

**HAMPTON PLANNING BOARD**

**DRAFT MINUTES**

**October 23, 2013 – 7:00 p.m.**

**PRESENT:** Mark Olson, Chair  
Tracy Emerick  
Fran McMahan, Clerk  
Mary-Louise Woolsey, Selectman Member  
Keith Lessard  
Jamie Steffen, Town Planner

**ABSENT:** Mark Loopley  
Brendan McNamara, Vice Chair

**SPECIAL MEETING REGARDING BUILDING HEIGHTS AT  
THE BEACH**

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

Mr. Olson said the purpose is to have a public forum on the building heights, which is the hot topic down at the Beach lately and to discuss re-development.

Mr. McMahan discussed going up to different height levels. Ashworth Avenue to Ocean Boulevard south to F Street and westerly, on both sides of Ashworth Avenue including lots that front on the west side of Ashworth Avenue and south to F Street were discussed. Then, along Ashworth Avenue, one lot deep on the west side. The Board decided at that point to open it up to the public to get comments from the public and specifically about heights in general as well. There was no conclusion on height. There are other zoning elements included, i.e. setbacks, density, facades, etc. Those are the areas most in need of rehabilitation and rebuilding.

Mr. Olson discussed focusing on that one area. The RPC developed images that help the public to appreciate what a 60' tall building would look like. Some show what 100' high buildings would look as well.

Mr. Steffen discussed the Casino area, the A-block development and the lot on the west side of Ashworth Avenue. The white buildings shown are existing buildings – existing heights.

Mr. McMahan discussed the existing zoning map along with Mr. Steffen. He discussed and explained briefly the different zones.

A letter was received and read aloud from someone who could not attend tonight's meeting—Chuck Rage. Mr. Rage thinks seven stories of living space is a good number for a height. They should look at 10,000 square feet of lot size. They don't want pencil buildings. That letter from Mr. Rage is available at the Planner's office. A to N Streets getting expanded was discussed. Ashworth to Little Jacks is better for larger buildings as there are no buildings behind those areas. The letter was not from the Village Precinct, just from Mr. Rage as a resident.

Mr. Olson discussed it heading further north where there is no marsh and the volume of the footprint is interesting.

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Mr. Emerick discussed three considerations (he heard from public): useable living space, parking spaces and facades or structures on the roof, i.e. cooling systems, etc. and a facade. Should these items be included or excluded from heights. They don't want boxes. The Board should distinguish what should be included in heights. Floor area ratio (FAR) was discussed and explained. Spoffard Consultants had a FAR 4, which is large. If FAR includes parking and living space, that's one thing. Otherwise it can go to FAR 2 – excluding parking, but that gets rid of tall buildings on skinny lots.

Form Based Codes were discussed.

Mr. Emerick also discussed the BS zone being an urban zone. We need to work on zoning more.

Ms. Woolsey discussed the Zoning meeting. She is concerned about the ocean view. She discussed the way the project is designed. Giving all residents an ocean view was discussed. She sees one-unit deep buildings with construction. She wants highest living space defined. Mechanicals and facades were discussed. She asked if a bit of New England flavor could be added to projects. 1A and 1B were discussed and attracting tourists.

Ms. Woolsey also discussed the area north up to Little Jacks. We need to be aware of soil conditions. She asked if buildings would dislodge the area and water issues could occur going north of Ashworth Avenue. She feels the ZBA has authority to grant variances. It seems like ZBA wrestled with the 50' height, how far they can go over that and she believes the ZBA was not willing to double the height. If we increase the building height and add mechanical height then the Zoning Board wouldn't be amenable to doubling the height. They will have more leeway to make buildings go higher with variances.

Mr. McMahon discussed say 75', then the ZBA would use that as the new standard. The 50' came from wherever...so, then the ZBA would work within those new limits.

Mr. Lessard brought up shadows and sand. He discussed wedding-caking the buildings on the lots. Shadowing the sand at 2:30 p.m. on a summer day was discussed. He wants the beach improved also. Once the sand is shadowed, we'll never get it back. Our summer season is 10 weeks (or less). He worries that before we know it, the whole strip will have high buildings. Tidal increases were discussed and flood elevation. Water levels are increasing slowly.

## PUBLIC

Mr. Charlie Preston appeared. He discussed the Shirley Hotel. He disagreed with the decision; it was 30 percent over the law. He is happy for the owners. He discussed Chuck Rage's letter. He spoke also to a couple at 63 Ocean Boulevard—his parents. He asked if their property should be treated any differently and they said “no”. He asked where the cut would occur on the Boulevard. He discussed sewer capacity. The elevations of the treatment plant being compromised should be discussed. Insurance should be discussed. He asked about blow-out walls on the first floor. Flood Maps were discussed. He mentioned Chris Muns being on a committee to address rising tides. He asked that we err on the side of caution. He discussed the A Street block. He said this will never get developed. He went to the Marston School meeting last night. It was the 101-1 Interchange. Buses need a place to go. With regard to the A Street lot, he asked what if the Town got together with those lot owners to discuss a bus depot there.

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He mentioned that Highland Avenue and Island Path are ways to get in and out that you don't have to go on Ashworth Avenue. There would be many more people coming in with parking down at the Beach. Owners may work with the Town if these ideas are proposed.

Mr. C. Preston wants the Board to look at rising tides. He reiterated having blow-out walls. The government is getting out of this; not subsidized. The trolley got Hampton Beach started. Public transportation is desperately needed. He noted that 65' heights is as high as he would like to see.

Mr. John Gebhart appeared. He wants the height to stay where they are at, but he knows that won't happen. He discussed the language in zoning has to be explicit. The wedding cake idea if that's the way to go needs to be in the article. Having lots at different levels does not sound good. Height has to be reflected with the area underneath it or the Town will have more problems.

Ms. June White appeared. She likes the small beach feel. She is against heights. She discussed the Master Plan. Size of buildings and density was discussed. The Master Plan asks for small separate individual buildings. She would like the front of the buildings to look like separate buildings. She loves what the State did on the other side. Sea Spray only has one parking space per unit. She had a Sea Spray woman ask for a parking space. Parking is a bigger issue at the Beach. Before discussing more rooms, we need to look at parking first.

The island section (water coming up) was discussed. Ms. White noted that it is flooding down there. Having substantial foundations on the new buildings was discussed. N Street down to the bridge and lowering heights on Ocean Boulevard (35') was discussed. It's going to look like an elephant in the room with the buildings (tall) popping up.

Paul Sullivan, 189 High Street, appeared. He was over at Plaice Cove recently. He discussed being at the water line, and not a sign of the sun was to be seen because of properties along Plaice Cove. Those who live behind Ocean Boulevard were discussed. If you build a fence of buildings, you will get more renters, and not have as many owner-occupied. Other locations/places that raised building codes in the past are now cutting them back. Old Orchard Beach is now 45 feet; Florida is 35' in many areas. Hampton does not want to want to be like Miami. A town in New Jersey is being sued because they do not want a Hilton Hotel being erected.

Revision of zoning rules was discussed. If they change it to new heights, then you can get away with the new heights. He does not like to see exceptions to the rule. Shift in winds coming off the ocean was discussed. It keeps beaches stable. Sands become less stable with winds shifting.

Hotels are profitable buildings he stated. Low overhead, easy money is how he described the parking lots. If we do build up, he would like the Planning Board to consider the density. More service needed. He noted that there are roughly 15-units per density. One parking space for this building, but two for this building—it does not make sense. He wants to see the laws/rules being adhered to.

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Mr. Bob Preston appeared. He appeared as a Hampton Beach resident; not part of a committee. He stated we need changes. People are coming to the beach and talking about improvements. We need to go forward. He discussed interest rates being cheap. It's when people can invest at the beach. We have motel people, cottage people and day trippers. We need to attract all three of those classes.

Mr. Preston discussed the A Street lot. We need to go higher in his opinion. 50' is not working. He wants to see higher buildings on the larger lots. A Street is special because they are set back from the Beach. People behind will not get shadowed either. He feels if it's a bigger lot, we can go higher. The Town's tax base will be increased as well.

He feels if we can do certain areas of the beach, that's fine. Many lots do not have neighbors.

Mr. Ed St. Pierre appeared. He is on the ZBA. Up to 50' should be good for ground level shops; 10' for each floor. 9' ceilings are desirable. 5' for elevator over-runs, etc. Elevator for handicap access was discussed. In the BS Zone, there is no number of stories specified. He looked at the OC (5 stories). He thinks the Town should offer one or two more floors for development. He discussed higher heights from the southern side of F Street to P Street.

He feels the Ashworth Street area is not a good area to go higher. He asked for the 8.2's in the Zoning Regs to be looked at more closely.

He feels the ZBA is between a rock and hard place since the laws are so old.

Fred Rice of Heather Lane, appeared. He feels the height situation is opening pandora's box. He thinks the Town should be more balanced. The Town should not go too far on residential and not too far for commercial. Violations were collected from a past DPW member and given to the Building Inspector. Zoning has changed so frequently and so erratically in the past. He discussed the Spoffard report, HBAC and zoning. Not spoiling residential was a high priority. Protecting residential in the past was discussed. He discussed FAR (floor area ratio) again. Defining Hampton Beach was discussed. It's a honky tonk area as well as a relaxing family vacation location. He discussed spot zoning and discrimination with the rest of the Town. Exceptions have to stay in place for tall buildings.

He discussed shadows. Green & Co. did a study on where shadows fall. Engineering estimates were discussed.

Mr. Rice discussed parking. He feels we do not need more parking at Hampton Beach.

Mr. Rice discussed sea level rising. He is working with Mr. Muns on this. He believes adding a story to a building would be fine. We are not effectively using what we have now. He thinks the warrant should refer to living space for height limit.

Mr. Green appeared. He discussed decay at the beach. He thinks development should be encouraged. These are high risk developments. He wants this addressed for what the Town wants. He wants the Beach to be upgraded.

Mr. Olson thanked everyone for attending. We will take it under advisory. Mr. Steffen said the amendment calendar was just received. There are two ways for creation of a zoning amendment; through the Planning Board developing them on its own or having the Planning

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Board sponsor an amendment. The Planning Board develops it and then it has public meetings. and have meeting in December (the 4<sup>th</sup>) or the second meeting - December 18<sup>th</sup>. If it needs a 2<sup>nd</sup> public hearing, then it's usually the first meeting in January. We need a firm proposal by December 18<sup>th</sup>---10 days not counting the meeting date and the date it gets posted. It's a challenge to get them drafted and noticed.

First meeting in January is January 8<sup>th</sup>.

Petitioned articles – there's a month time frame where people can submit, and we need 25 signatures of registered voters. That starts November 11<sup>th</sup> and goes until December 11<sup>th</sup>.

For this one, we're working on developing something for December 18<sup>th</sup>. It was asked if any petitioners have come forward. On this article, there has been no word from anyone. We are talking the first week of December that the Planning Board needs to be completed with what it is going to propose. If people want to send us information, they can send it up until middle of November. Mr. Emerick says asap.

Ms. Woolsey asked if a one night work session can be scheduled by the Planning Board. The rule has to be crafted first. Mr. Emerick said everyone should come up with his or her own thoughts and make their own recommendations. We will make a time for the first meeting in November. They will decide at that time if we need a special meeting. All members can put together their own thoughts and maybe we can avoid special meeting.

Laurie Olivier can check on availability of a special meeting.

With regard to the Wireless article, Town counsel is looking at it. It may need to be amended.

**VIII. ADJOURNMENT**

**MOTION** by Mr. Lessard to adjourn.

**SECOND** by Mr. Emerick.

**VOTE: 5 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 8:33 p.m.

Respectfully submitted,

Laurie Olivier, Administrative Assistant

**\*\*PLEASE NOTE\*\***

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

**MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING**