

**HAMPTON PLANNING BOARD**

**DRAFT MINUTES**

**September 6, 2023 – 7:00 p.m.**

**PRESENT:** Ann Carnaby, Chair  
Brendan McNamara, Vice Chair  
Tracy Emerick  
Sharon Mullen  
Ward Galanis, Clerk  
Steve Chase, Alternate  
Jason Bachand, Town Planner  
Laurie Olivier, Office Manager/Planning

**ABSENT:** Keith Lessard  
Rusty Bridle, Selectman Member

**I. CALL TO ORDER**

Ms. Carnaby commenced the meeting by leading the Pledge of Allegiance and asking the Board to introduce themselves.

It was noted the application for 7 & 9 Gill Street has been withdrawn.

It was noted the applicant for 43 Nudd Avenue wishes to continue to November 1, 2023.

**MOVED** by Mr. McNamara.

**SECOND** by Ms. Mullen.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

It was noted the applicant for 514 High Street wishes to continue to November 1, 2023.

**MOVED** by Mr. Galanis.

**SECOND** by Mr. McNamara.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**II. ATTENDING TO BE HEARD**

**III. NEW PUBLIC HARINGS**

**23-030 16 Duston Avenue**

Map: 295 Lot: 44

Applicant: Roberta Botticelli

Owner of Record: 16 Duston Ave Realty Trust (Botticelli)

Driveway Permit Appeal: Driveway permit denied as it does not comply with driveway width requirements and loss of on-street parking. (Concerns with impervious coverage calculations).

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Roberta Botticelli appeared. She discussed the letters that were forwarded on Thursday evening. She asked if they are public record. It was confirmed yes. She discussed her floodplain survey. She is not in the flood zone. Taking up two parking spaces was discussed. She stated only one vehicle fits; not two. She discussed an emergency fire dock. No parking on the south side of the street was discussed. She discussed 16' from the parking on the street to the end of the curb. The right of way in the back was discussed.

Taking one car off the street was discussed. She has no issue with letting people park there. She is taking three spots off the street.

She discussed permits. She discussed her A/C split and noted she was told it does not need a permit per the Building Department.

Covering up the gas main/water main was discussed. She called Dig Safe and was all set.

The Suite 16 sign was brought up. The right-of-way was brought up. The easement was discussed.

Ms. Carnaby noted that this application is regarding the Driveway Permit Appeal. Ms. Carnaby stated her driveway is non-compliant with the Regulations and it was done anyway. Ms. Botticelli stated she did not know there was not a permit. She understands that. She spoke with Mr. Bachand and they are willing to comply with the impervious area by digging out the back. She is willing to dig that up. It would be below the 40 percent impervious.

Ms. Botticelli said it was a shame that nobody came to them. She had no idea no permit was pulled. She understands she is over 24'.

### BOARD

Ms. Carnaby noted to the audience that the rules for public speaking have a three-minute limit.

### PUBLIC

Valerie Rochan, 19 Duston Avenue appeared. The permeability and flooding issue was discussed. She brought pictures that show flooding on Duston Avenue. There is an issue with flooding. It comes from property on the water. It goes into a moat and comes up the street. Her driveway pictures were shown. She stated if Ms. Botticelli wants to take asphalt off the back also, that would be fine. She noted the drains don't really work.

Dan Murphy appeared, noting he lives across the street. After this area was paved, there were three pick-up trucks in front of the house. He thinks there is a safety problem. Pick-up trucks staying there, he noted, there could be an emergency issue. He was standing there when it (the driveway) was being poured; it was already done; he assumed it was permitted.

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Brad Louth, 18 Duston Avenue appeared. He has been courteous. Parking travel trailers was discussed. He asked for it to be moved into the driveway. Her deck extends 4' wider than his house. The right-of-way is poorly written. Fire truck access was discussed. Putting up the split AC unit is absurd. He spoke with the Building Inspector; he noted she did in fact need a permit.

He wants her to regrade and put down the minimum of crushed stone to maintain the right-of-way. She is trying to extinguish the right-of-way. Ms. Carnaby noted dealing with the back area is a separate issue.

### BOARD

Mr. McNamara said the front doors to the neighbors to the south or west (to her left) aren't actually the front doors. She said they are in the front of the unit. The doors in the rear are kind of the front doors. Their street address is Duston Avenue per Ms. Botticelli.

Ms. Botticelli said she wants to come with her counsel if things discussed are public record.

Mr. Emerick noted this is not a court of law and asked if she wanted to continue with the Driveway Permit Appeal.

Mr. Bachand asked if she (Ms. Botticelli) received his Memorandum. He noted this is an after-the-fact application. She applied for the Driveway Permit, after-the-fact. It was denied because of the width. He said this Board decides whether to allow the 46' foot driveway to remain or have it go to 24' in accordance with the Regulations. Mr. Bachand thinks it should be 24'. He noted it is inconsistent with nearby properties. He went out there. The size does not conform. It results in a reduction in available and already limited on-street parking. It also does not conform with Driveway Regulations Section III.B.3. Mr. Bachand is unable to recommend. His recommendation is to deny the Driveway Permit Appeal for the reasons he stated. The driveway width should be reduced to no greater than 24 feet, then the remaining area restored with pervious material consistent with the definition of Pervious Surface found in Section 1.6 of the Zoning Ordinance.

Ms. Mullen asked about the issue with permeability of the entire lot. If she is bringing it to 24'; we don't need to deal with the back. Bringing it (the driveway) into compliance.

Mr. Emerick said they can add permeable surface. We are voting to bring the driveway into compliance with the Regulations. Anyone can park on anyone's grass - as long as the driveway is 24' then nothing is violated.

The size of the driveway is what is being discussed.

Ms. Mullen said others could do the same if this were granted, and then there would be far greater problems. She also noted people can park on the lawn.

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**MOTION** by Mr. Emerick to deny the Driveway Permit Appeal and incorporate the Town Planner's recommendations in his Memorandum of September 6<sup>th</sup>. This includes reducing it to 24', making it conform to Code.

Ms. Botticelli has seen the Memorandum.

**SECOND** by Ms. Mullen.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**23-032 180 Kings Highway**

Map: 168 Lot: 28

Applicant: Cheswick Realty LLC

Owner of Record: Same

Condominium Conversion: Convert recently-constructed duplex to condominium form of ownership.

Waiver Request: Section V.E. Detailed Plans.

Attorney Robert Casassa appeared with Scott Truncellito on behalf of Cheswick Realty. They are looking for two forms of relief. The waiver of the detailed plan and approval of the condominium conversion. They want to put the property into condominium form of ownership. He read the Memorandum and they are prepared to address the plan showing sewer, and parking on site. Each unit has a garage. There is a dedicated parking space for each unit. The structure did not need variances or any relief. There is public water and sewer to the property. It is a crushed stone driveway--25' width with a 27' flair was discussed. The crushed stone is the width of the garage. The driveway carries to the west to envelop each side of the structure. Functionality and aesthetics were discussed.

The DPW worked with the applicant regarding the crushed stone.

Mr. Bachand said the issue with stone and loam has been addressed. He received information from the DPW. The width issue remains and is at the pleasure of this Board. Attorney Casassa said the other changes are fine with them. Condominium documents are ready to be approved.

Trash will be stored in the garage; there should be enough room for snow storage. If they need to truck it off, they will.

Ms. Carnaby asked about the crushed stone issue. Is it the same as a walkway was asked. Mr. Bachand said the subject area is at the curb cut. Mr. Bachand asked if it would be loam or grass. Whatever is satisfactory to the DPW. Mr. Casassa asked about the flair. Mr. Bachand said it is 24' in the regulations. It is an entry point from King's Highway. Hopefully it looks like it was done by design per Attorney Casassa.

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Ms. Mullen asked about the finished surface on either side of the driveway. If crushed stone is pulled out, will it affect sealed surface. Sixty percent or less, but it depends on how it comes down on the issue tonight. How much crushed stone will be there was asked. Ms. Mullen asked what happens if the curb cut was 24' which leaves 13 feet on either side of the existing 50' that would not be a curb cut. What is the finished surface was asked - on either side of the driveway. Would it work if it were lawn or plantings to blend into a semi triangular piece was asked. It would funnel cars into their places.

Attorney Casassa said the curb cut is 25'. On each side of the 25' wide driveway was anticipated 5' on each side to run walkways back to the side doors. Then there is the lawn on each side. That is how it looks now because crushed stone is there right now.

Ms. Mullen asked about trash. It will be stored inside the garage. The garages are two, one-car garages. Each unit is responsible for its own trash.

#### PUBLIC

John Zahoruiko, 178 Kings Highway appeared. He asked about the condominium conversion. He opposes it. He was in front of the Board in January. He was here for 176 King's Highway. He discussed overwhelming construction projects in the neighborhood. Gray Construction did a good job and were courteous. He is opposing this because 180 King's Highway setbacks to abutting properties – height is to the maximum. Setbacks are exceeded. Cheswick Realty will soon include outdoor showers. These projects are growing larger and larger. The amount of foundation – raised by 2 or 3 feet was discussed. Extreme fill is being utilized. All the water runs to the abutting properties. Mr. Zahoruiko discussed lighting from large structures. Grid like pattern of windows were discussed. Ceiling lights pour out of the structure. There are no blinds or window treatments.

Gray Construction did dark sky lighting. It does not interfere with the outside enjoyment of neighbors. He is not sure about lawn; snow removal. They have water problems from the marsh. He is opposed.

#### BOARD

Mr. McNamara empathized with the concerns. Variances are granted at a different Board; it is the ZBA. This Board does not grant variances. They can come to the site plan review meetings. This is simply a change of ownership. This does not change lighting. This Board is just seeing if the applicant can change this from one person owning the property to two forms of ownership. It was noted he should attend ZBA meetings in the future.

Attorney Casassa said no variances were sought on this project. Mr. Bachand concurred. Mr. Zahoruiko asked about the deck and stairways –to be allowed in the setback area. Mr. Bachand

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said they look like they are inside of the setbacks - they are within the buildable area. The height complies. A two-family duplex does not require the Planning Board's approval. Mr. Bachand said this is only for a change in the form of ownership; condominium conversion.

Mr. Bachand discussed his memo. The recommended conditions of approval are mostly standard. The driveway concern is that the curb cut should be 25'; it should be that width at the property line. He recommends approval with conditions stated in his Memorandum dated September 6, 2023, and the Board needs to vote on the waiver.

**MOVED** by Mr. Emerick on the waiver.

**SECOND** by Mr. McNamara.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Emerick to approve the Condominium Conversion with the stipulations in the Planner's Memorandum dated September 6, 2023.

**SECOND** by Ms. Mullen.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**23-033 901 Ocean Boulevard**

Map: 168 Lot: 53

Applicant: Todd & Jessica Doucette

Owner of Record: Doucette Family Rev. Trust

Driveway Permit Appeal: Permit denied due to driveway width - 36' is proposed.

Todd Doucette appeared. His driveway now is 24' wide and he wants it extended an additional 12' into the finished gravel area that lies next to the 24' section. His wife and he tried to keep their section of 18<sup>th</sup> Street looking as nice as possible. It is 12' x 6' crushed gravel. They have been there almost 2 years; the gravel is eroding away. Storms or heavy rains cause water to run down 18<sup>th</sup> Street like a river and it is pulled out. The snow packs into the gravel and the plow or when he shovels it--frost gets shot in the street. They want to finish the curbing/apron that is part of the driveway. They want asphalt. It is not on his property; it is Town property.

**BOARD**

Mr. Galanis discussed the current paved area; the apron. Ms. Mullen asked what a curb cut is if there is no curb or sidewalk to cut. It is the area at the property line. Often, it is at the property line. Mr. Bachand noted some of the pavers are in the right-of-way also.

Mr. Doucette said they hired architects, etc. They used Gray Construction. Pervious pavers were submitted to the Town as part of the building application. There was an error made - they used the telephone poles, so that is what the owners went by. He was concerned to see the note

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called out on this. They did everything they should do to comply with everything. Mr. Bachand concurred. The telephone poles were used as the boundary inadvertently.

It was noted that the DPW would go to the Board of Selectmen and seek the blessing on the pavers. The DPW would do this on the Doucette's behalf. The Board of Selectmen can make that okay to remain for the applicant. The extra 12' should be grass. Mr. Doucette said grass wouldn't make sense. He is okay with paving on the Town property. Having asphalt rather than crushed stone makes a lot of sense to him. Mr. Emerick said the asphalt could flair. If we grant this, shame on us; we just said 24' is the dimension. The first application is almost identical to this; but there are differences. The theory of 24' versus however many is the same. Mr. Emerick said our Ordinance says 24'. You're always going to have some gravel or something in that gap. He is with Mr. Doucette that it makes sense. If the Ordinance says 24', we have to enforce it in all cases.

This is on Town property.

**PUBLIC  
BOARD**

Mr. Bachand discussed his Memorandum. There are two items. The first one is a curb cut issue. There is an extra 12' there. He is unable to recommend that. The area can be removed and seeded. On the paver issue, he noted it was not the applicant's fault. He asked Mr. Doucette to communicate with the DPW on that. That can go before the Selectmen. Mr. Bachand believes the DPW will go to the Selectmen on the applicant's behalf.

Mr. Emerick asked about flaring out.

Ms. Mullen asked about the water problem. She wondered how the homeowners could defend their property. Mr. Bachand believes the question for the Board is do they want to extend this (curb cut another 12'). Ms. Mullen said his next step would be to go to the DPW. The applicant noted he will probably keep crushed stone. Mr. Bachand suggested that Mr. Doucette communicate with DPW on this.

**MOTION** by Mr. McNamara to deny the Driveway Permit Appeal and to seek remedy with the DPW on the paver matter, along with the Town Planner's Memorandum dated September 6, 2023.

**SECOND** by Mr. Emerick.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

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**23-034 43 Nudd Avenue (Continued to November 1, 2023 - see above)**

Map: 274 Lot: 155

Applicant: John & Laurie McAnespie

Owner of Record: 43 Nudd Avenue Realty Trust (McAnespie, Trustees)

Wetlands Permit: Demolition of existing structure and construct new residential structure to include pervious paver driveway, pervious paver patio and associated utility connections.

Project proposes 975 sq. ft of permanent impact and 650 sq. ft of temporary construction impact to the 50' Town of Hampton Wetland Buffer.

**IV. CONTINUED PUBLIC HEARINGS**

**22-039 7 & 9 Gill Street (Withdrawn – see above)**

Map: 223 Lot: 35

Applicant: Denis O’Neil (9) & Gill Street Rev Trust (7)

Owner of Record: O’Neil Family Revocable Trust (Denis and Maureen O’Neil, Trustees) and Gill Street Revocable Trust (J. Perras & S. Gorman, Trustees)

Wetlands Permit: Owners of both properties looking to fill in a small, low-lying isolated wetland portion of their yard that periodically floods/ponds & ices over in winter months (reaching egress points which are vital to be open in case of emergency).

**23-024 514 High Street (Continued to November 1, 2023 - see above)**

Map: 150 Lot: 57

Applicant: Christopher Griffin

Owner of Record: Same

Wetlands Permit: Construct a breezeway, deck and garage addition to the existing structure within the Town of Hampton WCD, NHDES upland tidal buffers and NHDES shoreland buffers.

**V. CONSIDERATION OF MINUTES of August 16, 2023.**

**MOVED** by Mr. Emerick.

**SECOND** by Ms. Mullen.

**VOTE: 4 – 0 – 2 (McNamara and Chase)**

**MOTION PASSED.**

**VI. CORRESPONDENCE**



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**VII. OTHER BUSINESS**

**Planning Board Public Information Sessions – September 20, 2023 @ 7:00 PM**

- Hampton’s Housing Conversation
- Floodplain Management Ordinance Update

Mr. Bachand discussed two upcoming Public Information Sessions. The first is Hampton Housing Conversations (HOP grant work); Jennifer Rowden (RPC) will do the presentation. The second one is on the updates to the Floodplain Management Ordinance - the Flood Smart program.

Materials on the HOP grant item are posted to the Town website; the Floodplain Management Ordinance materials will be posted by the end of this week. We will also send to all of the Planning Board members. It is being advertised on Channel 22. We want the public to come out to hear about what we are working on.

Ms. Mullen asked about the cell tower. Does the current zoning ordinance for the telecommunications area make sense for our needs - should we address. Is it sufficient for the infrastructure was asked. Is this something we should be looking at. Mr. Bachand said an area was designated in Town for this. We have what we have in place. There is the possibility of doing this on the Town-owned or controlled land as well; it could be in other areas. It is before the ZBA now. Mr. Emerick said we had an application a few years back. Ms. Carnaby noted the RA zone and a tower.

**VIII. ADJOURNMENT**

**MOTION** by Mr. Emerick to adjourn.

**SECOND** by Ms. Mullen.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**MEETING ADJOURNED: 8:22 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**