

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

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

ABSENT:

I. CALL TO ORDER

Chairman McNamara 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

III. NEW PUBLIC HEARINGS

IV. CONTINUED PUBLIC HEARINGS

15-035 263 Drakeside & Towle Farm

Maps: 157 & 140 Lots: 1 & 1

Applicant: Chinburg Builders, Inc.

Owners of Record: Valle Drakeside LLC, Asset Title Holding, Inc.

Site Plan and Wetlands Permit: Construct ten, single-family residential condominiums;

Wetlands Permit to remove existing asphalt on site which is located within the wetland buffer.

Mr. Joseph Coronati, Jones & Beach, appeared. Nobody from Chinburg Builders appeared. Mr. Coronati explained that these plans are the same as two weeks ago; no alterations. Matt Assia has been contacting Hampton Department Heads and getting concurrence for the project. Bill Paine from the Fire Department had two comments relating to two units. He wants to see the driveways **shortened. Chinburg's can do that.** He was in touch with Bill Straub and Jennifer Hale. Jennifer's comments are included in Mr. Bachand's conditions. Mr. Straub concurs.

BOARD

Mr. Olson asked if 4 and 10 need to show driveways shorter. **It is a change that still needs to be made per Mr. Coronati.** He wanted to see what other changes need to be made before running off new plans.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

PUBLIC BOARD

Mr. Coronati has the Planner's Memorandum dated the 21st of October. There is a Wetlands Permit attached to this project as well, and the Conservation Commission comments are provided to the Board.

Mr. Bachand recommends approval except for Condition #9 which he would strike. It appears street numbers would be used instead of street names for the two driveways. There would be dedicated street numbers. Ms. Ostman informed the Planning Office they would assign 253 and 263 Drakeside Road and then Units 1, 2, 3, 4 and 5. Therefore, that condition can be stricken (#9).

MOTION by Mr. Emerick to grant the wetlands permit along with letter dated September 28, 2015.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. Emerick to approve the Site Plan along with the conditions contained in the Planner's Memorandum dated October 21, 2015, but striking Condition #9.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

15-051 77 & 79 Ocean Blvd, 75 Ocean Blvd & 2 L Street (continued from September 16, 2015 & October 21, 2015)

Maps: 293 Lots: 24-1, 43 and 41

Applicant: Houle Realty Trust, Marylee Twomey

Owner of Record: Same

Site Plan (Amended Application) Renovate two, 5-unit, single-story wings of existing motel; wings to be re-built with 9 motel units and 2 retail units along Ocean Blvd in 2 stories; middle building to remain as-is. Revision to add off-site parking plan; possible use of parking lots at 2 L Street and 75 Ocean Blvd for additional (off-site) parking for the benefit of 77 and 79 Ocean Blvd. Waiver Requests: Section VII.D Stormwater Management and Section III – Procedures, D.1 (fees) of Site Plan Regulations

Mr. Joseph Coronati, Jones & Beach, appeared along with Attorney Jon Springer. Mr. Coronati handed out new plans. Mr. Duffy Twomey, 75 Ocean Boulevard also appeared. Mr. Lessard is concerned that the plans are just being handed out tonight.

Mr. Coronati said a lot of thought went into the next step. Mr. Twomey has been kicking this around and they looked at many different things and how the process will play out. They are proposing what is handed out. Dedicated spaces (15) are shown for the new development. Mr. Coronati wanted to use 75 Ocean Boulevard as well, and the Board stated

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

‘yes’ as long as parking is on one of the three lots. They went to the site and measured parking spaces under 75 Ocean Blvd. and came up with the existing parking plan layout handed out tonight. There are six spaces along L Street that exist today. They have a wider-than-normal aisle way into the garage. Moving some spaces around, they get 4 compliant parking spaces on L Street, under the building of 75 Ocean Blvd, and then 10 slightly-angled parking spaces on the L Street lot and one space in front of the stairs (9’ x 18’). There are a total of 15 dedicated spaces on two properties. Under the building they have 4 spaces striped, but they have a couple of spots shown that are 9’ x 18’ that they have used as overflow. They only use that area during extreme need. They end up with 29 parking spaces total; 15 dedicated and existing ones that remain and they feel it’s enough to run the 29 motel units. Thirty-one (31) are striped out today. They can live with 29 spaces. This would allow them to move forward and to also comply with conditions.

BOARD

Mr. Lessard said Note #6 on the plan indicates a total 31 spaces required; 29 provided. There are 29 motel rooms and one dwelling unit that needs two spaces. That would make this proposal short by two spaces. The dwelling unit is MaryLee Twomey’s so she can park in front of 75 Ocean Blvd or off site was stated by Mr. Coronati. Mr. Lessard asked where that space (in front of renovation) would be. Mr. Coronati said in front of 75 Ocean Boulevard; there is enough space. The spot would be with the bicycles. Mr. Lessard asked if they’d park there during the summer.

Mr. Lessard asked where it would be depicted on the site plan, that MaryLee Twomey’s or the extra space would be noted. Mr. Lessard asked about the driveway permit. He asked if they have a driveway permit. Mr. Coronati responded that the sidewalk is flush and that there is no dedicated sidewalk and Mr. Twomey concurred. Mr. Lessard asked if they have a permit from the DOT. Mr. Coronati does not believe they need one. Mr. Coronati said where it is already paved and used for that use, it should not require a permit.

Ms. Carnaby stated the DOT is coming in to reconstruct that area – including curbing and sidewalks.

Mr. McNamara asked about the L Street lot – to the eastern side – there are 6 spaces. He is only counting 5. Ms. Carnaby noted you can’t get a car into that last space unless it only has one wheel on the front. It is also a walkway out to the property in that area. Mr. Twomey stated he has used that parking spot in the past.

Mr. Emerick said on the L Street side – parking under- there is a 26’ driving lane; he thinks you could get one more spot in there. Mr. Coronati noted there are columns there.

Mr. Olson asked about the 6 spaces forward of that – the only way to access is by driving through stalls outside of the street. Mr. Twomey said you can access them thru the drive aisle.

Mr. Olson asked about 20.7’ and asked if that is a line (painted) or a building. Mr. Coronati said that is a line. Mr. Coronati said there is 5’ at base of the stairs.

Mr. Olson asked about the odd angle up to the back of 75 Ocean. He asked if that is a painted line. Mr. Coronati said he traced over the existing asphalt line. That lane is usable for

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

parking, but it is not asphalt. Mr. Olson asked about the 6 spaces on the right. If the line on the left is 9' x 18', the line separating each stall is not 18' long. Mr. Coronati agrees. There are 6 spots, but they are not 9' x 18'.

Mr. McMahon had the same question. He said the parking lot has to function. Ms. Carnaby said if the Board accepts the 9' x 18' spots that they identified, does that mean that the Planning Board would be condoning the short ones by accepting the ones that are the right size. Some Board members stated "yes".

Mr. Lessard discussed the stairwell on 2 L Street, and asked if there is an easement for that stairwell to be there. Mr. Coronati said he believes one cannot grant oneself an easement. If it were transferred, then easements have to be drawn up. Mr. Lessard remembered a problem on Cutler Avenue. He thinks there should be an easement. Existing non-conforming spaces can remain per Mr. Coronati; new ones have to comply is what he/they thought.

Mr. Coronati believed that not all the spaces had to be 9' x 18'. Mr. McMahon does not see how it works. Ms. Carnaby said by accepting the ones that are the right size, we are condoning ones that are the wrong size. The applicants stated they only need 15 spaces to comply. No one understands why they need more spaces.

Mr. Waddell said the Planning Board wanted the applicants to come back with 15 spaces. Mr. McNamara said they want them to come back with 15 spaces that comply with this property.

Mr. McNamara said we asked for 15 spaces that conform. The applicants did that. They need to be clearly marked. Signage needs to be shown.

PUBLIC BOARD

Mr. Lessard said the application is still short two parking spaces that need to be shown. The parking requirements for this plan are not 29 spaces; they are 15 per Mr. McNamara. The applicant needs 31 spaces; 29 have been shown. The Planning Board needs 15 legal/conforming spaces. Mr. McNamara said they have the wrong number of parking spaces. The applicants are taking 75 Ocean Blvd into account. The Planning Board is here for 77 and 79 Ocean Boulevard. Borrowing spaces from 75 Ocean Boulevard, it can happen; but, in the future, the applicant is hurting herself for it. When 75 Ocean Boulevard sells, they will need to find spaces. Mr. Twomey said they won't sell 75 Ocean Blvd. Mr. Twomey said there are 15 rooms at 75 Ocean Blvd. They are cutting parking down by 6 compromised spaces. They won't be 9' x 18's.

Mr. Bachand said the Board received the initial memo and follow-up memo from Attorney Gearreald. CMA (the Town's engineering consultants) did a sketch for the Town and it is provided to the Planning Board and the applicants. It works off of the original (Jones & Beach) layout. They are showing 11 spaces on the left side; parallel spaces; providing distance from the wall for turning movements. Space number 14 is shown as 23 feet, it could be a little less, Mr. Coronati shows 9' x 18' there. One thought is to include the 14 spaces on 2 L Street and a 15th spot on 77 & 79 Ocean Boulevard.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

Mr. McMahon asked about the effect on 75 Ocean Blvd. It would not impact 75 Ocean Blvd at all. Mr. Coronati's plan is showing 75 Ocean Blvd. 2 L Street, along with the spot on 77 & 79 Ocean Blvd, will take care of all requirements without having to take spaces away from 75 Ocean Blvd.

Mr. Bachand said the 15th space would be in the courtyard area. That would satisfy everything without touching 75 Ocean Blvd. The pool would have to be shifted to the south. The kiosk could stay. It looked like a workable option. The 65-day clock allows time for the applicant to decide.

Mr. McNamara is not happy taking spots from other locations. He doesn't want to see fewer spaces for future projects later on. Making areas difficult to maneuver is tough as well. The CMA plan would work.

Mr. Emerick likes the CMA proposal and it would gain back the 6 spaces on the applicant's plan.

Mr. McMahon likes CMA proposal; Mr. Olson likes it; Mr. Waddell does also as does Mr. Lessard. Ms. Carnaby does not want to condone short spaces. Mr. Lessard said they have a variance for off-site parking. They have a variance to have non-legal sized parking spaces; it is being contested. The Planning Board asked for 15 legal parking spaces in perpetuity for this project. He doesn't know about parking along Route 1A. He is concerned. If 75 Ocean Blvd and the corner of L Street gets re-done, it's going to be tough in the future. There's no alternate plan for the swimming pool site.

One space could be under 75 Ocean Blvd per Mr. Emerick. Mr. Coronati said the concern with the CMA plan is the overall reduction of spaces. It is 25 percent less spaces than they are using today. But, it makes 77&79 Ocean Blvd compliant.

Mr. Olson wants 9' x 18' parking spaces. Six spots don't fit.

Attorney Springer said this is their best attempt to compromise. If the Twomey's withdraw, those spaces will stay forever at that size. He believes the applicants are compromising. They are giving up 25 percent of their parking and it is not right; too high of a price. The non-conforming spots are there now. If they are denied, they will continue to exist. Attorney Springer said if the Board adopts the new plans, the applicant will withdraw the variance with the ZBA that's under the Motion for Rehearing. He does not think CMA or the Town is compromising with all due respect.

Mr. Waddell noted the Board did say 15 spaces. The spaces are non-compliant. The applicant came back with 15, but they are still non-compliant. He noted the Board is only dealing with 77 & 79 Ocean Blvd. He doesn't like non-compliant parking spaces also. Ms. Carnaby asked why they have to have so many spaces where they only need 15 spaces. The Planning Board prior comments were based on the idea that they would be providing 15 legal spaces, not 15 legal spaces plus however many more they can squeeze in as well. Ms. Carnaby asked about accepting all the others and if the Board would be condoning non-conforming spaces because they are in the same building (illegal spaces). She's not happy about it.

Mr. Coronati did not know if he should show existing spaces for all the lots, or just show the ones the Planning Board is interested in. Mr. Olson said the applicant wants the Planning Board to accept 10 legal and 6 illegal spaces in one tiny space.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

Mr. McMahon said a legal space is 9' x 18', but it includes an aisle width to access the 9' x 18' spaces. The spaces are not legal if you cannot access them. Legal includes aisle space. Ms. Carnaby said it's a given that you have to be able to get in and out of them.

Mr. Bachand read the Regulations. He read that 22' is the legal aisle width for 90 degree parking. Looking at the plan, there is a 20'7" space between stairs per Mr. McNamara. They are a 1' 3" short. Stripes go beyond the stairwell. Mr. Coronati said they are at 80 degrees and said maybe he could get more angle out of them. Mr. Olson said the lines are 2' wide and that is not a reasonable scale. Mr. Coronati said it varies; the aisle width—lines aren't painted at 18', but they can overhang onto the property line.

Attorney Gearreald, Town Attorney, appeared. He sent memos to the Planning Board members. He said seeing the plans with non-conforming spaces remaining on 2 L Street is not the right thing to do. Showing spaces on State property is not within the applicant's control. When the applicants went before the ZBA for off-site parking and non-conforming spaces, they were dealing with the 2 L Street lot; they were not dealing with the 75 Ocean Blvd lot. He thinks that's a problem to say "okay, we want approval of non-conforming spaces on 75 Ocean Blvd" unless the applicant wants to go back to the ZBA for a variance on that lot. Attorney Gearreald said the Planning Board is entitled to an answer on why the applicant needs six, non-conforming spaces on 2 L Street. What are the spaces needed for 77 & 79 Ocean Blvd was asked and what are the spaces going to be used for. Our (Planning Board) job is for uses; what are they being used for.

Mr. McNamara agrees with Mr. Waddell.

Mr. McNamara asked why they need those extra spaces. Mr. Coronati said they need them for 75 Ocean Blvd. We are moving chess pieces per Mr. McNamara.

MOTION by Mr. Olson to deny.

The applicant said it's too much of a loss of parking per Mr. Coronati. They have 20 spaces and it's taking it down to 14. They are losing 6 spaces.

Mr. Lessard said we need 2 L Street to park for 77 & 79 Ocean Blvd. Mr. Twomey said he thinks egresses would be blocked. Moving the pool would be a concern.

Attorney Springer said the parking spots exist. Mr. McNamara said parking has been upgraded over decades. The Board wants to comply with today's regulations.

Mr. Waddell said it is 77 & 79 Ocean Blvd that the Planning Board wanted parking spaces for. They are taking spaces from 75 Ocean Blvd.

MOTION to deny the project by Mr. Olson.

SECOND by Mr. McMahon.

Reasons need to be given. It was noted that this parking configuration does not meet requirements to make changes to 77 & 79 Ocean Blvd. that are required. Mr. McMahon said he does not believe legal parking spaces have been provided on the L Street lot or any place. It is 20' 7". Mr. McMahon said it is about the function of the space. It is the access to the spaces and the utility of the spaces.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

Ms. Carnaby said bringing parking for a building into the parking situation, it muddies the waters, she would be happier with putting conforming parking spaces into 2 L Street; if there are one or two that have to go over to other buildings the Board is not looking at, she'd be happier with that. She supports the denial.

Mr. Waddell said Ms. Carnaby's logic does not work. She is happy with all conforming spots on the L Street lot.

Mr. Lessard asked if the application is being denied because the application for 77 & 79 Ocean Boulevard is for renovations or because there is not proper parking on two different sites.

Mr. Olson said it does not meet parking requirements. And that is why it is being denied. He said the applicant can go lease spots somewhere else – make them legal and that's that. The volume of space to the volume of cars. Their plan is not sufficient. He wants people to park their cars safely. He does not want to see some crazy fire-hazard mess.

Mr. Bachand said a motion is on the table. He provided CMA's sketch to the Board and applicant. He thinks it looks like a good alternative. Mr. Olson said it was nice of the Town engineer to draw up a picture on the Town's bill.

VOTE: 3 (Olson, McMahon & Carnaby) – 3 (Waddell, Lessard & Emerick) -1 (McNamara).
MOTION DID NOT PASS.

MOTION by Mr. Lessard to continue this application to the Planning Board's November 4th meeting in order to provide 75, 77-79 Ocean Blvd adequate parking.

SECOND by Mr. Waddell.

VOTE: 4 (McNamara, Waddell, Lessard & Emerick) - 3 (Carnaby, McMahon & Olson) - 0

MOTION PASSED.

V. NEW PUBLIC HEARINGS.

VI. CONSIDERATION OF MINUTES of October 7, 2015

MOTION by Mr. Lessard to approve the October 7, 2015 Minutes.

SECOND by Mr. McMahon.

VOTE: 7 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

- Rockingham Planning Commission – Dues Request for 2016

Mr. Bachand discussed \$12,130 is the new dues amount for 2016. This is budgeted accordingly. The actual bill comes to the Planning Office in March or April.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

Mr. Olson asked what the RPC did this year. Mr. Bachand said the Town is working on the CRS (Community Rating System) grant. It benefits flood insurance policies for residents. Ms. Dionne is working with the Planning Office on that. Tides to Storms project was also worked on. Rails-to-Trails is also underway. Finishing up the Coastal By-Ways report; the Route 101 Interchange project are among others. There is a lot of activity per Mr. McMahon.

There is a meeting at the Ashworth this weekend on Rising Tides. Ms. Dionne thinks the Board of Selectmen was invited. The Conservation Commission was not involved with the planning of this event. Planning was not invited. Mr. Bachand said he can attend if he is invited. Jay Diener can get in touch with Roger Stevensen to make that happen.

- NH Department of Transportation – Route 1 Rehabilitation

Mr. Bachand discussed the DOT letter regarding a repaving project that goes from Seabrook up to Hampton. They are advertising for April 5th of next year.

VII. OTHER BUSINESS

- Proposed Zoning Warrant Articles

Ms. Dionne and Jay Diener, Conservation Commission Coordinator and Chair appeared. Ms. Dionne likes to run items by the Planning Board early on with proposals. This is the second round. There are three more articles to discuss. They presented a PowerPoint presentation. This can be seen on the Town of Hampton video. One can also obtain this information at the Planning Office or at the Conservation Department (Conservation hours are Monday through Wednesday: 8:00 am. to 5:00 p.m.). Ms. Dionne and Mr. Diener discussed the Warrant Articles.

Warrant Article #1 deals with Section 2.3.7 – special provisions. Contiguous area is discussed in this presentation. All proposed development must be contained in the contiguous area. No impact to the wetland district. This is only contiguous area needed out of the wetlands conservation district before developing the site. It does not deal with access.

Mr. Emerick discussed temporary. He said it is re-defining encroachment on a temporary basis. They are re-defining the zoning regulation. Mr. Diener does not believe so and explained. Ms. Dionne said there is a lot of area that still can be worked with. Development should stay within the contiguous area. Mr. McNamara asked if the Board would like the word “permanent” better. Temporary impacts could be a wall at end of a buffer (for access to area); that would be temporary. It would be restored after the project is completed. Not just dwelling units; it could be permanent structures as well. Mr. McMahon has trouble with “temporary”, as does Mr. Waddell. Mr. Emerick asked if the buffer is being expanded.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

The Second Warrant Article deals with the definition of Inland Wetlands. (See PowerPoint presentation material; offered at Town Hall, or view video on the Town website).

The Buffer definition is being changed as well.

The Board was happy with Warrant Article 2. 2015 PREPA Environmental Planning Assessment. This deals with afforded protection of buffers. We need to protect waters, rivers and streams. PREPA suggests that we start to protect smaller streams and headwaters. Other communities with 100' buffers were compared to Hampton (Portsmouth). Tree cutting was discussed and no fertilizing in certain zones. Increasing the buffer to 100'; providing better protection for streams, etc. 25' restricted use of fertilizers. Any structures already existing will be grandfathered; it would not force anyone to change. The Article would be written in two places.

The buffer definition will be changed. Mr. Diener read the Warrant Article #2 definitions aloud.

Mr. McNamara said they are expanding the definition. The change will apply to buffers per Mr. Diener.

(See video for PowerPoint Presentation for more detail)

Ms. Dionne discussed designating a wetland as 'Prime' and read the RSA – rules specific to wetlands. It goes to DES for final approval. It goes through DES review. It provides a higher level review at DES level. No expedited permits will be allowed. Not every wetland would be defined as 'prime'. There are certain criteria that must be met; greater than 2 acres in size and other criteria. (Information can be provided at the Planning Office and Conservation Office). In 2006 a prime wetland inventory was conducted; 9 wetland areas were candidates, but only 4 out of 9 qualified. Ms. Dionne said it does not impact existing activity or current uses; just new activity or expansion of current uses. Impacts should be as minimal as possible.

At the DES level, they are required to do a standard review. Ms. Dionne said this is common. The Town Wetlands Permit still applies.

Mr. Emerick said someone in the State will have to get involved. Taxing State resources was discussed. The Board doesn't like seeing the State getting more involved. Mr. Emerick doesn't know how this helps the Town of Hampton. Mr. Diener said it helps our resources. Mr. Diener said the change is the level of review. He does not believe it is changing the workload.

Mr. McNamara said Taylor River complex is essential. The west and essential are in Hampton Falls. They are already prime wetlands. We want to take the east part and bring it up to the same spot that the central and west (located in Hampton Falls) together. They are connected geographically. We want to make it all prime together. It's not about working on State level. It is a vote of the public to bring all areas together.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

Mr. McMahon asked about “much more closely”. It deals with turn-around time per Ms. Dionne. Standard review is for up to 75 days; expedited is 45 days.

We have to have public hearings on these three Articles. They are being reviewed by Attorney Gearreald as well per Ms. Dionne.

They will Edit Article #1 and take out “temporary” per Ms. Dionne.

MOVED by Mr. Emerick to move these (3) Articles to public hearings. They do not need more work sessions on these.

Mr. Bachand discussed his zoning warrant articles. These are provided in the Planning Office. He does not have detailed comments from the Town Attorney or Building Inspector on these yet.

First change is housekeeping – the Board is happy with that. Article III changes were discussed. It is housekeeping to avoid confusion. The note added last year to address the BS1 zone is expanded into a notes section cross referencing other sections of the Ordinance. The Use Regulations were discussed – it is easy to miss items located in other sections. The new note section adds reference to other sections in the Ordinance to make it easier for people. The Board noted it sounds like that is for the benefit of the citizens.

Aquifer Protection District is next per Mr. Bachand (Second Article). Mr. Bachand stated that Carl McMorrان, Aquarion has reviewed the proposed amendment and provided a letter concurring with the changes.

Site drainage was discussed by Mr. Bachand, as were wells located in the Aquifer Protection District. They will be addressed in this Article. Low Impact Development practices were incorporated and discussed.

Mr. Emerick asked what if it (water) goes downhill. Mr. Bachand said this is about proposed grading, not existing natural conditions. Her said this may need to be tightened up. The locations of well heads—where measurements are from was discussed.

Mr. Bachand discussed prohibitive uses. – E4. Exceptions were discussed by Mr. Bachand.

Item #11 was discussed – new development would be prohibited 800’ from a well unless Aquarion states there is no contamination risk. The national average is 400’ per Mr. Olson. Mr. Bachand agreed but said this is a draft for the Board’s discussion. The measurement is from the location of the well head. Mr. Olson said doubling the national average seems heavy handed.

A Conditional Use approval requirement for residential subdivisions of 3 lots or more was discussed. The Board suggested site plans may need to be added along with

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

subdivisions. They also become a conditional use. Mr. Bachand said that's a good point. **Mr. Bachand will look into adding site plans to be consistent.**

Mr. Bachand noted #6 is struck, but addressed later.

