

HAMPTON PLANNING BOARD

MINUTES

November 2, 2022 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Sharon Mullen, Clerk
Keith Lessard
Alex Loiseau
Brendan McNamara
Richard Sawyer, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT:

I. CALL TO ORDER

Mr. Emerick commenced the meeting by leading the Pledge of Allegiance and introducing the Planning Board members. Mr. Emerick mentioned there are continuance requests. 123 Little River Road wishes to continue to the Planning Board's December 7, 2022 meeting.

MOVED by Mr. Lessard.

SECOND by Mr. Loiseau.

VOTE: 7 – 0 – 0

MOTION PASSED.

It was noted 7 & 9 Gill Street wishes to be continued to the February 1, 2023 meeting.

MOVED by Mr. Lessard.

SECOND by Mr. Loiseau.

VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

Preliminary Conceptual Consultation – 495 Lafayette Road, 48-52 High Street, and 8 Dearborn Avenue. Proposed 18 room hotel and 96 multi-family dwelling units.

Attorney Justin Pasay appeared along with Albert and Adam Fleury. Michael Keane, Keane Group is present along with Henry Boyd, Millennium Engineering.

Attorney Pasay met with Department Heads on October 4th. This project went through a lot of vetting. This project appears to be in accord with the TC-H District. Revitalizing the downtown area was discussed.

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Abutters were acknowledged. If any abutters want additional information, the applicants intend to meet with abutters and solicit feedback.

Attorney Pasay said they want to fulfill a critical need as noted in the Master Plan, and even in Mr. Bachand's Memo (to the Planning Board), which addresses the shortage of housing for people who work in Hampton. They are providing a mix of uses. Live, work and play policy is what they are trying to attain. Historic designs were discussed. This is over 3 acres in size. It will help revitalize the downtown area. Critical housing needs will be addressed. There are limited housing options. There is no place even for Mr. Fleury's employees to find housing currently. The professional workforce cannot afford to live in Hampton. Smart Growth principals are being acknowledged.

Michael Keane showed a PowerPoint presentation. Three individual parcels will be merged. 8 Dearborn is an existing apartment building. It will be driveway access to the project. Building #1 is on Lafayette; #2 is behind/in the middle and #3 is at the corner of Dearborn and High Street. Number #1 is the hotel complex. It fronts on Lafayette Road.

To the right of Building #1, there is a sidewalk in front of Building #2 and then it comes out to Dearborn Avenue.

The applicant discussed parking; no additional variances are needed for parking. Two levels of parking are under the building. They want it to look more like a streetscape. There is short-term parking for Uber/Amazon, etc. People can pull out onto Lafayette Road or out from Dearborn onto High Street. They will have a traffic analysis on the project as well. (Tighe & Bond). They know there is a traffic issue.

There is landscaping and islands. The solar area in blue will have electric vehicle charging stations. Near the stations, there will be gardens. A playground area is located on the site also.

The large building is as far away from abutters as possible.

The Webber Antique building will be demolished. They tried to replicate the building. The patio and outdoor seating area will be at the Lafayette Road address.

Building #1 they feel fits the downtown motif. The previously-approved High Street building; (4 townhouse units and commercial lower floor) they tried to keep with the New England motif. There is a strong store front at the lower level. Patios are out front. The flat roof building was discussed.

The flat roof was chosen to use darker colors. The pitched roof would add height to the building. It would add 6' or 8' to the building.

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Parking for the approved building has approved parking spots. They want to request a variance for commercial parking for the building. Residential parking is accommodated for.

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Mr. Lessard did not see a floor plan for the proposed building. The interior has not been laid out yet. Each unit will not have a private outside space. The Dearborn wing won't because of setbacks. Mr. Lessard said to bring them into the building. Mr. Keane said it is a little narrow. Mr. Lessard said it's a lot of residences, 3 acres; every human being needs outside space. Is there smoking or non-smoking being proposed was asked.

Mr. Lessard said it's important to have outside space. He did not see a barbecue space. People like to have barbecues.

Mr. Lessard is entertained by the victory garden. How will it survive with snow and sand being dumped on it was asked. Recharging cars; will there be some inside was asked. Not everyone will drive electric cars, but he believes in 20-30 years, many will. Should it be provided inside the building as well.

Mr. Lessard asked about solar. Solar panels can be utilized.

Mr. Lessard asked about mechanicals; every unit will have its own furnace. There will be rooftop units. Will there be fencing around roof units. Mr. Keane does not how high it can go.

Mr. Lessard asked how would he see/visit a friend who rented the place with the balcony. Where is the front door was asked. Nothing is feeding Mr. Lessard to the main entrance. There are three garages. Where do visitors park? It is a lot of building. Thoughtfully done.

Ms. Mullen appreciates the underground parking. That's essential. Ms. Mullen was thinking about the solar on the roof as well. She asked about traffic calming green spaces. Leaving and heading south; you leave along Dearborn to High to Lafayette. It could be a racetrack situation. The playground on other side, there could be situations with kids and cars she noted. Adding traffic calming was discussed and will aid with appearance.

Mr. Loiseau discussed getting around the traffic light. He noted maybe a gate system could be used. Mechanicals being screened. When you see mechanicals on top of big buildings, he noted it is not attractive. He agrees we do have a housing problem. He likes how two commercial buildings screen that.

Ms. Carnaby likes the good points. The big building, she feels it is too big. We don't need 96 or 97 apartments right there. Especially with other proposals in the pipeline. What are they doing with the Webber House was asked. Deconstructing it was discussed by Attorney

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Pasay. Demolition review will take place also. Ms. Carnaby said the house is a landmark in Town. The garden is as well. Seeing a faux barn going there is a bit upsetting.

Ms. Carnaby appreciates the effort, there is nothing New England about the big building. It's a nice effort. She would like to see the large building be two smaller buildings. The Heritage Commission will want to be involved with the house per Ms. Carnaby.

Mr. Lessard asked about maybe constructing the large building with red brick—like a mill. Like Exeter has in its downtown.

Ms. Mullen asked about the dimensions of the Webber Building and the barn. Are they similar to the current structure was asked. The house structure is similar. The barn is around the size of the original barn with additions. This is larger than the original barn. Mr. Keane said they may be able preserve the trim.

Ms. Mullen asked about the previously approved building. What types of businesses will be there was asked. It looks shallow. There is seating out front. Is it restaurant space was asked. Maybe a small coffee shop, ice cream shop could fit per Mr. Keane.

Mr. Bachand discussed his Memo to the Board.

Mr. Bachand discussed the visual impact of the height of the middle building. What is the height of the large building was asked. It was stated about 65'. It is substantial.

Mr. Bachand discussed housing opportunities. Workforce housing. We discussed workforce housing at the Planning Board's last meeting. The Board is discussing this tonight as well. Mr. Bachand discussed the HOP Grant opportunities. Lighting needs to be discussed at site plan review, not to have glare onto abutting properties. Making a right-turn only out onto Lafayette Road was discussed. The traffic study will discuss this.

Attorney Pasay discussed height and scaling of the building. He said the TC-H District is applying mostly to small properties.

Attorney Pasay discussed workforce housing; the lack of housing. He does not know if this will be that by the statute. Business and Economic Affairs – it will be oriented toward that. Some units can be set aside.

Ms. Mullen asked about green space in front of the apartment building. Mr. Keane said it depends on how wide the sidewalk is.

Mr. Keane said they don't have a final survey yet. It was noted a basic sidewalk is 60".

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Mr. McNamara asked about a lighting plan; green space may be able to be worked in at that time as well he noted.

Mr. Emerick said we are looking at this as urban rather than suburban. He feels the New England façade looks good. He thanked them.

The Board then asked to hear the Garland Street application and then go on to Zoning.

III. NEW PUBLIC HEARINGS

PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENTS

1. Amend Article I – General. Section 1.6 Definitions to add a new definition of “Short-Term Rental (a/k/a Vacation Rental)”.

Insert new Article XXI – Short-Term Rentals, which includes the following Sections: 21.1 stating the purpose of the ordinance which includes preserving the traditional character of residential neighborhoods, helping to preserve the Town’s housing stock, and ensuring the safety of short-term rental occupants. 21.2 describing the location of a new Short-Term Rental Overlay District where said use may be permitted by the Building Inspector and, if located outside of the Overlay District, that a Special Exception would be required from the Zoning Board of Adjustment. 21.3 describing approval and renewal requirements as tied to a Certificate of Rental Occupancy. 21.4 identifying various standards involving insurance, taxes, proper living/sleeping accommodations, fire and life safety, trash and recycling, tenant occupancy limits, and parking. 21.5 relating to off-street parking requirements for lots that are conforming or legally non-conforming. 21.6 identifying restrictions and prohibitions relating to accessory dwelling units and condominiums. 21.7 describing actions relating to violations and enforcement.

Amend Article VI – Parking to add new Section 6.3.1 which provides a cross-reference to Section 21.5.

Amend (recodify) existing Article XXI (to XXII), existing Article XXII (to XXIII), and existing Article XXIII (to XXIV) to accommodate the proper insertion of new Article XXI.

Mr. Bachand gave a PowerPoint presentation. This information is available on the Town website, under Alerts you can see the information under that. The full text will be available at the Deliberative Session and on the day of the Town vote.

Presently the Zoning Ordinance does not enumerate short-term rentals. These rentals do exist in Hampton. The interpretations fell under “Lodging House” in the past.

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Mr. Bachand explained the amendment including proposed Article XXI. There would be a Short-Term Rental Overlay District. This is available for viewing on hamptonnh.gov or information can be obtained in the Planning Office.

Mr. McNamara discussed smoke alarms.

Ms. Mullen discussed Slide #8 – property owners. What about agents being included was asked.

PUBLIC

Joe Casey, President of The Beach Side Inn. 550 Winnacunnett Road discussed units being 260 square feet per unit. One parking spot per unit. Any changes allowing Air B&B was discussed. It may turn into a hotel.

Mr. Brouillette, Unit 205, 550 Winnacunnet Road appeared. What happens to 3 units doing this currently was asked.

Miguel Conte (sp), Ocean Suites OC Studio Suites appeared. He discussed registration for meals (tax). They don't register at the State level. Mr. Bachand does not know how rooms and meals tax is implemented. Mr. Loiseau said if an AirB&B, it will either be owner or owner representative. Carbon monoxide detectors were asked about. That is up to the Fire Department.

Does a new certificate of occupancy take over an existing certificate of occupancy. It was stated 'no'.

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MOTION by Mr. Lessard to MOVE this to ballot.

SECOND by Ms. Mullen.

VOTE: 6 – 0 – 1 (Loiseau)

MOTION PASSED.

2. Amend Article IV – Dimensional Requirements. Add New Section 4.2.1 which clarifies that the existing Footnote 22 pertaining to building lot configuration (a/k/a Peter's Square) and the existing minimum frontage requirements (found in Section 4.2) are separate regulatory standards.

Mr. Bachand discussed the amendment. This is a housekeeping item to provide clarification about Footnote 22. This is available for viewing on hamptonnh.gov or information can be obtained in the Planning Office.

Ms. Mullen noted the graphic (in the PowerPoint) is helpful.

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MOTION by Mr. Lessard to MOVE this to ballot.

SECOND by Ms. Mullen.

VOTE: 7 – 0 – 0

MOTION PASSED.

3. Amend Article V - Signs. Modify Section 5.1 to further clarify the purpose of the Sign Ordinance. Amend Section 5.2 to remove all references to specific flag types from the current definition of “Banner”. Amend 5.4.2.e regarding residential banners to highlight safety and residential character while increasing the number of occasions per calendar year which they may be displayed (from two to six). Also, amend Table II to change the maximum banner size requirement from 50 square feet to 32 square feet in the RAA, RA, RB, and RCS zoning districts.

Mr. Bachand noted this was reviewed with Town Counsel. It is available for viewing on hamptonnh.gov and paperwork is available at the Town Planning Office.

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Ed Brackett, 9 Fellows Avenue appeared. He discussed the First Amendment. He discussed federal lawsuits and a case from Holyoke, MA.

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Mr. Sawyer said we have to take it seriously.

Mr. Emerick said to look at the case noted again. Frequency and duration were asked about. Mr. Bachand will revisit the Holyoke case. He will also circle back with the Town Attorney.

It was noted to continue this Amendment to the December 7th meeting. Mr. Sawyer said to reach out to North Hampton also. Jim Maggiore can maybe help. Mr. Emerick said to see what we can find on this.

Mr. Brackett reiterated to look at the Holyoke MA, court order. Holyoke had to re-write its Ordinance. Mr. Brackett said no limitation or time is used or can be used. You can specify it as content neutral. **Mr. Bachand will take a look at it.**

Banners – if it’s unconstitutional – get rid of time and duration.

This will be continued until December 7th or later.

The Board concurred with this. **It will need to be re-noticed.**

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4. Amend Article XX – Keeping of Domesticated Chickens. Section 20.2(3) to allow for the sale of eggs produced by chickens kept on the subject property; to amend 20.2(4)(c) to clarify that henhouses must be constructed of weather-resistant materials and must be generally consistent in appearance with common design features of residential accessory buildings; and to amend 20.2(4)(e) to clarify that manure not used for composting or fertilizing shall be “promptly and properly” removed from the property.

Mr. Bachand discussed modifying the existing ordinance. It is available for viewing on hamptonnh.gov and paperwork is available at the Town Planning Office.

Groundwater Protection - Mr. Bachand noted that he checked this out in other community ordinances, per Ms. Mullen’s request, but did not find anything directly related.

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MOTION by Mr. Lessard to MOVE this to ballot.

SECOND by Ms. Mullen.

VOTE: 7 – 0 – 0

MOTION PASSED.

22-035 123 Little River Road **NOTE: APPLICANT IS REQUESTING TO CONTINUE TO DECEMBER 7, 2022 (Conditional Use Permit Required--needs Re-Noticing)**

Map: 147 Lot: 07

Applicant: Flyport Realty LLC

Owner of Record: Same

Subdivision (2 Lot): Subdivide existing 74,010 square foot lot into two lots. Lot #1 will have 24,138 s.f; Lot #2 will have 49,872 s.f. Waiver Request: Section V.E. Detailed Plans.

22-038 14 Garland Street

Map: 281 Lot: 12

Applicant: Fourteen Garland Street Rev. Trust

Owner of Record: Same

Wetlands Permit: Raise existing structure above flood elevation. Structure to be set on helical piles and concrete columns. Deck to the east of structure to be removed. Deck at front of structure to be shortened to allow for additional steps.

Mr. Norman Carpentier appeared, Carpentier Construction. Mr. Carpentier noted flood waters are damaging the property. They want to raise the structure up to a freeboard elevation of 10 feet. This is not impeding on properties. With a couple of more king tides, the structure will be gone. It has minimum impact. They would be lifting it straight up. Impervious surface went down. They removed the deck that fell off the building. They removed a shed.

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Mr. Bachand asked if they had the letter with recommendations from the Conservation Commission. Mr. Carpentier said 'yes'. Mr. Bachand recommends approval along with the conditions contained in the Conservation Commission letter dated October 27th.

MOVED by Mr. Lessard.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

22-039 7 & 9 Gill Street **NOTE: APPLICANT IS REQUESTING TO CONTINUE TO FEBRUARY 1, 2023**

Map: 223 Lot: 35

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

Owner of Record: O'Neil Family Rev Trust (Denis and Maureen O'Neil, Trustees) and Gill Street Rev. 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).

IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of October 5, 2022 and October 19, 2022.

MOVED by Mr. Lessard to accept/approve the October 5, 2022 Minutes.

SECOND by Mr. Loiseau.

VOTE: 5 – 0 – 2 (Mullen & Sawyer)

MOTION PASSED.

MOVED by Ms. Mullen to accept/approve the October 19, 2022 Minutes.

SECOND by Ms. Carnaby.

VOTE: 5 – 0 – 2 (Loiseau & Lessard)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- Workforce Housing (potential zoning amendment)

Mr. Bachand discussed workforce housing. He noted Ms. Olivier attended a workshop in Seabrook. It was discussed at the last Planning Board meeting. Our Zoning Ordinance does not even have a definition. Most Towns define it and give some standards for it. An interim option was discussed. Next year we'll pursue an audit of the regulations under the HOP Grant.

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Large housing projects are on the horizon. People coming forward are aware of affordable housing. It was noted Hampton needs to be consistent with the RSA's also. It tracks the RSA. Bedford had a good example. The Planning Board opted to table this for now.

VIII. ADJOURNMENT

MOTION by Mr. Loiseau to adjourn.

SECOND by Ms. Mullen.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 9:17 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 MEETI