

HAMPTON PLANNING BOARD

DRAFT MINUTES

March 3, 2021 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Alex Loiseau, Clerk
Fran McMahan
Mark Olson
Keith Lessard
James Waddell, Selectman Member
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 member, Ann Carnaby, and Office Manager, Laurie Olivier. were home; 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.

HAMPTON PLANNING BOARD

DRAFT MINUTES

March 3, 2021 – 7:00 p.m.

II. ATTENDING TO BE HEARD

- **Milone & MacBroom – Consultant for Phase I Master Plan Vision and Coastal Management Content: Progress Update and Next Steps**

Mr. Noah Slovin (M&M) called in. Brian Warburton is on the line and Barbara Kravitz (both from the Master Plan Steering Committee). Mr. Slovin gave an update. We lost steam due to his family issues; they are catching up. There was to be a draft last Friday; it should have been online tomorrow (Thursday). Nathalie Morison, Jason Bachand and Laurie Olivier are looking it over, as well as Jennifer Hale (DPW). Mr. Slovin hopes to have it online by next Monday. If time needs to be extended for having this online, that is fine.

BOARD

Mr. Bachand said in advance of the public workshop we need to get a notice up on the Town's website, he said this should happen tomorrow. Mr. Slovin has people to reach out to. Mr. Slovin asked everyone and anyone to send him an email with any comments.

Mr. Warburton said we appreciate Mark Olson, Planning Board. He has served for he believes about 12 years on the Hampton Planning Board. He's worked hard; there have been a lot of meetings and a lot of paperwork. He will be missed. He wants to thank him for all his efforts.

III. NEW PUBLIC HEARINGS

Town of Hampton Driveway Regulations: Full revision and re-codification of the existing Town of Hampton Driveway Regulations, first adopted on October 1, 2008 and last amended on August 17, 2016. New Driveway Permit Application Form to be included as Appendix A and Impervious Coverage Form to be included as Appendix B.

Mr. Bachand said Jennifer Hale is on the line (DPW). Attorney Gearreald is also on the line.

Ms. Hale appreciated everyone reviewing the Regulations. Changes have been incorporated. Everything has been reviewed from a legal standpoint.

BOARD

Mr. Lessard asked what is changed. Ms. Hale said the new application is added; impervious coverage is added to the application. The wording of the Regulations has been re-structured. Before, it did not read well.

HAMPTON PLANNING BOARD

DRAFT MINUTES

March 3, 2021 – 7:00 p.m.

Ms. Hale said there were interpretational issues. Pavement was used. We now say bituminous, porous pavers. It is explained better as to what is expected in rights of way and aprons. Encouraging pervious is being utilized, but we need protection in the rights of way as well. **Changes are available online and can be discussed with the Town Planner or DPW.** If pavers are in the right of way, the Town is not responsible. The document should read clearer now.

The application had a complete overhaul. The cost is clear; fines are clear; the process is more clear. Rayann Dionne (former Conservation Coordinator) and Laurie Olivier (Planning) helped with the form as well.

Mr. McMahon asked about what unlawful means. Ms. Hale said if you are not doing this in accordance with the rules, it talks about who has the right or how does this get handled if someone does not do what is expected. It goes to the Board of Selectmen and the Planning Board. Ms. Hale said we have the bond—maybe money will not be returned.

Attorney Gearreald said it could go to court to enforce the Regulations by an injunction.

Mr. McMahon asked about pre-existing, non-conformities “...reasonable effort...into conformity.” Ms. Hale said that is not the intent. There was discussion in the past on bringing a non-conformity into conformity. Some properties cannot come into conformance. The beach area mostly. They want to work with the residents.

Mr. McMahon asked about 400’ sight lines and discussed snowbanks. Ms. Hale said it is not how high people put snow. Coming around the corner, one should be able to see.

Ms. Carnaby asked about Section 2.A. Authority. She couldn’t wrap her mind around it all. She gave a suggestion on how it should read. Mr. Emerick asked her to send those to the Planning Office and Ms. Hale. (suggested revisions). Ms. Carnaby will forward tomorrow.

Mr. Emerick asked about Appendix B – the word ‘footprint’ should be added. If he had a 2 story house; it’s for 2 stories; not for the footprint. Ms. Hale concurred.

On the performance bond, Mr. McMahon asked how it works. Loy Drive has 10 driveways and then there is a performance bond for the road. Ms. Hale explained this. She discussed the public right of way. She discussed connections to major roads. The project bond covers the bond related to the home driveway. Private roads, they do not require driveway permits.

HAMPTON PLANNING BOARD

DRAFT MINUTES

March 3, 2021 – 7:00 p.m.

Attorney Gearreald discussed Ms. Carnaby's suggestion for Section II.A. Authority. He wants to make sure that Public Works is the Planning Board designated representative. It is per the RSA's. It will stay.

**PUBLIC
BOARD**

Mr. Bachand acknowledged Ms. Olivier and Ms. Dionne for working on these. He feels these should be adopted at this time, with Section II.A, second paragraph with Ann Carnaby's wording and 'footprint' under impervious surface (after square footage).

MOVED Mr. Lessard.

SECOND by Mr. Olson.

ROLL CALL VOTE. 7 – 0 – 0

MOTION PASSED.

21-004 239 Drakeside Road

Map: 157 Lot: 2

Applicant: 22 Drakeside, LLC

Owner of Record: Same

Site Plan: Conversion of the existing office building into four (4) residential units with associated drive and parking.

Waiver Request: Section VII.E - Stormwater Management

Attorney James Scully is on the line. Mr. Rallis is on the line. The Memorandum by Mr. Bachand has been reviewed, and the applicant/Attorney Scully concur with his Memorandum. This is to take the 3-story building and to put in 4 residential units. There is ample parking on site. One off of Drakeside Road and one off of Walker Circle to access is fine. There were conversations with Attorney Gearreald on Walker Circle. Attorney Scully had a conversation with Mr. Bachand and Attorney Gearreald; they are now fine with the Walker Circle situation. This will be connected to Town sewer.

BOARD

Mr. Emerick noted he no longer has any interest in this property. Mr. Olson asked about Walker Circle. Are we just looking at the leach field and gravel parking lot was asked. C-1 is the sheet Mr. Olson is looking at. Mr. Bachand clarified that he was looking at a different plan.

Attorney Scully discussed the gravel parking lot. That will be the access way. Nothing will change on Walker Circle. There will be more defined parking.

HAMPTON PLANNING BOARD

DRAFT MINUTES

March 3, 2021 – 7:00 p.m.

Mr. Olson asked about the second access; 4 parking spaces. Do they back out onto Drakeside. Attorney Scully said they should be able to back out and turn.

**PUBLIC
BOARD**

Mr. Bachand discussed his Memorandum. Comments have been addressed from PRC. The 25' protected well radius was discussed. It is dealt with in the suggested conditions. Variances were granted for this. Mr. Bachand thinks it is a good use of the property. A waiver request is needed for Stormwater Management.

Condition 9 should be removed at this time per Attorney Scully. Mr. Bachand concurs.

MOTION by Mr. McMahon to approve the waiver.

SECOND by Mr. Olson on the waiver.

ROLL CALL VOTE: 6 – 0 – 1 (Lessard).

MOTION PASSED.

MOTION by Mr. McMahon to approve the project with the Town Planner's memo dated March 3, 2021, but without Condition #9.

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 – 1 (Lessard).

MOTION PASSED.

Attorney Scully stated he appreciates Mr. Olson's time to the Planning Board over the years, and he wanted to thank him for all his service to the Town of Hampton.

21-009 607 Ocean Blvd

Map: 235 Lot: 15

Applicant: Farwell Engineering Services, LLC

Owner of Record: Theroux Litchfield Realty Trust

Wetlands Permit: Replace the foundation on existing house. Raise the building, remove the rear deck and excavate the foundation. Living area to be enlarged slightly. Rebuild rear deck.

Tobin Farwell (engineer) is on the phone. The owner, Rene Theroux, is also on the phone. Mr. Farwell applied for a Shoreland Permit. Mr. Theroux recently bought the property. His intention is to install a new concrete foundation and crawl space. The deck is to be removed. A minor squaring off of the building will occur. They met with the Conservation Commission, and they provided a letter to the Planning Board. They have no problem with the Conservation Commission conditions. Markers will be placed as well.

**BOARD
PUBLIC**

HAMPTON PLANNING BOARD

DRAFT MINUTES

March 3, 2021 – 7:00 p.m.

BOARD

Mr. Bachand discussed the Conservation Commission letter. He concurs with approving the project along with the conditions contained in the Conservation Commission letter dated February 24, 2021.

MOTION by Mr. Loiseau.

SECOND by Mr. Lessard.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

21-005 95 Drakeside Road (continued from February 3, 2021)

Map: 188 Lot: 3

Applicant: TF Moran, Inc.

Owner of Record: 95 Drakeside Realty, LLC

Subdivision: Subdivide existing lot to create a new lot for residential use.

Waiver Request: Section V.E.7 - Stormwater Management Plan and Section V.E.14-Soil and sedimentation control plan.

Mr. Corey Colwell (TF Moran) is on the line and Jessica Coates (owner). Mr. Colwell discussed the Sports Barn and three-unit apartment building. One new lot is proposed for a future single-family home. No construction is proposed at this time. The new lot would take an over 3,200 square foot house. The remaining lot would contain 10 ½ acres. Having a conceptual house be shown was requested by the Planning Board. This was provided to the Planning Board; nothing is set in stone. The applicant thinks the home depicted (Board has a copy) is too large. Open space was discussed. This was heard by the Conservation Commission – February 23rd. No opposition was given by the Commission. They did give recommendations. Permeable driveway if within the buffer. The applicants concur with if within the tidal buffer; impervious. Leaving 100' tidal buffer naturally vegetated. This is fine. The Commission also asked about it being subject to wetland regulations; the applicant concurs. Landscaping should complement the surrounding area; the applicant concurs.

Mr. Colwell said no problem; no construction activity will take place within the wetland buffer. No variances are needed. They want waivers because no construction is proposed now. The lot is twice the required size. Ample spacing is provided and there is plenty of open space.

BOARD

PUBLIC

BOARD

HAMPTON PLANNING BOARD

DRAFT MINUTES

March 3, 2021 – 7:00 p.m.

Mr. Bachand said the applicant has done what was asked at the February 3rd meeting. He recommends approval with his memo, revised and dated March 3rd, plus an additional condition to incorporate the letter from the Conservation Commission dated February 28, 2020 and its recommendations. The waivers need to be voted on.

MOTION by Mr. Lessard to approve the requested waivers.

SECOND by Mr. Waddell.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. Lessard to approve the subdivision along with the conditions of Mr. Bachand’s Memorandum, revised and dated March 3, 2021, and the Conservation Commission letter dated February 28, 2021, knowing that the applicant’s visit to the Conservation Commission was for guidance and is not an exemption from any future rule changes.

SECOND by Mr. Waddell

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

V. CONSIDERATION OF MINUTES OF February 17, 2021.

MOVED by Mr. McMahon to accept and approve the February 17, 2021 Minutes.

SECOND by Mr. Olson.

ROLL CALL VOTE 7 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

• **RSA 41:14-a Process - Town owned Deed Restrictions on formerly Leased Land**

(continued from February 17, 2021)

Tax Map 183, Lot 25 – 141 King’s Highway – Modification of Deed Restrictions #3 in order to allow for the installation of a fence on the north and south boundary lines of the property greater than 3 feet in height. The original request was modified by the petitioner to exclude the previously requested relief from Deed Restriction #4 at this time.

Mr. Bachand said there were two items for which a recommendation was requested at the last meeting. Mr. Bachand spoke with the Petitioner after that meeting. The Petitioner has excluded the garage (#4) at this time. It is not an immediate concern. They want to move forward with Deed Restriction #3 regarding the fence. A four-foot fence was requested. This is all we need to deal with tonight.

MOTION by Mr. Lessard to recommend a four-foot tall fence to the Board of Selectmen.

SECOND by Mr. Waddell.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

HAMPTON PLANNING BOARD

DRAFT MINUTES

March 3, 2021 – 7:00 p.m.

- **95 & 97 Ocean Blvd & 4 & 25 J Street – Request for a one-year extension of the Site Plan conditional approval granted by the Planning Board on March 4, 2020.**

Mr. Bachand said this is the McGuirk’s site. March 4, 2020 is when it was approved. They need a one-year extension, and cited COVID-19 as the reason for the delay. Mr. Bachand recommends this extension.

MOTION by Mr. Loiseau to approve the extension.

SECOND by Mr. Waddell. March 4, 2022 would be the expiration date.

Ms. Carnaby asked if it will operate as it is now. Mr. Bachand explained that this project was approved and conditioned with two phases. The first phase was the cabana. The second phase is the larger project.

ROLL CALL VOTE: 5 – 0 – 2 (Olson & Lessard). MOTION PASSED.

- **Conservation Coordinator Position**

Mr. Diener is on the phone, and Attorney Gearreald. Mr. Bachand and Ms. Olivier recently met with a well-qualified candidate (via Zoom). They both felt she would be a good fit. Two motions are needed. Mr. Bachand said there is a need to ultimately bring this position to full time. There are a high number of Wetland Permit applications. Flood insurance policy holders – more than 1,700 in Hampton, which is the most in New Hampshire; many ongoing special projects, etc.

The first suggested motion is to hire Kara Campbell as the Town of Hampton’s new Conservation Coordinator, subject to the Town’s hiring process.

MOVED by Mr. McMahon.

SECOND by Mr. Emerick.

ROLL CALL VOTE: 7 – 0 – 0 MOTION PASSED.

The second motion is to endorse making the Conservation Coordinator position a full-time, benefitted position as soon as feasible. Also, the Planning Board supports having the Conservation Coordinator position report to the Conservation Commission.

Mr. Lessard asked about this. People are more in tune to departments that generate income. Mr. Lessard said the Planning Board asks for funds to recover application fees, we are not out to raise money. Many people think impact fees would do this. There were many times where we felt the prior coordinator position needed to be a full-time 40 hour person/position. Ms. Dionne (prior Coordinator) was vested in our community, did her all, and did it in part-time hours. She worked many hours at her kitchen table. Mr. Lessard discussed flood insurance in New Hampshire. Hampton has the highest number of policy holders in New Hampshire. Mr. Bachand and Ms. Dionne worked together on revising our Floodplain Management Ordinance and a grant project to assess our eligibility to enter the Community Rating System. Once we are deemed eligible by

HAMPTON PLANNING BOARD

DRAFT MINUTES

March 3, 2021 – 7:00 p.m.

FEMA to apply and if we are accepted, flood insurance policy holders in Hampton would get a five percent discount if we enter as a Class 9, ten percent if we enter as a Class 8, and so forth.

Mr. Lessard discussed most people would like full-time employment. To attract someone to stay with our community; develop institutionalized knowledge; what needs to be done—we need full time. We talk about management plans (for O&M Plans); sea level rising; things are changing. We need someone full-time. A full-time position will protect our community. Health insurance challenges were discussed. He is reaching out to the public and noting we need full-time. The Town does not want revolving door for this position. Mr. Lessard discussed how before Mr. Bachand was brought on, we had Jennifer Kimball. She was a great planner, but because she was not full-time, we had a lot of things fall through the cracks. We need longevity.

MOTION by Mr. Lessard to recommend full-time wholeheartedly, with Mr. Bachand’s suggested motion above.

SECOND by Ms. Carnaby. She noted concerns with getting a part-time person because it saves on benefits--the return rate is not as good. If we invest in that person, that person is going to return that to us by staying longer and being involved in the community.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Emerick wished Mark Olson all the best. He is still a citizen of the Town; he is hoping to be a Planning Board Alternate. Mr. Olson appreciates it all. It has been quite a ride. It is not easy to be a volunteer. It is a great way to know the community. He encouraged other people to participate. He sees many people show up all the time.

VIII. ADJOURNMENT

MOTION by Mr. McMahon to adjourn.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:08 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