Mr. Bachand said #7 (becomes #6) monitoring wells. Installed under direction of a hydrologist of Aquarion or its successors. Rights of way were discussed. The Town said we don't want anything in the right of way per Mr. McNamara. It's a good idea to have monitoring wells if they are close to wells. It's not Aquarion's water. Mr. Lessard said it should be decision of the Board to decide. He does not think our water company is always thinking of the interest of people above the Aquifer. **Mr. Bachand will work with others on this.** Applicants should be able to get a second opinion. Mr. McMahon asked if Aquarion decides. Mr. Bachand said Aquarion or its successors. Do we lose are ability on site plans was asked. **Mr. Bachand will check this out.**

Sub-surface petroleum was discussed in prohibitive section.

Notifying Aquarion was discussed by Mr. Bachand. Currently, if there is a conditional use application Aquarion will be notified for any public hearing. Under this Amendment, Aquarion would be notified of all applications for public hearing in the Aquifer Protection District.

Underground tanks were discussed again. Mr. Lessard asked if it fails can it not be replaced? Mr. Bachand said yes...maybe it should say if it fails per Mr. Bachand versus abandonment. If it fails, Mr. Bachand thinks it would be grandfathered. Gas stations in the Aquifer were discussed. Mr. Bachand said it's not about not fixing, but due to abandonment. It is not talking about repair or replace. That is the intent in his opinion. Mr. Bachand said it's immediate in that case. **Mr. Bachand needs to re-visit the language.** If they can't re-open a gas station, the Board should re-visit.

Mr. McMahon asked about prohibitive uses. He talked about registration with the Fire Department. Mr. Bachand needs to talk to the Fire Department. Mr. Lessard asked about oil companies. It's good to identify. There are mystery tanks out there.

Mr. Bachand discussed #3. Elderly Housing Standards. The table is within Section 15, not within Article III as it should be. Mr. Bachand spoke with Mr. Schultz about moving this table. The definition of "elderly" was asked about. There is a development coming to the Board soon.

Mr. Bachand said to remove the table from Section 15 and relocate it under Article III, but leave standards as they are in Section 15.

Mr. Bachand discussed the Industrial Zone – for discussion purposes, he changed the table from "X" to "R" based on the Zoning Review Subcommittee. Maybe it should be an "R" with an asterisk. Mr. Emerick said that would mean everything else is okay. He thinks it should

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

be left as is. They still have to come to the Board. Mr. Bachand could support changing the “X” to an “R”. If it’s an “R” they still have to come to the Board. He did question some uses that fall under elderly housing that don’t apply to the I Zone.

Mr. Lessard said Industry does not always have a harmonious relationship with housing. There’s traffic rather than quiet enjoyment. Mr. Emerick said it is allowed if it has a medical component. Over 55 housing could be on Merrill Industrial Drive.

Mr. McMahon asked what elderly is. Is it age 55 was asked? Mr. Bachand does not know of a specific definition for elderly. The way Section 15 is written, the Zoning Ordinance does not include a definition of elderly housing. Mr. McMahon still doesn’t know who that includes.

Mr. Olson asked if this addresses the new project and should the area be re-zoned. Would it allow this development to occur was asked. It would allow multi-family per Mr. Emerick. Kids and industrial zones do not seem compatible per Mr. Olson. If it is left at “X” – it would be prohibited. If it has a medical component it is already permitted. Mr. Lessard thinks we should leave it alone. If it becomes an issue for us, we can bring it up next year per Mr. McNamara. Based on the discussion, Mr. Bachand agrees.

Mr. Bachand wants to go forward with the rest of it; housekeeping changes. Defining “elderly” was asked about. **Mr. Bachand will take a look at that.**

Non-conforming uses were discussed by Mr. Bachand. These are also housekeeping changes. Mr. Bachand noted a necessary correction - “within” should be added before “one year”.

Mr. McMahon discussed “use of a structure....” He asked what a transition is into a conforming structure. If one fixes it to be conforming. Mr. McMahon asked for “transition” to be described – **Mr. Bachand will look at that...** maybe “change” is okay.

Mr. Bachand next brought forward a combined zoning and site plan amendment – dealing with Use Changes. He worked with Mr. Schultz. Mr. Bachand read the proposed changes to the zoning definition on use changes.

The site plan amendment addresses changes, including a definition as “use change” was not defined in Site Plan Regulations. Mr. Bachand is looking to provide consistency between Zoning and the Site Plan Regulations.

Building Inspector “and” Town Planner was added per an earlier comment (the Site Plan Amendment was discussed with the Board earlier this year).

Providing sketches of interior layouts was addressed.

Mr. McMahon asked about sketches. He doesn’t want plans for sketches. Mr. Olson thinks the same. He asked if a scaled drawing can be given rather than sketch. Mr. Emerick does not like that. Mr. McNamara said that makes it hard for an applicant. A dimensional sketch was mentioned. Not to scale. Mr. McMahon said Mr. Bachand can use his judgment. Mr. Emerick said we are not Code Enforcement. Sketch with dimensional requirements sounds good per Mr. Lessard. Graphic representation was asked as well. The Planning Board does want a sketch.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

There are five zoning articles now; there may be one or two in addition to the above.

The Aquifer Protection District amendment will need to be discussed again. Oil tanks as well should be discussed again. If the other four amendments are ready, they can advance to public hearing. The Board agreed with this approach. If changes are substantial, Mr. Bachand will bring them back to the Planning Board first.

Mr. Bachand is looking toward the second meeting in November or first meeting in December for a first public hearing.

Mr. Bachand said the zoning articles are enforced as soon as the first hearing is noticed.

- Zoning Review Subcommittee-Liberty Lane/Exeter Road Study Area

Mr. Bachand provided the Board with a summary memo of the Zoning Review Subcommittee process (3 meetings). The process is identified. The map (given out) identified which parcels were assigned as suggested uses based on work of the Committee. No zoning boundary changes are needed per the Committee.

Mr. McMahon asked where this goes now; how do we use this. Some of the uses are specific. What if someone comes in with some other use. Mr. Bachand said the zoning allows for other uses. The subcommittee gave its ideas for future development of the area. Mr. McMahon wants to know what the expectation is for the Planning Board. Ms. Carnaby said this was an advisory board. There is one major stakeholder and that is what initiated this process. Something else can come in and be proposed if it complies with zoning. The feasibility of a UNH Extension was asked about.

Mr. McMahon asked about the courthouse. The Park & Ride may be re-configured.

Note: **Send thank you letter to members from the Planning Board.**

Ms. Carnaby read a congratulatory email she received about Mr. Bachand's good work on the Subcommittee.

- Impact Fees

Mr. Bachand found the initial Mayberry Report. He also found a letter from Mr. Mayberry to the Town Manager. In 2013, other items were discussed to include in Impact Fees. Mr. Mayberry thought it was premature – before doing a study. Master Plan would need addressing first per Mr. Mayberry.

Impact Fees for 2015 - we collected \$73,791 thus far.

Refunding impact fees was addressed before (within 3 years). They use it to reduce the debt.

Ms. Carnaby spent a lot of time reading the Ordinance that described impact fees. For sewer, water, etc., beefing up the roads, etc. She now knows it's just for the schools. Ms. Carnaby thinks it should be spread around for other projects.

New developments – to keep taxes lower, there is an impact to keep the costs down.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2015 – 7:00 p.m.

Mr. McMahon said school population has declined. Mr. McMahon discussed affordable housing.

Mr. Lessard said those houses can become populated by having children. Mr. McMahon said if we have the impact fee; collect it. No waivers.

- Rails to Trails

Scott Bogle came in and presented to the Board a few months ago. Seacoast Greenway Group meetings have been attended by Mr. Bachand. The NH Seacoast Greenway is on Facebook. Ongoing events are on that page. They are looking at the Town Center toward Portsmouth and then looking toward the marsh area. Mr. Bachand will keep the Board posted on this. Mr. Bachand believes the State might have bought the land, but is not certain.

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 10:01 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