

HAMPTON PLANNING BOARD

MINUTES

July 20, 2016 – 7:00 p.m.

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

ABSENT: Tracy Emerick

I. CALL TO ORDER

Mr. McNamara began the meeting at 7:00 p.m. by introducing the members of the Planning Board and leading the Pledge of Allegiance.

II. ATTENDING TO BE HEARD

- **Change of Use: 822 Lafayette Road, Unit 4
Prior Business (currently vacant) to Surface Medical Spa**

It was noted that the applicant for the above is not present; The Board will move to the next item and then re-address this Change of Use if the applicant appears.

Mr. McNamara asked Mr. Jacobs and Ms. Hale to join at the table.

- **Discussion with Chris Jacobs and Jennifer Hale, DPW regarding sewer in the
Liberty Lane / Exeter Road area**

Mr. Jacobs discussed how sewer relates to the Planning Board. Liberty Lane's private sewer, force mains under marshes and the Town's infrastructure were discussed. It is all coming to a head. The permit that the Town is given from EPA to operate wastewater treatment is authored by DES, but it comes out of EPA. The State holds DPW accountable for all sewer operations in the Town. Mr. Jacobs discussed the beach house in the State's parking area, i.e. the Lighthouse Market area. There was a sewer line to one sewer manhole and then it connected to ours. Theirs (State) was on the property; it backed up 2 or 3 summers ago. DPW had to respond. DPW had to write to EPA. DPW vacuumed the line out. Mike Dube (DPW) was ordered by the Town Manager's office to respond. The pump failed; burned out.

Mr. Jacobs discussed writing reports; DPW is held accountable. Mr. Jacobs said they are entering new territory with Cornerstone (health care facility) and Opechee (hotel and office).

HAMPTON PLANNING BOARD

MINUTES

July 20, 2016 – 7:00 p.m.

There are hundreds of feet of sewer in Liberty Lane East and West that DPW has never inspected; maybe no one has. Work in the sewer lines was discussed. Protecting the Town and residents was discussed. Mr. Jacobs said this is a lengthy document. The DPW has asked State for a guidance document, but DPW has been told the State has nothing to give them. There are no emergency back-up power devices. How do you tell residents in Cornerstone that they have to go home or go somewhere else due to problems was asked. If the pump station (Cornerstone and Hotel) fails without modification, the State Trooper would be driving up Liberty Lane or some State vehicle, letting all know ‘something smells funny’; that’s how DPW would find out. To prevent this, DPW would work with them to have proper signage, fencing for security and back-up power. Mr. Jacobs said Liberty Lane could become a community within a community. The hotel could have as much as 400 rooms.

Mr. Jacobs asked for financial surety as well. It should be equal to 10 percent of the share of all the pipes in the ground, electrical costs. There is annual maintenance as well. DPW needs to prepare and send to EPA every year a CMOM plan.

Ms. Hale said it was a condition that it comes to DPW. It has come a long way. It’s to hold a private system that joins a public system. The DPW will look at each aspect of Liberty Lane as it is developed. The subdivision of land units was approved also so more development will be occurring. Capacity was discussed. There is a manhole off Langdale Drive. DPW tracks flow and the characteristics of the flow. Motors and pumps will be sized so there won’t be back up.

Mr. McNamara asked about traffic. He asked if DPW can address that.

Ms. Hale said she is working with the State (since last October) on how permitting will occur, review, final say, etc. Federal funds were used to build Route 101. Curb cuts are controlled or have limited access. This happened when Bonta was approved. Traffic analysis had to be done back then and it’s happening now. Right now there are two things in front of us, but more is coming. We are pre-planning for the next impact. A signal is not needed right now. The two developments, not built yet, need to form the intersection. The DPW does not want to say “wish we caught that”. The drives (for the health care facility and hotel/office) are now proposed to align. When the back 80 is done, DPW does not know how to address that yet. Eastbound up to Route 27—that is a split “Y” situation. Part of the proposal is that it should be a “STOP”. DOT is taking it under consideration.

Mr. McMahan asked about downstream capacity to the plant. He asked what it looks like. Ms. Hale said in terms of the build-out scenario (map provided), there is capacity. As others come on line, they will be re-visited. The first two applications are not touching our capacity. Future projects will have to prove they are not over our capacity.

Ms. Hale said planning is hard because there is no crystal ball.

Mr. Jacobs discussed the brewery; it’s high strength. There is a lot of activity. It’s measured. From BOD load; it’s 10 percent of all Town load. The Town couldn’t handle 10 breweries. Mr. Jacobs said a facilities review contract is in the works. If beach growth continues as it is and we get more development here, the Town could approach on a seasonal basis our Plant’s capacity. We are looking at groundwater infiltration. The Town can only do that for so long. **He asked the Planning Board to ask DPW back for a meeting next**

HAMPTON PLANNING BOARD

MINUTES

July 20, 2016 – 7:00 p.m.

year to get another update. The State will tell the Town when it needs to re-design. Ms. Hale said the Town is on top of it right now; we are okay.

Mr. Lessard asked about Smuttynose. He asked if we missed anything there. Mr. Jacobs said ‘no’. Smuttynose had a pre-treatment plant. The pre-treatment plant is not meeting up to the standards that were expected. DPW is asking for additional components. It’s done on their end. Mr. Jacobs said operationally, there are hiccups. The Town didn’t miss anything. Ms. Hale casually mentioned, do not put latex paint in your drains; it is best to dry paints with kitty litter, sun, etc.

Mr. Olson appreciates how DPW is juggling everything.

Ms. Carnaby asked about 80 percent capacity; how many flushes do we have. She feels better now. Ms. Carnaby asked about DPW’s feeling something has to be done, is that established at the PRC meetings. Mr. Jacobs said through the Selectmen process, DPW hears much sooner about it. The Town approved \$90,000 for a facility study.

Mr. McNamara asked if the CIP comes into play and Mr. Jacobs and Ms. Hale said “yes”.

Mr. Waddell asked about the permitting process. Mr. Jacobs said it needs Ms. Hale’s or his signature. The State won’t let the Town go above that 80 percent. The application has not been signed for these projects yet (State). DPW won’t sign until it sees association formation, operation plans, cleaning company, etc. Attorney Gearreald drew up a sewer agreement as well.

Mr. Lessard asked about pump stations and failures. Mr. Waddell discussed traffic. Mr. Jacobs said maybe the Town will need a capital reserve fund.

Mr. McNamara asked about money spent on Exeter Road; will the asphalt be hurt. Will the Town pay more money? Mr. Jacobs said the sub-base was ground up. Repair was supposed to be a 7-year repair. New projects coming won’t change the plan on the roads.

Mr. McMahan asked about the O&M Manual. He asked about the rest of the Town. Ms. Hale said Liberty Lane paid for sewer; it’s private; like Taylor River Estates. The 201 Facilities does discuss expanding service. Ms. Hale said it’s all about dollars. We’re not taking a private system. Hampton Meadows has their own.

Mr. Lessard asked about a flow meter at ‘0’. Ms. Hale said “no”. Mr. Lessard asked about clay. It’s PVC pipe. Mr. Lessard asked if they go “west” – Timber Swamp Road—what happens. Mr. Jacobs wants this dealt with via association. That would be all new documentation. Mr. Lessard asked about the courthouse sharing the private system. Ms. Hale said “no”—not without going through the process.

Mr. Bachand said he felt it was important and timely to discuss these issues. He is glad transportation was brought up as well. The driveway alignment between the health care facility and hotel/office working out was discussed (a plan was passed around to the Board). The drives will now line up. Mr. Bachand does not think aligning the drives should require bringing in an amended site plan, but wanted to present this for the Board’s consideration. The State asked for an access plan per Ms. Hale. She also feels this should be a minor field modification.

Mr. McNamara asked if this would be a minor field modification – the entire Planning Board agreed.

HAMPTON PLANNING BOARD

MINUTES

July 20, 2016 – 7:00 p.m.

Attorney Gearreald discussed the quality of our Town's in-house engineers. It's a pleasure to work with Mr. Jacobs and Ms. Hale. They are outstanding.

We then went to the Change of Use.

- **Change of Use: 822 Lafayette Road, Unit 4
Prior Business (currently vacant) to Surface Medical Spa**

Ms. Tara Delle Chiaie, business owner, appeared. She said she is a nurse practitioner. She has a wellness center. She is looking to continue her center here in Hampton. Functional medicine is based on cellular need of each one's body. It is a licensed practice. She is licensed in over 20 States.

Mr. Olson asked what the last use was. Was it a flag store, pawn shop, music store? Mr. Bachand said he researched available files to try to determine the previous use but did not find anything.

Mr. McMahon asked for hours of operation. Ms. Delle Chiaie said by appointment only. The majority of hours would be 8:00-5:00. She has 3 dedicated parking spaces. She thinks she has 6 or 7 on the side as well.

Ms. Carnaby asked if she can dispense medication; she can prescribe. Mr. Lessard asked how many employees there will be. Ms. Delle Chiaie said most work will be through her. She has two estheticians. She will always have 3 employees and maybe 3 patients at a time. There are 8 parking spaces if there is overflow. Mr. Lessard asked if she will sell anything. She said skin care.

Mr. Bachand said he visited the site and parking is adequate. There are 25 spaces on site. Mr. Bachand had previously discussed signage with Ms. Delle Chiaie, and asked her to explain for the Board. Ms. Delle Chiaie will put signage below the Ricco Figs sign. There is also a wood frame for a prior sign on the building but that may be removed. Surface Medical Esthetics is the name of the business. Esthetics limits it to functional.

MOTION by Mr. Lessard to grant the use change.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

III. CONTINUED PUBLIC HEARINGS

IV. NEW PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of July 6, 2016

MOTION by Mr. McMahon to accept the July 6, 2016 Minutes.

SECOND by Mr. Olson.

VOTE: 5 – 0 – 1 (Lessard)

MOTION PASSED.

HAMPTON PLANNING BOARD

MINUTES

July 20, 2016 – 7:00 p.m.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **Accessory Dwelling Units**

Mr. Bachand is collecting information to make changes to the Zoning Ordinance. The new law on accessory dwelling units was signed by the Governor on March 16, 2016 and will be effective June 1, 2017. The new law will be found under RSA 674:71-674:73. A copy of Senate Bill 146 was provided to the Board. Additional material was provided for the Board's information, including materials from a March 17, 2016 workshop which Mr. Bachand attended. Amendments to zoning will need to occur.

Mr. Bachand discussed important information from the Office of Energy and Planning's brochure. Methods of developing a regulation were discussed. What "may" and "may not" be included in a regulation was summarized. Requiring a Conditional Use Permit from the Planning Board is a suggested option.

Mr. Bachand discussed Board discretion. Parking was discussed. Limitations were discussed. An Ordinance will be needed.

All information discussed on this topic tonight is available at the Planning Office.

Mr. Bachand said that in preparing our new regulation, we should incorporate the maximum allowed under the law. We need to adopt standards. A Conditional Use Permit through the Planning Board should be required. A site plan could be required as well.

A new application form should be prepared to go along with the new regulation.

Where this will be located in the Zoning Ordinance was discussed. It should be under the Use Regulations, and a new section with the standards could be added (perhaps as Section 20). It could also go under Dimensional Requirements as a new Article IV-A. This will be determined as we progress.

Attorney Gearreald mentioned that the Board sent a letter to the Governor opposing the new law. Nine days later, the law was accepted. Now this applies to every community throughout the State. Attorney Gearreald wants to give the Board the maximum amount of control and subtract items it does not want. Attorney Gearreald said several different boards can be given power for conditional use permits; i.e. the BOS, ZBA. Attorney Gearreald thinks this Board (Planning Board) is best suited. He asked who we delegate authority to.

Mr. McNamara said we already have conditional use permit authority. Mr. McNamara said we need to have public hearings, etc. How much time do we have was asked. **Attorney Gearreald suggested October.**

RA and RAA zoning districts are biggest areas of concern per Mr. Bachand. **Attorney Gearreald said Mr. Jacobs and Ms. Hale should address the Board as well.** Mr. McMahan discussed fire and access to every dwelling unit. Is this a burden on the Building Inspector and Fire Inspector was asked. Sprinkler systems may come into play.

HAMPTON PLANNING BOARD

MINUTES

July 20, 2016 – 7:00 p.m.

Mr. Lessard asked about impact fees; maximum size; owner occupied. We can re-state it. Inspections and CO's required. RAA zones could allow for a detached building per Mr. Lessard. Mr. Lessard asked if Section 8 housing will come into play. It could be how rent is paid. **We should place a cap on unrelated persons in the unit. We should make it aesthetically pleasing.**

Mr. Gearreald discussed HOA documents. Mr. Gearreald thinks privately they can do that. **Attorney Gearreald will check that out.** Workforce Housing was discussed.

Mr. Olson said he thinks this diminishes property values.

Mr. Olson asked if this has been challenged.

Ms. Carnaby said the RPC (September) will do something with guidelines and further study on this. Ms. Carnaby asked that property owners know how their property will be re-assessed. What will it do to the taxes, etc. Not just how much more money they will get for a rental. Workforce Housing versus family member occupancy. **Property owners should know about this.**

Mr. Waddell said it's our responsibility to keep this for what it is intended; for family (in law). Getting on top of this early is good.

Who is policing owner-occupied units was asked. A site plan should be recorded at the Registry with notes provided on the plan.

Mr. Lessard asked if we can limit the amount of accessory dwelling units throughout the community.

Mr. McNamara asked for everyone to think of their ideas.

Ms. Carnaby asked for a role for abutters in this process. It doesn't say yet to have a public hearing. If there is a site plan, abutters would be notified.

Would rooms and meals tax be applied to this was asked.

Whether to have a subcommittee was asked by Ms. Carnaby.

- **RPC Grant Award – Architectural and Site Design Guidebook**

Mr. Bachand discussed the RPC grant award for assistance in preparing an architectural and site design guidebook. The grant application was approved on July 7th. We are providing a cash match. We have the \$3,500 match readily available in the 2016 budget under "contracted services and dues". The application was prepared in a way that offers flexibility for applicants and the Board. There will be a public information meeting on this. Mr. Bachand has been talking with Glenn at the RPC and will coordinate a meeting in the coming weeks (hopefully with Julie and/or Cliff also attending) to solidify the scope of work. He suggests our RPC Commissioners attend this meeting as well. Once the contract is prepared, we can move forward. There will be flexibility for us to craft it as we would like.

Mr. Olson asked about example documents from other communities. **Mr. Bachand could put links on the web site.** Mr. Bachand has hard copies in the Planning Office. They are also scanned, but the file size was too large when he tried to email them to the Board.

HAMPTON PLANNING BOARD

MINUTES

July 20, 2016 – 7:00 p.m.

- **Update on Flood Initiatives**

Mr. Bachand provided an update on progress with the CRS- Community Rating System program. We have until October to complete tasks under the PREP grant. We may not be ready to submit an application to FEMA by that time - the Building Department has been working with FEMA and the Office of Energy and Planning on some related items. Some field work on repetitive loss properties will be done next Monday. Mr. Bachand said that acceptance into the CRS program results in reductions on flood insurance premiums, the percentage of which depends on the “class” awarded by FEMA (i.e. class 9 = 5% reduction, class 8 = 10% reduction, etc.) Projects and tasks to add points and increase our class was discussed. This is a big project and that cannot be understated - there is a lot of work involved. Not many communities are doing this and it is a great opportunity for the Town of Hampton and its residents. Match of staff time was discussed.

Mr. Bachand mentioned RPC’s grant application for creative communications project and High Water Mark Initiative. We are listed on their application (they submitted this week). The Selectmen approved and the Town Manager signed the letter. There is a required match of staff time small monetary contribution for signage, posts, etc. We can get CRS points for this.

The Tides to Storms 2 grant was discussed. There was no local match on this. We are working with RPC to update and strengthen our flood ordinances. Techniques such as freeboard are being looked at, which would improve the Town’s flood resiliency and help us earn CRS points to potentially improve our class.

- **Hazard Mitigation Plan Update**

Mr. Bachand discussed the letter to the Planning Board from the Police Chief. The 2016 update of the Hazard Mitigation Plan is being led by Chief Sawyer, who is also the appointed Emergency Management Director. There have been six publicly noticed meetings over the past three months to update the plan. Mr. Bachand discovered that the Planning Board adopted in 2004 an All-Hazard Mitigation Plan as part of the Town’s Master Plan. When the Hazard Mitigation Plan was updated in 2011, it never got incorporated into the Master Plan. It should be an update to Chapter 7 of the Master Plan. The Planning Board would need to have a public hearing to adopt this plan update. The Selectmen will need to adopt this as well. FEMA likes the governing body (Board of Selectmen) to adopt this plan. A draft copy of the 2016 update was forward to the Board today for review and comment. **Mr. Bachand can relay comments to the consultant. It may go before the Board within the next 2 to 3 months.**

MOVED by Mr. Olson.

Ms. Carnaby asked when comments are needed by. **The next two or three weeks would be adequate for the Board to provide comments.** Mr. Gearreald indicated the consultant has federal agencies that she runs the draft plan by. It is being reviewed and comments can be added.

HAMPTON PLANNING BOARD

MINUTES

July 20, 2016 – 7:00 p.m.

- **Update on Rails-to-Trails Efforts**

Mr. Bachand discussed the NH Seacoast Greenway meeting he attended last night (led by Scott Bogle of RPC). These are monthly meetings. Negotiations between the State and PanAm to purchase the corridor are at a sticking point. Price is an issue. Conveying the corridor from PanAm to the State was discussed. It could unfortunately be a long time before this can move forward. This is an amenity that the Town wants. It is also good for economic development.

Senator Stiles attends these meetings and has made a large impact. Other State Representatives are attending these meetings. The group is working on draft Articles of Incorporation. It wants to be a 501-C(3) non-profit.

Ms. Carnaby asked if Tony Ciolfi could give us updates. Mr. Bachand attends these meetings and can continue to update the Board. Fundraising could help. The Town Manager provided comments on a draft trail management agreement to the State but Mr. Welch has not received feedback.

- **After-the-Fact Driveway Permit Appeals**

Mr. Bachand discussed after-the-fact driveway permit appeals. Many applicants are unaware of driveway permits being needed. Contractors should know this and advise the homeowners in his opinion. The Driveway Regulations say if the DPW Director is not satisfied with work in the right-of-way, they could have them start it over. The homeowner could end up absorbing the costs.

Ms. Olivier and Mr. Bachand discussed potentially having a new fee that is higher than the driveway fee if it is an after-the-fact. The Building Department does an after-the-fact additional fee; it charges more money. The Conservation Commission does this also - they charge double.

Ms. Carnaby asked if this is just for after-the-fact driveways? Mr. McNamara said just for driveways. Ms. Carnaby thinks we should charge additional also. The longer the after-the-fact and the bigger the problem, the larger the fee was mentioned. It should be coupled with a public awareness campaign.

Mr. Waddell said just one flat fee is better. It was asked if the contractor tells the homeowner to get a permit. It's up to the homeowner to chase the contractor, not the Town. Attorney Gearreald said they may even need an excavation permit as well. Maybe the driveway permit information should be noted on excavation permit paperwork.

Ms. Carnaby says double it. **There will be a public hearing to double the fee.** The normal fee is \$50 and we would go to \$100. One hundred for all of them and double it for after-the-fact was asked. After the fact could be \$200. It was asked what the reason would be to go to \$100. Mr. McMahan asked why we are doing this only for driveway fees. We could do this for other after-the-facts.

HAMPTON PLANNING BOARD

MINUTES

July 20, 2016 – 7:00 p.m.

We should look at all after-the-facts per Mr. Gearreald. Mr. Bachand said maybe we could revisit this for all applications. **The Driveway Regulations will have to be changed as well. We only get driveway permit applications on appeal.**

Attorney Gearreald asked for Mr. Bachand to look at all the fees. Ms. Olivier said we maybe have had one “after-the-fact” on other submissions in her almost 7 years. Driveways seem most problematic.

The Planning Board is good with driveway after-the-fact fees only.

Mr. Lessard said to move forward on just the driveway. **We will move forward with noticing for public hearing an increase in driveway permit fee.** We will leave the fee at \$50 and set \$250 for an “after-the-fact”. In the near future we will look at other fees. All Board members were in agreement.

- **Summary of Complete Streets Multimodal Event**

Mr. Bachand said on July 8th he attended a Complete Streets event in Portsmouth. The informational brochure from the event was provided to the Board. Current examples and pilot projects from various communities were discussed. A walking tour of Islington Street and Market Square occurred. Concepts such as wider sidewalks and outside dining were identified and discussed. He received some valuable ideas our Town may be able to implement. Mr. Bachand discussed the relevance of this event to the TAP (Transportation Alternatives Program) grant for which we are applying.

Mr. McMahon **MOVED** to go into a non-public session under RSA 91-A:3, II (c).
SECOND by Ms. Carnaby at 9:23 p.m.

All Planning Board members present were in favor.

Roll Call Vote: 6 – 0 – 0

MOTION PASSED.

The non-public session ended at 9:53 p.m. and the Planning Board resumed its public session.

MOTION by Mr. McNamara to affirm the action taken in the non-public session and to have the Finance Department send an invoice for the discussed application.

SECOND by Ms. Carnaby.

VOTE: 6 – 0 – 0

MOTION PASSED.

HAMPTON PLANNING BOARD

MINUTES

July 20, 2016 – 7:00 p.m.

VIII. ADJOURNMENT

MOTION by Mr. Waddell to adjourn.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 9:57 p.m.

Respectfully submitted,

Laurie Olivier, Administrative Assistant

****PLEASE NOTE****

ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.

MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING