

HAMPTON PLANNING BOARD

DRAFT MINUTES

September 21, 2022 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Sharon Mullen, Clerk
Keith Lessard
Alex Loiseau
Brendan McNamara
Steve Chase, Alternate
Richard Sawyer, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: Ann Carnaby, Vice Chair

I. CALL TO ORDER

Mr. Emerick commenced the meeting by leading the Pledge of Allegiance and introducing the Planning Board members.

II. ATTENDING TO BE HEARD

III. CONTINUED PUBLIC HEARINGS

IV. NEW PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of September 7, 2022.

MOVED by Mr. Lessard to approve the Minutes of September 7, 2022, as amended.

SECOND by Ms. Mullen.

VOTE: 7 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **Discussion - 2023 Proposed Zoning Articles
(Conservation Commission and Planning Board)**

Ms. Brianna O'Brien, Conservation Coordinator, appeared. The Commission has been struggling with the lack of any language regarding pervious hardscapes. She read the definition for pervious hardscapes. Proper installation was discussed. UNH Stormwater Center information was used for

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this and products to be used, etc. Standards were discussed. This information is available at the Planning Office. A maintenance plan submittal was discussed.

Ms. O'Brien discussed vegetated roofs – pervious surface. That is going to be eliminated. It is being removed because of the UNH study. There is almost always run-off. Mr. Lessard asked about a gutter – stormwater plan. It was too much of a gray area. She is not opposed to considering it if it is in effect. The State includes it in its definition.

Mr. Sawyer discussed – cross section. What does a cross section entail. Layers, sub-surface layers, what it is made of and how far above groundwater per Ms. O'Brien.

Mr. Lessard asked about who gives the blessing on the cross-section and if pervious. What are we looking for. Ms. O'Brien said they are looking to parallel the State, i.e. how they define it.

Mr. Emerick discussed engineered pervious. Ms. O'Brien said the issue is people are proposing it through driveway permits or other ways to do pervious hardscapes with no real system in place. An engineered system is needed below the surface.

Ms. Mullen asked who ensures this. Why does this go to Building or Planning was asked. Ms. O'Brien discussed it would have been submitted to her first, but she does not know that it makes sense administratively. She can review the cross-section.

Ms. Mullen asked if we rely on the Conservation Commission's assessment. Mr. McNamara asked about new construction—do they have to show water run-off.

Ms. O'Brien discussed the criteria. There is a strong interest in finding a way for a third-party engineer to do inspections of a project. Is it applicant's engineer or Town Engineer who is responsible was asked. Ms. O'Brien stated the State asks for photo documentation.

Mr. Sawyer said he is on board with the idea, but it may go too far. We want people to do the right thing. This is for the homeowner to voluntarily do this.

Mr. Loiseau noted this should help for wetland permit applications.

Ms. O'Brien asked about photo documentation (Mr. Lessard noted or some sort of recommendation). Photo documentation is recommended for "d" (of the Amendment).

Ms. O'Brien next discussed solving the problem of people filling up their lots with hardscape. The Conservation Commission has seen areas where the entire lot has been pervious pavers. Vegetation is the preferred way of filtering water. Vacuuming pervious asphalt was discussed. The Conservation Commission worked through ways of phrasing this. Minimum vegetated space per zone was discussed. It fits well into the Master Plan. Ms. O'Brien read the maximum amounts needed for vegetation: On lots where 75% impervious coverage is the maximum, 15%

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of the lot must be vegetated. On lots where 60% impervious coverage is the maximum, 25% of the lot must be vegetated. On lots where 25% impervious coverage is the maximum, 50% of the lot must be vegetated. This would be added to the dimensional requirements table.

It was asked why the Town cannot consider wetlands. Ms. O'Brien noted it is not considered now for impervious calculations. It is calculated on what can actually be built on. Wetlands are poorly drained soils.

Mr. Emerick thinks we are taking too much land. Mr. Loiseau agrees; Mr. Chase does also. Ms. Mullen discussed properties above sea level. Not sure how we can apply this.

Mr. McNamara said to do the first half; not the second half. The "definition" section of the discussed amendment can move forward. Not the "dimensional requirement" (vegetation) portion. Ms. O'Brien said they are two separate things - that is fine. She asked if requiring any vegetative space would be too much of an ask. There was general discussion about modifying the percentages. There are many small lots. Enforcement was asked about. Mr. Emerick suggested they could be recommendations but not necessarily regulations.

Ms. O'Brien discussed changes to Section 2.3. There is very little substantive change in this amendment. She discussed two material changes. Fences can be installed without a Wetlands Permit. Temporary impacts are called out - temporary impacts cannot be expanded without a Town Wetlands Permit. It was also noted that permitted uses will be called allowable uses. Ms. O'Brien next discussed what is being reorganized from the existing ordinance.

