

HAMPTON PLANNING BOARD

MINUTES

October 5, 2022 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Alex Loiseau, Acting Clerk
Keith Lessard
Brendan McNamara
Mark Olson, Alternate
Amy Hansen, Selectman Rep.
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: Sharon Mullen, Clerk

I. CALL TO ORDER

Mr. Emerick commenced the meeting by leading the Pledge of Allegiance and introducing the Planning Board members.

II. ATTENDING TO BE HEARD

- **819 Lafayette Rd, Suite 2C**
Change of Use: Gym/Fitness establishment to organic & eco-friendly salon & retail shoppe

Jaqueline Walker appeared. She has been in her business for 9 ½ years. The new location has better access and parking, and it has handicapped accessible restrooms. Hampton is a business-friendly town. EcoChic Lifestyle Wellness Salon is the name.

She found healthier products that are non-toxic. She caters to cancer survivors, doctors; people travel from all over. She also has a retail store. She uses and sells non-toxic material and plastic-free products. She does hair also. Hours are Tuesday through Friday. She sells on-line products also.

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Ms. Carnaby asked if she is in her new space. Not yet. She should be open by October 27th. Clients are scheduled for November 3rd. It needed a new floor and paint.

MOTION by Mr. Lessard to approve the Change of Use.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

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Note: The Board agreed to hear 88 Glade Path before the Preliminary Conceptual Consultation.

(Continued Public Hearing)

22-016 88 Glade Path *(continued from May 4, 2022, July 6, 2022 & August 3, 2022)*

Map: 272 Lot: 1

Applicant: Nicholas Kafejelis

Owner of Record: Same & Lisa Kazakis

Wetlands Permit: Construction of 16' x 8' deck (4' off the ground - *Note: 6' per Conservation Commission*) utilizing permeable decking.

Mr. Kafejelis appeared. Permeable decking is not needed. It is an 18' x 8' deck. That is the last revision. It will be 6' off the ground according to the Conservation Commission's recommendation letter. It will be on the south side of the house. It will make the house larger; it will be better for his Mom. She won't have to deal with stairs. It is a simple structure. Everything will be up to Code. Mr. Bachand said adjustments were made to go from 4' to 6' high. He noted the height and the 18' x 8' size evolved over time with the Conservation Commission meetings. Mr. Emerick said it is very straightforward. The fence is on the inside of the property lines per Mr. Kafejelis. They got a variance. It's 6' high so the decking does not need to be permeable.

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Mr. Lessard noted the deck will have planks with spacing.

MOTION by Mr. Lessard to approve the Wetlands Permit along with the conditions contained in the letter from the Conservation Commission letter dated May 25, 2022.

SECOND by Mr. Loiseau.

VOTE: 7 - 0 - 0

MOTION PASSED.

- **Preliminary Conceptual Consultation – 1 Liberty Lane East/Liberty Lane.** Multiple use development – (104 acres). Proposed: Residential units to include rental apartment units and single-family townhomes. Also, commercial flex space; office buildings; clubhouse and retail/restaurant building along with other amenities.

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Attorney John Bosen appeared. Eben Tormey, representative for the project and Patrick Crimmins from Tighe and Bond are present. It does not need much zoning relief. There is now a plan that meets the goals of the Town. More housing is being offered. It is 104 acres; 400 apartment units and 34 single family townhomes; There would be 205,000 s.f. of commercial flex space. The 3,600 s.f building will be a clubhouse and amenity building. They will retain the office building; there would be a restaurant building, dog park and walking trails.

Attorney Bosen is proposing an overlay district for the uses. Mr. Crimmins (Tighe and Bond) discussed the project. It is a mixed-use development. The South end has multi-unit buildings. The clubhouse would serve the community. Single-family townhouses are proposed.

They were first looking at proposing a large distribution center. They feel that housing is more appropriate for the site. They want to create public amenities. A 6,000-7,000 retail space/restaurant is proposed. A dog park is also proposed.

Mr. Crimmins wants to incorporate a multi-use path; pedestrian friendly that will be open to the public.

This project tones down the wetland impacts. Wetland impacts are mostly with driveways. Buffer impacts will be associated with the project. They will go through the Conservation Commission. One Townhouse is near the wetlands dwelling structure setback. Buildings will be outside the 12' setback.

Traffic will be dealt with by having an analysis done. Utilities will be checked so that the site can be supported. They spoke with Unitil and Aquarion. They can accommodate the project.

Sewer capacity was discussed. They will work closely with Jennifer Hale (DPW). Three pump stations service the area. They may need to upgrade the pump stations.

Landscaping was discussed. They are seeking input on the concept. And they want to pursue a zoning amendment for an overlay district.

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Mr. Lessard asked about Eversource; they meant to say Unitil. Mr. Lessard asked about spots to be filled (wetlands). A plan was handed out by the applicant. Dark red is direct impact. About 8,000 s.f of wetland impact. They have a conceptual grading plan. Mr. Lessard said they can do walls. Mr. Lessard does not want those kinds of impacts.

Putting in retaining walls would be appreciated per Mr. Lessard.

Mr. Lessard asked about parking for the apartments, and that it does not have garages. No parking under buildings. Mr. Tormey said they did not look at that kind of parking. Mr. Lessard

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said the buildings are going to be about 35' high. Mr. Tormey wants units on grade. Mr. Lessard does not like the mass of that size of building. He thinks it is too large. The (apartment) buildings are about 250-300' long. They are angling the buildings and joggling them. Mr. Lessard does not want them as massive.

Mr. Lessard hates losing industrial space for residential. They (the units) he feels, will probably be condominiumized further down the road. He does not want to see massive apartment buildings. He discussed affordable housing. No one has come forward to utilize the industrial buildings was asked. Mr. Tormey said there is some interest in those buildings.

Ms. Carnaby asked about the dog park. It is in an odd place where all the residential is on the other side. People hiking a large distance to the dog park was discussed. She feels they should find another area.

Dwelling units total 434. Ms. Carnaby asked about the percentage of apartment buildings that can be whatever we decide is affordable housing. It is of great concern. The State is concerned about this. Workforce housing and affordable housing being one in the same. She wants some kind of delineation. She agrees the apartment buildings are huge and won't be attractive.

Ms. Carnaby said there is one way in and out. There is a connection to Towle Farm Road. They would contemplate continuing it that way.

Ms. Carnaby asked about public transportation to the entrance. Mr. Tormey said there is access, but they can look at public transportation access. All of the residents and businesses using one entrance – it may make the project qualify as a development of regional impact. The RPC would have abutter status.

Mr. Loiseau thinks the Towle Farm Road entrance – it wouldn't happen in practice. Traffic will feed out to Drakeside Road. He agrees with Mr. Lessard's comments. He noted the Master Plan seems to want housing on this side of Town.

Mr. Olson said it is an ambitious project. He asked what is the intent of the road system plan; does it maintain a private road network. Yes, per Mr. Tormey. Mr. Olson mentioned the road alignment up where it meets Liberty Lane - the truck activity and more impact was noted. He said the road alignment is questionable. He thinks they should work with what is there.

Mr. Olson said he thinks it would blend in without having 3 boxes on the side of the highway. Signage was discussed. The impact of the three buildings was asked about. Mr. Olson agreed on grading creatively – he agreed on what Mr. Lessard noted. They can work on the alignment of the road. Proper alignment with Drakeside Road was discussed.

Ms. Hansen likes the walking trails and paths. The dog park sounds great. Traffic is a concern. She likes the idea of another exit.

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Mr. Lessard asked about the lift station; there is a building that comes under I-95. Q&A. Mr. Lessard asked how close it would be to Towle Farm Road near the bridge. Mr. Tormey said it would or could be a challenge. Mr. Lessard asked how many bedrooms are proposed. One or two per Mr. Tormey. It may contain just a few studio units. Mr. Lessard asked why not all townhomes. Mr. Tormey discussed density and getting more homes in.

Ms. Hansen asked who the clubhouse would be available to. It would be for everybody in the complex, it was noted. Ms. Hansen asked about plowing. Plowing will be part of the HOA; it would be included in the rent. It will have a pool. This project may be phased per Mr. Tormey.

Mr. Lessard discussed headlights going into units as cars come around corners, etc.

Mr. Lessard discussed electric – are any solar sites being proposed (alternative energy). Mr. Tormey said they can check that out. Dumpsters will be accommodated.

Mr. McNamara asked about the clubhouse and pool. There will be 30 spaces and 434 units. He noted that is less than 10 percent for parking. He noted with the dog park – if the park is open to the public, they need additional parking for that as well. He noted the R&D building is adjacent to the dog park. Residents may park there and people leasing R&D may not be happy.

Mr. Emerick asked about parking underneath. It may facilitate less coverage; but if it is a zoning overlay district anyway, do a 45' maximum height instead of 35'.

Mr. Bachand discussed architecture and design – this needs to be high-level. Traffic and sewer were discussed. He asked about the overlay district which the applicant wishes to pursue. Does the Board wish to sponsor that Article was asked. He recommends the applicants come back to the Board in either 2 or 4 weeks and show us what they are thinking. We can give feedback and provide suggested revisions. It is an opportunity for the Board to decide what it would or wouldn't like to see here.

Mr. Lessard thinks it is a great idea, but asked would other zoning (overlays) be dismissed. Mr. Bachand doesn't believe so but has asked Attorney Bosen to look into this. It requires further research. Mr. Lessard asked about towers, i.e. cell towers.

Mr. Bachand noted that there would be an association and those documents might stipulate what could or could not be located here.

Mr. Lessard discussed multiple lots; multiple uses. The Wheelabrator building sets the tone for the location. Will this be one association or will there be subsets to the association. It was noted the R&D buildings could change. Mr. Tormey discussed quiet enjoyment.

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III. NEW PUBLIC HEARINGS

Amendments to Subdivision Regulations and Site Plan Review Regulations:

- Subdivision Regulations - Amend Section VI Special Requirements, inserting New Subsection C titled “Off-Site Improvements for New Development and Redevelopment”. The new subsection will provide specific requirements for applicants who obtain subdivision approval from the Planning Board to pay their fair share for the upgrading of certain public facilities to an extent necessary to protect the public interest, if the Planning Board determines this is necessary and is consistent with NH RSA 674:21 V(j). The new subsection also defines "off-site improvements" as those improvements necessitated by a development, but which are located outside the boundaries of the property that is the subject of a subdivision and/or site plan application.
- Site Plan Review Regulations - Amend Section VI Special Requirements, inserting New Subsection C titled “Off-Site Improvements for New Development and Redevelopment”. The new subsection will provide specific requirements for applicants who obtain site plan approval from the Planning Board to pay their fair share for the upgrading of certain public facilities to an extent necessary to protect the public interest, if the Planning Board determines this is necessary and is consistent with NH RSA 674:21 V(j). The new subsection also defines "off-site improvements" as those improvements necessitated by a development, but which are located outside the boundaries of the property that is the subject of a subdivision and/or site plan application.

Mr. Bachand discussed the Subdivision and Site Plan Regulation amendment. We talked about this several times, most recently on July 20th. He noted that Town Attorney review has occurred. She had no comments and said we can bring these forward to public hearing. Jenn Rowden (RPC) said she had two edits; the first was changing the title to exclude the word “exaction” and second was removing the 90 percent donation limit. Mr. Bachand went through the details of the amendment. Applicants must pay their fair share for upgrading public facilities; limited to roads, drainage, water and sewer infrastructure. Limitations to those off-site improvements necessitated by new development or redevelopment were discussed. DPW will review and provide feedback on the improvements and exaction fee. There are options for alternatives to the exaction fee - those are the applicant constructing the improvements or the mutually agreeable donation. An exaction fee must be returned within 6 years if it has not been appropriated for its dedicated purpose.

