

HAMPTON PLANNING BOARD

MINUTES

November 20, 2013 – 7:00 p.m.

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

ABSENT:

I. CALL TO ORDER

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

II. ATTENDING TO BE HEARD

- Ann Carnaby - Re: Coastal Byway Community Resident Survey

Ms. Carnaby appeared. She noted she was appointed as Town's representative to the NH Coastal Scenic Byway Advisory Committee. This is her first report on the status of the corridor management plan update. She noted that the corridor stretches from Portsmouth to Seabrook and inland to the west of Route 1. It's not just the coastline. The funding for the update through NH DOT and it is being coordinated by the Rockingham Planning Commission. It was designated as a byway in 1994 and the management plan was completed in 1996.

Ms. Carnaby discussed the goals. There are various focus groups. Residents have an opportunity to complete a survey. She noted that the survey does not take long but people can write additional comments if they would like on what they would like the corridor to be or what their vision is. The deadline for completing the survey is December 7th. She noted that the responses to date have been primarily from Portsmouth, Rye and North Hampton. She would like to see Hampton active in doing the survey. She discussed the survey process and getting the word out about it. Mr. Steffen will see about getting it posted on the Town website and Facebook. The Hampton Patch and the Hampton Union can also be contacted about getting the word out. Ms. Carnaby's role is to get the Planning Board involved and she is happy that the Board is receptive. The slides provided by the RPC will be posted in various places as well. Signage was briefly discussed.

III. 2014 PROPOSED ZONING ORDINANCE AMENDMENTS PUBLIC HEARING

Amendments to the Town Zoning Ordinance, Articles as follows:

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1. Amend Article 1 General, Section 1.6 Definitions to add a definition of Impervious Surface.
2. Amend Article IV Dimensional Requirements, Section 4.8 to reduce the maximum permitted amount of impervious (sealed) surface (indicated as a percentage) for all zoning districts and to set forth new standards for impervious surface coverage for redevelopment. The new percentages and standards will be outlined in a footnote to the dimensional requirements table.

Ms. Woolsey asked if these pass at the vote in March would they be effective immediately. It was answered that 'yes'.

Mr. Jay Diener of the Conservation Commission appeared along with Nathan Page, who is acting as the Conservation Coordinator while Rayann Dionne is out. Mr. Diener discussed the flooding problem in Hampton. He explained that impervious surface is a surface where water will run over rather than sink in. He further explained that when 10 percent is exceeded the size and frequency of flooding increases amongst other things. Mr. Diener discussed the ramifications of too much impervious surface. Mr. Diener and Mr. Page gave power point presentation on impervious surface.

Mr. Diener discussed more points regarding the proposal. Since 1990, our water has been impacted and since 1993 it has gone from impacted to degraded. This study does not include marshes or our wetlands.

He stated that the first proposed warrant article is add a definition of impervious surface. There was discussion about how to deal with gravel driveways.

Mr. Diener discussed how he utilized the current Shoreland Protection Act to aid in the definition of "impervious".

Mr. McMahan asked about roofs gardens. Roof gardens aid in the managing stormwater. Mr. Diener feels it's appropriate to have a definition of impervious surfaces.

Mr. Diener discussed Hampton in comparison with other towns in the area. The aquifer protection zone was discussed in comparison to other towns. It was noted that Hampton is higher than other communities for the all of the zones. He further discussed comparisons relative to our regular residential and commercial zones. He noted that Hampton is higher than most towns, except Durham, Exeter and Portsmouth. There was a general discussion about the differences amongst the communities in terms of how they have developed and constraints faced in Hampton due developable area.

Mr. Diener discussed impervious coverage by zoning district and the concern about creating hardship on existing lots. Two zones BS non-residential and RB non-residential have existing percentage coverage on average that exceeds 85 percent.

Mr. Diener discussed the proposed new standard for impervious surface. He stated that sixty (60) percent was chosen because that it what it is for the Aquifer Protection Zone and it seemed like a reasonable standard for our Residential and General zones. He discussed the adoption of the 85 percent number and noted from the people they talked with who were involved in coming up with that number they discovered that there really wasn't any science

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behind it. He stated that they are proposing a reduction from 85 percent to 75 percent in all of the Business zones.

These standards would apply to all new construction. Mr. Diener discussed the exceptions for redevelopment. This information is available at the Planning Office.

Mr. Lessard discussed his concern about existing homes in the RA zone; i.e. Glen Hill neighborhood etc., which are pushing 60 percent coverage now. He commented that this may be creating the need for a lot of variances if they want to add structures of square footage in the future. Mr. Emerick discussed the conflict this change would have with the proposed standard for the Town Center zoning of 90 percent. Mr. Diener responded that he understands the rationale but he thinks that proposal it would do a disservice to the Town. He explained that if you do it for one zoning district there will be others that say why not for my district. He further explained that there are ways to work with allowable coverage utilizing low impact development techniques to make it happen; to allow residents to do what they want to do on the property or to go get a variance. Mr. Loopley stated his concern that most people don't know what they have for impervious surface on their lot.

Mr. Lessard asked how he chose the percentage. Mr. Diener responded that it's based on the 60% number contained in the aquifer protection zone ordinance.

Mr. Page discussed The Community Oven restaurant site and other development where stormwater management systems have been incorporated and pervious pavement installed that allows this to work.

Mr. Lessard discussed elevating decks to allow sunlight in underneath and water infiltration. Mr. Page responded that NH DES says if it's over 6' high it is permeable surface.

PUBLIC

Mr. Citizen Jones of 16 Duston Avenue appeared. He asked about gravel surfaces not being permeable. He stated that gravel surfaces become compacted and non-permeable. He asked about dirt surfaces. He stated that dirt becomes compacted by being driven on, and becomes non-permeable. He also stated that run off carries pollution. Mr. Jones asked if this should be shared around Town. It was stated "yes". He commented that residential and business shouldn't be given different treatment. He discussed government property being impervious. He asked why we are segregating by class and imposing restrictions. He discussed his concern about taking away property rights. He stated he doesn't think we need look at fixing flooding problems town-wide.

Mr. Sunny Kravitz appeared. He stated he resides in the Highlands (St. Cyr Drive). He stated that he was concerned that new owners may end up with non-conforming lots. It was responded that they will be grandfathered as it goes with the land; not with the owner.

MOTION by Ms. Woolsey to place the proposed Zoning Ordinance amendment (#1) to Article 1, General, Section 1.6 Definitions to add a definition of Impervious Surface on the 2014 ballot.

SECOND by Mr. Loopley.

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Mr. McMahon asked for the public's benefit if this is voted up what is the next step in the process. It was responded that by being accepted the warrant article will appear on the 2014 ballot. Mr. Diener stated the Town Attorney is out due to a death in the family, but it was reviewed at its onset. Mr. McMahon asked for confirmation that Planning Board zoning amendment articles could not be corrected at the deliberative session. It was confirmed that was correct.

VOTE: 6 – 1 (McNamara) – 0

MOTION PASSED.

MOTION by Ms. Woolsey to place the proposed Zoning Ordinance amendment (#2) to Article IV, Table II Dimensional Requirements to reduce the allowable impervious surface coverage in all zoning districts on the 2014 ballot.

SECOND by Mr. Loopley.

VOTE: 4 – 3 (Emerick, McNamara, Lessard) – 0

MOTION PASSED.

IV. NEW PUBLIC HEARINGS

V. CONTINUED PUBLIC HEARINGS

VII. CONSIDERATION OF MINUTES of November 6, 2013.

MOTION by Ms. Woolsey to accept the November 6, 2013 Minutes.

SECOND by Mr. Emerick.

VOTE: 7 – 0 - 0

MOTION PASSED.

VIII. CORRESPONDENCE

Mr. Steffen read Warren Bambury's resignation letter as a representative for the Town of Hampton to the Rockingham Planning Commission, effective January 1, 2014. Mr. Steffen noted that the Planning Board nominates a representative and the Board of Selectmen makes the appointment. It was asked for Mr. Steffen to do a thank you letter to Mr. Bambury. Mr. Steffen noted that Barbara Kravitz and Maury Friedman are currently the alternates and may be interested in the position. Ms. Woolsey stated that she would ask Chairman Nichols to announce it at the Board of Selectmen meeting on Monday.

Barbara Kravitz appeared. She lives at 8 St. Cyr Drive. She stated she is an alternate member on the RPC and expressed her interest as becoming a regular member. She stated that she would like to thank Warren Bambury for all his efforts and noted he did a great job. She discussed his involvement in particular with urban compact roads issue.

IX. OTHER BUSINESS

- Jack Mettee – Proposed Town Center District – Dimensional Standards, Conditional Use Permit Language and Building Design Standards

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Mr. Jack Mettee, planning consultant, appeared. He discussed the work he and the Town's Advisory Committee have been doing on the new zoning proposal for the downtown / Route 1 corridor. He stated that the committee has met about eleven times now. A design charrette was held last spring. The three main issues are: (1) parking; (2) pedestrian friendly and (3) character/feel of downtown.

A separate district with sub-districts was discussed. The downtown primary area (center) would be between Winnacunnet Road and High Street. He further discussed the breakdown of the three sub-districts the proposed zoning standards for each. He discussed the proposed permitted and conditional uses. It was noted that the outline is available at the Town Planning Office.

Re-zoning was discussed. Mr. Emerick stated he can't go along with this. He further stated he is not in favor of telling people how to use their land.

Ms. Woolsey stated she thought it was too unfinished to move on to vote on it.

Mr. Emerick stated the impervious surface coverage requirement is in conflict to what the Conservation Commission has proposed.

The proposed parking regulations were discussed and the concern about having enough spaces at the municipal parking lot. The proposed fee provision was discussed and it was stated it would be like an impact fee.

Mr. Loopley asked how the Town could make this understandable to the public. He asked why aesthetics is third in order. He thought it should be first. There was no priority per Mr. Mettee. Mr. Steffen noted that he can get the information on the Town website and put this on Channel 22. It was stated that the Planning Board does not have the authority to set up a fund for parking. It can require a fee, but the Board of Selectmen would need to do an ordinance on this. The wording should say "managed by the Town". It could say "a fee may be charged".

Ms. Woolsey discussed snow storage – plowing, etc.

Parking could be dealt with subsequently.

Increase in traffic on Route 1 was discussed. Ms. Woolsey stated that she would like Section J in sub-district.

It was discussed that the issues of lot size, impervious surface coverage and parking need more work. The Board expressed some concern about the proposed maximum lot coverage and wanted that reconsidered. Mr. Loopley discussed having business underneath with residential above for the larger lots in the historic center sub-district. Mr. Olson stated he thought that would lead to a big parking lot. There was discussion about allowing the buildings downtown to be too tall.

PUBLIC

Ms. Barbara Kravitz appeared. She discussed relative to the maximum lot size requirement to look at instead having maximum building footprint. Several footprints on each lot were discussed.

Mr. Steffen noted we are trying to get the proposal on the 2014 ballot. There needs to be at least one public hearing which could be at the December 18th meeting. If a second one is necessary that could be scheduled for the January 15, 2014 meeting since the Board would be

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able to meet on January 1. Mr. Olson stated he thought it was an excellent draft. He would like to keep moving forward with it and to get this noticed for the December 18th meeting. Mr. Lessard asked that parking fee be removed from the proposal. He also asked about apartments and why it is restricted to two units. He thinks it should be at least three. The Board decided to leave that as Mr. Mettee has prepared it. Mr. Emerick stated he would like to get rid of maximum lot size requirement. He stated he liked Barbara Kravitz's idea. The Board agreed it would like see no maximum lot size requirement and to consider a maximum building footprint.

- Zoning Proposals for the Beach Area

Mr. Emerick asked about height on the proposal. This is multi-family. This is for the Warrant Article One. Mr. Steffen explained the wording and the content. Mr. Steffen discussed the change in dimensional requirements. Mr. Loopley noted that for Section 4.8 Sealed Surface it should be changed to from 85 percent to 75 percent.

Mr. Steffen discussed the changes in the different zones – highlighted. It is available at the Planner's Office. Ms. Woolsey mentioned the water pressure situation at the beach.

Mr. McMahon discussed the location of the proposed sub-district. He clarified that it should be Ashworth Avenue to F Street, not A to F Street. Mr. Loopley stated it would from the Mitchell's Candy Shop lot to F Street, both sides of Ashworth Avenue. It is not to go as far as "M Street". It was stated that the Board could always expand it at a later date but for now want to restrict to just this section.

A motion was made, but it was noted that the Board does not need to vote on this at this time. It will need at least one public hearing.

Ms. Woolsey stated she would like to learn more about the water pressure issue. She mentioned the email from Aquarion Water Company. There was discussion amongst the Board regarding this concern. It was commented that this is an issue that can be handled under the plan review process. Ms. Woolsey commented that she never heard this discussed with planning. She stated the Fire Department is concerned as well. Mr. Emerick responded by explaining that there are life safety and building codes that still have to be met. The Planning Board does not set these standards. Ms. Woolsey is worried about the PSI factor.

MOTION by Mark Loopley to move the proposal outlined in warrant article #1 to a public hearing at the December 18, 2013 meeting.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Steffen discussed warrant article #2. The Board was pleased with it. Mr. Loopley asked how it affects Sections 8.2.4 and 8.2.5. Mr. Steffen stated that these issues could be addressed during the site plan review. Mr. Lessard discussed this further. Mr. McNamara asked if Sections 8.2.4 and 8.2.5 should be removed. Mr. Lessard stated that he felt they should stay.

MOTION by Mr. Emerick to move the proposal outlined in Warrant article #2 as revised to a public hearing at the December 18, 2013 meeting.

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SECOND by Mr. Loopley.

VOTE: 7 – 0 – 0

MOTION PASSED.

- FEMA / NH Floodplain Management Presentation – January 9, 2014

Mr. Emerick stated that he asked to have this placed on the Board's agenda. He mentioned the RPC Legislators Forum that he recently attended. One of the presenters was Jennifer Gilbert who is the National Flood Insurance Program Manager for the State. She is interested in making a presentation to the Seacoast on the new FEMA maps and the flood insurance program. They would like to use the high school auditorium on January 9th, from 6:30 p.m. to 9:00 p.m. for this outreach.

MOTION by Mr. Emerick to request of the SAU 21 the use of the high school auditorium on January 9, 2014 for the presentation. All will be invited.

Mr. Emerick discussed the new FEMA flood insurance program, in particular the projected change in the base flood elevation. He explained that if a property is a foot below the base elevation the flood insurance will go up. He indicated that the base flood elevation is no longer 9 feet. That it now varies depending on where the property is located. He noted that they are publishing the new maps in December. It was commented that this could financially impact the beach area.

Ms. Woolsey stated that the Precinct talked about this at the last meeting and she thinks we should invite them to the presentation.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

- Future Meeting for Public Comment - Asset Title Holding LLC, Seacoast Crossroad Realty LLC and Lincolnshire Realty LTD Properties - Liberty Lane, Timber Swamp Road and Exeter Road

Mr. Emerick again stated he asked to have this item put on the agenda. He discussed the Vision sub-committee meeting with these folks where they talked about more interaction. He would like to keep this interaction moving forward and would like to schedule a public comment meeting with them to see where the public stands on their plans. He felt that the Board should facilitate that communication. He would like the Planning Board to provide the forum to have an open dialogue with the owners. He thought after January of next year to have it placed on the Board's agenda. Mr. Olson stated he agrees with Mr. Emerick.

Mr. Lessard asked if the Board should send out invitations (through Mr. Steffen) to others the FEMA meeting, such as the Board of Selectmen, Conservation Commission, Planning Boards in Hampton Falls, Seabrook, North Hampton, Precinct, etc.

MOVED by Mr. Lessard.

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SECOND by Mr. McNamara.

VOTE: 7 – 0 – 0

MOTION PASSED.

X. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 - 0

MOTION PASSED.

MEETING ADJOURNED: 10:00 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