

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 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
James Sullivan, Assistant Town Manager

ABSENT:

I. CALL TO ORDER

*The Planning Board Chairman Tracy Emerick, has determined that, 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 toll free **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. James Sullivan discussed he will be hosting the teleconference call for the Planning Board. The applicants and the public are all on mute. It was noted that anyone wishing to speak (abutters/applicants, etc.) hit 5* on their phones, which means there is a comment to make.

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 applicants on how to access the meeting electronically.

Attendance was taken and stated who was in the room. All Planning Board members were home; no one was present with members. All votes will be taken by roll call.

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 7:00 p.m.

Mr. Emerick said 44 Reddington Landing wishes to continue to June 3rd.

MOVED by Mr. McMahon.

SECOND by Mr. Olson.

VOTE (ROLL CALL): 7 – 0 – 0

MOTION PASSED.

Mr. Emerick noted 349 Lafayette Road wishes to continue to June 3rd

MOVED by Ms. Carnaby.

SECOND by Mr. Emerick.

VOTE (ROLL CALL): 7 – 0 – 0

MOTION PASSED.

It was then noted that the applicant for 540 Lafayette Road has withdrawn.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

** Note: Applicant is requesting to continue to June 3, 2020*

*** 20-023 44 Reddington Landing**

Map: 43 Lot: 20

Applicants: Sean and Kristene Kelley

Owner of Record: Same.

Conditional Use Permit for ADU: Construct approximately 639 s.f. attached accessory dwelling unit to be located within proposed addition to home.

** Note: Applicant is requesting to continue to June 3, 2020*

*** 20-021 349 Lafayette Road**

Map: 175 Lot: 5

Applicant: Paul Rabenius

Owner of Record: Lafayette Road 349, LLC

Site Plan: Construct a 2,565 square foot Auto-Service Station with improved access, parking and utilities.

20-020 540 Lafayette Road

Map: 144 Lot: 11

Applicant: BP Hampton Properties, LLC

Owner of Record: LMR Properties, LLC.

Site Plan & Conditional Use Permit: Reconfigure second floor of existing building from three, 3- bedroom units to six, 1-bedroom units. No changes to the site or the footprint of the building. Waiver Request: Section V.D. of the Site Plan Regulations.

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 7:00 p.m.

20-022 27 Leavitt Road

Map: 178 Lot: 70

Applicant: Robert Higgins

Owner of Record: Same

Conditional Use Permit for ADU: Construct approximately 768 s.f. attached Accessory Dwelling Unit.

Mr. Higgins (applicant) called in. His wife and he want an ADU unit. It will be attached to the garage. No changes to the front of the property. There is paved parking in the front. His family (adult family) will be in the main house and he and his wife will be in ADU unit. They want to stay to close to their children and grandchildren.

BOARD

Mr. Lessard said he is not opposed. He discussed the Planner's note about owner occupancy. The owner is a trust was noted. How is that handled. Mr. Higgins is the owner of the Trust. Mr. Higgins does not understand the question. Mr. Higgins said they have not done a Trust yet. He thinks the ownership is owned as a Trust. Mr. Emerick said they have control of the Trust. Mr. Emerick said it acts like he owns it. Mr. Bachand clarified that the Assessor's card shows Robert Higgins is the owner.

Ms. Carnaby asked about the circular drive. Ms. Carnaby asked if they can reconfigure the circular drive to reduce sealed surface and help with the parking question.

Mr. Olson asked about the horseshoe driveway – is it proposed or existing. It was noted that it is existing.

PUBLIC

Press 5*

Dawn Psaledas phoned in. She lives at 21 Leavitt Road. Her property abuts this property. She is concerned about setbacks. How close would this come to her property line was asked. She is also concerned about over-parking in the area. It is already challenging. Cars park on the lawn currently. She also asked about the two other outbuildings on the property; a shed and a two-story barn. Now, it will be made into a three family. It seems like a lot for the neighborhood.

Mr. Higgins said he has a teenage granddaughter negotiating a couple of different cars. There has been an extra car there.

The footprint on the building—from the back of the garage goes back 22'. He would have liked her (the neighbor) to talk to him first. There are only two families there; not three.

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 7:00 p.m.

Mr. Emerick said it is currently a one-family dwelling with two families. Mr. Higgins apologized for the car on the lawn.

Ms. Psaledas said parking is not addressed. It's consistent. She is concerned about setbacks. Mr. Higgins said the addition will be on the back of the garage, i.e. not any closer to the property lines. Ms. Psaledas said from the back of the garage it goes back 22'. On Ms. Psaledas side yard, how far back is it from fence that divides two properties was asked. Mr. Higgins thinks it's 15' to 20'. The fence is on his property line. Mr. Olson said it's about 12'.

BOARD

Mr. Bachand discussed his Memo. The required side setback is 10'. The addition is about 12' or 13' from the side; it complies with zoning. It is a single-family home. He drove by the site. There were a number of cars. The circular driveway was discussed. It is pre-existing. It has been there for some time. Mr. Bachand said sealed surface is his only concern with this application. We don't require a surveyed plan for ADU's, so it's hard to definitively determine. It is very close to the 25% maximum permitted in the Aquifer Protection District, with the addition in place. He performed a rough estimate using the GIS and Assessor's data. If the Board wants additional review of the driveway pavement, such as a change to porous, they could discuss (Board). If the Board is going to approve the application, he recommends that the conditions in his Memorandum, dated May 6th, are incorporated.

MOTION by Mr. Lessard to approve the Conditional Use Permit for ADU along with conditions in the Planner's Memorandum dated May 6, 2020.

SECOND by Mr. Waddell.

VOTE (ROLL CALL): 7 – 0 - 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

20-012 533, 535 & 537 Ocean Blvd. (continued from 3/4/20, 3/18/20, and 4/1/20)

Map: 255 Lot: 8, 9 & 13

Applicant: Donik Corporation

Owner of Record: Hunter Investments, Inc.

Site Plan (Amended): Amend parking lot layout (per NHDOT) for 30-unit condominium building (20, two-bedroom units and 10, three-bedroom penthouse units). (See 19-038).

Waiver Request: Section V.C. - Application Fees.

Joe Coronati, Jones & Beach called in. This application was conditionally approved by the Planning Board. All State approvals were to be received. Two have not been received. The Wetland Permit, Shoreland Permit, and Army Corps Permit were all received. The NHDOT

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 7:00 p.m.

permit was also received. Mr. Coronati clarified they are only missing the AoT permit at this time. The parking lot was discussed. Turning the parking lot layout / flip-flopping was discussed because of site distance. There are numerous curb cuts at Little Jacks. They wanted a different traffic configuration. There is only one exit from the southern end. There is an entrance only and an exit only area now.

Mr. Coronati discussed reducing fill on the property; on the southern side. They worked with the neighbors on different concerns. A resident to the south had an issue with fill behind his lot. The material was removed. They added a curb on the southern end of the project. No stormwater should come from the parking lot. Mr. Griffin owns another abutting property. He discussed old asphalt buried behind his lot. He wanted to make sure the material was removed.

There was a retaining wall. The retaining wall runs parallel to the sidewalk. Utilities and porous pavement, it is still on the plan. They removed some landscaping along Ocean Blvd.

BOARD

Mr. Lessard recused himself.

Ms. Carnaby asked about vehicles getting around the back side of the building. It was noted there would be no parking or access in rear of the building per Mr. Coronati. Fire is okay with that was asked by Ms. Carnaby. The northern corner – away from building, it was asked how Fire would address that. Mr. Coronati said Fire reviewed this project at length. The DOT was included also. Mr. Coronati said the parking lot was reviewed, but the building had not changed from the original approval-all units are front to back so Fire has access to the units. The building is fully sprinklered. Being able to use a ground ladder was discussed.

Mr. Olson asked about steepening the grading in the back. Were walls eliminated was asked. Mr. Coronati said grading modification was on the 3rd lot, Lot 13. There are 4 angled parking spaces. Those are not ADA parking spaces. Due to AoT concerns and abutters, they steepened it to 5 percent. No fill is needed behind 4 spaces. Mr. Olson discussed 1' curb. That is two steps with 6" rise. He feels it is a little unorthodox. Mr. Coronati said very few people should enter that side.

Mr. McMahon asked about parking spaces. The number has not changed; just the location. Mr. McMahon asked about the DOT – did they look at the Beach Master Plan – there is a lane drop in here. Mr. Coronati said it was noted in their review.

PUBLIC

Press 5*

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 7:00 p.m.

BOARD

Mr. Bachand said this project back as an Amended Site Plan because of DOT (driveway permit and parking lot change). There was a meeting at the Fire Station. The turning radius was an issue before, but adjustments were made. Fire signed off. Final sign offs will be addressed per the conditions. The AoT permit is still outstanding. Mr. Bachand recommends with the approval that that (AoT) permit is in hand and provided in the Planning Office before we record. It will be cleaner and simpler. The recommendation is to approve with conditions in the Planner's Memorandum dated May 6th which incorporates all original approval conditions by reference and also the AoT permit language that he discussed above. He noted that a Waiver Request of the application fees is requested. He recommends that Waiver Request as well.

MOVED by Mr. McMahon on the Waiver Request.

SECOND by Mr. Olson.

VOTE (ROLL CALL): 6 – 0 – 1 (Lessard recused). MOTION PASSED.

MOTION by Mr. McMahon to approve the Amended Site Plan along the conditions contained in the Planner's Memorandum dated May 6, 2020.

SECOND by Mr. Olson.

VOTE (ROLL CALL): 6 – 0 – 1 (Lessard recused). MOTION PASSED.

20-015 233 Mill Road (continued from 4/1/20)

Map: 72 Lot: 28

Applicant: Mary & Levi Kishbaugh, Katherine & Daniel Leger

Owner of Record: Kishbaugh Revocable Trust, (Mary and Levi Kishbaugh, Trustees)

Conditional Use Permit: Construction of 800 s.f. accessory dwelling unit over existing garage.

Ms. Kishbaugh called in. She and her husband are Trustees of their Trust. They want to sell their home to their daughter and son-in-law. Both she and her husband have health issues. If this is okay, they (daughter and son-in-law) would live in the main portion of the dwelling; they will live in the ADU. The garage is a 2-car garage that is already there. They have been there 24 years. The ADU would be built over the garage. There would be one bedroom, a walk-in closet and open concept kitchen / dining. There would be a slight addition to the main dwelling (over the breezeway area). There is room for two parking spaces off the existing driveway. The entrance to the apartment is from the exterior (north side) of the dwelling.

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 7:00 p.m.

BOARD

Mr. Olson complimented the applicant on following the spirit of our ADU Ordinance.

PUBLIC

Press 5*

BOARD

Mr. Bachand said he agrees – this proposal is a good example of what our ADU Ordinance is written for. He recommends approval along with the conditions in his memo dated May 6, 2020.

MOVED by Mr. Lessard.

SECOND by Mr. Olson.

VOTE (ROLL CALL): 7 – 0 - 0

MOTION PASSED.

20-016 1038 & 1040 Ocean Blvd (continued from 4/1/20)

Map: 116 Lots : 15 & 17

Applicant: John and Nora Parell

Owner of Record: Same

Wetlands Permit: Maintenance and repair of seawalls that were completed under emergency permit in 2018. All work to be within footprint of the existing seawall with approximately 2,840 s.f of temporary impacts.

Mr. Mark West called in. This is a repair in place, in kind project. It was repaired in 2018, but there are additional stones that came off the wall. They have a letter from the Conservation Commission, understand it, and concur with it.

BOARD

Mr. Lessard asked if this is an after-the fact. It was stated ‘no’. They need a full permit, but they did get an emergency permit. They need to renew every two years.

Mr. McMahon asked about the repair; was it not designed well was asked. Mr. West said the wall was repaired and built back up, and over the year and a half, some stones settled and stones had voids and rocks needed re-shuffling. It is not significant work; minor. All emergency permits require State and Town permits.

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 7:00 p.m.

PUBLIC

Press 5*

Mr. Jay Diener from the Conservation Commission was on the phone. He discussed the emergency authorization. He discussed the repair work.

BOARD

Mr. Bachand said he recommends approval subject to the Conservation Commission's letter dated April 29, 2020.

MOTION by Mr. Lessard to approve the Wetlands Permit along with Conservation Commission's stipulations in their letter dated April 29, 2020.

SECOND by Mr. Olson.

VOTE (ROLL CALL): 7 – 0 - 0.

MOTION PASSED.

20-017 39 & 43 Hobson Avenue (continued from 4/1/20)

Map: 290 Lots : 32 & 33

Applicant: Frank & Grace McFall (#39) & Mary Dray & Frances Kendellen (#43)

Owner of Record: Same

Wetlands Permit: Change asphalt driveway (both parcels) to permeable asphalt & change permeable blocks & dirt to permeable asphalt.

Mary Dray is on the line. Frank McFall is on the line also. They want to improve their shared driveway. They want a permeable asphalt driveway. It benefits them as well as the environment. They want it changed to something environmentally friendly.

BOARD

Mr. Lessard thinks permeable is good as long as it is maintained and vacuumed. The Conservation Commission gave them a one-page document that stipulates taking care of permeable asphalt. Mr. Lessard asked if they are okay with the April 29th Conservation Commission letter, and the applicants concurred.

PUBLIC

Press 5*

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 7:00 p.m.

MOTION by Mr. Lessard to approve the Wetlands Permit along with the April 29, 2020 Conservation Commission letter.

SECOND by Ms. Carnaby.

VOTE (ROLL CALL): 7 – 0 - 0

MOTION PASSED.