This entire amendment tracks the RSA. It is comprehensive. The Board can impose an exaction without this regulatory language, but there is transparency and predictability by having this in our regulations.

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Ms. Carnaby discussed #2 - improvements. #3, referring to any such exaction. Mr. Bachand said an exaction is a fee taken for the purpose of off-site improvements. The word exaction was taken out of the title as suggested by Ms. Rowden. The language has not changed. Ms. Carnaby is having trouble with the leap from 2 to 3.

Mr. Bachand noted that an exaction can only be taken for those things listed in the amendment and in the RSA.

Mr. Lessard asked to hold on to this for a week or so. They will continue the item to vote on at the next meeting.

MOTION by Mr. Emerick to revisit this in two weeks.

SECOND by Mr. Lessard.

VOTE: 6 - 0 - 1 (Olson)

MOTION PASSED.

This will be brought back for another hearing on October 19th without any changes.

IV. CONTINUED PUBLIC HEARINGS

22-016 88 Glade Path (*continued from May 4, 2022, July 6, 2022 & August 3, 2022*) - **HEARD BEFORE PRELIMINARY CONCEPTUAL CONSULTATION**

Map: 272 Lot: 1

Applicant: Nicholas Kafajelis

Owner of Record: Same & Lisa Kazakis

Wetlands Permit: Construction of 16' x 8' deck (4' off the ground - *Note: 6' per Conservation Commission*) utilizing permeable decking.

IV. CONSIDERATION OF MINUTES of September 21, 2022.

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

SECOND by Mr. Lessard.

VOTE: 4 - 0 - 3 (Carnaby, Olson & Hansen)

MOTION PASSED.

VI. CORRESPONDENCE

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VII. OTHER BUSINESS

- **Discussion - 2023 Proposed Zoning Articles**

Mr. Bachand discussed the proposed Aquifer Protection District Ordinance amendments. We have been working with the RPC on this since the Spring. July 20th was the public comment session; he wished more people from the public would have attended. The Conservation Commission offered comments, which the Board received. Ms. Olivier and Mr. Bachand met with Ms. Rowden again last week. She detailed her changes based on feedback received. Mr. Bachand went over each of the changes/edits and this is provided on the Planning Board video hamptonnh.gov.

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Mr. Lessard said 15,000 is the current minimum lot area in the RA Zone. Mr. Olson said wouldn't we capture more people if we have it at ½ acre.

Mr. Loiseau said leave it at ½.

Deicing chemicals was discussed.

The hydrogeologic study was discussed and samples went to the Board.

Mr. Bachand asked the Board for their thoughts. Does the Board want to move this forward to public hearing. Mr. Emerick wants to see what the public wants to say. He said this reminds him of the buffer zone. Mr. Bachand said that we need to adjust the district boundary as it currently does not mirror where the aquifer actually is.

The Board said to send this to public hearing.

Mr. Bachand discussed the proposed short-term rental ordinance. He went through the each of the changes since the last discussion.

The Board is good with the zoning overlay.

Limited staffing in the Building Department was discussed. They need resources to find violators, etc. An inspection fee could be implemented. The Building Department has to establish a fee structure.

Mr. Emerick said it's not a regulatory decision but a business decision. Mr. Bachand said maybe an additional fee for inspections can be added. It was noted how will it work by starting the fee instead of starting a process. Mr. Loiseau said it is hard getting people to comply.

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Mr. Emerick said to bring this to public hearing.

Mr. Bachand noted there is a NHDOT meeting on October 13th at North Hampton. It is an open house. It runs from 5 - 8 p.m. at the North Hampton school cafeteria. It will be to discuss the Rail Trail project.

Mr. Bachand noted that he will be away for a planning conference from October 17th to 19th. He is a presenter at the conference - the topic will be “Exploring Pathways to Incorporate Resilience into Master Planning”.

VIII. ADJOURNMENT

MOTION by Mr. Loiseau to adjourn.

SECOND by Mr. Lessard.

VOTE: 7- 0 - 0

MOTION PASSED.

MEETING ADJOURNED: 9:13 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