

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Alex Loiseau, Clerk
Fran McMahon
Mark Olson
Keith Lessard
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: James Waddell, Selectmen Member

I. CALL TO ORDER

Chairman Emerick commenced the meeting at 7:00 p.m. by leading the Pledge of Allegiance and introducing the Planning Board members. Mr. Emerick also introduced the Master Plan Steering Committee members. Chuck Rage, HBAC; Brian Warburton, Budget Committee; Anthony Ciolfi, Citizen-at-Large; Barbara Kravitz, Citizen-At-Large; Tom McGuirk, Zoning Board; Kathleen Murphy, Superintendent of Schools (SAU90); Rayann Dionne, Conservation Commission; and Anthony Ciolfi, Citizen-At-Large.

II. ATTENDING TO BE HEARD

MASTER PLAN SESSION #8

1. Public Comment (relating to Master Plan)

None.

2. Update on Vision and Coastal Management Elements

Mr. Bachand said we met with representatives from Milone & MacBroom. They were selected to complete the Vision and Coastal portions of the Master Plan. Initial data collection and outreach efforts were discussed. Communication was discussed; two conference calls per month are anticipated. They will attend Steering Committee meetings also. There are Minutes from that meeting at the Planning Office if anyone wants a copy of them.

Where are looking at March or April to start getting the ball rolling.

Ms. Carnaby liked the way Milone & MacBroom approached the work to be done. Ms. Dionne thought the meeting was productive and noted she liked how the firm is interested in other resources, including contacts in the community; champions in the community, etc.

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

Mr. Lessard stated that at the beginning of the meeting, it should have been noted that the applicants for 431 and 435 Ocean Blvd are not being heard (in case anyone in the audience is present for those applications). Mr. Emerick stated those applications have been withdrawn.

It was noted that the applicants for 7 Eight Street requested to be continued to March 4th.

MOTION by Mr. McMahon to continue 7 Eighth Street to March 4, 2020

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

3. Update on Warrant Article for Comprehensive Master Plan Update

Mr. Bachand gave an outline of the Master Plan Article. It is Article 10 on the ballot. He attended the Board of Selectmen meeting on January 6th with Mr. Emerick and Ms. Carnaby. The Article received a 5-0 recommendation. The Budget Committee also gave a unanimous vote to recommend. The Budget Committee is meeting on this tomorrow night (public hearings). Mr. Warburton said he is happy with how things are going. The meeting is 7:00 p.m. tomorrow night for the Town and School Warrants at the new Hampton Academy.

Mr. Warburton said on Saturday, February 1st, 8:30 a.m. is the Deliberative Session at the Hampton Academy. On February 4th is the Hampton School District meeting at 7:00 at the Hampton Academy auditorium. He is impressed with the Master Plan process.

It was noted that the Zoning Board meeting will be taped; it will not be live because there is a Budget Committee meeting.

Mr. Bachand said that he will be presenting the Article at the Deliberative Session.

4. Update on Preliminary Master Plan Survey and Associated Tasks

Ms. Carnaby said the stats have slid down predictably. We are still gathering input and information. From December 12, 2019 to January 7, 2020, it went from 1,622 to 1,693. There are people who opened the survey, but have not touched it. It went from 403 to 424 – participants in the survey. It is 80-85 who want to subscribe to periodic results of the survey. It's chugging along, but kind of slowly.

Ms. Carnaby discussed outreach and getting people to take the survey. She has heard of people who have been given cards by friends, and have taken the survey. We have the button on the Town website back at the top again. It will take you to the survey.

Ms. Carnaby noted we are negotiating with Friends of the Library to figure out when people are going to be in the Library who may need help answering questions at the Library. We

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

need volunteers to be at the Library. Our Librarian is in support of the activity. Ms. Olivier has become proficient in setting up laptops as kiosks so that anything that is input that day in that location gets earmarked for that source by the software. Where the survey was taken, and where and when. Ms. Olivier went out to the Monday Mingle this past week.

Ms. Olivier discussed the Monday Mingle. The Recreation Department believes the Mingle may go on through March. She spoke with a Senior at the Mingle and the Senior noted that she does not believe Seniors know about the Master Plan. The first go round at the Mingle did not go well as PublicInput was down, but she feels it should not be too difficult to get it going when ready.

Ms. Carnaby said anyone who can help with Master Plan – help with volunteers, etc. will be appreciated. We need steps of organization. There is time to get more input before the vote in March.

Ms. Dionne (Conservation) discussed a Scout Leader – Troop 177 information she obtained. It would be to have Scouts come in and we could walk them through that process. The Scouts have to earn badges. We can make the connection and they could maybe help with the survey also.

Mr. Ciolfi said he stopped at Cinnamon Rainbows today. It's hard with business cards, he feels, to get it out there. He may create a flyer and they have an area in their window or door where the cards can go. There could be a flyer stating something like "Hampton Residents – we need your help." People can come in and take a picture of it with their phones, take it home and fill out the survey. He will do that at Pioneers and Cinnamon Rainbows. We could print off the card in a larger size also from our large printer at Town Hall.

5. Next Steps

Mr. Bachand discussed continued promotion of the survey and the warrant article.

He would like to get started on an RFP for the comprehensive Master Plan update. He should have a draft for review by the next Master Plan meeting in February.

Ms. Kravitz said every 5 years the Rockingham Economic Development Center (REDC) updates its comprehensive economic development strategy. There will be 4 sessions in various communities. They invite people to come. It's a conversation to provide background information. We should piggy back on it. There is a meeting Tuesday February 4th from 5-7:30 at the Galley Hatch. Maybe Barbara could bring a flyer to put on the bulletin board. Everyone is welcome. They look at projects like Winnacunnet Road. Every 5th year is a major update.

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

* *Note: Abutter is requesting to continue his Appointment and the application for 737 & 739 Ocean Boulevard (listed under "Continued Public Hearings") to February 19, 2020*

- * **Appointment (continued from 10/2/19, 11/6/19 and 12/4/19) - On behalf of Maria and Ralph Dumke, through Gregory A. Ramsey, Esq. of Wynn Law Group, an appointment before the Planning Board relating to 737 & 739 Ocean Boulevard, requesting enforcement of a previously approved condominium plan and/or revocation of said approved condominium plan for failure to comply with parking.**

Attorney Ramsey appeared. He wants his appointment and the amended application to be continued until February 19th. His client is out of the Country. He noted the owners, he understands, object to the continuance. Attorney Ramsey is asking to continue both matters to the February 19th.

Mr. Bachand said the Board heard this on December 4th of last year, both the application and the appointment. The applicant was asked to make some revisions to his plan; they were made in a timely manner. They were continued by the Board to this evening's meeting. He thinks the applicant should be heard as scheduled. The applicant wants to be heard. Attorney Ramsey said the Planning Board should hear Mr. Dumke and he should be allowed to be present.

Attorney Ramsey asked these owners to submit what they submitted. Mr. Bachand said Attorney Ramsey and the client were present at the December 4th meeting, when the Board decided to continue it to this meeting. There was no objection at that time. What is the harm in the applicant being heard this evening was asked.

BOARD

Mr. McMahon wants to hear the applicant tonight. Fine by Ms. Carnaby also; Mr. Loiseau agreed. Attorney Ramsey noted he is prepared to discuss the plan tonight.

- **Change of Use: 380 Lafayette Road
Previous Offices (vacant for years) to art center with studios, gallery & teaching space.**

Ms. Karen Desrochiers appeared. She is trying to open an art center. It is a community centered multi-faceted art center. It will encompass working art studios, working space, and a lot of art classes. She is working with community organization to work with people of all ages, Veterans on the Seacoast, etc. She will work with individuals who have developmental disabilities as well. This is located toward the back 380 Lafayette Road, lower level. It has been vacant for a few years.

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

BOARD

Ms. Carnaby asked about galleries mapped off. Are classes separate from gallery spaces was asked. Some artists will use the studios; some for private teaching space or office space. Ms. Carnaby thinks it's a wonderful idea. No one will reside there.

MOTION by Mr. Lessard to approve the Change of Use.

SECOND by Mr. McMahon.

VOTE: 6 – 0 – 0

MOTION PASSED.

- **Preliminary Conceptual Consultation: 65 Lafayette Road**
Construction of 50' x 85' building with associated parking.

Mr. Henry Boyd, Millennium Engineering appeared. Mr. Tsoumbanikas (owner) was in the audience. It used to be Jerry's on the Marsh. The Town preferred that Mr. Tsoumbanikas take the old building out of there. There is still a concrete slab on the site. There is a raised septic system. He first wanted an auto repair business. Sensitivity of salt marsh was discussed. The first application was withdrawn.

The berm now has been breached. The site gets inundated with salt water. The berm needs to be repaired. He has wetland permits from the Town and State. He spent a lot of money on first go-round that was not able to fly.

He has now reduced the size of the building. A new septic system would go in. No use for the site as of now; maybe an antique dealer. Less parking; less building. Most of the site will remain at grade. They want feedback from the Planning Board before he submits anything. Mr. Boyd said he was encouraged that this would be permitted. As long as he kept footprint the same, he could rebuild.

BOARD

Mr. Emerick said retail use makes sense. It is a high-traffic location. It can't be anything that has automotive involved.

Mr. Olson discussed the finished floor being at 10, but it shows truck access with floor is at 7; is floor outside that was asked. Mr. Boyd said he has not designed the building. Loading bay may be where trucks can back in. Mr. Olson asked about the dock height; it is about a foot off. Mr. Olson said the other truck should not be on the plan.

Mr. Boyd said there would be compliant parking. Mr. Boyd knew they had trouble with the PRC. He met with Jennifer Hale at the DPW and Rayann Dionne at the Conservation

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

Commission. They want to see a bird sanctuary per Mr. Boyd. However, they are more receptive to this than the original proposal that was withdrawn.

Ms. Carnaby said given all the changes in weather patterns and tidal patterns, did they give thought to how long this building might last given the location. She asked for Ms. Dionne's opinion.

Ms. Dionne said as the Regulations are written, the Town does not have the ability to require them to build to the projected sea level rise. She thinks we are within our rights to make sure that that information is out there, and to consider it in their design. They have to meet the floodplain regulations. That area is subject to flooding. At the Conservation Commission level, with the revised design, the building is outside of the buffer; it is a previously-developed lot. Our job is to say are you considering putting it on pilings. If applicant goes to (elevation) 12, they will see a reduction in flood insurance. They are limited on what they require.

FEMA projected preliminary maps are dated 2014. They are not approved as of the last time she talked with Jennifer Gilbert. That location is AE9. He said there is vertical transition for ADA issues. Adding more fill is not an option.

He is going to need DOT permits; they have DES permits to deal with. The berm elevation right now is 8.4 and then it goes into 9 at base flood elevation. It would go back to 8.4.

Mr. Lessard asked about filling in where the parking is. Henry said "no", he does not want to. If the parking lot is brought up. Mr. Boyd discussed water displacement. Mr. Lessard discussed putting in a solid foundation; what is different from adequately parking – sending people to park somewhere else because of tidal water.

Mr. Lessard said park on chambers; Mr. Boyd said "no".
Mr. Lessard noted they are not overbuilding at 10.

Mr. Emerick said no one is opposed to the project.

Mr. Bachand said the uses have to be better refined before the application is submitted. One retail use may not have the same impact here as another because of the environmental sensitivity of the area.

Mr. Bachand communicated with the DES Coastal Program. They provided coastal flood risk guidance information to give to the applicant. It is in draft form, but the review steps should remain pretty much the same. It may be helpful to Mr. Boyd. Mr. Bachand provided Mr. Boyd with a copy.

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

Ms. Dionne said the DES Wetlands Bureau updated their Regulations in December of last year. They added a flood vulnerability section. She hasn't worked through that process yet.

The Building Code was updated at the end of last year. Ms. Dionne said it gets additional attention from the DES at this location. Eban (Lewis) said parking lots; DES is not on board with adding fill to increase height of parking areas. They are not supporting this.

III. NEW PUBLIC HEARINGS

PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENTS

- 1. Amend Article I – General. Section 1.6 to add language that a deck is considered to be pervious if it is elevated at least 6 feet off the ground and permeable underneath. Amend Article II – Districts. Sections 2.3.1, 2.3.2 and 2.3.3 by moving the definition of 1st through 4th order streams to Section 2.3.2 and adding it to description of 1st through 4th order streams to the Wetland Conservation District definition and purpose section, replacing “inland wetland” with “freshwater wetland”, removing the impervious coverage definition, and streamline the “Permitted Uses” section to remove redundancies and improve readability. Add language that allows the Building Inspector to approve the replacement or repair of existing and previously permitted fences, sheds, and decks that are maintaining the same square footage and not encroaching further into the Wetland Conservation District.**

Mr. Bachand appeared with Ms. Rayann Dionne. The Amendments are available at the Town website Hamptonnh.gov (under Planning).

Ms. Dionne discussed the Amendment and changes.

BOARD

Mr. Lessard asked about the Building Inspector portion about fences and sheds. These are in the buffer as well as next to highly observable tides in certain streets. Ms. Dionne said 'yes'. He asked about fences being raised. That is 'in kind'. Ms. Dionne said the Conservation Commission requires it to be 6" off the ground. It will still be a recommendation. She didn't think about if it's already touching the ground. It would be encouraged to be lifted up. Ms. Dionne can add it to the application.

PUBLIC

MOTION by Mr. McMahon to move this to ballot.

SECOND by Ms. Carnaby.

VOTE: 6 – 0 – 0

MOTION PASSED.

It was noted the Articles moved to ballot are in effect now.

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

- 2. Amend Article II - Districts. Section 2.3.7(C)(4) to cross-reference a proposed amendment to Article IV, New Section 4.9.**

Amend Article IV – Dimensional Requirements to add a New Section 4.9 which would include the existing requirement for a minimum of 12 feet separating a dwelling structure(s) including attached garages from the Wetlands Conservation District. The existing requirement applies to the RAA, RA, RB, RCS, G, and I zoning districts, and would not change under this amendment.

Mr. Bachand presented this Amendment. It was briefly discussed at the second meeting in December. It is a housekeeping change.

BOARD

Mr. Emerick said the buffer to the buffer now being wetlands was asked. Mr. Bachand said no, it is just a cross-reference in the Dimensional Table. It is so you don't miss it (in the Wetlands Conservation District section of the ordinance). Ms. Dionne said it is actually better represented in the Dimensional Table. Mr. Bachand added that there is no change to what we require now.

PUBLIC

MOTION by Mr. Olson to move this to ballot.

SECOND by Mr. Lessard.

VOTE: 6 – 0 – 0

MOTION PASSED.

20-001 9 & 11 I St. & 99 & 101 Ocean Blvd

Maps: 290 Lots: 104, 105, 107 & 108

Applicants: 101 Ocean Blvd, LLC; MAM Realty Investors II, LLC; One-O-One Ocean Blvd, LLC & MAM Realty Investors V, LLC

Owner of Record: Same

School Impact Fee Waiver Request: Request applies to the new proposed 5 story building with 20 one-bedroom units and retail/restaurant on the first floor.

Mr. Joseph Coronati appeared with Chuck Bellemore, owner. They are here for an school impact fee waiver request. This proposal has been reviewed in a Memorandum by Mr. Bachand. Typical impact fees are approximately \$1,900 per unit for a condominium. Mr. Bellemore has 20 units proposed. It's about \$38,000. They are looking for a reduction to about \$500 per unit. Mr. Bellemore also has 2 single-family homes he is demolishing. Those get reduced. Mr. Bellemore is building 20, one-bedroom apartments above a commercial space. That is the reason for the request.

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

BOARD

Mr. Lessard noted it has been calculated out directly. All four pieces will become one entity.

**PUBLIC
BOARD**

Mr. Bachand provided a Memorandum to the Board. The report by Bruce Mayberry was thorough. Our contracted Assessor, Ed Tinker, reviewed the report and found it reasonable. Mr. Bachand supports the school impact fee partial waiver request, with a school impact fee of \$4,438 to be provided.

MOVED by Mr. Lessard to approve the school impact fee partial waiver.

SECOND by Mr. McMahon.

VOTE: 6 – 0 – 0

MOTION PASSED.

*** Note: Applicant is requesting to continue to March 4, 2020*

**** 20-003 7 Eighth Street**

Map: 210 Lot: 1

Applicant: Gilbert & Beverly Bortone, Trustees

Owner of Record: Beverly A. Bortone Revocable Trust.

Conditional Use Permit: Conversion of Garage into Accessory Dwelling Unit.

The above application was continued to March 4, 2020.

IV. CONTINUED PUBLIC HEARINGS

19-059 431 & 435 Ocean Blvd (continued from 12/4/19) - WITHDRAWN

Map: 266 Lot: 27 & 47

Applicant: East Coast Development, LLC

Owner of Record: Michael Napier, Keir Family Entrepreneurs, Inc.

Site Plan (Amended): Remove existing buildings and construct 23, 2-bedroom condominium units in a single building. (See Wetlands Permit File 19-060).

19-060 431 & 435 Ocean Blvd (continued from 12/4/19) - WITHDRAWN

Map: 266 Lot: 27 & 47

Applicant: East Coast Development, LLC

Owner of Record: Michael Napier, Keir Family Entrepreneurs, Inc.

Wetlands Permit (Amended): Remove existing buildings, pavement & concrete in the buffer; installation of buffer plantings. (See Site Plan File 19-059)

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

19-065 737 & 739 Ocean Blvd *(continued from 12/4/19)*

Maps: 223 Lots: 70 (1&2)

Applicant: Kyle McManus

Owners of Record: Joan Shea Irrevocable Living Trust (737) & 739 Ocean Boulevard Realty Trust (739)

Condominium Conversion: Amendment to approved condominium conversion (2000) to meet 2019 Zoning Ordinance.

Waiver Request: Section V.E. Detailed Plans

Mr. Kyle McManus appeared. He noted the applicant answered the Board's request for clarification and revision on the previously-approved site plan. They provided a plan at the last meeting with some revisions requested. He received a copy of Mr. Bachand's comments. Mostly clerical changes are being requested.

BOARD

Mr. Olson said the hot button issue is parking. Mr. McManus said there are two parking spaces on the lot. On the original approved site plan it showed potential locations. One area states where a wall could be removed. It removes one walkway. It could not be parallel parking. Clarification of space – is not in the fire lane (it's clearly on their property). There are gas meters, electrical meters on side. Mr. Bachand asked for bollards in front of the AC compressor, and they will still fit per Mr. McManus.

Mr. Olson noted there is one per unit and then there is a paved area that is common area. Two rectangles call out 9' x 18'. There appears to be two differently sized rectangles per Mr. Olson. He doesn't want to challenge it, but two areas; one is probably 9' x 18'; the other one may not be was asked.

PUBLIC

Attorney Greg Ramsey appeared. He noted there are no dimensions on the drawing. Only dimension added was 2.8' from AC wall to 2nd Street parking. There is not enough room for two parking spots. If the original plan had been complied with, it would be different.

The second space behind the property behind the deck and stairs was discussed. There is a trailer there in the snow area or bordering the snow area in the parking lot. He asked if the trailer will be removed.

Snow storage is not practical per Attorney Ramsey.

Parking in front of the property was discussed. He is asking the Board to not consider these plans.

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

Mr. Ramsey discussed the fire lane and parking.

Attorney Mark Gearreald appeared. He handed out recorded plans from the Registry. He discussed the history of the property. This was a leased lot (plantation lot). D-6262, Page 1 of 2 shows as Lot 4 at the corner of Second Street/Ocean Blvd and King's Highway. The second sheet shows that there were two structures on the land at that time. The front building was built in 1920. The building behind it was built in 1940. Both were built prior to zoning coming into effect, which was in 1949.

Attorney Ramsey sent a recap of his prior comments. He quoted them correctly, but they have a context. Not building the two spaces next to Ocean Blvd represented a pre-existing non-conforming use. Was it "legal" was asked.

Attorney Gearreald discussed in 1982 regarding whether to allow a subdivision of this property D-10964. There were no spaces next to Ocean Boulevard.

Attorney Gearreald discussed legally pre-existing. Then, in 1999 where a proposal shows total of 4 spaces for lot in question. No enforcement was taken. Nothing was ever built.

In 2006, Section 6.3.10 is adopted and the Townspeople are allowing that at least one assigned 9' x 18' must be provided on site. No longer are there two spaces per unit.

Attorney Gearreald referenced Mr. Bachand's Memo – the pre-existing non-conformity. Was that lost in light of what happened in 2006 was asked. He suggests it was not lost. There is the ability to come back to Board and amend the plan.

Mr. Olson wants to apologize to the applicant. The parking spot is fine. They are scaled and they are perfect.

Mr. Emerick said if an engineer certified and stamped the plan, what they gave us is true.

Mr. McManus discussed clarification of dimensions. There is a note on snow storage. It says it will be removed from the site. It is on the plan. He appreciates the fact that an abutter is not there, but he was notified. He had his attorney here. They (applicant) followed the rules. They don't answer to him. He is not answering to an abutter; he is answering to the Board.

BOARD

Mr. Lessard asked about the width of the drive. Mr. Bachand said we do not have that - it is not stated in our Ordinance. Mr. Lessard discussed switching lot lines. There was a condo conversion and changing the lot line. Putting parking space up front was discussed. That is when two were required. This is an Amended Application.

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

Mr. Lessard said we need a Code Enforcement person.

Mr. McMahon discussed if we choose to go ahead; he mentioned there are two encroachments with the abutter to the south and the State highway. We are not endorsing encroachments per Mr. McMahon. We acknowledge they exist, but we are not putting our stamp on them.

Mr. Bachand said there is a waiver request if the Board chooses to act on this.

MOVED by Mr. McMahon on the waiver request.

SECOND by Mr. Olson.

VOTE: 5 – 1 (Lessard) - 0.

MOTION PASSED.

MOVED by Mr. McMahon to approve the amended Condominium Conversion along with the conditions in Mr. Bachand’s Memorandum dated January 15, 2020, and including a note about the encroachments.

SECOND by Mr. Loiseau.

VOTE: 5 – 1 (Lessard) – 0.

MOTION PASSED.

V. CONSIDERATION OF MINUTES of December 18, 2019

MOVED by Mr. McMahon to approve the Minutes.

SECOND by Mr. Olson.

VOTE: 5 – 0 – 1 (Lessard).

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

RSA 41:14-a Process - Town owned Deed Restriction on formerly Leased Land

- Tax Map 223, Lot 53 – 4 Second Street. Supplemental Request for Relief from Deed Restriction #4 – “The only structures permitted to be erected or placed upon said lot shall be one single-family dwelling...with no more than a two-car garage. The Grantee will not erect any buildings upon the premises within seven (7) feet of any boundary line...” The petitioner previously obtained relief to tear down two existing dwellings at 4 Second Street and construct a new single-family home upon the property containing five (5) bedrooms, but this supplemental request for additional relief is needed based on a subsequent plan revision showing a three-car garage.

Attorney Peter Saari appeared. This started when the owners had a desire to have an extra bedroom, which translated to an extra parking space and where we are now. They are now showing three parking spaces in the garage. That violates the deed restriction. Setbacks were discussed.

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

BOARD

Mr. Lessard asked about conversions to living space; part of the garage to living space. Attorney Gearreald said the plans have changed a bit. This is the third time this has been before the Board. He read the criteria. He discussed the background of this 41:14-a. Bank financing people are picking up on these issues. People are being denied after entering into a purchase and sale agreement. Mr. Gearreald said they will try to address this with the Board of Selectmen (Mr. Lessard's question about living space in the garage).

Mr. Olson said parking outside is in right-of-way. Mr. Lessard asked who said tandem parking spaces are one spot. Attorney Gearreald concurred that we are calling two tandem and one single a three-car garage. There are deed restriction purposes and zoning purposes.

MOTION by Mr. Lessard to recommend this to the Board of Selectmen.

SECOND by Mr. Loiseau.

VOTE: 6 – 0 – 0

MOTION PASSED.

Attorney Ramsey and Attorney Saari appeared. The discussion moved to the 741 Ocean Boulevard request. This is regarding a subdivision. A house was constructed at 741 Ocean Boulevard a few years ago. Mr. Lessard noted on the Second Street side, they do not have enough parking spaces. This is to clean up the deeds.

- Tax Map 223, Lot 53-1 – 741 Ocean Boulevard. Request for Relief from Deed Restriction #4 – “The only structures permitted to be erected or placed upon said lot shall be one single-family dwelling, containing no more than four bedrooms, with no more than a two-car garage...[n]or shall the premises be subdivided.” This request relates to a previously approved two-lot subdivision that has already resulted in the construction of a new dwelling structure on Lot 53-1, and is anticipated to result in the construction of a new dwelling structure on Lot 53 (as noted above).

MOTION to recommend to the Board of Selectmen by Mr. Loiseau.

SECOND by Mr. McMahan.

VOTE: 6 – 0 – 0

MOTION PASSED.

- Deliberative Session – Saturday, February 1, 2020 at Hampton Academy

Mr. Bachand said it begins at 8:30 a.m. Saturday, February 1st. Hampton Academy. It is encouraged for all to attend. Enter through the Main Entrance in front of the building to the front office. Park in the lower parking lot and climb up the stairs and follow the walk into the auditorium.

HAMPTON PLANNING BOARD

DRAFT MINUTES

January 15, 2020 – 7:00 p.m.

Mr. Emerick had one other item of business. He said there is a barber shop in town where the owner is selling the business to another barber. That is not a Change of Use per Mr. Emerick. Mr. Bachand noted that it is in the Town Center-Historic. Mr. Emerick does not think the Planning Board has any authority at all over the transfer of ownership of a business. It is not a change of use in any way, shape, or form. We have no authority. That is Mr. Emerick's opinion.

Mr. Bachand agrees that it is a very simple change, but a number of years ago (2015) there was a change to the Zoning Ordinance stating that all changes of building occupancy in the Town Center District involving any use of a non-residential nature shall require a use change approval. This year, the Board decided to remove that requirement from the Town Center North and South. It was decided to leave it in for the Historic. This is the core of our downtown. The Board was concerned about certain uses that might not be desirable here.

Mr. Bachand said this is up to the Board.

Mr. Olson said the word "occupancy" is key. It is the same craft. Same function. Is it a small barber shop or a larger salon was asked. Mr. Bachand's understanding is that it is to remain a barber shop; someone is just taking it over.

Mr. Bachand wanted to put this on the record for the Board. Does the Board want to hear the Change of Use at its next meeting, or does it want to let the applicant go ahead was asked.

MOTION by Mr. Loiseau to let them proceed (and not hear the Change of Use).

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

VIII. ADJOURNMENT

MOTION by Mr. Olson to adjourn.

SECOND by Mr. Loiseau.

VOTE: 6 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:58 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