

HAMPTON PLANNING BOARD

MINUTES

September 16, 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

ABSENT:

I. CALL TO ORDER

*Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, in order to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this body is authorized to meet electronically. Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, Chairman Emerick is confirming that the Planning Board are: Utilizing a teleconference service for this electronic Meeting. The Public may join the teleconference by calling **1-857-444-0744** and using the code **156034**. If anyone has a problem, please call **603-929-5805**.*

Mr. Emerick commenced the meeting by introducing the Planning Board members.

Mr. Emerick read the Governor's State of Emergency criteria regarding the meeting being held telephonically.

The Pledge of Allegiance was said. Attendance was taken, and it was stated who was in the room. Planning Board member, Ann Carnaby, and Office Manager, Laurie Olivier. were home; no one was present with them. All other Board members and Town Planner, Jason Bachand were present in the Selectmen's Meeting Room. It was noted that all votes will be taken by roll call. Tom McGuirk was present in the meeting room. Brian Warburton and Tony Ciolfi telephoned in. The consultants were also on the line.

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II. ATTENDING TO BE HEARD

Master Plan Steering Committee

1. Public Comment (relating to Master Plan)
2. Milone & MacBroom – Consultant for Vision and Coastal Management Content
 - a. Input Received So Far (Text Campaign, Municipal Questionnaire, Public Survey, Virtual Workshops) and Interim Key Takeaways Summary
 - b. Next Steps for Public Engagement: October Focus Groups and Virtual “Office Hours”
 - c. Next Steps for Project (Phase I)
 - d. Steering Committee Action Items
3. RFP Release/Response Deadline for Phase II Comprehensive Master Plan Update
4. Next Steps

Mr. Bachand asked if anyone for the public wants to speak.

Noah Slovin and Dave Murphy, Milone & MacBroom (M&M) and Nathalie Morison (NHDES) were ready to present. Mr. Slovin discussed review of input through public engagement efforts. Input on text campaign was given. There have been 14 responses to that. There have been 41 on the municipal questionnaire. The public survey is still online – 161 responses thus far; two virtual workshops with 17 attendees which does not include facilitators. They are extracting information and finding patterns and what people are saying. There are key take-away summaries. This is an interim summary. Platforms are still open. As more information comes in, they will update the summary.

An initial draft of the vision is attached. Key take-away summaries are available to review with results so far. It was emailed to everyone. It was provided Monday. The document also has an initial draft Vision. We focused on finding information that shapes the Vision. In the packets one can look at take-aways, 4th page is the draft Vision. It's their first go at this.

Mr. Bachand asked that the Board and Committee take a look at this and let them know of any feedback they have within the next couple of weeks. Everyone can copy Noah and Jason.

Mr. Slovin wants to have the draft Vision ready by the end of the month.

Mr. Lessard is not sure if he's crazy about the other observations. Concerns about substance abuse (in beach area). Illegal drug use/abuse. He does not want to focus on that. Demographics was discussed. It is misleading to the public. He was a bit offended. Unsavory visitors attracted to low-class retail was mentioned. He said it is a judgment call. He does not want that as part of our future vision. He is not sure why this is being brought up.

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Mr. Slovin will look more closely at this and check the feedback. He will double check. The key take-aways are not a part of the Vision. It won't be a key point in the Vision. He understands Mr. Lessard's concerns. Mr. Bachand agrees it should not be in there, but he also realizes it's just citing the feedback we received.

Mr. Loiseau asked if he could get the answers to the open survey. Mr. Slovin said it is possible. **He will send it right away. He will send a pdf.** Mr. Loiseau said he liked that with the first survey.

Mr. McGuirk was in the Selectmen's Meeting Room and came forward to the table.

Mr. Ciolfi said he agrees with Mr. Lessard it is not (Vision) a place to document the comments or opinions of people. Taxes being too high; cost of living too high. It is just an opinion. He noted we should be careful with opinions. We need to plan for the future.

Mr. Olson feels if we are going to ask to collect data, we don't want information to be filtered, but he understands what Mr. Lessard is saying. It may not be what we want to hear, but we still want to see it.

Mr. McGuirk shares Mr. Lessard concerns, but it could be perception rather than reality. If this is what people think of Hampton Beach, that's a valid perception. The reality is not as it's perceived. We are seeing things change for the better at the beach.

Choice of words – we need to be careful from that aspect per Mr. Waddell.

Ms. Carnaby said we need to keep separate statements about what is currently existing in Town and on the Beach and what our Vision is for the next 10-20 years. The here and now is not content for our Vision.

Mr. Warburton likes Mr. Olson's comments. He agrees with Mr. McGuirk and Mr. Ciolfi also. He is leery about filtering anything. The Town is transparent. He thinks Mr. McGuirk is right on. Summary of comments is important noting outlying statements. He is not in favor of filtering.

Mr. Lessard said he is not promoting filtering. He finds the language offensive. Targeting the beach with drugs, etc. is what he finds offensive.

Mr. Slovin said there are two parts. The first is a summary from the public input. That is not the Vision and would not appear in the Vision portion. Page 4 of the document shows the Vision draft. There is no negative language on Pages 4 and 5.

Mr. Bachand said we are looking for the Steering Committee to look at Pages 4 and 5 when providing their input and comments.

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Mr. Slovin said most of the feedback is very positive; he wanted to make that clear.

Public engagement – next steps. We still have the text campaign and public survey open. It will be open into and/or through October. The next planned step is for focus groups, internally. A proposed change would be for Milone and MacBroom to have hours over the course of a day (8 hours); time slots open (1/2 hour) to a variety of groups or individuals to gather thoughts and have one-on-one discussions. They could reach a wider group than focus groups. Nathalie Morison has a couple of focus groups that they are interested in doing. Through M&M, it would be a day-long office type event. He asked for input.

Ms. Carnaby asked about what kind of input they would be looking for. Input on both aspects of Vision and Coastal Management content. The benefit is there is a lot of overlap. Having multiple groups to participate, they can talk about what they are interested in. Other groups will have a chance to get their thoughts in.

Mr. Emerick said it will be hard to get the word out. Setting up a time, he feels, it's harder to get the word out. He doesn't think we can drive enough traffic (for 8 hours) to get people to get involved with M&M. We could have a meeting here and set it up with those groups. We need to find out which groups want a meeting.

Ms. Carnaby agrees, others also agreed, and Mr. Waddell further expressed his agreement.

Mr. Ciolfi asked if groups have not been met yet. Finding groups within Hampton was discussed. Mr. Emerick said we have a list and we targeted them with emails also. There has been some feedback. Mr. Bachand said this was done prior to our workshops.

Mr. Bachand said trying to get people to attend workshops was one way. Mr. Slovin said we are emailing and messaging them and through Facebook (people in focus groups). Mr. Slovin said the idea for office hours would be to contact them directly and ask if their group wants to have a specific time to talk about specific interests. Mr. Emerick discussed certain dates and times good for the groups.

There is a list of groups.

Mr. Slovin said there are possibilities being tossed around with Mr. Bachand, Ms. Morison, and Mr. Murphy. Mr. Emerick said this is not based on specific data time.

Mr. Bachand liked the idea of office hours. Hypothetically, he said "Group A" – if they are interested, they would have a designated time; "Group B" would have a designated time; and so forth. It would all be pre-scheduled.

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Ms. Carnaby discussed groups exchanging with each other. Ms. Carnaby asked about the number of responses. She asked if Mr. Slovin has any kind of notion of volume of responses that would make a topic significant for this Town.

Mr. Slovin asked Dave Murphy for input. Regarding 161 responses – public survey; it's a pretty good number. Input from the initial survey is not included in this.

Mr. Murphy said there is not a certain number that is significant. Whoever is selected for preparing the future Master Plan will do additional public engagement. So, this is focused on the Vision and Coastal Management Chapters. There will be other opportunities to collect more data from future surveys.

Mr. Murphy took credit/blame for the office hours. He has done this in the past. It creates a sense of urgency. People get times and it creates excitement. He understands it works in some communities.

Mr. Loiseau thought the workshops worked well and the presentation and format was good. A majority of Hampton is not a part of a group. We need to get the word out to the public. **Put things out on media; need to get the word out. Put this where more people are engaged in.**

Mr. Lessard thinks the workshops worked well, but we usually get the usual suspects. He sees few we can count on that we do not see serving the public interest already. We hear complaints but we don't hear input.

