

**HAMPTON PLANNING BOARD**

**MINUTES**

**August 17, 2016 – 7:00 p.m.**

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

**ABSENT:** James Waddell, Selectman Member

**I. CALL TO ORDER**

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

Mr. McNamara noted that 31 Campton Street wishes to be continued to October 5, 2016.

**MOVED** by Mr. Emerick to continue 31 Campton Street to October 5, 2016.

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 - 0.**

**MOTION PASSED.**

**II. ATTENDING TO BE HEARD**

**III. CONTINUED PUBLIC HEARINGS**

**\*NOTE: APPLICANT IS SEEKING TO CONTINUE TO OCTOBER 5, 2016**

**\*16-031 31 Campton Street (continued from August 3, 2016)**

Map: 304 Lot: 4

Applicant: JJJ Nominee Trust/Joseph and Lori Dunlap, Trustees

Owner of Record: Same

Driveway Permit Appeal

**IV. NEW PUBLIC HEARINGS**

**Amendment to the Town of Hampton Driveway Regulations:** Section 1, Sub-section C (Permit Required) and Section 1, Sub-section I.1 (Procedure, Application Form)

Mr. Bachand discussed the \$250 charge for all after-the-fact driveway permit applications. Mr. Bachand noted the changes to the Driveway Regulations and read them aloud. These are

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available at the Planning Office. Mr. Bachand ran this by Jennifer Hale at the DPW as well, and she edited Section C to add language that a permit is not required to seal coat an existing driveway. Mr. Bachand also noted one other change—word change from “construction” to “driveway” to be consistent with the type of application. **If this is approved, Mr. Bachand will change the application form to note the \$250 after-the-fact application fee that would be required.** Ms. Carnaby asked about the words “if allowed” in the document. Mr. Bachand stated if it is “not allowed”, residents may have to remove it. If they’ve done the driveway and they need to appeal, they will pay the money and come before us per Mr. McNamara. This appeal would be necessary if the application is denied by DPW. Otherwise, it will have to be ripped up. Ms. Carnaby said it should be changed to “if submission is allowed”. **Mr. Bachand suggested removing the words “if allowed” and the Board agreed. The words “if allowed” will be removed.**

Mr. Emerick asked what happens if someone wants to just repair a hole. Mr. Bachand said it’s for working within the right-of-way and that’s where this comes into play. Resurfacing does not matter; as long as they are not changing grade or width. Mr. Lessard noted people can fill a pothole in their driveways. Mr. McNamara said coming into Town property is where it is affected.

**PUBLIC BOARD**

**MOTION** by Mr. Emerick to make the changes to the Driveway Regulations with the edits as noted above. (take out “if allowed”)

**SECOND** by Mr. Lessard.

**VOTE: 7 – 0 - 0**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES of August 3, 2016**

**MOTION** by Mr. Emerick to approve the Minutes.

**SECOND** by Mr. Lessard.

**VOTE: 6 – 0 – 1 (Olson)**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

- **Discussion regarding Accessory Dwelling Units**

Mr. Bachand introduced the discussion about ADU’s. He noted that this topic was discussed at the July 20<sup>th</sup> meeting, and the Board wanted to revisit it this evening. Attorney Gearreald prepared a preliminary draft for the Board this evening. The Planning Office received

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feedback from Jennifer Hale (DPW) and Kevin Schultz (Building Department). Mr. Bachand said the goal is to gather additional information from the Board. Dover's application, he believes, is helpful.

Attorney Gearreald discussed adopting an ADU Ordinance. SB146 has been adopted for the entire State. If the Town does not do something now, people could add ADU's with a building permit only. Everything underlined in the document (preliminary draft amendment) is new. The definition comes out of SB 146. Article 3-Table of Uses comes into play. No changes are being made to the zoning chart. It would not be permitted in the B Zone or I Zone.

Attorney Gearreald discussed III.A. Location and how many, permits required, what ADU's must provide, etc. Occupancy of ADU's—detached and size; provisions for sewer disposal; dimensional requirements; sprinkler systems. He noted that three or more stories in height need a sprinkler system.

Mr. Emerick discussed the difference between 'floors' versus 'living floors'. Mr. Lessard said if you have living floors in the basement or attic--he believes that does not apply. Article 11-Attorney Gearreald asked if it should say 'living floors'. Mr. Emerick asked about utility requirements, i.e. could people get a variance on them was asked. Attorney Gearreald said in theory the Zoning Ordinance is capable of being varied from. Mr. Emerick said in Dover, if you don't meet this – don't even apply for an ADU. Attorney Gearreald said it's a good question. Mr. Lessard noted if capacity is being added. It is an EPA law. Mr. Emerick doesn't think a variance can be given for a State law. **Attorney Gearreald will check on this.**

Mr. Gearreald discussed condominiumization. Londonderry and Dover re-emphasized that.

#### **Attorney Gearreald said impact fees need to be addressed in the ADU ordinance.**

They would apply per Mr. Emerick. Mr. McNamara asked about rooms being rented out by the night. This would have a three-month rental (minimum). Mr. McNamara said Hampton is probably the highest place in the State that occupies rooms overnight, weekly, or monthly. Mr. Bridle asked about small cottages at the beach being made and adding a duplex. They can go higher was stated. Mr. Olson discussed ground-level access. It was in Dover's example.

Attorney Gearreald discussed parking. Each ADU needing two spaces.

Exterior design was discussed. Maintaining the look and appearance of a single-family dwelling was discussed. No additional curb cuts. There are blanks in there that need to be filled in. Prescribing no less than 750 s.f. ; we can say no more than 750 s.f.. The owner may make it smaller. Mr. Lessard said we want a minimum of 330 s.f. We need to have adequate cooking and bathing facilities. Mr. McNamara is worried about sealed surface areas. He thought we can't change the setbacks or the surface.

Attorney Gearreald said we don't want ADU's to overwhelm the house. It may not be more than (a certain percent) of the size of the dwelling. Mr. Olson asked if that's a good way to manage size. Mr. Lessard said the units can switch. Mr. Bridle asked what happens if the property there is only 750 s.f. already. Parking will be an issue.

Mr. Lessard said a new building may want an apartment right at the get-go. Unless we go with 750 s.f. max. With an adjoining door, you need someone you can trust being attached to a home.

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Mr. McMahon asked about architectural integrity. Mr. Lessard said it should look like a single-family unit. Mr. Bachand said you should not be able to tell it apart from any other single-family dwelling without an ADU.

Attorney Gearreald asked about the RAA Zone – with larger lot sizes to allow detached ADU's. The Board could increase the square footage. Mr. McNamara said that you have to allow an attached ADU. Mr. Lessard asked if an ADU is built to preserve an old carriage house, for example. Mr. McMahon said you can have a unit above the garage. Mr. Olson asked to not have restriction for detached. Mr. Bachand said it's a concern with smaller lots. Mr. McMahon said if you have an existing detached garage, it is simple.

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Mr. Emerick said 750 s.f. size requirement needs clarification. Mr. Lessard thinks we should have a minimum size. Mr. Lessard is thinking 300 s.f. or 400 s.f. SB 146 says we can go under 750 s.f.

Mr. Olson said no less than 300 s.f. no greater than 800 s.f. Mr. Lessard said we want quality housing. Mr. Bridle said there has to be a minimum size. Mr. Bachand said an applicant may elect to have an ADU less than 750 s.f, but we cannot require it to be less. Perhaps we could include a minimum of no less than 400 s.f.

Attorney Gearreald discussed the relationship of owner to ADU. You can limit the number of unrelated residents to not less than four. Hampton is not Dover.

Owner occupancy of one of the units was discussed. Mr. McMahon asked about owners. Attorney Gearreald discussed this. Attorney Gearreald discussed ADU living arrangements—if the owner lives in the ADU, the house can then become the ADU. Lack of space that owner lives in was discussed. If the owner moves into the ADU, the person that owns the house determines which one is the ADU. The owner can live in the ADU. All homes will have to get Rental Occupancy Permits. Mr. Bridle believes both units would need Rental Occupancy Permits.

The law is only for zoning districts which allow single-family dwellings.

Ms. Carnaby asked about zones that may be able to be residential. No, we can't call these duplexes. You can't come in with a duplex design per Mr. Olson.

**CO occupancy requirements should be confirmed.** We also need to know the minimum. How do we set a minimum under 750 s.f. Ms. Carnaby asked about unattached versus attached. Ms. Carnaby discussed decision points. Mr. Bachand discussed his concerns with the RA Zone, i.e. existing lots of record that do not comply with the current dimensional requirements. Mr. Bachand asked if it doesn't conform to the current dimensional requirements, shouldn't it be restricted from having an ADU. Mr. Bachand believes we can do this. Mr. McNamara said we could make this tighter with a conditional use permit.

Mr. Lessard noted that it's often hard to sell homes because people do not want to be landlords. Some apartments are not legal.

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Mr. McMahon asked if people can jump in and out of this (to/from having an ADU.) Can it go back to the original use was asked.

Mr. Emerick said we need to deal with 750 s.f. – can we set other perimeters was asked.

Mr. McMahon thinks it's important to get the word out. It is very complicated and affects a lot of people.

Mr. McMahon said he worries about scams.

Ms. Carnaby thinks at next Board meeting on ADU's, the Board should be prepared to address decision points that are available to us.

Mr. McNamara said we need a minimum of two public hearings. We have until January to hammer things out.

Mr. Olson discussed what you can't do. Go this far until you can't meet criteria. He likes Dover's application. He thinks people will start thinking how they can take advantage of this. He does not want to diminish people's properties.

Mr. Bridle noted that we have a lot of work ahead of us.

Mr. Bachand said this was a good discussion and it gives us material to help further refine the Amendment. Mr. Bachand likes the Dover application also. Mr. Bachand said this can be refined and revisited at the second meeting in September. There should be another full discussion.

- **20 Church St./4 Francis St. – October 4, 2006 Condominium Conversion Approval**

Mr. Bachand discussed receiving an inquiry from a couple looking to purchase this property, but it is seasonal use only per the Board's condominium conversion approval. Mr. Bachand discussed the history. 20 Church Street can support year-round occupancy, but 4 Francis cannot. The parcel has two buildings on it with different ownership.

Making the 20 Church Street property year-round was asked. An amended condominium conversion was discussed. The idea of dissolving the condominium was presented by the prospective buyer, but this cannot be done. Impact fees were discussed – it appears these cannot be assessed per the language in our Impact Fee Ordinance. The owners would have to come for amended condominium conversion.

Mr. Emerick said if there are two different owners, they will have to have a meeting to vote to amend their by-laws and declaration. If they don't get along, it won't happen. **They would have to do this before coming to us.** It can be sold right now as seasonal unit; not for year-round use.

- **Transportation Alternatives Program (TAP) Grant Opportunity**

Mr. Bachand filled the Board in on the grant opportunity pending. He is working with Jennifer Hale from DPW and Mr. Lessard (school). This all started with submission of a Letter of Interest. Sidewalk improvements on High Street and Winnacunnet Road were discussed; that would be the scope of the project. There was a mandatory workshop in Concord last Wednesday

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(attended by Ms. Hale, Mr. Lessard, and Mr. Bachand). A PowerPoint from that workshop was provided to the Board. September 2<sup>nd</sup> is the deadline date for the application. Ms. Hale is leading the charge for the Town on this.

No in-kind funds are permitted per Mr. Lessard. We can apply next year also. Mr. Olson asked about where Winnacunnet Road meets Route One. Mr. Lessard said we can make modifications. This grant is for walking; not for automobiles.

- **Upcoming Event: Hampton Salt Marsh Walk (Saturday, September 24<sup>th</sup> at 10:30 am)**

Ms. Carnaby discussed the Salt Marsh Walk. It is conducted by the Historical Society and run by Ellen Goethel. Anyone interested should meet at the Tuck Museum. People will carpool. People will go out on the marsh. It is \$10 to participate. Those interested can call the Museum. There are fliers. One can wear sandals or boots. This is rain or shine. Ms. Carnaby said it is educational for children who can appreciate this subject. The date is September 24<sup>th</sup>; at the Historical Society – Tuck Museum. Register and call the Museum (phone number 929-0781). People may pay on the day, but should call and let them know how many people in the group will be attending.

**VIII. ADJOURNMENT**

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

**SECOND** by Mr. Olson.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

MEETING ADJOURNED: 8:23 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**