, Town Planner. Mr. Steffen explained that the following changes will be made to Article XI – Construction Provisions. The purpose is to update the ordinance and building codes to newly updated state building code standards, specifically the year for which the individual codes refer to.

**PUBLIC** No Comment.

**BOARD** No Comment.

**MOVED** by Mr. Lessard to forward the amendments to the ballot.

**SECOND** by Mr. McMahon

**VOTE:** 7-0-0 **MOTION PASSED**

**Note:** Matter added to the current ordinance appears in underline. Deleted matter appears as ~~stricken through~~.

**ARTICLE 5**

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board amend the Zoning Ordinance in the following manner: ARTICLE XI – CONSTRUCTION PROVISIONS, Section 11.2-b to update the ordinance and building codes to newly updated state building code standards? The purpose of this amendment is to conform to existing State Law and Senate Bill 81 that went into effect on August 17, 2007. In compliance with House Bill 285-FN-LOCAL, the Town of Hampton shall adopt the updated New Hampshire State Building Code. Any construction, alteration, repair, renovation or maintenance of a building or structure commencing on or after September 14, 2003 (election date) shall comply with the provisions of Section 11.2-b, as amended.

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**Section 11.2-b**

**11.2-b.1** The New Hampshire State Building Code as defined in NH RSA 155-A: 1, IV which includes the International Building Code ~~2000~~ 2006, the International Plumbing Code ~~2000~~ 2006, the International Mechanical Code ~~2000~~ 2006, the International Energy Conservation Code (~~2000~~) 2006, as published by the International Code Council; and the National Electric Code ~~1999~~ 2005.

**11.2-b.4** The International Residential Building Code, ~~2000~~ 2006 Edition.

**11.2-b.5** The National Electric Code, ~~2002~~ 2008 Edition

**IV. ATTENDING TO BE HEARD**

**07-099 9 Anns Lane**

Amanda Banks

Change of Use from Automotive Repair to Dog Day Care

Map 126 Lot 16

Owner of Record: Thomas Moulton

Peter Saari representing Amanda Banks spoke to the Change of Use request.

Discussion ensued among the Board and the Applicant on the following issues:

1. How will the waste run off from the exterior pavement be handled? Ms. Banks explained that the solid waste will be removed from the site twice a week and urine will be hosed down with a chemical daily and directed to a drain in the rear of the property.
2. Noise. What is the procedure if the noise is found to be disturbing? Ms. Banks explained that there should be no reason for continuous barking as the dogs are evaluated for behavioral problems and separated from other dogs as necessary.
3. The hours of operation will be 6 am to 6 pm, Monday through Friday. Any pick-up after that time would be made at her home.
4. Expanding the use to include retail, it is anticipated; the focus is the day care but retail and grooming will eventually be included. It is believed that there is adequate parking for the anticipated retail uses. The number of parking spaces was noted on the site plan.
5. Moveable interior and exterior fencing for the dog runs. It was requested that a diagram once developed be placed on file for the record.

**MOVED** by Mr. Lessard to approve the change of use with the following conditions: 1) hours of operation are limited to 6:00 am to 6:00 pm; 2) an annual report of how the waste is disposed of be submitted for the Planning file, and 3) a plan of the location of “movable” interior and exterior fencing for the dog runs be submitted for the Planning file within ninety days of the start of operation.

**SECOND** by Mr. Faulkner.

**VOTE:** 7-0-0

**MOTION PASSED**

**V. NEW PUBLIC HEARINGS**

**08-002 18 Gentian Road**

Map 168 Lot 12

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Virginia Bergin  
Special Permit to Impact Wetlands for removal of existing one-story single family home. Construct new 1 ½ story single family home.

**APPLICANT**

Leonard Connaughton representing his sister in-law spoke to the application. Mr. Connaughton explained the intent is to remove the existing one-story single family home and construct new 1 ½ story single family home.

**BOARD**

Discussion ensued on the Conservation Commission's recommendation letter.

**MOVED** by Mr. McMahon to grant the special permit with following conditions: 1) conformance with the Conservation Commission's letter of December 30, 2007 and 2) conformance with the updated plans dated December 18, 2007.

**SECOND** by Mr. Lessard

**VOTE:** 7-0-0                      **MOTION PASSED**

**08-003 143 Island Path & 165 Island Path**

Map 281 Lot 43

Nancy Wheeler

Lot Line Adjustment to transfer 2,123 sq. ft. of land from 165 Island Path to 143 Island Path

Owner of Record of Land to be transferred: John & Ann Hangen.

**APPLICANT**

Nancy Wheeler, 143 Island Path. Ms. Wheeler explained that she wishes to acquire 2,123 sq. ft. of land from the Hangen's.

**BOARD**

Mr. Higgins stated that the both address should be listed on the agenda, and would like amended to reflect that.

**MOVED** by Workman to approve the lot line adjustment subject to the conditions of the Town Planners memo of January 2, 2008.

**SECOND** by Mr. Lessard

**VOTE:** 7-0-0                      **MOTION PASSED**

**VI. CONSIDERATION OF MINUTES of December 19, 2007**

Page 1 – Delete the following.

**MOVED** by Mr. Lessard to continue the hearing to January 02, 2006

**SECOND** by Mr. McMahon

**VOTE:** 5-0-2                      **MOTION PASSED** Mr. Faulkner and Mr. Workman abstained.

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Insert the following under Application #07-083

**MOVED** by Mr. Lessard to continue the hearing to January 02, 2006

**SECOND** by Mr. McMahon

**VOTE:** 5-0-2      **MOTION PASSED** Mr. Faulkner and Mr. Workman abstained.

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Second to last sentence change the dollar sign to the number 5.

**MOVED** by Mr. Lessard to approve the minutes of 12-19-07 as amended.

**SECOND** by Mr. McMahon

**VOTE:** 5-0-2      **MOTION PASSED** Mr. Faulkner and Mr. Workman abstained.

**VII. ADJOURNMENT**

**MOVED** by Mr. Faulkner to adjourn.

**SECOND** by Mr. Viviano

**VOTE:** 7-0-0

Meeting adjourned at 8:12PM

Respectfully Submitted,

Kristina G. Ostman  
Planning Coordinator