Mr. Lessard asked if the Conservation Commission changes being discussed can have legal review. It was stated 'yes'. Ms. Mullen asked about wetland delineations. Ms. O'Brien noted the wetland delineations are good for about five years.

Mr. Bachand discussed signs. We had challenges to the recent amendment after it was adopted in March. Attorney Lowry and Ms. Olivier reviewed this as well. It is a sensitive subject. The revised purpose statement was read aloud. Definitions were discussed – the second sentence will be struck. Revisions to the banner section were discussed. Revisions to the banner size requirement were also discussed. This will move forward.

Mr. Bachand discussed a housekeeping issue on Dimensional Requirements. He read the existing Footnote 22 aloud, which is also referred to as "Peter's Square". Footnote 22 was not specifically sought for relief in a recent zoning petition, it was overlooked. The ZBA only addressed minimum frontage on a petition. Peter's Square was not taken into consideration. Everyone concurred with Mr. Bachand's proposed housekeeping edit.

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Mr. Bachand discussed the amendment on short-term rentals. This was reviewed and discussed with the Town Attorney and the Building Department. He also had conversations with the Town Manager. It is essential that we do this. Lodging House is very different in the definition but has often been referred to for short-term rentals. We get calls often about short-term rentals. We need some form of regulation in our Zoning Ordinance. Ms. Olivier looked at many communities for guidance in crafting the proposed short-term rental article.

Mr. Bachand walked through the proposed amendment. He discussed a proposed definition of short-term rentals. It is a non-residential use. It would be tied to the existing Certificate of Rental Occupancy that already exists - there is no need to reinvent the wheel.

Use Regulations were discussed. Short-term rentals would be permitted by the Building Inspector in the BS and BS1, RCS, and RA and RB areas near Ocean Boulevard and King's Highway. Mr. Bachand asked if the Board thinks we should modify to permit these in all RB zoned areas. Mr. Loiseau agreed it should be allowed in the RB zones.

Mr. Lessard discussed doing an overlay instead of calling out each zone. Use similar neighborhoods. **Mr. Bachand discussed we could take look at that.** Mr. Lessard discussed including the downtown area. Mr. Bachand noted that it (short-term rentals) is currently not a permitted use – if it is not enumerated in the ordinance it is prohibited.

“Reasonable controls” was asked about. It can stay as is.

Mr. Bachand discussed approval requirements. It is tied to the existing Certificate of Rental Occupancy as previously noted. Annual renewal was discussed. This may not hold due to Building Department capacity. He is awaiting further feedback. The use requires greater scrutiny, maybe 3 years is the magic number was asked. The Board wants to modify to start with 5 years.

Standards were discussed. A signed attestation should be submitted, not an insurance binder. Fire and life safety items were discussed. No outdoor wood burning, but we don't want to prevent someone from having a grill. Mr. Bachand is waiting to hear from DPW regarding sanitary waste disposal, whether there is anything to add or not. Floor plans were discussed – it was decided to modify to require an emergency action plan or posting of the evacuation route.

Off-street parking was discussed. This should be modified to demonstrate that they meet what is required for the zone. Mr. Loiseau noted that some properties have zero on-site parking. Mr. Bachand will take another look at this.

Properties that have an ADU cannot be used as short-term rentals.

We will revise this amendment and talk about it again before scheduling a public hearing.

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- **Master Plan Update – Remaining Project Schedule**

Mr. Bachand sent an email to the Planning Board and full Master Plan Steering Committee with the recent Resilience memo and slightly revised project schedule. Ms. Olivier and Mr. Bachand met with Resilience over Zoom last week. The draft plan is anticipated for the November Steering Committee meeting. There will be a discussion of draft action items at the October Steering Committee meeting.

- **Update - InvestNH Municipal Grant Programs**

Mr. Bachand discussed the InvestNH grants. He attended a workshop last Friday with the RPC. He has been discussing the Housing Navigator opportunity with Tim Roache (RPC). This is probably not happening. RPC has been communicating with communities - there have been some logistical challenges and the deadline is approaching. The HOP grant opportunity is looking good. RPC is working on a Regional Housing Needs Assessment, which should be done around the time the our Master Plan is done. The timing is good. Mr. Bachand will continue to be in touch with the RPC about this. It looks like we would pursue #2 (regulatory audit) and #3 (regulatory development) under the HOP grants.

CHAT had a good meeting this week. The SHEA Estuary Plan was discussed. An upcoming community input effort was discussed. We will be hearing more in the future.

VIII. ADJOURNMENT

MOTION by Mr. Loiseau to adjourn.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 9:05 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