20-018 64 & 68 Mooring Drive (continued from 4/1/20)

Map: 289 Lots: 32 & 33

Applicant: Mary Mulligan

Owner of Record: John & Mary Mulligan, Judith Green (#64) & Murray Family Nominee Realty Trust (#68).

Wetlands Permit: Construct toe stone protection with biostabilization system to prevent erosion.

Eric Salovich was on the phone, from TFMoran. The project was discussed. Block retaining wall was first discussed. The Conservation Commission changed it to be more environmentally friendly. There is erosion control and vegetation. The rear of the property has been subject to erosion over the years. Two to three foot diameter boulders were discussed. Fill will be re-purposed. Plantings were discussed. It was noted the Conservation Commission gave positive ideas and information. A permit has been filed with the DES and is being reviewed.

BOARD

Mr. Olson said thank you for not using block wall.

PUBLIC

Press 5*

BOARD

Mr. Bachand recommends approval along with the stipulations contained in the Conservation Commission's letter dated April 29, 2020.

MOTION by Mr. Lessard to approve the Wetlands Permit along with the stipulations in the Conservation Commission letter dated April 29, 2020.

SECOND by Mr. Olson.

VOTE (ROLL CALL): 7 – 0 - 0.

MOTION PASSED.

V. CONSIDERATION OF MINUTES of April 1, 2020

MOVED by Mr. McMahon.

SECOND by Mr. Olson.

VOTE (ROLL CALL): 5 – 0 – 2 (Carnaby & Waddell). MOTION PASSED.

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 7:00 p.m.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

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

- Tax Map 210, Lot 1 – 7 Eighth Street. Request for Release of 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.”* The petitioner is requesting this relief to allow for a single-family unit and an Accessory Dwelling Unit (ADU), containing a total of six bedrooms (four in the single-family, two in the ADU). Note: The ADU for this property was conditionally approved by the Planning Board at its March 4, 2020 meeting.

Mr. Bachand discussed Condition #9 of the Planning Board’s approval, asking for the applicant to go through the 41:14-a process because of a deed restriction. Relief is needed from the one-single-family dwelling restriction and the no more than four bedrooms restriction. Relief is necessary per the Town Attorney. We need the Planning Board to vote on whether to recommend this to the Board of Selectmen.

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

SECOND by Ms. Carnaby.

VOTE (ROLL CALL): 7 – 0 – 0

MOTION PASSED.

- Tax Map 293, Lot 157 – 9 Bradford Avenue - Request for Release of Deed Restriction #4 – *“The Grantee will not erect any buildings upon the premises within (7) feet of any boundary line, nor shall the premises be subdivided. All outbuildings and sheds, other than stables or garages, shall be connected with and attached to the dwelling house, stable or garage on the lot”* The Petitioner is requesting this relief to provide consistency between the deed and existing site conditions, as was recommended at the time of the April 18, 2019 Condominium Conversion approval.

Mr. Bachand asked if Attorney Scully is on the line. Attorney Scully said this condominium conversion was approved by the Planning Board. The Plan is recorded. It has been requested to get relief as noted above. This is the final step to getting this accomplished.

BOARD

MOTION by Mr. Lessard that we do not oppose this and recommend to the Board of Selectmen.

SECOND by Ms. Carnaby.

VOTE (ROLL CALL): 7 – 0 - 0.

MOTION PASSED.

HAMPTON PLANNING BOARD

DRAFT MINUTES

May 6, 2020 – 7:00 p.m.

- Tax Map 290, Lot 117 – 97 Ocean Boulevard - Request for Release of Deed Restrictions #3 – *“No fences maybe erected upon said premises other than ornamental fences of no more than a three-foot height”*, and #4 - *All outbuildings, other than a private garage, shall be connected with and attached to the dwelling house on the lot”* The Petitioner is requesting this relief consistent with Condition # 9 of the March 4, 2020 Amended Site Plan approval involving this address.

Mr. Bachand asked if Attorney Scully wished to speak on this. Attorney Scully said the Deed restrictions were requested to be removed. Health and safety concerns were discussed. This is a restaurant. Deed restriction #4, he feels, is not applicable anymore. There is no residential dwelling house. As long as no dwelling house is put there in the future, they are all set.

BOARD

MOTION by Mr. Lessard to recommend this to the Board of Selectmen. The Planning Board is not opposed.

SECOND by Mr. Olson.

VOTE (ROLL CALL): 7 – 0 - 0.

MOTION PASSED.

Mr. Emerick noted the May 27th PRC meeting will be held by teleconference. There will be public notice sent out on this.

VIII. ADJOURNMENT

MOTION by Mr. Olson to adjourn.

SECOND by Mr. McMahon.

VOTE (ROLL CALL): 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:10 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