

HAMPTON PLANNING BOARD

MINUTES

October 7, 2020 – 7:00 p.m.

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

ABSENT: Keith Lessard

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 and leading The Pledge of Allegiance.

Mr. Emerick read the Governor's State of Emergency criteria regarding the meeting being held telephonically. Prior to the meeting, the Planning Office gave information to residents/applicants on how to access the meeting electronically.

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.

Mr. Emerick noted that 16 L Street has withdrawn.

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II. ATTENDING TO BE HEARD

- **Milone & MacBroom – Consultant for Phase I Master Plan Vision and Coastal Management Content: Progress Update and Next Steps**

Mr. Bachand noted Mr. Noah Slovin (Milone & MacBroom) is on the line. Mr. Brian Warburton (Steering Committee) is on the line as well. Mrs. Barbara Kravitz (Steering Committee) is on the phone also. Mr. Slovin gave an update on the project. Nearing the end of the initial public input phase was discussed. The text campaign is still open, but will be closing in a few weeks.

It was noted the initial draft of the Vision Chapter was prepared and distributed. It should go through some more changes. For the next Master Plan Steering Committee meeting on October 21st, we are looking for more input. At that point, they will shift to the Coastal Management portion of the Master Plan.

Mr. Slovin said they are planning to run focus groups over the coming month or two. A few different groups will be identified. It will be virtual. It is still being discussed. CHAT will be included, along with the Hampton Beach Area Commission and other businesses and groups.

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Mr. Bachand said comments are due by this Friday for the draft Vision Statement. Planning Board and Steering Committee members should send them to Mr. Slovin.

- **Change of Use – 438 Lafayette Road: Convenience Store to Retail (Locksmith)**

Mr. Nathan Letourneau called in. He wants to open a retail location for an established locksmith business (cutting keys, making locks, etc.).

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MOVED by Mr. McMahon to approve the Change of Use.

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 – 0

MOTION PASSED.

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III. NEW PUBLIC HEARINGS

20-047 Bonnie Lane

Map: 165 Lot: 1

Applicant: Aquarion Water Company of NH

Owner of Record: Same.

Site Plan and Conditional Use Permit: Construction of water treatment plant consisting of a 66 ft x 52 ft water treatment plant with underground utilities, concrete containment pad, storm water infiltration basins and repaving of the existing roadway.

Amanda Keyes (Tighe & Bond) and Carl McMorran (Aquarion) are on the line. Ms. Keyes discussed the project. It is for a new facility to treat Well 7. It has been in service since 1950. Water from both wells gets treated adjacent to #7. The system is outdated. The current one lacks arsenic removal. The new plant will take care of both wells. Optimize costs. She went over comments from the PRC meeting.

A copy of the deed was attached to the application. It has the benefit of a 10' wide right-of-way. Others may need to be listed as applicants on the application was initially noted at the PRC. It is not adjacent to Bonnie Lane, so the right-of-way won't be impacted by the project.

Chemicals considered hazardous in the Aquifer Protection District were discussed.

Ms. Keyes discussed the chemical containment system. All deliveries occur at the existing facility. Aquarion can contain a chemical spill. It is described on Sheet C-104. It is water tight. The pad is strong enough to drive onto. The catch basin can go to two different locations. Flows were discussed.

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Mr. McMahon asked if it is a Town roadway; no--it is owned by Aquarion (private).

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Mr. Bachand discussed the substances used to treat the water supply. He discussed the Aquifer Protection District Ordinance and State environmental amendments. Mr. Bachand also spoke with Attorney Gearreald; it does not require a variance.

Mr. Bachand discussed sealed surface, landscaping, marking of wetland buffers; all topics from the PRC. These are incorporated into the conditions of approval. Final approval of NHDES

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Mr. Bachand recommends the Board's approval be subject to the conditions contained in his Memorandum dated October 7th.

MOTION by Mr. McMahon to approve the Conditional Use Permit

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 – 0

MOTION PASSED.

MOTION by Mr. McMahon to approve the Site Plan along with the conditions in the Town Planner's October 7th Memorandum.

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 – 0

MOTION PASSED.

20-041 24 Battcock Avenue

Map: 281 Lot: 70

Applicant: Cheryl Stockford

Owner of Record: Cheryl & Michael Stockford

Wetlands Permit: Placement of 8 'x 8' shed on northwesterly corner of existing gravel driveway. Placement is 46' from the marsh/wetlands.

Ms. Cheryl Stockford called in. This application is for a summer cottage they purchased in 2019. They want to put a storage shed on the lot to store the lawn mower and outdoor equipment. They presented this to the Conservation Commission, which approved their request. The Conservation Commission gave its recommendations and modifications. The planting of indigenous plants was asked, along with installing markers. They agree to do both of those things.

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Mr. Bachand recommends approval along with the Conservation Commission's letter dated September 23, 2020.

MOVED by Mark Olson with Conservation Commission conditions in letter dated September 23, 2020.

SECOND by Mr. Waddell.

ROLL CALL VOTE: 6 – 0 – 0

MOTION PASSED.

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20-042 34 & 30 Gale Road

Maps: 34 & 34 Lots: 4-25 & 4-26

Applicant: Jeffrey Remick

Owner of Records: Jeffrey & Erica Remick (34) & Harold & Linda Sadlock, Trustees (30)

Lot Line Adjustment: Transfer 2,075 sq. feet from 30 Gale Road to 34 Gale Road

Waiver Request: Section V.E. Detailed Plan.

Mr. Jeffrey Remick was on the phone. They want to transfer square footage of lot area over to their property. They want to put in a pool and need to meet setbacks. Their current boundary line was much more easterly than they thought. They are working with the other owners.

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Mr. Bachand said this is a straightforward Lot Line Adjustment. He recommends approval subject to conditions in his Memorandum dated October 7, 2020. He also noted there is a waiver request.

MOTION by Mr. Waddell to approve the Waiver Request.

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 – 0

MOTION PASSED.

MOTION by Mr. Waddell to approve the Lot Line Adjustment (with the conditions contained in Mr. Bachand’s memo dated October 7, 2020).

SECOND by Mr. Loiseau.

ROLL CALL VOTE: 6 – 0 – 0

MOTION PASSED.

20-043 12 Nor’East Lane

Map: 99 Lot: 8

Applicant: Nor’East Lane Irrevocable Trust

Owner of Record: Same

Wetlands Permit: Repositioning of stones (bottom two steps) due to storm activity to prevent unsafe access to the beach. Stones to be pinned to prevent future storm displacement.

Mr. Corey Colwell is on the phone (TF Moran). Dan Hoefle, Trustee of the Trust, is also on the line. The application is for a Wetlands Permit for seawall repair. In 2013, a new seawall was constructed to repair the wall. The bottom two steps of the wall need replacing. He submitted photos. The applicant wants to reposition the steps.

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It was reviewed by the Conservation Commission at its September 22nd meeting. The letter from the Chair was received, granting with three stipulations. First one was for Board of Selectmen approval to work on Town property; they sent a letter to the Board of Selectmen; they heard back and are on the next agenda. Access would be through Plaice Cove.

They will notify the Conservation Commission in writing upon completion of the project. This expires 2 years from the date granted.

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Mr. Bachand recommends approval along with conditions contained in the Conservation Commission's letter dated September 23, 2020.

MOVED by Mr. McMahon.

SECOND by Mr. Loiseau.

ROLL CALL VOTE: 6 – 0 - 0

MOTION PASSED.

20-044 75 Mill Road

Map: 162 Lot: 13

Applicant: Mark & Kimberly Olson

Owner of Record: Kimberly Olson

Conditional Use Permit for ADU: Conversion of approximately 740 square foot (previous flower shop space) to ADU (attached to existing home)

Mark Olson recused himself from the Planning Board.

Mr. Olson discussed converting space in his house into an ADU. It was previously a flower shop. It is currently a lost space. Their kids are becoming adults; they have four living parents.

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Mr. Bachand provided a Memo on this application. There is plenty of parking on site. Mr. Bachand discussed some of his conditions. DPW noted there is a wastewater development charge. The trash and recycling carts issued to the property will also be used for the ADU. The suggested conditions are standard for ADU's. He recommends approval with the conditions contained in his October 7, 2020 memorandum.

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MOVED by Mr. McMahon.

SECOND by Mr. Waddell.

ROLL CALL VOTE: 5 – 0 – 0 (Olson recused)

MOTION PASSED.

20-045 30, 34 & 36 River Avenue

Map: 296 Lot: 157

Applicant: Nana Beach Realty LLC

Owner of Record: Same

Condominium Conversion: Convert three existing residential units (one single structure and one two-unit structure all on one lot) into condominium form of ownership. Waiver

Request: Section V.E Detailed Plans

Attorney Scully called in. Nana Beach Realty (applicant) is also on the line. They are proposing to take exact structures as they exist and turn them into condominium form of ownership. He noted the Memorandum provided by the Town Planner sums up everything. Nothing is changing. There are no changes to parking. It is just the form of ownership.

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Mr. Bachand discussed his conditions. Some items should be added to the plan. Snow storage should be shown. There are a couple of slight encroachments, but he included a suggested condition that the Planning Board's approval of this condominium conversion does not constitute its acceptance of these pre-existing encroachments.

There is a waiver request of the detailed plan; typical of condominium conversions. Maintenance and repair documents involving the sewer service may need to be reviewed by DPW and the Town Attorney. Mr. Bachand recommends approval subject to his Memorandum dated October 7, 2020.

MOTION by Mr. Waddell to approve the Waiver Request.

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 -0

MOTION PASSED.

MOTION by Mr. Waddell to approve the Condominium Conversion (with the conditions contained in Mr. Bachand's memo dated October 7, 2020).

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

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V. CONSIDERATION OF MINUTES of September 15, 2020

MOVED by Mr. McMahon to accept and approve the September 16, 2020 Minutes.

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **65 Lafayette Road – Request from applicant concerning Condition #2 of the September 16, 2020 temporary Change of Use approval**

Mr. Bachand discussed Condition #2 on the conditions of approval letter regarding the temporary Change of Use.

Jim Kesseli was on the line. Mr. Bachand said Mr. Kesseli is working with the current owner of the 65 Lafayette Road the parcel. There was a condition about merging the two lots. The purchase is not occurring until April of next year. Mr. Kesseli is leasing the lot right now. He is not putting improvements within required setbacks. That was the reason for the lot merger.

The condition was very general, stating a lot merger will be completed and recorded. We did not say when. Is the Board okay with him proceeding until he buys the property, and he can do the merger later was asked. Mr. Bachand needs to run it by the Board because it was discussed.

Mr. McMahon asked about the purchase dates. The Board has no concerns. Mr. Olson asked if we saw the equipment on the plans – “yes”. There are no concerns with the Board. All were in agreement, and Mr. Kesseli can proceed.

- **RSA 41:14-a Request (Map 178, Lot 52) - Purchase of land taken by Tax Deed in 1982 behind 58 Moulton Road**

Mr. Bachand said there is a piece of land behind 58 Moulton Road; about a tenth of one acre. The owner wants to purchase it from the Town. It requires the recommendation of this Board, the Conservation Commission, and then it goes through the Board of Selectmen hearing process.

MOVED by Mr. Loiseau to recommend this to the Board of Selectmen.

SECOND by Mr. McMahon.

ROLL CALL VOTE: 6 – 0 – 0

MOTION PASSED.

- **New FEMA Flood Maps (effective January 29, 2021)**

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Mr. Bachand said there was a delay on the new flood maps due to an appeal. They are now pending approval. They will become effective January 29, 2021. We are working on necessary amendments to the Site Plan and Subdivision Regulations. The Board of Selectmen can approve the necessary Zoning Amendment per RSA 674:57. The Selectmen will also need to adopt the maps. Mr. Bachand is attending a series of webinars to stay up-to-date on what we need to do. They have been uploaded to the Town website under “Planning”. This will be noted on the front page of the Town website as well.

Mr. McMahon asked about FEMA flood insurance requirements; this will affect flood insurance per Mr. Bachand. Some properties that were not previously in a flood hazard area may be in one with the new maps.

VIII. ADJOURNMENT

MOTION by Mr. McMahon to adjourn.

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 7:47 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