

## HAMPTON PLANNING BOARD

### MINUTES

May 18, 2016 – 7:00 p.m.

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

**ABSENT:**

#### I. CALL TO ORDER

Chairman McNamara began the meeting with a moment of silence in recognition of the passing of Kyle Jameson of the Hampton Fire Department. He then led the Pledge of Allegiance and introduced the Planning Board members.

#### II. ATTENDING TO BE HEARD

- **Change of Use: 86 High Street**

Law firm to office space (lower floor); two upper floors to be converted into apartment units (2).

Mr. Chris Crump appeared and noted that he is helping to design the space. He is representing the applicant. The property is all commercial right now. The buyer is looking to put her house cleaning business into the basement (lower level). The first floor unit and second floor unit will be built out and turned into apartments. The parking lot and site will not be modified at all. There is ample space. No modifications will be made to the exterior of the building. They will meet code requirements. Entrances for the apartments are from the front entryway (first floor and second floor units) and the commercial space will be entered from the back. The commercial area will be accessed from the back of the building. Signage will be on the back of the building. Three bedrooms and one bathroom will be in each apartment unit.

#### BOARD

Mr. Lessard thinks it's a good idea to bring some apartments downtown. He would like to see assigned parking for each residential unit. There will be six cars for the cleaning service. There are 16 parking spaces total per Mr. Crump. Mr. Lessard asked about the cross easement with parking, and that there could be problems. Four spots will be designated for residents.

Mr. Emerick thinks the easement is for the driveway; not the parking. Mr. Bachand said there is one easement for the parking and also an access easement. There is a parking easement

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for two spaces on the 86 High Street property in favor of #92. The 92 High Street property is dedicated to #92. Mr. Bachand checked the deeds. Mr. Emerick thinks it's a good use of the property.

Mr. McMahon asked about egress. Mr. Crump said it will have two means of egress. These are preliminary plans per Mr. Crump. These units will be brought to code.

Ms. Carnaby said there is a big frame out front for individual business signs; and Mr. Crump noted that that will be removed. Ms. Carnaby said there is no grass on the property; she is concerned about two apartments and possibly children. It is tight for green space. She mentioned grill or picnic space.

Mr. Olson said he thinks it is great to get some housing in this area. He asked about the area in front of #86 and the parking stalls. There are four stalls in front of the building. The Planning Board is responsible for its compliance – to have 75 feet of frontage of driveway with cars backing out onto High Street needs attention. Mr. Bachand said the request is to change the use only. There are no site modifications proposed by the applicant. Mr. McNamara said that it does not apply in this particular situation.

Mr. Bachand said the site is in the TC-H district and the use is in line with the Regulations. Mr. Bachand suggests the parking space lines be re-stripped. Residential spaces should be dedicated and he asked that the applicants be mindful of the existing easements with 92 High Street.

**MOTION** by Mr. Emerick to approve the Change of Use.

**SECOND** by Mr. Lessard noting that reserved parking is to be provided in a vertical sign (not painted on the ground) for the residential units. The Board wants people to see the sign; for it not to be covered by sand or snow. This motion includes re-stripping of the parking spaces for the commercial business and the residential units.

**VOTE: 6 – 0 – 1 (Waddell -arrived late)**

**MOTION PASSED.**

**III. CONTINUED PUBLIC HEARINGS**

**16-012 707 Ocean Boulevard, Unit #1 (continued from May 4, 2016)**

Map: 235 Lot: 6

Applicant: John Nelson

Owners of Record: John and Patricia Nelson

Driveway Permit Appeal.

Mr. Nelson appeared. He gave a footprint of the property and the building to the Board. The plan shows where there is lawn and where the existing driveway is, etc. This is a two-unit condominium. He lives in Unit 1. The other party is not present tonight. There is a garage door on the Ocean Boulevard side and the King's Highway side. On the King's Highway side, it is all gravel. Border to border is gravel. He wants to remove the gravel, put in grass on either side of the building to the road and put pavers in the width of the building to the road (with an asphalt buffer).

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Mr. Emerick thinks it makes all the sense in the world. It is a steep drop off. It will be more porous. Mr. Nelson said the original proposal was for regular pavers. It is impervious now per Mr. Emerick. Mr. Nelson said the current area covered is over 1,000 square feet; it will be under that when he is done. There will be no change in the site distances. Elevations will remain the same. Dimensions of the driveway will be reduced.

Mr. Lessard said he appreciates the details. He wants to see impervious if it were an option. He noted that Mr. Bachand did a lot of research and it answers the questions.

Mr. McNamara said the project was originally approved by the Planning Board in 2002 by the developer as a 3-unit condominium. Then it came back and it was switched to a two unit with the same stipulations for the driveways.

Mr. McMahan said his questions are answered. Mr. Olson is fine with the Memorandum from Mr. Bachand.

**PUBLIC**

Mr. Bachand prepared a Memorandum to the Board and the Memorandum was given to Mr. Nelson. Mr. Bachand gave a synopsis of the Memorandum, including the property's past. He recommends porous pavers with asphalt in the right of way. He noted entering only from the Ocean Boulevard side and exiting only from the King's Highway side is good for safety reasons, and it was a condition of the 3-unit condominium's approval. It seems this should have been followed through upon when the duplex was constructed per Mr. Bachand.

Mr. McNamara said it seems the Board's intentions were to require entering from Ocean Boulevard and exiting on King's Highway. It was noted that nobody will police this.

**MOTION** by Mr. Emerick to grant the driveway permit appeal and to allow the resurfacing on King's Highway according to the Town Planner's Memorandum dated May 18<sup>th</sup>. The applicant will use porous pavers with the exception of asphalt in the right of way.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 - 0.**

**MOTION PASSED.**

**16-017 1064, 1066, 1068, 1070**

**& 1072 Ocean Blvd**

**(continued from May 4, 2016)**

Maps: 98 Lots: 30, 24, 19, 16 & 10

Applicant: Susan and Ed Moran

Owners of Record: Same (1066) & 1064 Ocean Blvd Realty Trust (1064); L&W Investment Trust (1068); Kenneth Linsman (1070) & Robert Saltmarsh (1072)

Wetlands Permit: Construct concrete stairs from the seawall to the beach to provide safe, year-round access to the beach. Concrete stairs will strengthen seawall during large wave storms.

Mr. Dennis Thompson appeared, Northern NE Field Services. He wants to provide abutments to the seawall that has sets of stairs to the beach. There are two or three sections of

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seawall that are privately owned. There have been some failures over the years. This will also allow tenants to access the beach. The current stairs get taken away during storms.

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Mr. Emerick asked if this is a set of stairs for each lot and Mr. Thompson noted that is correct.

Mr. Olson asked about private property. He thought seawalls are on Town land. The stairways will be on Town land; seawalls are privately owned. Mr. Bachand said the Selectmen are required to approve the work on Town property. Mr. Thompson said it is a monolithic pour; the stairwell and structure itself will be one solid concrete block. Anchors will be placed in the wall. It will be one pour. There should be a drawing in the package. It is 11 x 17.

Mr. McMahon asked if the applicant looked at combining them.

Each applicant wants his/her own entrance to the beach.

Mr. Lessard asked about there being no electricity or lights on the stairway. The Board does not want lights (safety reasons).

Mr. Waddell thinks it is a nicely-prepared application. He is happy the stairs will not be wood.

**PUBLIC BOARD**

Mr. Bachand reminded the applicant of the need to go to the Board of Selectmen. He recommended approval with the stipulations contained in the Conservation Commission's letter dated April 29, 2016.

This work will commence probably after September per Mr. Thompson.

**MOVED** by Mr. Emerick to grant the Wetlands Permit along with the stipulations contained in the Conservation Commission letter dated April 29, 2016.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**IV. NEW PUBLIC HEARINGS**

**Amendments to the Site Plan Review Regulations**

Mr. Bachand discussed the proposed changes to the Site Plan Regulations all noted below. These noted changes are available at the Town Hall – Planning Office.

1. Amend Section VII – Design and Construction Requirements to add new Subsection A regarding Architectural Design for non-residential buildings. Requirements are provided for

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new buildings, additions, accessory buildings and the adaptive re-use of buildings. Also, re-codify the existing subsections under Section VII.

Mr. Bachand presented the proposed amendment. It has been revised based on the Board's prior reviews and feedback from the Rockingham Planning Commission. It is designed to provide flexibility to applicants while giving the Board the tools it needs to ensure compatible design is achieved. He added that the proposed regulation is an initial step to an eventual goal of establishing comprehensive architectural and site design guidelines, if the Board chooses, with the assistance of the Rockingham Planning Commission.

Mr. Bachand summarized the purpose, the requirements for new buildings, the requirements for additions, accessory buildings, and adaptive re-use, the architectural elements to be considered, and the optional pre-application review. He also noted that the entire section on Design and Construction Requirements has been recodified to allow the proposed amendment to be inserted as new Item A.

**PUBLIC** (no one present in the audience)

**MOTION** by Mr. Emerick to accept this Amendment.

**SECOND** by Mr. Waddell.

**VOTE: 7-0-0**

**MOTION PASSED.**

2. Amend Section II - Definitions to add a definition for "Use Change".

Amend Appendix A – Use Change Application Review to clarify use classification and the determination of the same, to modify the criteria for use changes requiring Planning Board review, to delete exterior color changes from use change review, to specify that use change review of ADA accessibility be consistent with Building Department procedure, to require a sketch of the interior layout as part of use change review, to provide for the waiver of information during use change review where said information is irrelevant or unnecessary, and other general housekeeping changes.

Mr. Bachand presented the proposed amendment. It has been revised based on the Board's prior reviews and comments from Kevin Schultz, Building Inspector. The definition of Use Change, as adopted by the voters in March 2016 (Zoning Ordinance), has been added. Reference is made to use classification and Zoning Ordinance Article III. Consistency with the definition is also added under Appendix A. Color change has been removed from the regulation. ADA requirements have been updated per the discussion with Mr. Schultz – applicants will need to verify compliance with ADA at the building permit stage and would not get their CO if they do not. ADA requirements can vary between applications depending on the specific situation. A sketch of the interior layout is now formally included, as the Board typically requests. Some additional housekeeping changes were also noted.

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**PUBLIC** (no one present in the audience)

Mr. McNamara said residents do not need to come before the Planning Board to change the color of a building.

Mr. Olson asked about interior layout plans. Mr. Olson asked if it should be to scale or if dimensions should be given. Mr. Bachand said Mr. Schultz will require compliance through submittal of a stamped plan. Mr. Lessard would like a sketch with approximate dimensions. Mr. Lessard said we can encourage the Town Planner to ask applicants to give enough detail. Mr. Olson would like a “dimensioned sketch”; or “to scale”. Mr. Bachand said a Use Change application submittal is only required the week before our meeting. Some sketches are better than others, and it is difficult to get requested revisions before the meeting due to time.

Mr. Lessard likes “with rough dimensions”. Mr. Olson said that is fine. Everyone is happy with that.

**MOTION** by Mr. Emerick to accept this Amendment and to insert “...with rough dimensions”.

**SECOND** by Mr. Waddell.

**VOTE: 7 - 0 - 0**

**MOTION PASSED.**

3. Amend Section I – Authority and Purpose, Section II – Definitions, Section III – Procedures, Section V- Submission Requirements, Section VI - Special Requirements, Section X – Administration and Enforcement, and Appendix A-1 – Temporary Parking Lot Review for the purpose of making general housekeeping changes.

Amend Section III – Procedures, Section V – Submission Requirements, and Appendix B – Fee Schedule to specify that notice to Aquarion Water Company of New Hampshire or its successor is required for any application within the Aquifer Protection District requiring a public hearing.

Amend Section V- Submission Requirements to clarify that eight (8) copies of the site plan are to be submitted.

Amend Section VI - Special Requirements to add the Planning Board’s Engineering Consultant as a reviewer and approver of surety estimates.

Mr. Bachand presented the proposed amendment. It has been revised based on the Board’s prior reviews. He identified several housekeeping changes and necessary corrections within the existing language. Notice to Aquarion has been added consistent with the amended Aquifer Protection District language in the Zoning Ordinance. A change to indicate eight copies of site plans are to be submitted per common practice, rather than seven copies as was noted. The Planning Board’s engineering consultant is added for review of surety. The term ADA is also incorporated consistent with feedback from the Building Inspector.

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Mr. McNamara asked if “he” was changed to “the applicant” (under Section X), and Mr. Bachand confirmed that it was.

**PUBLIC** (no one present in the audience)

**MOTION** by Mr. Olson to accept this Amendment.

**SECOND** by Mr. Lessard.

**VOTE: 7-0-0**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES of May 4, 2016**

**MOTION** by Mr. McMahon to accept the May 4, 2016 Minutes.

**SECOND** by Mr. Emerick.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

Mr. Bachand discussed the Drift Motel issue. He checked on the property and noted striping in the right of way. Mr. Schultz and Mr. McDonald (Building Department) are working on getting this resolved and corrected.

Mr. Bachand received call regarding a past issue on blasting. This is around the Seaview area. Ms. Woolsey called Mr. Bachand. She is interested in precautions being expanded; more adequate notice; pictures before blasting, etc. Mr. Lessard said RSAs deal with this. Mr. Bachand felt he needed to bring this up per his conversation. Mr. McNamara said procedures must be put in place. He discussed giving neighbors more knowledge.

Mr. Waddell said they must keep with RSAs.

Mr. Bachand noted that Mr. Warren Kelly (developer of 377 Ocean Boulevard) came in this week about his sidewalk on Ocean Boulevard. He wants to construct the sidewalk, but he cannot because of the issues going on. He was asking about repairs. Mr. Bachand cannot advise on repairs as it is the State’s sidewalk. The Town holds a surety on Mr. Kelly’s project for sidewalk construction per the conditions of approval. Mr. Bachand wanted to bring it to Board’s attention. Mr. Kelly wants to fix the sidewalk, but he is told not to.

Mr. McMahon said other developers are doing this. The Planning Board cannot fix this. Mr. Waddell said the Board of Selectmen will be dealing with this next Monday.

Ms. Carnaby noted that she went to the RPC last Wednesday night. Issues of a 10-year plan were discussed. The Town of Seabrook has asked to have an unknown project on Route 1 as part of the 10-year plan. Seabrook is anticipating more big developments. Seabrook is going to try to get a project on the 10-year plan. Ms. Carnaby discussed contracts; there is GIS support.

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Ms. Carnaby discussed an EPA program, called MS4; Ms. Carnaby gave a handout to Mr. Bachand. There was a round table discussion on the accessory housing law. Ms. Carnaby said there is training for Towns on dealing with this come September. She noted that May 16-20 (this week) is Seacoast Bike or Walk to Work week.

**VIII. ADJOURNMENT**

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

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 8:04 p.m.

Respectfully submitted,  
Laurie Olivier, Office Manager/Planning

**\*\*PLEASE NOTE\*\***

**ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.  
MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING**