

**HAMPTON PLANNING BOARD**

**DRAFT MINUTES**

**March 4, 2020 – 7:00 p.m.**

**PRESENT:** Ann Carnaby, Vice Chair  
Alex Loiseau, Clerk  
Fran McMahon  
Mark Olson  
Jim Waddell, Selectman Member  
Steve Chase, Alternate  
Jason Bachand, Town Planner

**ABSENT:** **Tracy Emerick, Chair**  
**Keith Lessard**  
**Laurie Olivier, Office Manager/Planning**

**I. CALL TO ORDER**

Vice Chair Carnaby, serving as Chair this evening in place of Mr. Emerick, commenced the meeting at 7:00 p.m. by leading the Pledge of Allegiance and introducing the Planning Board members. It was noted that the applicants for 533, 535 & 537 Ocean Boulevard will not be heard this evening. If anyone is here for that, the application is now on for March 18<sup>th</sup>.

**MOVED** by Mr. McMahon.

**SECOND** by Mr. Olson.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**II. ATTENDING TO BE HEARD**

**III. NEW PUBLIC HEARINGS**

**20-007 907 Ocean Blvd**

Map: 168 Lot: 37

Applicant: William R. Dufresne

Owner of Record: Same

Conditional Use Permit for ADU: Current two-family home with current rental occupancy permit. Seeking to allow rental unit to be classified as Accessory Dwelling Unit.

Bill Dufresne appeared. It is a family owned property. It has been in the family for three generations. It precedes all complications that he is having problems with today. He went through the 41:14-a process. Legal team required deed restriction be modified. They got through the process. He bought the home in 2004. Deed restrictions did not matter. It fits the ADU description more than the two-family home criteria. He wants approval for the accessory unit so he can clean up the title. He wants to sell the home.

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**BOARD**

Mr. McMahon asked about the parking plan. There is a double wide space that serves the ADU. Two cars fit side-by-side. He can put a parallel spot on that space – 9' x 18'. He submitted a revised plan. The applicant said prior to that, he submitted to the Police Chief. Mr. McMahon had a problem with the Chief's letter. Mr. McMahon said it is in the travel way, those parking spaces, he indicates they are encroached into Town property. The Board cannot allow encroachments into Town property.

**PUBLIC BOARD**

Mr. Bachand said it is in the RA Zoning District. It is a pre-existing non-conforming use. This proposal eliminates the use non-conformity. The parking situation was problematic. The Board cannot approve as initially shown. With the revised plan, he gets four legal spaces and that puts him in compliance. It is an improvement. The Board can now take action.

Mr. Bachand spoke about the impact fee waiver request – his opinion is that he agrees with the applicant. He read the Ordinance. ADU's are not eligible for full or partial waiver of impact fee. They would have to seek relief from the Zoning Board. Mr. Bachand does not think that should be a big issue.

The applicant asked about the fee and he is not changing anything. Mr. Bachand said most ADU's are in single-family homes. The applicant has a unique situation. Mr. Bachand recommends approval with conditions.

Mr. McMahon asked how the ADU legislation impacts deed restrictions. Does it trump the deed restriction was asked.

Attorney Gearreald said it is a product of the contract. It (deed restriction) is its own animal.

Mr. Olson said this situation is unique. The applicant has a two-family. He does not think he should be subject to the impact fee.

**MOTION** by Mr. Olson to approve the Conditional Use Permit for ADU with the conditions in the Planner's Memo dated March 4, 2020.

**SECOND** by Mr. Waddell.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

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**20-008 28-30 Glade Path**

Map: 273 Lot: 12

Applicant: David Lefebvre, Martha Battistelli & Kevin McGrade

Owner of Record: Same

Condominium Conversion: Convert existing residential condominium (through current Planning Process) into condominium form of ownership.

Waiver Request: Section V.E. Detailed Plans.

