

**HAMPTON PLANNING BOARD**

**DRAFT MINUTES**

**May 5, 2021 – 7:00 p.m.**

**PRESENT:** Tracy Emerick, Chair  
Fran McMahon, Vice Chair  
Anne (Tocky) Bialobrzeski, Clerk  
Ann Carnaby  
Alex Loiseau  
Keith Lessard  
Rich Sawyer, Selectman Member Alternate  
Jason Bachand, Town Planner  
Laurie Olivier, Office Manager/Planning

**ABSENT:**

**I. CALL TO ORDER**

*Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, in order to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this body is authorized to meet electronically. Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, Chairman Emerick is confirming that the Planning Board are: Utilizing a teleconference service for this electronic Meeting. The Public may join the teleconference by calling 1-857-444-0744 and using the code 156034. If anyone has a problem, please call 603-929-5805.*

Mr. Emerick commenced the meeting by introducing the Planning Board members.

Mr. Emerick read the Governor's State of Emergency criteria regarding the meeting being held telephonically. Prior to the meeting, the Planning Office gave information to residents/applicants on how to access the meeting electronically.

Attendance was taken, and it was stated who was in the room. Planning Board members, Ann Carnaby, and Tocky Bialobrzeski were at their homes; no one was present with them. All other Board members and Town Planner, Jason Bachand were present in the Selectmen's Meeting Room. It was noted that all votes will be taken by roll call.

It was noted the applicant for 61 High Street has requested to be continued to the Planning Board's June 2, 2021 meeting.

MOVED by Mr. McMahon to continue the application to June 2, 2021.

SECOND by Mr. Lessard.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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**I. ATTENDING TO BE HEARD**

**Change of Use – 725 Lafayette Road, Units 6 & 7:** Yoga and Personal Wellness Center to Acupuncture Clinic

Mr. Louis Bornstein called in. He's been practicing at 540 Lafayette Road. It's being renovated. He will be back there in 4 to 6 months. He is allowed to use the current space. No structural changes to the location.

Mr. Emerick asked if they are continuing with the wellness center. It was stated 'yes'. Mr. Bornstein said it will still be a yoga center too, so just adding another service. Again, it is also temporary.

**MOTION** by Mr. Lessard to approve the change of use.

**SECOND** by Mr. McMahon.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**II. NEW PUBLIC HEARINGS**

**21-023 39 Hobson Avenue**

Map: 290 Lot: 33

Applicant: Frank and Grace McFall.

Owner of Record: Same.

Wetlands Permit: Raze existing house & construct new house. The new building to be placed on new foundation set on helical piles. New first floor elevation of proposed house to be above flood elevation.

Mr. Henry Boyd, Millennium Engineering called in. Mr. Norman Carpentier is on the phone. Mr. McFall is on the line also.

Tocky recused herself.

Mr. Boyd stated Norman Carpentier attended the Conservation Commission meeting. We received a copy of the Commission's letter dated April 29<sup>th</sup>. They are okay with everything. Mr. Boyd said they hope the existing shed can be moved further away from the buffer. Mr. McFall will move it as much as possible. The applicants are happy with everything else. Mr. Emerick was on the site walk. Everything went well. Nice move. The new structure is in the same footprint.

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Kara Campbell, new Conservation Coordinator is on the line. Ms. Campbell said it's pretty basic; they know what they are doing. It's good to elevate the home. Mr. Lessard asked where they want the shed. Move it to the east. Mr. Lessard asked Mr. Boyd how far to the east. Mr. Boyd is not sure if it can be entirely out of the buffer. As much as they can. Mr. Lessard asked again how much. Mr. Boyd can't tell how much; he hopes to move it about 5' if they can; he can't say exactly. The promise is as much as they could. Mr. Boyd wants it to stay where it is. They are doing the best they can per Mr. Boyd. Mr. Lessard does not understand that. Mr. Boyd said they can move it slightly to the east. Otherwise, they need a variance to do so. They may be able to move it about 5'.

**MOTION** by Mr. McMahon to approve the Wetlands Permit along with the stipulations contained in the Conservation Commission letter dated April 29, 2021.

**SECOND** by Mr. Lessard.

**ROLL CALL VOTE: 6 – 0 – 0** (Tocky recused from this application) **MOTION PASSED.**

**21-024 37 Huckleberry Lane**

Map: 115 Lot: 20

Applicant: Thomas Benson

Owner of Record: Thomas & Sarah Benson

Wetlands Permit: Install a 4' vinyl fence behind home (10' into buffer). No operation of heavy equipment.

Mr. Thomas Benson is on the line. They want to construct a vinyl fence behind the house. It is within the buffer. It will be about 10' into the buffer. 16' to the west is where it will go and about 30' on each side and 39' feet across behind the house. It will be 6 or more inches above the ground. They won't clear out any vegetation. Mr. Emerick said this is practical for child protection; he was on the site walk. It's right along the line.

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Ms. Campbell (Conservation Coordinator) said the posts will be hand dug and there will be at least 6" of separation between the ground and the bottom of the fence.

**MOTION** by Mr. McMahon to approve the Wetlands Permit along with the stipulations contained in the Conservation Commission letter dated April 29, 2021

**SECOND** by Mr. Loiseau.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

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**CONTINUED PUBLIC HEARINGS**

**21-010 12 & 16 Thayer Road** (continued from April 7, 2021)

Map: 107 Lots: 15 & 16

Applicant: Steven Haraden

Owner of Record: Same (16) & Eugene and Gabrielle Borden (12)

Lot Line Adjustment: Transfer of approximately 816 square feet of land from Lot 15 (Borden) to Lot 16 (Haraden)

Mr. Haraden is on the phone. Eugene Borden is on the phone. They want to obtain a lot line adjustment. They went to the ZBA in April of 2021 and had variances granted from 4.1 and 4.11. An encroachment was noted after a fence and future pool were installed. Both parties agreed on the lot line adjustment. This makes it legal per Mr. Lessard.

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Mr. Bachand recommends approval subject to the conditions in his May 5, 2021 memo. The applicant is in favor of the conditions in the memo.

**MOTION** by Mr. Lessard to approve the Lot Line Adjustment along with conditions in the Planner's Memo (dated May 5, 2021).

**SECOND** by Mr. Loiseau.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES**

**MOVED** by Mr. McMahon to accept and approve the April 21, 2021 Minutes.

**SECOND** by Mr. Loiseau.

**ROLL CALL VOTE 6 – 0 – 1 (Sawyer)**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

• **Piscataqua Region Environmental Planning Assessment (PREPA) Grant Award**

Mr. Bachand discussed the PREPA grant he was asked to pursue; it was granted to the Town. This is for drafting potential amendments to our Ordinances. He will be meeting with Master Plan Consultant, Steve Whitman who will also be working on this grant. He will also be working with Nathalie from NHDES. We will likely start next month. He will keep the Board posted.

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#### VII. OTHER BUSINESS

A return to live Planning Board meetings was discussed. Mr. Bachand talked about the potential of the Board going fully live on June 2<sup>nd</sup>. He talked with the Town Manager. There is a capacity limit of 18 people in the Selectmen's Meeting Room. It could create challenges for accommodating people. The Master Plan Steering Committee alone could take up the entire room's capacity.

Mr. Bachand recommends a target date of July 7<sup>th</sup>, to return to full, in-person meetings. If we can do it sooner, depending on new guidance, we can aim for that. For our June 2<sup>nd</sup> meeting, it was noted we need to get the Legal Notice in next week.

Mr. McMahon asked about the room capacity – is it driven by State guidance. If the State changes it, it changes for the Town. Mr. Sawyer believes that is the case. Mr. McMahon said some towns want masks. We still have masks inside, required per Mr. Sawyer.

Mr. Lessard likes going live. It is a better exchange of ideas and body language is important to him. He likes the phone in for abutters that may want to speak up. With capacity, sometimes the room is full. He likes hybrid, but has no problem going live.

Mr. Emerick said live and hybrid is being discussed. Mr. Sawyer said right now it's either one or the other. Mr. Lessard is fine with July. Mr. Emerick said the sooner the better. If this (18 people) is our capacity, it does not make any sense. Mr. Emerick will see what happens at the end of this week. He said beginning of July for now; if guidelines change, we have the option to say do it sooner if we can.

Also, per Mr. Sawyer, the Board (of Selectmen) will take it up. Things can change. He will bring it up on Monday. Mr. Sawyer said they will know by Monday.

Ms. Olivier discussed a room monitor and the timing of getting notices out to abutters. Ms. Olivier said the legal notice has to be posted 10 days before a public hearing. Mr. Lessard asked for drop dead date. Mr. Bachand said that would be next Thursday afternoon. That is the 13<sup>th</sup> (of May) for June 2<sup>nd</sup>. Ms. Olivier said it's nice to have a buffer in case we miss an abutter. We could do it conditionally now; if guidelines change, we'll deal with it than.

Tocky said some of us may feel better waiting till July.

Ms. Carnaby is concerned about hybrid meetings. Insisting that people come to a place (the public or applicants or board members), there are times when it is not possible. Whatever we do, we need to leave the option open of having a hybrid meeting. Accommodations of the room; she gets that when there is a big event and lots of public, or when we have steering committee, this room has issues with capacity. What if we moved to a room that Channel 22 could accommodate was asked. We could go to the Jr. High. Would that be a possibility was asked. We could accommodate both. It would have to be noticed to that effect, and would have to be noticed correctly. We would also need to know that Channel 22 could broadcast live at that location.

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Mr. Emerick said it has to be noticed to that effect. He said for now guidelines say we can do one or the other. Ms. Carnaby thinks we need hybrid capability. Tocky asked if we have to decide tonight - are we all live or all hybrid. Mr. Emerick said we either do hybrid or live. Tocky wants to not commit to live.

Mr. Emerick asked for the Board's thoughts about the June 2<sup>nd</sup> meeting as hybrid.

Mr. McMahon **MOVED** to go live as soon as possible. We need to get back to the way we were doing business.

Ms. Carnaby said if live means only live, and one can only express an opinion if in the room, that is discriminatory. She is against it. That is the law per Mr. Emerick. Ms. Carnaby is against it.

Ms. Olivier asked if there could be a problem if Board members do not want to go live; if we don't have a quorum. Mr. Sawyer said Board members are permissible. Board members are allowed to do a call in. He said Board members are permitted to call in as a Board member. The public cannot participate in that manner. Mr. Sawyer said it can be clarified through the Town Attorney. That needs to be confirmed. We need clarification.

**SECOND** by Mr. Sawyer and he will work on clarification and will follow up with Mr. Bachand. Perhaps Board members can call in under the old rules.

**ROLL CALL VOTE: 5 – 0 – 2 (Carnaby and Tocky)      MOTION PASSED.**

Tocky asked when will we know, will it be sometime next week. We will have an answer this week. Mr. Lessard wouldn't promise anything; he said by Tuesday. On the point of Board members calling in - we will have answer on that. We will probably know by tomorrow.

Ms. Olivier wants to know as soon as possible. She has about 100 abutter notices to get out. Ideally, she would like to know by the end of this week about any changes from the State. Mr. Sawyer hopes the Board of Selectmen follow the guidelines; that is how it has been.

Ms. Olivier also asked to check on potentially needing a door monitor; we will have a lot of people coming to the June meeting.

**VIII.      ADJOURNMENT**

Mr. Emerick adjourned the meeting.

**MEETING ADJOURNED: 7:33 p.m.**

Respectfully submitted,

Laurie Olivier, Office Manager/Administrative Assistant

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

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

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