Mr. Bachand talked about engaging people. We want people to know this is their Master Plan. Please participate!

Mr. Loiseau said how about if we don't classify this as a Coastal Hazard Workshop. You voted for this, you are paying for this, we need your input to get this document done.

Ms. Morison said that is how the workshops go. Engaging the public. Any ideas we have, email them to Ms. Morison. We didn't reach as many as we hoped. COVID does not help was noted. The workshops did not reach as large of an audience as they hoped.

Mr. Slovin discussed the next steps - We are on schedule. Vision development has been started. The Coastal Management context will be starting soon as well (Coastal Adaptation Strategies). Public input will shape this also. Reviewing previous studies. Public presentation/engagement will be in January or February and presentation at the end of the project in March.

Mr. Bachand discussed getting the word out and getting thoughts on draft Vision. He will continue to work with Ms. Morison, Mr. Slovin, and Mr. Murphy.

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Mr. Bachand gave an update on the RFP for Phase II. It is posted on the Town website, has been forwarded to several firms, and posted with professional planning organizations (in Massachusetts and New Hampshire). The due date for responses is October 8th. Evaluations will start after the deadline. We'll discuss more next month.

The ability to executing a contract was asked by Mr. McMahon (re: Warrant Article and COVID). It's cleared; we can fund it now.

Mr. Bachand discussed suggested improvements in Marelli Square (email provided by Mr. Gupton). He wanted to acknowledge that feedback, and we will see what comes of that. **Mr. Bachand will be in touch with him.** Yard signs have been put out by Ms. Dionne and Ms. Olivier. Mr. Bachand moved some around to improve responses. It was noted that some signs disappeared.

Ms. Kravitz wanted to speak. It was noted that Mr. Bachand will follow up with her.

Change of Use: 65 Lafayette Road - restaurant (vacant - buildings previously removed) to temporary light assembly and solar collector testing

Jim Kesseli was on the phone. He is the owner of property 75 Lafayette Road – Brayton Energy. He discussed slides in the packet. Mr. Emerick asked if this is the same project the Board recently heard (Preliminary Conceptual Consultation). Mr. Kesseli has a few updates. We do not need to hear the whole thing was noted.

They got a NEPA permit – it was a requirement to do testing work. So long as they don't disturb the environment, they are ok. They conform will all federal permits. He discussed renderings relating to concerns. It will look like a good facility, attractive. He assured the Board it will look like a first-class facility.

Mr. Bachand provided suggested conditions and Mr. Kesseli is in agreement with those. They will come before the Board to tell them of future changes, if any. They may ask for more time.

He has invested quite a lot and he would appreciate a vote to go with the plan.

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Mr. Lessard discussed this being temporary. He discussed hurricane force winds. How will things be attached. Mr. Kesseli said they will be on a steel pad with sand bags on a steel platform. They are working with engineers – It withstands 122 mph winds – design conditions.

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Mr. Olson discussed storage containers; doubled up; high configuration. Mr. Kesseli said they went to double stacking. They are bolted together. They needed to get up over the 8'. It takes up less footprint going higher.

Mr. Kesseli said they are cutting back on the roofing area. He discussed Jim Marchese (Building Inspector) requests and requirements. Loader 30,000 lb over the foundation did not crack it. He thinks it is structurally sound.

Height of storage containers with roof is 22' at apex.

Mr. Bachand said January 31st is his suggested expiration for the temporary use. Mr. Olson said we see temporary parking lots go on for years and years and years. All material removed within 30 days of project completion, or something like that could occur per Mr. Bachand. Mr. Olson said it's hard – if they are in the middle of a project.

As of January 31st it reverts to its current ugly state (natural) was stated. Mr. Marchese understands the project and is accepting of it per Mr. Kesseli. Mr. Lessard wants to give it 60 days. Mr. Kesseli would appreciate that. If they got 30 days to vacate the property, that would be reasonable.

Mr. Bachand read his suggested (revised) recommendation for the record, as follows:

Approval of the temporary Change of Use with the following conditions:

1. This temporary approval shall expire on February 28, 2021. If the applicant wishes to continue the temporary use beyond that date, a new application shall be filed for the Planning Board's consideration. All items for this use shall be removed from the site unless the applicant returns to the Board for further approval.
2. A lot merger shall be completed and recorded at the Registry of Deeds.
3. An informational sign shall be provided on site explaining the project.
4. The applicant shall maintain a neat and orderly site, including reasonable measures to minimize the visual impact of the use.
5. The Planning Office shall be notified if any State and/or Federal approvals become required, and the applicant shall be responsible for obtaining any such approvals.

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MOVED by Mr. Lessard (to approve the temporary Change of Use with Mr. Bachand's conditions).

SECOND by Mr. McMahon.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

III. CONTINUED PUBLIC HEARINGS

IV. NEW PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of September 2, 2020.

MOVED by Mr. McMahon to approve and accept the Minutes.

SECOND by Mr. Lessard.

ROLL CALL VOTE: 6 – 0 – 1 (Waddell)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **Discussion of Ideas for 2021 Zoning Articles**

Mr. Bachand discussed three suggested zoning articles, first-round drafts. Mr. Marchese received these also; we do not have comments from him yet. Ms. Dionne looked at the first one that we will discuss this evening (sealed surface).

Sealed surface is the first one. (available at the Planning Office). Tracking of coverage requirement is necessary. No certified plot plans are required at this time. We are estimating sealed surface many times with our GIS program; it is not the same level of accuracy as a survey. Some applications have gone to the ZBA – we properly review these matters and some things are still found later. We would like to avoid this. We need to protect our Aquifer also.

There are many pre-existing lots of record in the Aquifer Protection District (RA and RB zones). Many of these are already over the 25 percent maximum, in some cases with just the existing house. He thinks we should provide some discretionary flexibility for these pre-existing lots of record, while requiring additional protective measures/mitigation for the Aquifer.

Mr. Lessard asked about impervious surface, the Article should say we are collecting roof water more than driveway water. Mr. Olson thinks there are equal contaminants. Pavement water should be collected also. Mr. Emerick asked how much run-off is being collected; who decides what is adequate. Some number should be specific that makes sense. Mr. Olson asked how many lots are we discussing.

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The Aquifer and high water table was asked about in terms of artificial recharge actually working. **Mr. Bachand would have to check that out.**

Mr. Bachand asked for the Board to send him an email with any other ideas. He will be working further on this one.

Mr. Loiseau asked if there was just one issue (sealed surface overage), and Mr. Bachand said it has come up at least a couple of other times.

For smaller improvements, would this (plot plan) requirement be burdensome for many people was asked.

The certified plot plan was discussed. We can estimate with our GIS, but it is just an estimate. He came up with under 25 when reviewing a recent project (Mr. Bachand). Mr. Bachand noted it came up as somewhere around 30 percent after the project was approved. If we had a plot plan, this wouldn't have happened. We could see the existing and proposed sealed surface. Our ADU Ordinance only requires a sketch drawn to scale.

On the ADU amendment - it would only be applied for expanding an existing building. Increasing the sealed surface needs to be noted and addressed. If a deck was put on, would you need an engineer was asked. Mr. Bachand said that is the challenging part.

Not everyone should have to get an engineer. Mr. Bachand said he can look into this. Maybe he can find a way to have more flexibility. Mr. Loiseau discussed good ADU and building for themselves. Doing a survey for those people is tough.

Mr. Bachand discussed the ADU impact fee. If someone already has a non-conforming two family and makes it a single-family with an ADU, they should not need to provide an impact fee. Someone recently had to get a variance because it required an impact fee for an ADU.

Mr. Bachand discussed tightening the definition of accessory buildings. In a single-family zone, you can only have one accessory building. Definition – “which includes a permanent roof” was discussed. A pool is interpreted as an accessory building the way it is written today. If someone has a shed, they cannot have that pool, or a gazebo (can't have two). Mr. Bachand is proposing the second accessory building only be for outdoor recreational purposes. That way, you don't have multiple storage sheds scattered on a lot. Should “non-habitable” be added was asked. It's already there.

Mr. Bachand discussed a POR District amendment is being worked on. Impact Fee Ordinance, Town Center District, signs on wheels are some others under consideration. The Conservation Commission is working on an amendment as well.

Mr. Bachand wants the Board to send any other ideas to him.

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VIII. ADJOURNMENT

MOTION by Mr. Olson to adjourn.

SECOND by Mr. Waddell.

ROLL CALL VOTE: 7 – 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