Attorney John Bosen appeared. Dave Lefebvre is present also. A two-unit condo has been in existence since 1985. The owners terminated the condominium, innocently. They did it without legal counsel. They learned the lenders would not agree with that. They reinstated the condominium without coming back to this Board. They are here retroactively.

**BOARD**

Mr. Olson asked about the restated Condominium Declaration, when did this occur. This happened after 1985. It was restated per Attorney Bosen and filed with Registry; that's when the Town said you cannot do that. It should not be there.

**PUBLIC**

Brenda Shank, 20 Glade Path appeared. Can they separate the condos was asked. Are there benefits, like lower taxes.

Attorney Gearreald does not know the rationale for terminating the condominium. He said when you file a Declaration or Restated Declaration, it's a commitment to condominiumization, which is a subdivision. Subdivisions need this Board's approval. Everybody will now be on the same page.

Ms. Shank asked about post-insurance that covers the whole house. She asked about taxes. Attorney Gearreald said taxes are market driven. Properties down at the beach have a desirable value and are taxed accordingly.

Mr. Bachand recommends approval of the condominium conversion along with the conditions contained in his Memorandum dated March 4<sup>th</sup>. He noted there is also a waiver request.

Another public comment:

Scott Simmons, 18 Glade Path, appeared. He asked why it was taken out of condominium in the first place. It turned into a two-family per Attorney Bosen. They were looking to get out of the condominium structure. They found it was not the right move.

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**MOTION** by Mr. McMahon to approve the waiver request.

**SECOND** by Mr. Olson.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. McMahon to approve the condominium conversion with Mr. Bachand's conditions in his Memo dated March 4, 2020.

**SECOND** by Mr. Olson.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**20-010 489 Ocean Boulevard**

Map: 266 Lot: 49

Applicant: NE Acquisition & Construction, Inc.

Owner of Record: Same

Condominium Conversion: Convert two-family residential building into condominium form of ownership.

Waiver Request: Section V.E. Detailed Plans.

Mr. Loiseau recused himself from this application.

Attorney Gearreald asked that the Board continue this application due to a jurisdictional defect. This is for Tax Map 266, Lot 49, which is 489 Ocean Blvd. On the tax map here, it is owned by NE Acquisition and Construction, Inc. When you look at the plan, the property shows the four parking spaces, but not how they are accessed. The only place three get access from, because of the configuration of the building, is by the adjacent property, 487 Ocean Blvd. He gave the Board copies of deeds. The applicant does not show if there is deeded access. Bayside Cottage was discussed, Edward Towle. A number of lots were created. All lots have deeded access to cross 487 Ocean Blvd to reach Ocean Blvd. It is noted as Anchor Street. Rear Bayside was discussed. They have property rights to access. They should be treated as abutters. Some have been notified. Lots 15 and 17 who have deeded rights to cross were not notified. We want to avoid hearing the application where necessary abutters have not been notified. We do not want the Board to vacate the decision later on. We want to avoid that. Abutters should have their say. He believes it should be continued to the next meeting; it would be the April 1<sup>st</sup> meeting to allow for abutter notification.

Mr. Scully said everyone should be privy to the requirements for the application. Notification of abutters were read. RSA in reference to the application, an abutter is defined..." in NH, adjoins...directly across the street or stream...by land use board." 473 Ocean Blvd is the parcel that needed to be notified. 672:3 or NH RSA's are being adhered to, he stated. We should be heard because the abutters have been notified. He disagrees with Attorney Gearreald, and believes the direct parcels were noticed per the RSA.

Attorney Gearreald said he believes an easement interest is reserved to the back parcels, all of them, they have a property interest and they are entitled to assert that interest.

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Attorney Scully said nothing is changing. The building is not changing. Property interests are not being affected whatsoever. Attorney Scully said the easement is an access easement. They are not infringing upon anyone's rights. As a matter of law, they are not the owners of the parcel. They do not hold title to the property that owns the street.

Mr. Chase asked about the problem with the application. Attorney Scully said there is a financing issue. They felt the proper abutters were notified. As a matter of time, there is an issue. The applicant said they came in on time. If this is not taken care of by the 2<sup>nd</sup> of April, they are out \$10,000. He expressed this to Mr. Bachand. This is an easement issue, not an abutter issue.

Mr. Olson said what about the people purchasing the other unit. The applicant is not changing anything. Parking has been in existence since 1929. Parking has always been there.

Attorney Gearreald brought up another problem; access. He does not want to make a mistake when it is heard. When it is condominiumized, it is a different kettle of fish.

Mr. Waddell asked about two interpretations of the law. The RSA 356:B-5 – you can't discriminate against it (condominium). Both owners are here; both have been notified. It is a private street.

Ms. Carnaby asked about missing the date for the mid-month meeting. He would have had to send out abutter notices yesterday. Mr. McMahon asked about other issues.

Attorney Gearreald said there is a title issue. He gave a deed to the property. His search of deeds, going back to around 1900, is the right of way is utilized to get to the rear spaces (3), and that is what was the Bayside. That is derived from the title chain. There is no deeded right of way to get back to the spaces. Parking spaces are defined in our Ordinance. They should be 9' x 18' and spaces need satisfactory ingress and egress. The deeds in question show no deeded right of way to get into spaces. Lot 48 could build a fence in the future, it was noted.

Attorney Scully said RSA 356:B-5 – non prohibiting condominium form of ownership....(read loud). Physical, identical form of ownership. Nothing is changing.

Mr. Olson said he is not concerned about some future problem. He does not want to speculate. It is a difficult one.

Mr. McMahon said if they have to come back, can they come back with answers. We need to re-notify those two additional abutters. Attorney Gearreald said it is better to wait until they are present.

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**PUBLIC**

6 Anchor Court, Christine Wanderlich appeared. They had a neighbor Jake who owned the property closer to the marsh when the last storm came. The people who live next to her are from Worcester. They were notified. She was notified. There is only the Woods (little house) – the Wood family. One behind her house, that is falling apart; they live in Bedford. They probably knew this was going on. If other neighbors had an issue, they would be there to tell them so. There is never a problem going up and down the street. She has been there for 20 years. They never could get help from the Town because the Town could not go down there for snow, so the group did it themselves. She does not think the Town has helped in any way in terms of access for people who live in the back area any more than they have right now. She does not think this is right. They are a private street. Nobody has ever tried to put up a fence or whatnot. She has known the situation for many years; this is not going to change anything.

Mr. Bachand said it is up to the Board. There is money involved if we continue the meeting (per the applicant). Maybe we could notify the additional abutters.

Mr. Olson said it is all private property. The Town does not have any jurisdiction over Anchor Court/Anchor Street. We want to govern it, but we do not want to service it—it does not seem right per Mr. Olson.

Mr. Waddell asked who else has the right of way there? Attorney Gearreald showed all property behind having rights to pass and repass over Towle Avenue on that Bayside plan. Towle Avenue is on the abutting property. Attorney Gearreald discussed adverse possession. It is an existing two-unit (from 2018). The Board for health and safety reasons has to deal with accessibility.

Ms. Carnaby asked for choices. Attorney Gearreald apologized for the applicant's economic hardship. However, he recommends this to be continued to April 1<sup>st</sup>. He can speak with Attorney Scully.

Attorney Scully said this is a right of way; deeds with granted access - it is specific. It is not for parking or anything; just a right of way; just an access way. It is his opinion, 20 years, it has been done without permission. Personally, he does not think this is necessary. The property owner snow plows. Mr. Roy was noticed. He believes the Board can hear this. Mr. Roy was notified per Attorney Scully. Mr. Waddell said do they need to be notified. Mr. Olson said he will hear it.

**MOTION** by Mr. Olson to hear the application this evening.

**SECOND** by Mr. Waddell.

**VOTE: 3 – 2 (Carnaby, Chase) – 1 (Loiseau - recused)      MOTION PASSED.**

## HAMPTON PLANNING BOARD

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Attorney Scully said they are here for a condominium conversion. They requested a waiver of the Detailed Plan requirements. The plan is to change the form of ownership; from one owner to condominium form of ownership. Condominium documents will be drafted and submitted to the Town Attorney for his review. The exterior will not change.

### BOARD

Mr. Olson said parking seems wide. Each unit gets its own space. The applicant said he wants people to not complain later on. The applicant said this is how it was approved by the Building Department. Nothing has changed.

### PUBLIC

Attorney Gearreald discussed the deed. The description does not include the right of way on the property. If this is approved, it would be re-enforcing the situation where access to the rear parking spaces is over someone else's property with no deeded right to cross it. Parking spaces were discussed. Egress and ingress should be adequate. The turning radius was discussed.

Anchor Court was discussed by Attorney Gearreald. Enforcement by adverse possession was discussed. Maneuvering was discussed. There may be an unsafe situation.

Legal deeded rights were discussed by Attorney Gearreald.

Ms. Wanderlich talked about Anchor Court. Room to turn. She is on Anchor Court. The person in back of her, white shack. He/she decided to expand house beyond what was allowed. The area became smaller. That is why there is a hard time going back and forth. That is not the applicant's problem. The road is never blocked by anyone. There is ample parking. To put blame on people on Ocean Boulevard with the problem with someone turning around, it is not this applicant. It is whoever decided to let what happened at Anchor Court. The Town of Hampton is at fault per Ms. Wanderlich.

Attorney Scully discussed the NH Municipal website, these issues are addressed. He read Supreme Court cases. He discussed this is a proposed condominium conversion where nothing has changed. If the use is the same, it cannot be discriminated against. He said this is continuing to exist as it always has been. The use is the same, the Town cannot discriminate upon the form of ownership which is what is happening this evening.

Attorney Gearreald spoke about a case cited by Attorney Scully. In that case, he said the conversion was made of several apartments and the applicant had six spaces and two stacks and this Board said we will not allow that. That issue was changed. Parking was changed. Safety was a concern. The Court did not undue that portion. Seasonal versus year round was discussed (not an issue here).

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Attorney Scully said the use is the same.

**BOARD**

Mr. Bachand said the plan is flawed as it does not clearly identify the access way. He asked how you get back there. The plan should be revised. Mr. Bachand discussed crossing spaces. Rights to cross. His recommendation said he wants to continue this for two weeks to see what else can be clarified. Mr. McMahon asked about further notification. Maybe we should go further (an additional) two weeks. Mr. Bachand recommends that.

Mr. Olson said we need to show there is a place to park. He does not want to right the wrongs of 20+ years. It is a change of ownership. No increase in density. He does not want to be held accountable for something that happened so long ago. It is a paper street. We do not take care of it.

Ms. Carnaby said they just want to change the form of ownership.

Mr. Chase thinks things need to be ironed out. It could cause more problems later.

Mr. McMahon is worried about access. Mr. Waddell said nothing has changed. Ms. Carnaby said it is a private street.

Ms. Wanderlich discussed this has never been a problem. Everybody is pretty much seasonal living. Everyone has their own parking lots. She thinks this is a waste of time in her opinion. They have to take care of everything themselves. Mr. Chase said it could affect the next owners. Ms. Wanderlich said all the paperwork is available. They have a deeded right of way.

Ms. Carnaby said the people here do not have a deeded right of way.

Attorney Scully said every property in rear portion has been reviewed extensively. Many deeds would need to change. This is a privately owned roadway, if there is a conflict with the client or successors, that fight won't be held with the Town. It would take place in court as a civil matter.

Ms. Carnaby asked if notes can be in the condo docs, noting there is a private issue in the future (may be).

Ms. Wanderlich discussed her right of way.

**MOTION** by Mr. Olson that we approve the waiver request for the detailed plan.

**SECOND** by Mr. Waddell.

**VOTE: 4 – 1 (McMahon) – 1 (Loiseau - recused)**

**MOTION PASSED.**

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Mr. Bachand handed out suggestions conditions. Although it is not his recommendation, he wants to know what the Board wants included if it does decide to grant the condo conversion. Attorney Scully said #2 through #6.

Mr. McMahon asked if they vote to deny what happens. Can they come back was asked. With re-notification, etc. Mr. Bachand believes so.

Mr. Olson asked about change of ownership and sealed surface. He discussed fair and reasonable and safe. This is like an Act of Congress.

Attorney Gearreald discussed the right of way. It is owned by someone else. He discussed taking care of snow. Who will clear snow is still a concern. Mr. Olson said the Town is not doing it. Attorney Gearreald said unit owners or condo association. The applicant showed where the snow designation is.

**MOTION** by Mr. Olson to approve the condo conversion, with all conditions except #1.

**SECOND** by Mr. Waddell.

**VOTE: 4 – 1 (McMahon) – 1 (Loiseau - recused)**

**MOTION PASSED.**

**20-011 95 & 97 Ocean Blvd & 4 & 25 J St.**

Map: 290 Lot: 116,117,118 & 137

Applicant: McGuirk's Ocean View, Inc.

Owner of Record: McGuirk's Ocean View, Inc.

Site Plan (Amended): Amend initial Site Plan application/approval (See 19-009) to show a phased project. Phase I consists of a temporary cabana bar and deck (already constructed). Phase II consists of the initially-approved four-story restaurant and pub that attaches to the existing restaurant with a breezeway, one residential unit and an outdoor patio for the restaurant.

Waiver Request: Section V.C. - Application Fees.

Attorney Scully appeared with Mr. McGuirk, the applicant and Attorney Boynko (sp). They went to the PRC. The March 4<sup>th</sup> Memo is acknowledged (Mr. Bachand's). What the Planning Board previously approved now becomes Phase 2. What is the temporary cabana will be Phase 1. This is for Phase 1, which is already constructed. Phase 2 will be the final project.

**BOARD**

Mr. McMahon asked about the timing on Phase 2. Attorney Scully said because of variances, they request it be permitted to Columbus Day, 2022.

It was stated that Mr. Bachand said Phase 1, what is there today, should remain until 2022. Three years. Mr. Bachand clarified that the cabana should be removed in December of 2021.

## HAMPTON PLANNING BOARD

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At the December (2019) meeting, the Board wanted to see a limit of two years. That is two full beach seasons. Attorney Scully does not recall that.

Attorney Scully hopes to get through the Summer of 2022. Mr. Bachand wants that to be discussed among the Board.

Attorney Boynko said there are improvements needed before the cabana is taken down. There will be further improvements. They have been in limbo for 7 months. Attorney Scully said Phase 2 will likely have changes. Mr. Bachand said changes would have to be addressed in a future application.

Mr. McMahon asked about the building to the north; they would have to come back per Attorney Scully. Mr. McMahon asked about the northerly wall. It has to be re-evaluated per Attorney Scully.

Mr. Olson discussed capacity; tables and chairs. How many people does this serve; what happens with the bathroom. He asked about safety. Mr. Bachand said it was discussed at PRC. DPW had comments on this.

Attorney Scully discussed health and the liquor license; everything was adhered to with the process. Inspections have been done.

Mr. Olson wants a respectful environment for people to use bathrooms, etc.

Mr. McGuirk said the bathroom issue needs to be addressed. He has called Ms. Hale (after PRC). Ms. Hale said it will get addressed properly.

Wastewater charges (for the cabana) were discussed. Attorney Boynko said the existing structure had 6 apartments and 7 bathrooms; they want credit for that. Mr. Bachand said that will need to be discussed with DPW.

Mr. McMahon said Phase 2 as shown won't really be Phase 2. They will have to come back to address that per Mr. Bachand.

### PUBLIC

Mr. James Sullivan, 100 Ashworth Ave. appeared. He likes the project.

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Mr. Charlie Preston, Glade Path, appeared. The ZBA did not follow the process. January 22<sup>nd</sup>, PRC was discussed. It is an after-the-fact. Mr. McGuirk said he thought he followed the procedure. The project shifted so much even Mr. Bachand was confused. Attorney Gearreald discussed deed restrictions. Notices to abutters were discussed. DPW (Ms. Hale) asked if the voluntary lot merger was completed. Mr. McGuirk said ‘no’. Wastewater development charges were discussed. Lots were discussed. He (Mr. Preston) wants to know how long an approved plan is good for. What is the duration of “temporary”. How many phases can they have. He wants to know about the waiver request. What does it mean. He discussed notifying abutters. He discussed a project of his own. Elected officials should follow the law.

### BOARD

Mr. Bachand walked through his Memo. He discussed how the phased approach to the project was established.

Phase 1 – he suggested a time frame in his Memo. Remove by December 31, 2021. The Board can decide to accept it, if it wishes.

Mr. Bachand discussed the Lot Merger. It should have been recorded some time ago. It should have been promptly addressed. Right now, they have a cabana, the south property line (without the merger) is not in compliance. It needs to be done immediately.

Attorney Gearreald, at the PRC meeting, discussed variances. The variances from the prior project may not cover this project. He wants the applicant to go back to the ZBA for a public meeting. It needs to be clarified. They need a 41:14-a approval for the fence/wall and its height needs to be addressed. The cabana could be considered an outbuilding also requiring the 41:14-a process.

The waiver request was noted. Application fees. They did pay an application fee for the prior amended site plan application.

Mr. Bachand recommends the Board’s approval be subject to the conditions in his March 4, 2020 Memorandum. Any further changes will have to come back to the Planning Board for further consideration.

Mr. Olson asked about the lot merger. Is it uncommon that abutters facility will be serviced by the property next to it was asked. Attorney Scully said there is a petition before the ZBA—two owners/crossing over. This is the same entity that owns both. The lot merger situation; they are working as fast as they can on this. It is an estate planning issue to merge the lots. Attorney Boyenko said it should be done by year-end, but it’s going to take time.

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Mr. McGuirk said one parcel was purchased when his father was alive; since his death, his ownership goes to his Trust; ownership on the other parcel is in his mother's Trust. They are trying to dissolve the Massachusetts Trust and move it to Hampton. A letter from bank was discussed by Attorney Boynko – it could be financing issue. It was not given in advance to Board per Mr. Bachand. Attorney Boynko gave Mr. Bachand the letter.

The letter sounds like they will be able to merge the lots. The estate situation needs to be worked out. Mr. Bachand asked about doing this within 60 days of approval, as his memo states. He asked if this item can be expedited.

Attorney Scully said the attorneys in Massachusetts said it could be by year-end.

Mr. Bachand discussed the merger at the time of the first approval last year. This has been talked about for months. Mr. McGuirk was told that when filing the final site plan, that is when this component happens. Mr. Bachand said it is a standard condition before the plan gets recorded. Mr. McGuirk said they get merged at plan recording.

Mr. Bachand said there are two plans: Phase 1 and Phase 2. Neither can be recorded until the Merger is done. Condition 5 will need to be amended; moved under prior to recording. Take the 60 days out, and move it to make sure it gets done prior to plans being recorded.

Attorney Scully discussed the variances. He discussed the July 18<sup>th</sup> ZBA Minutes – Page 7 – at bottom. He read it aloud. Last Page of ZBA Minutes. An inadvertent error was discussed. Mr. Provencal said if everyone is ok; temporary deck is ok. He thinks variances are granted.

Mr. Bachand said we did not have comfort with that decision. The deck should have been torn back by 4' on the north side. There is a contradictory statement in the (ZBA) minutes. He believes the ZBA needs to see this again. Attorney Scully said do they have to go through the hearing process, or just get a letter of support. Mr. Bachand cannot tell the ZBA what to do. He believes it should be a public hearing situation, but he cannot make that determination. Attorney Scully said they are happy to go back.

Attorney Scully discussed the deed description. Fence, wall, structure, was discussed. He discussed health, safety, and wellness. There could be a bar with no barrier; that is a concern. He discussed the ordinance definition of fences. Attorney Scully believes this is a structure. He wants to know if the Board wants that removed; in his opinion, it does not fall under a fence definition.

Attorney Scully discussed another deed restriction - outbuildings. There is no dwelling house on this lot. This deed restriction is not applicable in his opinion. He asked how this is applicable.

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Mr. Bachand said it came up at PRC. He discussed formerly-leased land. Title issues can occur. Mr. Bachand said it should not be a burden on the applicant. Attorney Gearreald said banks have gotten sticky on these things. Refinancing could be a problem further down the road.

Attorney Scully will seek to get them removed.

This should be subject to the conditions in the memo dated March 4<sup>th</sup>, moving condition #5, per Mr. Bachand. The Board should further discuss the time frame for removal of the structure. Two beach seasons is recommended. What does the Board want was asked.

**MOVED** by Mr. McMahon to approve the waiver.

Mr. Olson asked about the project being attached to the building to the North. Mr. McGuirk said 99 Ocean Blvd pulled it away from 97 Ocean Blvd. Mr. Olson asked if Phase 2 is being approved without variances.

It is shown being attached to 99 (Ocean). Mr. Olson said the Board already addressed this. Mr. McGuirk said Phase 2 is what was previously approved, but there will be a re-design. Not needed to ask for any variances, but the structure will change.

There will be another Amended Site Plan application in the future because Phase 2 will change. Attorney Scully said they have attempted to do everything requested. Mr. McMahon said anything else will have to go through PRC again as well.

Mr. Olson said the cabana will go away, and then there is a small outdoor patio. How do you get there. Is there an outdoor patio space proposed was asked. Attorney Boyenko said there may be changes to the patio. It is all Phase 2.

Mr. Bachand said this Board approved the project May 1<sup>st</sup> of last year. In this plan set, that is shown as Phase 2. Phase 1 will be cleaned up through this process (cabana); Phase 2 is exactly as approved. If they chose to change Phase 2, they will come back with an Amended Site Plan application to make changes to Phase 2.

Mr. McGuirk said that he will make the ZBA aware of all of this.

**MOTION** by Mr. McMahon on the waiver request.

**SECOND** by Mr. Olson

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**HAMPTON PLANNING BOARD**

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**March 4, 2020 – 7:00 p.m.**

**MOTION** by Mr. McMahon to approve the Amended Site Plan with the Planner's Memo (dated March 4, 2020), with the one amendment on the lot merger.

**SECOND** by Mr. Olson.

Mr. McGuirk discussed being in a holding pattern.

Mr. Bachand said if more time is needed (to keep the cabana), the applicant would need to come back to this Board.

Mr. Loiseau does not have any problem with the extension. He discussed the cabana. The prior house were an eyesore. This is a huge improvement in his opinion. He likes the cabana and no problem with extra year.

Mr. Bachand asked if the Board wants to go to Columbus Day of 2022.

Mr. Olson said this is a hybrid idea. He wants it on a two-year cycle, and then they could get extension. He thinks the Board is already extending an olive branch. He seconded the motion as written. Keep the date as is (December 31, 2021). Mr. McMahon agrees with Mr. Olson.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**20-012 533, 535 & 537 Ocean Blvd. (Note: continued to 3/18/20 - see Page 1)**

Map: 255 Lot: 8, 9 & 13

Applicant: Donik Corporation

Owner of Record: Hunter Investments, Inc.

Site Plan (Amended): Amend parking lot layout (per NHDOT) for 30-unit condominium building (20, two-bedroom units and 10, three-bedroom penthouse units). (See 19-038).

Waiver Request: Section V.C. - Application Fees.

**IV. CONTINUED PUBLIC HEARINGS**

**20-003 7 Eighth Street** (continued from 1/15/20)

Map: 210 Lot: 1

Applicant: Gilbert & