

HAMPTON PLANNING BOARD

MINUTES

October 17, 2018 – 7:00 p.m.

PRESENT: Fran McMahon, Chair
Tracy Emerick, Vice Chair
Brendan McNamara, Alternate
Ann Carnaby, Acting Clerk
Mark Olson
Keith Lessard
Mary-Louise Woolsey, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: Alex Loiseau, Clerk

I. CALL TO ORDER

Chairman McMahon commenced the meeting at 7:00 p.m. by introducing the Board members (Mr. Lessard not yet present) and leading the Pledge of Allegiance.

II. ATTENDING TO BE HEARD

- **Tim Roache, Executive Director - Rockingham Planning Commission**

Mr. Roache, Executive Director of the Rockingham Planning Commission (RPC), appeared with Barbara Kravitz. Ms. Kravitz is the Chair of the RPC. Mr. Lessard arrived. Ms. Kravitz lives in Hampton. Mr. Roache stated the RPC consists of people who are representatives from 27 communities. They become the voice for the region. The RPC maintains a highly-qualified staff. Transportation, land use, environmental issues are some topics the RPC deals with. This Commission deals with serving communities. Issues that cross municipal boundaries as well. Energy transmission is also dealt with. Pipeline projects are also involved.

Mr. Roache discussed brown water issues. Drinking water in the Seacoast is dealt with also. Sharing of services. Saving communities money was discussed. An Electricity Advocation program took place in Nashua. Electric accounts – out to bid to third parties. It was very successful. \$30-\$40K was saved there for a Town where \$17,000 in dues were expended. Mr. Roache wants to eventually offer a program like that here for Hampton as well.

The forum takes multiple community needs and represent many communities.

A handout was given and is available at the Planning Office.

The RPC can also conduct a housing needs assessment. The Development of Regional Impact process was discussed as well (as per Statutes).

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The Metropolitan Planning Organization (MPO) was discussed. A role in the Federal Transportation process was discussed. This is for areas with more than 50,000 people. This process has to happen. The 10-year plan with the NHDOT was discussed. If that process is not done properly, funds stop. Transportation planners are responsible for that. Transportation planning takes up about 75 percent of the budget. The remaining is about \$11,000 from the State; \$156K in dues is collected. They have an estimated \$1.2M budget; 8 full timers and a couple of independent workers are part of the payroll.

Mr. Roache discussed Hampton. We pay around \$12,500 per year in dues. It is based on \$1 per capita for the first 10,000. Of \$12,000, about half goes to matching grants, i.e. 53 percent. It's DOT; they have to match that. He noted \$12,500 goes to the Coastal Zone program - sea level rise work. An electricity program and local or regional services are included. Ordinance work (assistance) is provided. Energy projects. He wants to find ways to use dollars that benefit all communities. For Hampton, he has about \$6,000. He cannot do the Hampton Master Plan for that. They can help with the approach for working on the Master Plan. We can go out to bid for the Master Plan. His planners are looking at our Master Plan now. Mapping and GIS services are also available.

Mr. Roache discussed coastal risks and hazards. The Tides-to-Storms, high water mark initiative, and flood ordinance projects were also discussed.

ADU Ordinance work for New Hampshire was also done through the RPC. Assistance with model ordinances is available.

Mr. Roache discussed traffic services. Setting tubes on a road; looking at intersections; turning movements. Analysis of tricky intersections. Road conditions and pavement conditions. Staff can work with the DOT and provide a cost-efficient budget and work with the DPW.

They can also help with MS4 – audits; notice of intent; work with the DPW. A public input and facilitation of process was discussed. The website, Public Input.com, was discussed. He noted forms of communication and information dealing with other geographic areas. They used this with Exeter. They wanted to get a pulse on parking. Survey Monkey is used. There were initially over 400 responses. It went up to 1,000 (responses). There would be a nominal fee. It could be helpful for a Master Plan.

Electricity aggregation was discussed—shooting for the end of this year or the beginning of next year. The Town could potentially save at least what the Town currently pays in dues.

Development of Regional Impact was discussed (a handout is available at the Planning Office).

Mr. McMahon asked about housing. Affordable housing was asked about. Mr. Roache said diversity in stock is critical. New developments and the costs of construction make it

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difficult for developers to build affordable housing. Mr. Roache discussed a mixed-use development in Dover. It involves high-end housing across from older neighborhoods. Low-end houses being bought up turned into high-end houses was discussed.

Ms. Woolsey asked if communities assess impact fees on new development. Ms. Woolsey asked about bridges. What is the Commission's experience with local bridges was asked. It takes the State a long time to do one bridge. Mr. Roache said the red list is a problem. It is functionally deficient. The challenge for the DOT is maintaining stuff still in good shape while not letting them fall onto the list, and still chip away at the red list.

Mr. Olson asked about Regional Impacts – folks in Greenland and Stratham with traffic out of Pease. How does that challenge get dealt with – supported/discouraged. Who decides if it is a project worth attending to was asked. Mr. Roach does not have the authority at the RPC. They cannot say 'yes' or 'no'. The RPC can get pulled in as an abutter. Mr. Olson asked about traffic studies. The RPC can recommend mitigation.

Mr. McMahon asked about triggers on regional impact.

Ms. Woolsey asked about increasing high water and flooding. Free boarding (increasing height) was discussed. She asked if the RPC has done any studies in Town adjacent to the ocean and marsh and high water areas. Mr. Roache has mapping for sea level rise areas.

Mr. Bachand noted that he worked on the flood ordinance with RPC and Jennifer Gilbert. Ms. Woolsey discussed quality of ground water. Mr. Emerick discussed air quality. Mr. Roache discussed PFOAs.

Ms. Carnaby likes the software that will allow public input. Parameters of population and being ready for use was asked about. One community or as big as the region can be found on the software. They should be ready to roll with this next week. Hampton wants public input (cable); this sounds perfect. It is publicinput.com. Mr. Roache said this should cover staff time to develop surveys and a nominal fee of \$500 to get it off the ground.

Mr. McMahon discussed the legislative forum taking place on November 7th. Mr. Roache said it is to bring together legislation delegation from the region and present topics of interest and give them take-away to develop legislation. Last year the topic was groundwater.

This year it is called growing younger. Rapidly aging States around the country was discussed. We can plan for aging population. Attracting businesses to come here was discussed.

Ms. Woolsey discussed reaching out to colleges. Mr. Emerick said that forum takes place on the night of our Planning Board meeting.

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Mr. Bachand asked Mr. Roache to discuss the Town's roll in enhancing requirements. Giving RPC status as an abutter was asked about. Mr. Roache said using this guidance is a good practice to fall back on. (Lonza was an example). Subdivisions of 50 homes may equal a regional impact. Mr. Bachand said it is something we think about. Should it go into the Subdivision and Site Plan Regulations was asked. Staff at the RPC could get involved regarding guidance on a project.

Mr. McMahon asked how often Regional Impact requests were discussed. Mark Olson asked about the impact.

Mr. Bachand discussed the preliminary conceptual consultation on Mary Batchelder and Timber Swamp Road. He reached out to Glenn Greenwood as to whether it met the criteria for a Regional Impact. Mr. Bachand said we need more awareness on that.

Ms. Carnaby said we need to get the project back again. It is with the PRC now. They made some modifications. We should see them before the PRC.

Ms. Kravitz discussed that there were two Developments of Regional Impact in Seabrook. A large retail center and Waterstone retail stores. The applicant goes to the Planning Board with the plan and the Planning Board decides whether it wishes to refer it as a Development of Regional Impact. If yes, plans are sent to the RPC and also abutting communities. They (Towns) then have status as an abutter. You give them (Towns) the opportunity to testify and notices must go to those Towns. Transportation planners came to Planning Board meetings and gave recommendations on hazards. That involved meeting at the RPC where the developer and planner had a meeting so the RPC could give its response.

Ms. Kravitz said to look at the RSA's. It is abutting communities.

Mr. McNamara mentioned projects discussed, Hampton was not notified. It is put in the newspaper.

Mr. Bachand discussed Complete Streets. He provided the Board with background information on Complete Streets from APA and the State. An example of a Complete Streets policy from Portsmouth was also given. It involves integration of pedestrians, bicyclists, etc.; not just motor vehicles.

Mr. Roache said Portsmouth has been the leader on this. Scott Bogle is the transportation contact at RPC. He has vast experience in working with communities on this. **Mr. Roache would like to bring Scott Bogle into the room and discuss this topic with the Board.** Mr. Roache said it could overlap with the Master Plan.

Mr. Lessard asked about communities that do not spend money on sidewalks – and Safe Routes to School. People want physical activity. Historical roads tend to be narrow. Mr.

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Lessard asked about making our existing roads safer for drivers, skateboarders, bicyclists etc. If we are not going to invest in the sidewalks, we need to have pictures on the roadway like many towns provide. Signs saying ‘walk against traffic’ (example). He likes the Complete Streets idea, but we need incomplete streets in Town to be safe for all users.

Mr. McMahon said we need to define our network. Sidewalks along the portion of Mace Road were discussed. It was not voted in. Work around schools was discussed. We need to identify what we see as those needing complete treatment.

Mr. Lessard said painting on roads would help.

Mr. Olson asked why Portsmouth and Exeter seem to get these things done. Securing grants, etc. Mr. Olson wants to hear what we can do. Mr. Roache said there are political pulls. Mr. Roache discussed providing due diligence. Level of stress analysis for speed, security etc. **The DPW should be able to provide painting for road painting.**

Ms. Carnaby asked what the Planning Board can do to be helpful. Mr. Roache said communication. Working through Barbara and other Commissioners. Mr. Roache wants the Town to think of the RPC as a resource. He has contacts with other Counties as well in New Hampshire (not just Rockingham County).

Ms. Kravitz said there are maps and GIS systems at RPC. Use them on their website. There is a lot of information available to us. Metropolitan Planning Organization – transportation. The members of the policy committee that vote are the commissioners. There are four in this room. It is the commissioners who decide and who have the opportunity to weigh in. GIS and mapping is all available.

III. CONTINUED PUBLIC HEARINGS

IV. NEW PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of October 3, 2018

MOTION by Mr. Emerick to approve the October 3, Minutes.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (McNamara abstained)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **Request for One Year Extension of Site Plan Approval – 28 I Street & 101 Ocean Blvd:** Construction of 5-story building (to include retail, restaurant and residential) on 101 Ocean Boulevard; parking to be provided on 28 I Street.

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Mr. Bachand said they are working on conditions but may also be back with some modifications. They are at the one-year mark to meet conditions and have the plan signed by the Board. Mr. Bachand recommended granting the one-year extension.

MOVED by Mr. Lessard (to extend the approval to November 1, 2019)

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

- **Conservation Commission - Proposed Zoning Articles for 2019**

Ms. Rayann Dionne (Conservation Coordinator) appeared with Jay Diener (Conservation Commission Chair). They revised, per the last Planning Board meeting, Articles discussed and want additional comments from the Planning Board.

The Floodplain Ordinance revision was discussed. It deals with structures in flood hazard areas. New construction or substantial improvement – at least one foot above base flood elevation was discussed. They want to go three (3) feet above base flood elevation. If they are reaching a height limitation, applicants can go up to 3 feet more without having to apply for a zoning variance. It would be a maximum of 3 feet. This encourages people to make structures more resilient.

It has to start on the bottom.

Ms. Dionne said it went to Attorney Mark Gearreald for review. She wants to see if the Planning Board is on board with this Article. If it is appropriate, then it goes forward. Mr. Bachand suggested a Special Meeting in November for Zoning Articles. This would give the Planning Board three meetings without running into problems due to newspaper notification deadlines. November 28th would be the first hearing. A consensus one way or the other is what they are looking for.

It was asked if the Planning Board is okay with meeting Wednesday the 28th of November, just for zoning. The Board said that is fine.

Ms. Dionne discussed revisions to the wetland ordinance. She discussed Section 2.3.4 which discusses use restrictions. It is applicable to tidal wetlands, 50' buffer. If a project within 50' of the tidal wetland is new construction or substantial improvement, high flood plain rules would kick in with being constructed on pilings.

Ms. Woolsey asked if this is adjacent to the marsh. Ms. Dionne stated 'yes'.

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Mr. Emerick does not support this. This is telling private citizens what they have to do with their homes. He thinks people should be able to decide. The Conservation Commission can give recommendations. He does not think this is the government's job.

This is in the flood plain ordinance per Ms. Dionne.

Ms. Olson said it changes the tone of what we have. Mr. Olson does not want that look to become our new look of Hampton. He thinks it is a good idea, but to force someone's hand makes it heavy-handed.

Mr. Olson discussed under storage. If junk is under the homes, there may be some old things stored under there.

Ms. Carnaby asked if it could be worked that if someone wants to do this, a way to show the best practice recommended. Best practices. Mr. Diener said it is good to provide information, but we cannot force them.

Mr. Diener said this would be an informational campaign. It could be on the website. Ms. Dionne discussed people's foundations being lost during large storms.

Ms. Woolsey said it may protect adjacent properties as well.

Use 2.3.4 – adding new Section H – to tidal wetlands. Put reference to Section number. 2.4.11 is in flood plain ordinance.

Ms. Carnaby asked if this is put in, and someone does something different, where does it not become the landowner's choice. Ms. Dionne said substantial improvement is 50 percent or more of the assessed value. These are subject to variances. Substantial improvement is in the floodplain ordinance and should be in definitions. It would be a one-time building permit. Mr. Lessard said they could do it by phasing. Mr. Lessard asked why it was not included for insurance flood plain – create a community so insurance rates were dealt with. CRS cannot be dealt with yet. There are some non-compliance issues going on with the Town. We have not entered into the CRS program yet. Problems are being dealt with through the Building Department process.

Ms. Dionne said any time we are adding to our Ordinance, there is a way to gain additional points. The result is a reduction in flood insurance premiums (through CRS).

Ms. Dionne said we (Town) worked with the RPC and there is a point system to have 500 points to get into a class 9. RPC said based on our Regulations, we would likely be Class 8 which is a 10 percent reduction. We have some properties that were built in the flood hazard area. We get audited every 5 years. The last 5 years of Building Permits are looked at. Some sites with certain requirements were not met. Flood venting and not sufficient flood venting took

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place. Some have a crawl space – where it should have been filled in. Structures need to be brought into compliance, and then we are in good standing. It was through the Building Permit process that things were missed.

Mr. Lessard wants to know if the homes can be corrected. They (Town) are working toward that. FEMA makes them follow criteria. It is also dependent on the property owner being cooperative. They have a structure that is not compliant so they will get a higher insurance rate.

The issues are with new construction homes, i.e. within last 5 years.

The Town Attorney still needs to review this. Ms. Dionne wants to know if they (Planning Board) are on board.

Ms. Woolsey wants a consensus on their proposal and is in favor.
Second by Mr. McNamara.

Mr. Diener asked is there is anything they could change on this that may change the Board's mind. Mr. Emerick said the philosophical side is his problem with this. He does not like that we are enhancing building codes.

Ms. Carnaby asked if we should maybe base this on what FEMA is saying. Mr. Olson said to make the ground higher.

Ms. Woolsey wants to protect property owners. Reasonable logical guidelines are needed.

Mr. McMahon asked about 10 structures or 10,000 – what is the area. This is just WCD per Mr. Diener.

Mr. Lessard asked if we can bring it back, move it forward for public hearing and then decide whether to move it to ballot. Mr. Emerick said that is fine. Ms. Dionne said they could state unobstructed flow of water not specify pilings, or greater openings. It could be the Hampton saltmarsh – not go into Meadow Pond and Huckleberry.

Mr. Lessard wants it to come back. **Mr. Emerick wants to see the GIS of what this would entail.**

Mr. Olson asked if there is an environmental issue that can be gained by this. Ms. Dionne said fuel driven items can be located in the bottom area. Anytime that floods, water comes in and all contaminants are in the water. Services are run through pilings. Mr. Bachand said to bring this back on the 7th of November or 28th of November. There would still be time for two public hearings.

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Mr. Diener said we (Town) had 49, 10-foot high tides. Almost once a week properties see flooding. It is a serious concern. Next year it is expected to get 55, 10-foot high tides without taking into consideration storm surge.

Section 2.3.7 – special provisions were discussed by Ms. Dionne. Conservation is focusing on “C”. They want to remove the minimum of 75 percent. This is available at Town Hall (Planning Office). The dimensional requirements table would be edited. This would simplify the calculation creating legal lots of record.

Mr. Lessard asked about single-family dwellings with ADU. A single-family dwelling unit with an ADU is still a single-family per Mr. Bachand. The ADU is accessory to the primary use.

Mr. Emerick does not know what is being solved.

Ms. Dionne said this could be added to the footnote.

Mr. Emerick thinks for newly-created lots it makes sense. Ms. Dionne said first and last (Articles) are good with the Board. The Board agreed.

- **Additional Proposed Zoning Articles for 2019**

Mr. Bachand discussed the proposed Amendments.

Mr. Bachand discussed signage. The proposal is to establish regulations for feather / sail-type signs and air dancer fan driven or inflatable devices. This information is available at the Town Planning office. The term “and in the form of a person” (for the proposed definition of air dancer) should be taken out. The language “depicting a character” should be added.

This does not affect holiday displays.

Mr. Bachand asked about the Town Center District – the regulations currently just refer to the B zone requirements. Ms. Carnaby asked on Page 4, J. - item 2 that there be no more than 2 signs per each property. The Board said not to alter the Town Center District.

Mr. Bachand noted that Attorney Gearreald and Mr. Schultz (Building) have received all Amendments.

This should move forward per the Board.

Mr. Bachand discussed Demolition Review next. He noted Mr. Schultz told him that he has comments on this one, but they have not discussed yet. The purpose is to establish a process

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and requirements for the review of older structures. A definition of demolition is added to Section 1.6. The Town does not have a Heritage Commission. The Selectmen would appoint member to a proposed Demolition Review Committee, then the Heritage Commission would take over if one is reinstated. Mr. Bachand researched about a half dozen nearby towns who have this process. Older buildings being demolished was discussed. The Board wants a 100 year threshold to be used (the proposed draft Amendment reads 75 years).

Mr. McMahon discussed whether this applies to partial or full demolition. It should be clarified.

Ms. Carnaby noted that this is a stop and think process. She thinks there is a State registry that is protective for older homes. The National Register application was a prohibitive process in terms of time and money. The State registry is protective, but easier to get listed on.

Mr. Emerick thinks this is overkill. Ms. Carnaby said we have become blind to the Town's history.

We can bring this back for further discussion on November 7th.

Mr. Bachand discussed multi-unit residential density. The purpose of the Amendment is to improve existing density requirements for multifamily and condominium development projects. This establishes a conditional use permit process for large multi-family and condominium projects in the BS and BS1 zones. No maximum density requirements exist now. This information is available at the Planning Office.

Mr. McNamara discussed "e" in Section 8.4 - compatible. It is subjective criteria. Written findings of fact. **Mr. Bachand noted he could scrap "e" if the Board wished. It will be deleted.**

Place an unnecessary burden "d" (Section 8.4) was asked about by Ms. Carnaby. Mr. Bachand has discussed this subject with Town staff. Replacing "unnecessary burden" with "consultation with" was suggested.

Ms. Carnaby said in "f" (Section 8.4) 'to the extent feasible' - take it out (those words). The Board agreed.

Mr. Lessard asked in "b" (Section 8.4) if that is premature and scattered development.

Mr. McNamara discussed guidelines.

Ms. Woolsey wants Mr. Bachand to talk to Chief Ayotte (Fire) about safety in buildings, etc.

Mr. Bachand discussed having a similar cap of 1.5 times for the RB, B, and G zones – maximum of 12 units where groups of buildings are allowed on one lot.

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Mr. Bachand discussed whether the Town Center District should be included in this. Mr. Lessard said leave it alone.

Mr. Bachand said we are also adding minimum lot area per dwelling unit to this for the POR district, as it was previously left out of that section. It would be 10,000 square feet. The Board is fine with this.

Mr. Bachand will speak with Attorney Gearreald and Mr. Schultz.

This should move forward per the Board.

Mr. Bachand discussed an ADU Amendment. Section 3-A.11 - Declaration of Covenants, Conditions and Restrictions to be filed with the Registry. Change it to apply only to lots located in the RA and RAA zoning districts. Those are the exclusively single-family zones.

That one can move along.

Mr. Bachand discussed Aquifer Protection District. There is language requiring a written statement to be provided every two years. Mr. Bachand said it is burdensome in some ways. O&M's are going crazy, this could become similar. Unnecessary red tape. Striking the language was discussed. Mr. Bachand asked if there should be softer language. Ms. Woolsey asked if it is only the last paragraph that would be deleted. Mr. Bachand said yes, everything else would remain in place. **The Board said it can move forward.**

- Complete Streets (discussed above)
- Regional Impact Developments (discussed above)
- Letter regarding Rockingham Planning Commission Dues for 2019

VIII. ADJOURNMENT

MOTION by Mr. Emerick to adjourn.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 9:27 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