

HAMPTON PLANNING BOARD

MINUTES

August 21, 2019 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Alex Loiseau, Clerk
Mark Olson
Keith Lessard
Steve Chase, Alternate
James Waddell, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: Fran McMahan

I. CALL TO ORDER

Chairman Emerick commenced the meeting at 7:00 p.m. by leading the Pledge of Allegiance and introducing the Planning Board members. Sharon Raymond attended for the Conservation Commission to discuss the Master Plan. Others in attendance excluding the above Planning Board members are: Rick Griffin, HBAC; Brian Warburton, Budget Committee; and Tom McGuirk, Zoning Board of Adjustment. (Note: Keith Lessard was not present for Call to Order, but arrived moments later).

II. ATTENDING TO BE HEARD

- **Mary-Louise Woolsey – Development on the West Side of Town**

Ms. Woolsey discussed the Master Plan. She discussed the letter she provided from the Fire Department. She is happy to help in any way and offered her assistance.

Master Plan Session #3

1. Nathalie Morison and Kirsten Howard – NHDES Coastal Program: Coastal Hazards and Adaptation Chapter

Ms. Morison and Ms. Howard introduced themselves. Mr. Bachand asked them to discuss the “Coast Shift” Grant, which includes a Coastal Hazards and Adaption Master Plan element.

Ms. Morison gave the members present a handout about the Grant. The Coastal Program was awarded a NOAA grant. Some of the grant money will be applied to the Coastal Hazards and Adaption (CHA) element of the Master Plan. They are offering additional funding to help the Town complete the Vision element as well as the CHA element of the Master Plan update. The additional sum of money bumps the grant up to \$45,000.00 in total. The

HAMPTON PLANNING BOARD

MINUTES

August 21, 2019 – 7:00 p.m.

original grant was in the amount of \$35,000. They are happy to provide an additional \$10,000 to get Hampton on its way to developing a Master Plan update.

The Planning Board should still put forward a new Warrant Article for the other elements of the Master Plan, to be voted on next year. If the group agrees with the proposal, the Coastal Program will work closely with the Town to get an RFP (Request for Proposal) for the Vision and Coastal elements. Ms. Morison said the Vision element is Town wide; it sets the tone for the remainder of the Master Plan. The consultant selected will work on the Vision element and Coastal element, and design and implement public input for both of those elements of the Master Plan. If the Warrant Article (to be worked on) passes in the Year 2020, the Town can then put forth its own RFP to develop the remaining portions of the Master Plan. The NOAA grant begins this October, 2019 and extends through March, 2021. The time frame is at the bottom of the handout (available at the Town Hall/Planning Office). Ms. Morison thinks this is a rational approach to move the Master Plan update forward in a positive direction. Funding may also help build support for the Warrant Article in 2020.

BOARD

Mr. Emerick asked if prior to October, should we be gathering information prior to the consultant arrival or wait until the consultant is on board. Ms. Morison said they allowed extra time for the consultant to do the gathering of information. For the Vision element, quite a bit of work has previously been done. Mr. Bachand said there was a Vision subcommittee in 2013. Barbara Kravitz and Ann Carnaby compiled and provided the information to the Planning Office. Reflecting on that information as we move forward with this process will be useful.

Mr. Bachand said there is flexibility on a start date. Ms. Morison noted there is also flexibility if they have to go to NOAA for an extension (past March of 2021). They would prefer not to do that. Ms. Morison can start soon on drafting the RFP. In September, maybe this group can look at their RFP per Mr. Bachand.

Ms. Carnaby asked how this affects what we determined is our goal with this group to develop a Warrant Article for next March. It was noted that this accelerates the process. The consultant can be involved in this as well. Mr. Bachand said it may be the same consultant who does both. We may use different consultants – in that case there would be a consulting team. This will be determined.

The Grant is set to start in October. We don't need formal vote, but we can take one if wanted.

Brian Warburton said if the Warrant Article passed last year, it was \$18,000. The good news is we now have \$45,000, so what we come up with for a (warrant article) number in 2020, it will be added to that. Mr. Warubrton said we should be up front on what the cost is.

HAMPTON PLANNING BOARD

MINUTES

August 21, 2019 – 7:00 p.m.

Mr. Olson said the benefit of this is setting the stage for changes, etc. Without a current Master Plan, the benefit exceeds what the cost may be. We are letting dollars fly out the window constantly.

MOTION by Ms. Carnaby to move forward with the work (Vision and Coastal elements under the NOAA Grant).

SECOND by Mr. Lessard.

VOTE: UNANIMOUS.

MOTION PASSED.

Mr. Emerick said he wants this committee to open the meeting up to the citizens of Hampton who have suggestions. He would like to open this to the public as soon as possible. He noted for the public and Minutes that meetings on the Master Plan are on the 3rd Wednesdays of every month. Mr. Griffin said the Board of Selectmen offer residents to speak on ideas/input for about four minutes.

Mr. Bachand discussed establishing a formal Steering Committee. He asked if that should be included in the RFP (Coastal Program). This group is the preliminary Master Plan Session group. Mr. Bachand said this group could continue as the Master Plan Subcommittee with 2-3 additional residents-at-large plus maybe a member from CHAT. He asked the group for their thoughts on this. Mr. Emerick said to run with it. If it doesn't work, we will re-visit it. Mr. Emerick asked if any citizens want to join, call the Planning Office.

Ms. Carnaby asked about any citizen who participated in 2003 who wants to bring what they gained from that back to this group. Long comments from the first group were inspiring.

Ms. Morison and Ms. Howard will come back in September with a draft RFP.

2. Visioning Process

Mr. Bachand discussed the Visioning process. He provided everyone with the 2013 Vision Subcommittee information. He asked all to review and think of ideas and information; it may help with this current process. Ms. Carnaby said there are a lot of good thoughts. Some things have happened; some things have not. This paperwork is available at the Planning Office. **We can also send it out PDF. We can also put this on the website.**

3. Draft Preliminary Survey

Mr. Bachand discussed the survey to be put out to the public. He noted that he and Ms. Olivier worked on some questionnaires. We have two separate questionnaires for the group to look at.

HAMPTON PLANNING BOARD

MINUTES

August 21, 2019 – 7:00 p.m.

Mr. Bachand discussed the surveys. There is a demographic section as well. Both surveys have some fill in the blanks.

Mr. Bachand said there would be a larger survey later on. Mr. Emerick likes the fill in the blanks version. If we want the demographic information, we should find out if they live in Hampton Village or the Beach. It could be four or five areas of Town.

Mr. Chase said the second one gets more specific. It depends on the respondent.

Mr. Bachand said this would go on the Town website; Town Office; Library; Chamber of Commerce.; local businesses. Ms. Carnaby said this is printable now. We would distribute this in 3 to 4 weeks. This is a first pass. Ms. Raymond said bringing people in is key. She likes the second survey (fill in the blanks). First, we need more than three multiple choices. Multiple choices do not give much choices. Consultant surveys will do more like that.

Mr. McGuirk asked if our goal is to secure funding to get to a visioning committee, and asked how this moves the ball forward. He asked if we should be bringing awareness that we have a Master Plan that is outdated and needs to be addressed. If we ask these questions now, then re-ask the questions. We have funding for visioning per Mr. Emerick. Mr. McGuirk said it's hard to get funding for visioning. Awareness has to come out in the questionnaire. He wants to bring the awareness. Mr. Emerick said we are funded so we don't have to make awareness right now. We have been gifted \$45,000; we need to take advantage of that money.

Mr. McGuirk said last year he said we need a Master Plan together. Mr. McGuirk said 'good luck' – the Town won't hand over money for that. He wants to have the focus be on the Master Plan.

Ms. Raymond said this survey is for the funding. The way you get the warrant article passed is to raise awareness on the need to develop the Master Plan. Ms. Raymond said this will get the Master Plan discussion going.

Mr. Bachand said we are still going forward with the warrant article. Mr. Bachand said the survey can elaborate more about the warrant article. Mr. McGuirk said we are in dire need of a Master Plan.

Mr. McGuirk said we need to get people to go to the website. Mr. McGuirk does not think people visit the website often.

Ms. Carnaby said we should use the software – “publicinput” like she used for the cable committee survey. They received 503 responses because the survey goes everywhere that you are talking about putting the paper survey at. It connects with social media for Hampton. Responses were good. Resources are at the RPC; they can obtain a quote. They can help with first part of the Master Plan. It cost \$750. Demographic portion goes to the end. She thinks

HAMPTON PLANNING BOARD

MINUTES

August 21, 2019 – 7:00 p.m.

they will combine multiple choice. Computer does tabulations. Ms. Carnaby would be happy to work on it.

Mr. Waddell said if the survey is valid, it will reach as many residents as possible. We need to reach out to them. And as many diverse groups. Mr. Emerick said to get a hold of the RPC.

Mr. Olson said should we hold back on it. Do it later. Mr. Bachand said we just wanted preliminary feedback at this time.

Mr. Griffin discussed soliciting input for the plan they had for parking. They only got 82 responses. Most did not live in Hampton. They looked for feedback on Facebook also. **Mr. Bachand will reach out to Tim Roache (RPC) also.**

Ms. Carnaby provided paper copies as well. She said there were 15 or 20 questions.

Mr. Lessard filled out one of the questionnaires. He can't remember how he got it because he did it electronically. Mr. Lessard said you can sign up on the Town website for information to go directly to individuals. Ms. Carnaby said it has to be electronically set up.

Mr. Warburton said we need to focus on getting the warrant article passed. You have to make them short.

Mr. McGuirk asked if questions can be more general. He thinks it is worded to pull out information that may not give people's true opinions. Mr. Emerick asked the Committee and Board to send questions and ideas to Mr. Bachand.

Mr. Lessard said to ask "Do you know what a Master Plan is?". Yes or No. "Do you know what the benefit is of a Master Plan?". "What more would you like to know".

The money is not for our Master Plan. It is for shoreline protection and coastal. This is to better educate our public for a Master Plan. Let people know that is what the money is for. This is how you get grants - by having a Master Plan.

Mr. Lessard said how it benefits the community in the long run should be noted.

Ms. Carnaby said a lot of education can be offered along the way. Mr. Emerick noted that is more for Phase 2.

Ms. Carnaby said the more we use it, the more people will respond.

HAMPTON PLANNING BOARD

MINUTES

August 21, 2019 – 7:00 p.m.

Ms. Carnaby or Mr. Bachand will be in touch with the RPC. Mr. Bachand would like more questions brought to him and asked they be sent to him within the next week or so.

4. Public Comment (relating to Master Plan)

Jay Diener, Conservation Commission, appeared. He discussed the Seabrook-Hampton Estuary Alliance. He discussed funding early this summer through the NH Charitable Foundation. It is for a Management Plan for the Seabrook-Hampton estuary. Looking at the estuary problem was discussed. It will address health of the estuary; water quality issues; terrestrial wildlife, to name a few. Benchmarks for health of the estuary will be addressed. Being an advocate for best management practices was discussed.

He noted they will be working with the Planning Boards in Hampton, Seabrook and Hampton Falls. He asked for us to help in doing a vision statement on what is important for the estuary. Flooding perspective, recreational perspective to name a couple. It could be an addendum to the Town Master Plan.

Mr. Diener said it is a small grant now. Seabrook has Coastal Hazards chapter currently. They also need additional funding to complete this process. Mr. Diener does not know the time table now, but he wants to be on a parallel track with us.

Mr. Diener noted an estuary is where fresh waters and tidal waters meet. The Hampton-Seabrook estuary is the 2nd largest in the State of New Hampshire (after Great Bay). It was noted that Taylor River feeds into the Hampton-Seabrook estuary.

Ms. Carnaby asked for them to develop a visual so we have a red line showing the estuary area. It is helpful maybe for visual people.

5. Next Steps / Discussion of Goals, Tasks and Events (through the end of 2019)

Mr. Bachand discussed goals, tasks and events for the rest of 2019. We are on a different trajectory now due to the important development with the vision and coastal chapters together under the grant. We will certainly be working on the warrant article for the rest of the plan. We are working on survey efforts. We will be reviewing the Coastal Program RFP before it is distributed. He will refine the schedule for later.

III. NEW PUBLIC HEARINGS

IV. CONTINUED PUBLIC HEARINGS

HAMPTON PLANNING BOARD

MINUTES

August 21, 2019 – 7:00 p.m.

V. CONSIDERATION OF MINUTES of August 7, 2019

MOTION by Ms. Carnaby to accept and approve the August 7, 2019 Minutes.

SECOND by Mr. Lessard.

VOTE: 5 – 0 - 2 (Olson & Chase)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **95 & 97 Ocean Boulevard (cabana)**

In May, Tom McGuirk received site plan approval for a four-story restaurant with an apartment above. Mr. Bachand noted that Mr. McGuirk has since built a cabana. Questions came up at the last PRC from other departments that this was not seen at the review and people were asking what is going on.

Mr. McGuirk said what was built and what was approved are two different things. It just sort of happened. This was to utilize land on Ocean Blvd for a temporary use that would then be taken down and then a complete structure would be built in the fall of this year. It got out of control. Mr. McGuirk stated they took down two buildings in April of this year. He then decided to put on a patio. All with the approval of Building Department. It did not go through Planning Board approval. It was not intentional and Mr. McGuirk did not think twice about it. He put up a retaining wall– it's about 30' back. They wanted to pave it. Mr. McGuirk had many discussions with Kevin Schultz in the Building Department and they decided it was something easy to remove in September. He built a deck to house a bar for outside use. They built it 10' off of the back wall.

Mr. McGuirk called his architect, asked to finish it off with wood. Mr. McGuirk told him to do it; not thinking twice because it would be very temporary, with pressure treated wood. It wouldn't be a permanent solution, but a little less temporary with wood than with pavement. As it developed, it got bigger and bigger. He put a cabana in; the bar got a lot bigger. The cabana is now large and was very expensive to put up. Now, he wants to keep it for a couple of years. It's a hit now. Mr. McGuirk mentioned to Mr. Bachand that they are going to review and revise the architectural design, which will include the feature that is there now. It's going to be scaled down. It will include bathrooms, kitchens, etc.; the design will be re-designed to be more in line with what they have now.

Mr. McGuirk said, right now, is temporary; probably won't be there for more than a few years.

Mr. Bachand said this should have been part of the overall site plan application. The proper course of action is to file an amended application of the approval he got showing the temporary

HAMPTON PLANNING BOARD

MINUTES

August 21, 2019 – 7:00 p.m.

structure. Then, come back to this Board for a public hearing on it. It needs to be covered under the approval. Mr. McGuirk said they never went outside of the variances granted.

Mr. Emerick asked Mr. McGuirk to revise it. Mr. McGuirk said there will be architectural changes. Mr. McGuirk is planning to replace other features also.

Mr. Bachand stated that Mr. McGuirk has an approval under this process. The approval as it stands will still stand. Mr. Bachand wants Mr. McGuirk to submit an amended site plan application. We can keep the approval in full force and effect and then come back to this Board.

Mr. McGuirk said it will include that, but other things will be added to it.

Mr. Olson doesn't remember this being part of what was going to be accomplished. Mr. Olson said it flies in the face of what we are trying to do at the beach. It's like putting in a used car lot where he expected to see a car dealership. Mr. Olson said this occurred without the Planning Board's consideration. Mr. Olson doesn't want to find it suspect, but now he wants it a few years when initially he said he wants it for a year. It's not what the Planning Board saw. Mr. McGuirk said they can make architectural changes to what was approved. This is something the people want per Mr. McGuirk. Mr. Olson asked how many seats are there. A 600 s.f. bar that doesn't have any facilities could be a problem. Mr. McGuirk said it connects to the restaurant.

Mr. Bachand said he provided the Building Permit materials to the Planning Board so the Board would have the information.

Mr. Olson wants to see what was originally proposed; this is not what the Planning Board approved. How many people are being served was asked.

Mr. Bachand asked Mr. McGuirk to produce a plan with everything that has changed. Mr. Bachand said not to decide anything tonight. Ms. Carnaby said she can't tell anything from the picture provided.

Mr. Olson noted everything is already done. Mr. McGuirk said he is revising it and bringing it back to the Zoning Board and then the Planning Board. Mr. McGuirk said it's successful. Mr. Olson said being successful doesn't allow him to just do what he wants because it's going well. Having drinks on the sidewalk is not the right tone per Mr. Olson.

Mr. McGuirk said our Board should do site visits. He said site visits should be part of what the Planning Board does. He said the site plan that was approved is similar, but bar is to the right rather than the middle. Mr. Olson said Mr. McGuirk should have had all the information – this does not suggest what happened and what got approved are in line with each other.

Mr. Emerick said he did not do what got approved and he has to come back with a plan for what he did. Mr. McGuirk said he went through the proper process to get his permits. Mr. Emerick

HAMPTON PLANNING BOARD

MINUTES

August 21, 2019 – 7:00 p.m.

said Mr. McGuirk pre-empted the process and got building permits for something he was not approved to build. Mr. McGuirk said he was allowed to build it. Mr. Emerick said Mr. McGuirk was approved to build what was approved by the Planning Board. That is not what a site plan is. Do a site plan for what you did as an interim for what you want to do. You're not getting approval tonight.

Mr. McGuirk is coming back. A revised site plan will be on its way.

Mr. Waddell said the place is well done; it was just done wrong.

Ms. Carnaby noted they are open for business with something that was not approved. Is that okay was asked? That's where the Planning Board is at, per Mr. Olson. He got a Building Permit from the Town-even though it wasn't approved.

Mr. Bachand said the first he heard about this was when people came in and said it's not what our PRC or our Planning Board approved. Mr. Bachand said to clean it up, have Mr. McGuirk come in for an after-the-fact for the Board's consideration for an amended site plan. He can keep the current site plan, but add the temporary structure to the application. We can't decide tonight. A new public hearing will be needed also. Mr. McGuirk received an occupancy permit also. The Building Department signed on it. Ms. Carnaby said, why are we here? Why did Mr. Bachand not know about it was asked.

Ms. Olivier asked if Mr. McGuirk has to go back to the Zoning Board. He said he has all his variances, then noted that he does have to go back because what is temporary will become part of the final product. The little cabana on the site plan already to the north will be switched over to the center.

Ms. Carnaby asked if there is something we can do to prevent this in the future. Ms. Olivier noted when does Mr. Bachand does his decision letters, the Building Department gets a copy of the letter with decision and criteria of the Planning Board. That's how we do it. Planning and Building are two different departments. Kevin Schultz also goes to the PRC and pre-construction meetings. We aren't sure how to get communication tighter. Mr. Bachand said on the Building Department application there is a box for approvals and Planning Board approval is on there, but Mr. Schultz checked "no" on the application.

Mr. Olson said we are faced with this constantly. People try to do different things oftentimes than what is approved. Once it's done, it's done. It's not a personal attack. Things do change/construction. Mr. Emerick is looking forward to new plan. Mr. McGuirk will get it over as soon as it is complete.

HAMPTON PLANNING BOARD

MINUTES

August 21, 2019 – 7:00 p.m.

VIII. ADJOURNMENT

MOTION by Mr. Loiseau to adjourn.

SECOND by Mr. Waddell.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:30 p.m.

Respectfully submitted,
Laurie Olivier, Office Manager/Planning

****PLEASE NOTE****

**ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.
MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING**