

HAMPTON PLANNING BOARD

MINUTES

July 7, 2021 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby
Fran McMahon, Vice Chair
Anne (Tocky) Bialobrzeski, Clerk
Alex Loiseau
Keith Lessard
James Waddell, Selectman Member
Jason Bachand, Town Planner

ABSENT: Laurie Olivier, Office Manager/Planning

I. CALL TO ORDER

Mr. Emerick commenced the meeting at 7:00 p.m. by leading the Pledge of Allegiance and introducing the Planning Board members. It was noted that the applicant for 35 Park Avenue wants to continue to August 4, 2021.

MOVED by Mr. McMahon.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

The applicants for 61 High Street wish to be continued to September 1, 2021.

MOVED by Mr. McMahon.

SECOND by Mr. Waddell.

VOTE: 7 – 0 – 0

MOTION PASSED.

The Applicants for 144 Ashworth Ave; 6, 8 & 10 Riverview Terrace & 6 Johnson Ave wish to continue to July 21, 2021.

MOVED by Mr. McMahon.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

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III. NEW PUBLIC HEARINGS

21-011 465, 467 & 469 Ocean Blvd

Map: 266 Lots: 31, 32 & 33

Applicant: RJS Consulting, LLC (Attn: Rick Smith)

Owners of Record: Elaine & Frederick Ayotte (465); J. Hunter Properties (467) & The Stephen LaBranche Living Trust (469)

Site Plan: To construct residential condominiums with associated parking at 465 & 467 Ocean Boulevard (to be merged) and to re-build parking area on 469 Ocean Blvd.

Waiver Request: Section V.C. Application Fees & IV.D.vi Lighting. (See 21-031 Wetlands Permit)

21-031 465, 467 & 469 Ocean Blvd

Map: 266 Lots: 31, 32 & 33

Applicant: RJS Consulting, LLC

Owner of Record: Elaine & Frederick Ayotte (465); J. Hunter Properties (467) & The Stephen LaBranche Living Trust (469).

Wetlands Permit: Replace existing asphalt behind 469 Ocean Blvd with porous pavement.

Small portion of work is within the 50' Wetland Conservation District. (See 21-011 Site Plan)

It was noted that the above two applications will be heard together.

Mr. Joseph Coronati appeared (Jones and Beach). Attorney Justin Pasay and Rick Smith, the applicant, were also present. Attorney Pasay asked Tocky to recuse herself. Tocky recused herself. RSA 673:14 was cited as the statute to have Tocky removed. Tocky was a sitting ZBA member for this applicant.

Tocky stated the issues from the Zoning Board are now moot and have nothing to do with the design of the project. She did, in fact, recuse herself. She will reserve her right to speak as a member of the public.

Attorney Pasay said this hit every branch of the COVID tree. Variances were approved. There was an appeal of the ZBA decision. There was a settlement between the parties. There have been two PRC meetings on this.

Mr. Coronati discussed the history. They received approval in '05 or '06 for a five-unit condominium. Structures were torn down by the Ayottes. It's been vacant for over a decade.

The Griffin House has three units in it. They received approval for 5 more units. Mr. LaBranche's property, 469 Ocean Boulevard; his house is staying. Mr. LaBranche is an applicant because he and the Griffin House share an access easement. Mr. LaBranche has a

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shed out back; the Griffin House has a lawn area. Mr. LaBranche has a garage on the front of the house with a short driveway.

Mr. Coronati discussed the proposal. It is for the removal of the Griffin House building; the Ayotte property structures have been removed. One, 8-unit condominium building with parking underneath was discussed. The ground floor has storage, trash storage, elevator. Upper four floors are living spaces. Two units per floor.

They will give Mr. LaBranche an access easement. It would be for access for the back of his property. The area between the 8 unit and Mr. LaBranche will have a walkway; gated at the front and the rear so people do not park on Mr. LaBranche's lot.

The parking lot will be in the back; all pavement existing will be removed and all proposed pavement is porous pavement. They need to raise the back of the property a bit for water (water table). There is the correct amount of parking in the rear for all the units. Two parking spaces per unit.

Mr. Coronati discussed grading. There is a small retaining wall in the back.

Utilities are more complicated. Water, fire protection, sewer were discussed. The electric lines are confusing. The applicant wants to eliminate as much electric as possible to make it look nicer. Getting rid of overhead lines was discussed. They worked with Cathy Gilman at Unitil. They want to add one utility pole. Then run underground electric.

The lighting plan was discussed. The driveway will be lit up and the parking lot. There are two existing street lights on Ocean Boulevard. Both would be removed. They would light the area in front of the condominium unit. There is spillover of light on Ocean Boulevard. The West side and North side comply with requirements.

There is a landscape plan. There is one small area of lawn. Building elevations were discussed. Two units per floor/3 bedrooms. They run front to back. Mr. Coronati discussed siding and awnings, the look of the building.

BOARD

Mr. Lessard asked about a front door. There is no door on Ocean Boulevard. Mr. Coronati said there are two side doors. There is a pedestrian door from the walkway and there is a gate and a fence. It's on the East side.

Mr. Lessard asked about signage to tell people how to get in the building. Mr. Coronati said signage can be on the gate. People need to know how to get into his/her unit. Mr. Lessard thinks it's confusing. Mr. Coronati said they could add a pedestrian door. People need to enter safely. Mr. Lessard asked where the mailroom is. Mr. Coronati said there are eight storage rooms; there

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is plenty of space to have a mailroom. Mr. Lessard said the mail people are not happy to enter buildings anymore.

Mr. Lessard asked about a post outside for receiving mail, they will have to have this shown on the plan. Mr. Coronati said he does not have mailboxes on other developments. Mr. Coronati will investigate this. This has to be shown on the site plan. Mr. Lessard said people who live there forever is one thing. Where will packages be delivered. Where do Amazon packages go was asked.

Mr. Lessard wants to see how they get into the building. Are they allowing short-term rentals was asked. The applicant said he was not planning for short-term rentals. **This should be in the condo documents.** If people are coming and going, people need to know how to get in.

Mr. Lessard asked about electricity (transformer) abutting other condominiums. We had a problem on Harbor Road. He does not want it close to the other units. It can hum and keep people awake. First floor units. There has to be a different place for the vault. Mr. Coronati said it is a three-phase transformer.

Mr. Coronati wants to get rid of the overhead lines. Keep overhead lines on one side of property. Mr. Lessard said they could get an easement from the adjacent property.

Mr. Coronati said Seabreeze residents have been very vocal about their thoughts. The concrete pad is large per Mr. Coronati. Mr. Lessard said this has been a big issue.

Harbor Road had a single-phase transformer. This will be three-phased. Mr. Lessard wants it quiet. Mr. Lessard is not happy with it being so close to abutters. Mr. Coronati said they are buffering it with vegetation and there is a fence as well. They could extend the fence. Mr. Lessard asked him to find a different place for it. Mr. Lessard said it is shoe-horned in; it's a nice project, but the electrical needs to be moved. Mr. Emerick asked about how many decibels are given off.

Mr. Coronati said a transformer is not too big – add a 6' fence around the corner and block it in with a little wall. It would be hidden visually and help with noise. They are almost meeting the 4' setback.

Mr. McMahon asked about the stairs in the front; he thinks they are kind of ugly. Is that the second egress was asked.

Mr. Coronati asked why are there stairs in the front. Mr. Lessard thought it was for egress. The applicant said these elevations were from the ZBA. The structure has been changed. Mr. Coronati said the stairs are internal. Mr. Coronati said the elevations are old.

There is no garage door. None shown.

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Mr. Lessard asked how does one get to a unit from the beach. Walk in through the garage door or come in from the East side. All the way down to the back of the building. That is where the elevator and stairs are.

Mr. McMahon asked whose street lights these are. Town and State and somehow Unitil. It's on a State highway per Mr. McMahon. Does Unitil charge the Town was asked. Mr. Waddell said it is complicated. Mr. Emerick said what authority do we have to say 'do this'.

Mr. Bachand said it was not an issue for PRC (replacing street light with light on building). There are two street lights currently. They talked to Mr. Roy; he wants the pole removed.

PUBLIC

The President of The Seabreeze Condominium Association appeared. He asked about noise from the transformer. Since there is a precedent from other structures, and there is a solution where there won't be any noise, can it be done was asked. There has not been a problem. People who live along the side hear constant noise. He wants to know if there is a solution. The man with the deck overlooking the noise, can the Board take care of handling this. What is the noise level was asked.

Tocky Bialobrzkeski appeared as a resident. She discussed the review standards. The Board needs to determine that appropriate buffers are maintained. She wants to remind everyone that this is a 10-scale plan. The landscape strip is a foot wide. If an arborvitae is planted, it will extend off the property and into the driveway. The landscaped area is minimum.

Safe and adequate vehicular and pedestrian traffic should be provided. Within and adjacent to the site. If you are driving in here and going into the building. There are no walkways around the building or to the entrance. If an entrance is a garage door, she thinks that's going to be tough.

Parking and loading space was discussed. The shoe-horn turn is pretty accurate. She said inside the building parking – some experts suggest that maneuvering in that building for vehicles is going to be pretty much impossible. Getting into the building is tough. Some vehicles will have to back out of the building in order to get out. She thinks this should be looked at.

BOARD

Mr. Bachand discussed his Memo on this application. Snow storage was asked about. It is shown at the rear of the property. That area may not be adequate. It may have to be trucked off site.

Mr. Bachand discussed lighting. This came up at the PRC meeting. A waiver was requested. Spillover in this case was not an issue.

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Mr. Bachand sent this to the HBAC to see if they had any comments on the elevations. They have not provided comments to date on these.

Two of the lots will be merged.

Five variances were given for this project. Two involved minimum lot area and wetland stipulations. Minimum lot area per dwelling unit. Fifty (50) feet is the maximum height permitted; they received relief for 58'. Previous variances were vacated but replaced with the current approval.

Waiver request for application fees. There was a prior withdrawn application; they simply resubmitted so we did not ask for extra fees. Mr. Bachand feels that is reasonable. Notification fees were paid.

Mr. Bachand discussed his conditions. The new walkway being proposed was discussed. There will be a legal document for joint access; this needs to be dealt with by the Town Attorney.

Mr. Bachand noted the transformer discussion that took place (this evening). He believes the Board should discuss this further.

Mr. Bachand said Steve LaBranche could not be here this evening, but he fully supports the project. He was in touch with Mr. Bachand to confirm this.

There is a sliver of parking that cuts into the wetlands buffer; that is why there is a Wetlands Permit application.

Mr. Lessard said there are not arborvitaes on the plan. Mr. Lessard asked about the fence. Where does it stop was asked. It will go across Steve LaBranche's property.

Mr. Lessard asked about buffers. He asked about car lights coming out going right into the units. They will turn; every time a car pulls out, they are going to have headlights at them. Mr. Lessard mentioned snow also.

Cars coming out and lights cascading. Mr. Coronati said it is an underground parking lot. Backing out was discussed.

Mr. Coronati said the site plan was completely mirrored. Mr. Coronati discussed where the driveway was before (on the previous withdrawn application). The ZBA wanted the driveway on their side. It was at the request of the ZBA. This plan is a product of that plan. Mr. Lessard is still concerned about car headlights going into the units.

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Rick Smith, the applicant, said he offered to work through all of the issues. He thought he had. He is happy to extend the fence if that is asked for by the Planning Board. Mr. Smith sees two issues – if Seabreeze is in agreement with the fence, he is fine with that.

Mr. Lessard wants it to run up to Ocean Boulevard.

Mr. Lessard asked if there will be a sign on the building. It will have a name and address. Mr. Lessard discussed postal questions. Where mailboxes are positioned needs to be taken into consideration.

Mr. Lessard wants the power (transformer) and the fence addressed. He wants to see signage to point out addresses so one can find addresses by Google. Helps people to visit units. Noise is the big thing.

Mr. Waddell asked about parking issues. Mr. Bachand said they are 9' x 18' spaces and it complies.

Mr. McMahon thinks there are a sufficient number of unanswered questions. He feels they can be resolved quickly. The transformer in particular. Mailbox locations also.

MOVED by Mr. McMahon to continue the Site Plan and Wetlands Permit applications to August 4, 2021.

SECOND by Ms. Carnaby.

VOTE: 6 – 0 – 1 (Tocky - recused)

MOTION PASSED.

21-029 449 Ocean Boulevard

Map: 266 Lot: 29

Applicant: Chuck Bellemore, MAM Realty Investments I, LLC

Owner of Record: Sea Spiral Inc., c/o Norman Bolyea

Site Plan: Renovate existing Sea Spiral Suites hotel into thirty-seven (37) one-bedroom condominiums.

Waiver Request: Sections V.E. Detailed Plans and Section VII.E - Stormwater Management

Mr. Joseph Coronati, Jones & Beach appeared with Chuck Bellemore and Attorney Justin Pasay, DTC Lawyers. Michael Keane, the Architect, is present also.

They received Mr. Bachand's Memorandum, and Attorney Pasay said he appreciated that. There are issues that are being worked out. Attorney Gearreald had issues and questions as well. He brought copies of his letter; there are copies given to the Board. Three issues have been addressed. Stormwater management piece. Substantial improvement piece as well. A title question was raised by Attorney Gearreald as well.

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Mr. Coronati, Jones & Beach discussed the project. This has 49 hotel units in it. The hotel was expanded in the late 80's. The property prior to that had two motels to it. They did a site plan in the late 80's. It operated as a hotel.

They first thought this would be a condo conversion. These are hotel rooms; not condominiums. You can't convert hotel rooms to single-family condos. The Town or FEMA – the flood maps were adopted. Chuck Bellemore put a P&S on the property. He did not anticipate changes in the flood maps. Mr. Bellemore thought it would be a simple project. Mr. Coronati said the goal is to renovate 49 hotel rooms to 37 one bedroom year-round condominiums. Four are studios; 33 have a small separate bedroom. It keeps small affordable units available at the beach. It also was mandated by the Zoning Board that they are required to have weekly rentals on these units which they have no problem doing. This structure can be renovated. It allows the units to be re-rented. They are smaller units. Not adapted to year-round use. Chances for year-round use are minimal. Mr. Coronati said this will preserve the character of Hampton Beach. It allows enough for on-site parking. There are two extra parking spaces. Those are for handicap spaces. One of the units is handicap accessible. There are few modifications to the site plan. There is no change to the building. There are wheel stops in the parking lot. Spaces on the north side are parallel. There is a first story walkway. There is head in parking on both sides.

Mr. Coronati said the trash room is being relocated. The first floor unit on the east side is the handicap accessible unit. There will be a wooden handicap ramp. There is striping. No changes to utilities.

Michael Keane discussed the building changes. There is a small addition to the existing motel office. They will remove that section of the building. Some of the windows are lobby spaces. The window arrangement was changed. They will remove the sliding glass doors and put in regular doors.

Mr. Keane discussed trash storage. They discussed this with the Fire Protection Officer. They will move trash to a different location. Fire rating and protection of the building was discussed. Lobby space was discussed. There are two means of egress.

BOARD

Mr. Lessard asked what Zoning wanted; did it want weekly rentals was asked. Not daily. It was determined as weekly. Mr. Lessard does not see a lobby. How will it be monitored and booked was asked. Probably off-site management. Mr. Bellemore said the condominium association will determine that. Mr. Lessard asked about year-round occupancy. It would be allowed per Mr. Coronati. Mr. Lessard did not see storage. Leaving beach chairs, etc. There is no separate storage per Mr. Keane.

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Mr. Lessard does not see a recreational area for barbecue areas. There is not one at this point. Mr. Lessard said the only recreation is going across the street or watching TV. He asked if they can put an area in for barbecues. Mr. Keane said that is tricky in a multi-family. They could only have it in the parking lot. There is no recreational requirement in the BS Zone per Mr. Coronati.

Mr. Lessard asked about mailboxes.

They are tight units per Mr. Lessard, but they make a good getaway. He likes the project.

Mr. McMahon asked about an elevator. There is not one.

Tocky asked about the building being sprinklered. It is now per Mr. Keane. Firewalls are irrelevant was asked about. As an existing condition it is. Under existing building code, as long as a change of use is ...to a lesser hazard - it meets Code. The East side has a concrete block. No windows are back there. Tocky asked if the renovations are intended to bring it into Code. They are covered under the existing building code.

Tocky asked about grade. Grading is on the site. They are not required for the new flood plain changes. Spot elevations and grading are noted. They are not doing more than 50 percent substantial improvement. What is the highest adjacent grade was asked by Tocky. Tocky asked if the 10 contour is possibly a mistake or is there a hole on the property. There is a channel way between the buildings.

Tocky asked why are there no existing setbacks shown for the existing building. They were shown by Mr. Coronati. They normally only add those for the Zoning Board. They are not changing the building per Mr. Coronati. Mr. Coronati said they can add those. Tocky thought we were supposed to have a boundary survey.

Mr. Waddell discussed the waiver on parking requirements. Parking is a disaster at the beach now. If one is renting for a week and visitors do not having places to park. More than one car to a rental. He knows this will create a real problem for the Town. Mr. Coronati said they are small, one-bedroom units. They don't see a lot of guests with units this small. It is only required to have one visitor space for each 8 units. People taking advantage of visitor spaces was discussed. Visitors argue. Problems for association may occur. People can park at the beach parking spots. It is pay and it is State parking lots. Boyleas had 14 spaces. Now those are freed up for the public. Mr. Waddell said if it is not adequate parking; people renting for a week - he sees problems.

Mr. Lessard asked if they will have pull-out couches. Mr. Coronati said if you are renting out a 350 square foot unit, you advertise one parking space. People should put that in the rental documents. Mr. Waddell said last year there were many problems.

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PUBLIC

The Seabreeze Condo president appeared. It was run in the past like a frat house. Parties and fireworks were constant. This may give more stability and they welcome that.

BOARD

Mr. Bachand likes the project, but said he must recommend continuing to the August 4th meeting. He received the letter from Attorney Pasay at 4:00 p.m. today. Concerns were discussed. In the June 9th response letter – the DPW comment, it is a substantial improvement per Jones & Beach. It may not be the intention per Mr. Coronati. It has to be a condition of approval. Mr. Bachand needs this demonstrated. If he is not sure of it, and the PRC is not sure of that in reviewing it, how can the Planning Board be sure was asked. The DPW and CMA should have an opportunity to weigh in on this as well.

Mr. Bachand read Attorney Pasay's comments. Porous pavement was discussed. The center parking area should be porous pavement. It's 98 percent sealed surface. He knows it is existing. Substantial improvement, this trips something in our Ordinance. It may need stormwater management per the Zoning Ordinance. Footnote 31. CMA needs to weigh in on this as well.

These concerns need to be vetted with staff. The Planning Board needs to be confident on what they are approving. Limited Common Areas need to be spelled out on the plan. Mr. Bachand does not think we are there yet. Additional clarification and information is needed. Waiver requests are needed. Stormwater Management, it's hard to recommend the waivers without clarification.

Attorney Gearreald had concerns about the triangular area. We don't know Attorney Gearreald's thoughts on this, or the Building Inspector's as well.

Tocky said it is not a condominium site plan. Renovations being squared away and then a conversion. Would that be simpler was asked. Mr. Bachand discussed the condominium site plan – common areas, etc. as an additional sheet would cover this. An additional plan is necessary.

Mr. Coronati discussed Limited Common Area. This is usually shown per Mr. Bachand. It would just be a note per Mr. Coronati. Spaces should be numbered and assigned, and floor plans should be provided.

Mr. Keane said final condominium floor plans come at the building permit stage. It's not provided at this level. Condominium documents are provided at this stage. Architectural plans aren't submitted until building is substantially complete. It needs to get measured and certified.

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Attorney Pasay discussed the waiver for stormwater and substantial improvement and title issue. They received an opinion from an attorney who dealt with the title issue. Attorney Gearreald discussed striping. It can be a condition of approval. They can remove striping. Attorney Pasay discussed substantial improvement. Floodplain Ordinance. They are aware of the process and are aware of substantial improvements. They will stay below the 50 percent threshold. Mr. Marchese is the Floodplain Administrator. They will provide information at the building level. They will discuss if work proposed will go over the appraised value/market value. They think they can stay under 50 percent. He does not think the Planning Board has this authority. They can appeal to the ZBA on this. Any additional information about specifics, costs, etc., it would be helpful to know what. It will be evolving. As costs are generated, they will take this up with the Building Inspector. Mr. Emerick asked if they are saying the improvements can exceed 50 percent, and it's none of the Planning Board's business.

The stormwater management requirement was discussed by Attorney Pasay. The waiver isn't for a substantial improvement per Attorney Pasay. The basis of the waiver is that it is in the public interest. This is more conforming parking; less density; better life safety. The stormwater management waiver is in line with the regulations. These are two different things. We get approval from the Planning Board then this goes to the Building Department. If Mr. Marchese says they are over 50 percent, they go back to the ZBA or come back to the Planning Board. Two different issues. Mr. Bachand is saying the Planning Board needs to know. The applicant's position is that it takes place with Mr. Marchese.

Tocky said we have to deal with the Feds. She feels they need to demonstrate not going over 50 percent, because then we will have to convince FEMA. If they find Hampton in violation. What will this mean. We want to be a community in the Community Rating System. If we screw this up, it could cost every single floodplain insurance holder their insurance. Failure could harm every single flood insurance holder in the Town of Hampton more per Tocky. Attorney Pasay said some things the Planning Board has control over. This is not the authority of the Planning Board. He agrees FEMA will come and audit this. It's beyond the purview of the Planning Board per Attorney Pasay. It is the Board of Selectmen and Building Inspector; it is not a function of the Planning Board.

Mr. Lessard said we need more clarification. Mr. McMahon asked when the Building Inspector makes his decision. It's in the Floodplain Ordinance. Market rate of the structure per Mr. Bachand is how it is defined. If the building has (cumulative substantial improvement) – if building is worth \$1 Million, and renovations are \$500,000 or more – this ordinance steps in. What does the Building Inspector need was asked. Mr. Pasay said a site plan needs to be provided; elevations and other material. In substantial improvement context, when a permit is being pulled (2.4.7.e of the Zoning Ordinance), when you go to pull a Building Permit, Mr. Marchese makes sure everything is met. He read more of the ordinance. A value has to be brought up. A cost estimate needs to be accurate enough. Then the applicant is notified in writing. Mr. Pasay said it is a robust process. The Feds can come in and say you fudged this. It is rigid. The applicant appreciates this.

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Any appeal would go to the Zoning Board. Mr. McMahon said they would go to the ZBA and say the Planning Board gave a waiver (Stormwater). Mr. Coronati said they are not proposing any changes. That is why they are looking for the stormwater waiver. Mr. Bachand said the waiver of the Site Plan Regulations is, for example, from the full Stormwater Management Report. Footnote #31, is even separate from the Floodplain part. If it is a substantial improvement, it trips having stormwater management controls on site. The PRC said we are at 98 percent sealed; please use porous pavement. The applicant does not want to do that. If it is 50 percent or more they are forced to do this. Mr. Bachand would not support a variance from this requirement.

Tocky discussed the requirement if the 50 percent threshold is exceeded. The lowest floor of the building would have to be 4' above the highest adjacent grade. The existing building would not meet FEMA new construction requirements. This is a big deal per Tocky. Mr. Coronati said this plan is about being less than 50 percent; if they are more, they don't have first floor units. There would be stairs, piles. If they go over 50 percent, it would probably be a tear down, rebuild. Mr. Bellemore did not realize that the Floodplain Ordinance would not allow him to work to the fullest ability because we can't go over percentage.

Mr. Waddell said if it is the Building Inspector's job, if the Building Inspector says it's substantial, the Building Inspector gets this. Is this our purview or the Building Inspector's purview. They would have to come back.

Mr. Bachand said his recommendation is to continue to August 4th.

Mr. Bellemore understands the assuming over 50 percent. If it goes over 50 percent; how do people make the determination. How can somebody be denied by an assumption. Based on what was asked. Mr. Bellemore says we 'assume'; someone else said "if" it goes over 50 percent. Mr. Bellemore does not know if it will go over 50 percent. If it does, he will deal with it. If he can't do it, he won't do it.

Mr. Bachand clarified his recommendation was not to deny, but to continue. We are trying to clarify and digest the information so the Board can make an informed decision and staff can as well. The Building Inspector goes to the PRC meetings also.

Attorney Pasey said they want to keep the process where it should be. This could set up all kinds of issues. The applicant wants a condition of approval. Mr. Bachand said we can look at it before the next meeting.

Mr. Lessard said this is a first time for this issue. He wants a clearer opinion. It can put the Planning Board in a tough place. He likes the improvements and the Planning Board wants to make the best decision.

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Mr. Waddell said we need to know the procedure; what we do. We are not clear on the procedure. Mr. Emerick does not want to step on the Building Inspector's toes. Mr. Coronati said the change in the floodplain (maps) is a big change. AE and AO zones were discussed. This will change and who will do upgrades. If you get over 50 percent, you are looking at tear downs rather than renovations.

Mr. McMahon thinks this is a good project. The Board just wants to do things the right way.

MOVED by Mr. Lessard to continue the Site Plan application to August 4, 2021.

SECOND by Tocky.

VOTE: 7 – 0 – 0

MOTION PASSED.

More detailed floor plans are not needed in the meantime. Mr. Bachand noted that he would like to see the Site Plan updated to show the common areas, etc.

21-032 34 Langdale Drive

Map: 87 Lot: 7

Applicant: Gerald Sanphy

Owner of Record: Gerald and Diandra Sanphy

Conditional Use Permit for ADU: Construct 794. SF (approx.) accessory dwelling unit to attached existing owner-occupied dwelling unit.

Mr. and Mrs. Sanphy appeared. They want to add an accessory dwelling unit on their property.

BOARD

Mr. Lessard said it looks like things are in order.

PUBLIC

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Mr. Bachand discussed his Memorandum. The parking on the plan was discussed. Three cars wide. He does not think they need three cars wide. It may not fit anyway. They would need a Driveway Permit. Two cars wide should be fine. It may be 16'; they need to discuss 24' maximum. Mr. Bachand discussed the 60 percent maximum sealed surface coverage.

Mr. Bachand discussed the Board likes to see some sort of a plot plan. Everything laid out on one plan. He suggests an additional condition of a scaled plan for the Building Inspector. Mr. Marchese will require that anyway. Mr. Bachand recommends approval with the conditions in his memo of July 7th, plus the additional condition for a scaled plan acceptable to the Building Inspector and himself prior to issuing the Building Permit.

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MOVED by Mr. Lessard.

SECOND by Mr. Loiseau.

VOTE: 7 – 0 - 0

MOTION PASSED.

21-035 853 Lafayette Road

Map: 71 Lot: 20

Applicant: Big Daddy Brews, LLC

Owner of Record: Same

Site Plan (Amended) & Conditional Use Permit: Construct (approx.) 27'x70' brewery addition to existing bldg. (instead of previously approved 27'x48' addition). No changes to parking drainage, impervious coverage or utilities. Conditional Use Permit for use in Aquifer Protection District.

Waiver Request: Section VE. Detailed Plans.

Mr. Joseph Coronati appeared with Robert Levine, one of the owners and Matthew and Alex (additional owners). They were here a year ago for a small addition; to make beer in the addition. They decided they need more space to make beer. The bank (prior) had a drive-thru. The addition is under the drive-thru. It is expanded to the back end of the building. It's over the entire addition – it's over existing asphalt. No change to impervious coverage. The entire addition is for beer making process, storage and no additional tables. Seating is not changing. Access to the building is not changing. It's a fairly simple building addition.

BOARD

Mr. Emerick recused himself. He is an owner of a unit at 861 Lafayette Road. He will not vote.

Mr. McMahon asked about sewer discharge. Smuttynose has a pretreatment system. What gets discharged into the system was asked. Mr. Coronati said they have to figure that out and determine the wastewater connection fee. One of the owners discussed having conversations with WWDC (DPW) and they are not changing where they are at.

They are a nano-brewery.

Mr. McMahon discussed recycling barrels. Those are the Town's recycling; they've been doing it all along. There is private trash disposal with a dumpster. They are relocating that to the back of the property.

The restaurant does recycle—boxes, etc.

**PUBLIC
BOARD**

HAMPTON PLANNING BOARD

MINUTES

July 7, 2021 – 7:00 p.m.

Mr. Bachand said this is essentially the same project that came to the Board over a year ago. It currently has a COVID dining tent. The tent would eventually be removed. The area is usually for parking. They may remove it by the end of October. The DPW looked at it and had a couple of comments. Increase of production-DPW needs to know, and to deal with them on trash and recycling. There is a Conditional Use Permit because of the Aquifer. Votes are needed on the waiver, Conditional Use Permit and Amended Site Plan, all separately. Adding curb stops in then gravel area was discussed. It may need delineation to make it more helpful. They found that curb stops cause more problems with snow plowing and drivers. It is just a recommendation, not a requirement.

The impervious coverage (numbers) cannot go up. They are at 85 percent including gravel. If it were paved, it would not change the percentage. Mr. Lessard thinks there was an issue on not paving it before it was a restaurant. They may want to do gardening in the front.

Mr. Bachand recommends approval.

MOVED by Mr. Waddell to approve the waiver.

SECOND by Mr. Loiseau.

VOTE:6 – 0 – 1 (Emerick - recused)

MOTION PASSED.

MOVED by Mr. Lessard to approve the Conditional Use Permit.

SECOND by Mr. Waddell.

VOTE: 6 – 0 – 1 (Emerick - recused)

MOTION PASSED.

MOVED by Mr. Lessard to approve the Amended Site Plan along with the conditions in Mr. Bachand's Memorandum (dated July 7, 2021).

SECOND by Mr. Waddell.

VOTE: 6 – 0 – 1 (Emerick - recused)

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

21-027 35 Park Avenue (continued from June 2, 2021) **Continued to August 4, 2021**

Map: 190 Lot: 13

Applicant: Chelsie Portlock

Owner of Record: Chelsie and Daisy Portlock

Wetlands Permit: Add fill to create gentle slope. Install 4' chain link fence around outer edge of backyard.

HAMPTON PLANNING BOARD

MINUTES

July 7, 2021 – 7:00 p.m.

21-019 61 High Street *(continued from April 7, 2021, May 5, 2021, and June 2, 2021)*
Continued to September 1, 2021

Map: 161 Lot: 17

Applicant: Shane Pine

Owner of Record: GMC Group Limited Partnership

Site Plan (Amended): Propose to make outdoor patio space (previously approved for Covid-19) permanent.

Waiver Request: Section V.E. Detailed Plans.

20-060 144 Ashworth Ave; 6, 8 & 10 Riverview Terrace & 6 Johnson Ave
(continued from April 7, 2021 and May 19, 2021) **Continued to July 21, 2021**

Map: 293 Lots: 65, 66, 73, 72 & 71

Applicant: Zoo Property Management, LLC & Albert Fleury

Owner of Record: Same

Site Plan: Merging of lots 66 and 73 to expand the existing restaurant (Wally's Pub). New four-season addition to include additional bathrooms, additional dining space & abundance of air flow for patrons.

Note: Waiver Request: Section V.E. Detailed Plans was denied by the Planning Board on April 7, 2021.

V. CONSIDERATION OF MINUTES

Tocky asked what a quorum is on this Board. It is four.

Tocky said on Page 4, under “Public” – Ms. Olivier meant to put admirable. Tocky said Page 6, halfway down. Tocky likes the concept. If the approval is left open....-she wants the word “but” inserted in there.

Tocky said at the bottom of the page. There is a statement that the ZBA is in place to slow it down (the tequilla bar). Tocky wants to say that the ZBA had nothing to do with the use of that property. She does not know how to fix that. The ZBA is in place to slow it down once variances are granted; our hands are tied. Tocky said we can be blamed for the parking variance for 449; she thinks parking is a problem. Mr. Lessard said ‘if that is what is said’.

Mr. Emerick said it talks about who has authority. Tocky said it is a permitted use. We didn’t do anything about sound at the ZBA level.

Tocky said Page 7, we have an application in an approved zone with an approved use. Tocky wanted to make things better between the two Boards. 449. She stands on that because she did not want to recuse.

HAMPTON PLANNING BOARD

MINUTES

July 7, 2021 – 7:00 p.m.

Mr. Bachand said we have to be careful. It is about what is said at the meeting. It is not about interpretation. If it is what is said. Tocky said if someone said it that they said it. It should reflect the action of the Board and sentiment of the conversation. Mr. Emerick said these are not verbatim. The ZBA had something to do with use of property. Maybe it feels like a slam per Mr. Lessard. We can recommend with comments if stated on the record. If the statement was made, the statement was made.

MOVED by Mr. Waddell to accept and approve the June 2, 2021 Minutes, as amended.

SECOND by Ms. Carnaby.

VOTE: 6 – 0 – 1 (Loiseau)

MOTION PASSED.

MOVED by Mr. Lessard to accept and approve the June 16, 2021 Minutes.

SECOND by Ms. Carnaby.

VOTE: 4 – 0 – 3 (McMahon, Tocky & Waddell)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **212 Island Path** – Request for a six-month extension of conditional subdivision approval

Mr. Bachand said this is a request for a six-month extension. It has been before the Board. It expires on July 17th of this year. They are removing the existing garage. Its removal is consistent with Condition #7 of the subdivision approval. They are looking for a six-month extension, to expire on January 17, 2022.

MOVED by Mr. Lessard to extend the approval for six months, to expire on January 17, 2022.

SECOND by Mr. Waddell.

VOTE: 6 – 0 – 1 (Tocky)

MOTION PASSED.

Mr. Bachand discussed that he is working to kick-off the grant project for Zoning work relating to the Coastal Flood Risk Guidance. He is coordinating a kick-off meeting with Resilience Planning & Design (Steve Whitman), Nathalie from NHDES and Abigail from PREP. We would like to have a member of the Planning Board, a member of SHEA, a Conservation Commission member, and possibly a member from the ZBA in attendance. He asked if anyone wants to attend the kick off at 2:00 PM. Thursday, July 22nd. This is the kick-off meeting for the project with Resilience. Nathalie is anticipated to do an overview of the Guidance. We need someone from our Board. Brainstorming may happen. July 22nd (Thursday) at 2:00 p.m., virtual. No in-person attendance needed. If there is more than one member, that is fine. Tocky is interested. Ann Carnaby volunteered also. The Selectmen are voting on Monday night to accept and expend the grant funds. This is just a kick-off meeting. This should be recorded per Mr. Lessard. Mr. Bachand will check into this. It is on Steve Whitman's Zoom.

HAMPTON PLANNING BOARD

MINUTES

July 7, 2021 – 7:00 p.m.

Mr. Lessard asked about a Conservation Coordinator. Mr. Bachand sat in on the interviews. The Conservation Commission has also met with candidates. Mr. Bachand thinks the selected candidate may start in a couple of weeks. It is part-time. Mr. Lessard said we need to get this position to be full-time. More responses would happen if it was full-time.

Tocky discussed an issue discussed above, regarding Chuck Bellemore. She wanted to let others know it could hurt many people. FEMA could have issues. The Town won't get breaks if we can't get in on the Community Rating System. Mr. Emerick said it is new ground for him/us. We need to cover our bases.

VIII. ADJOURNMENT

MOTION by Mr. Waddell to adjourn.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 9:32 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**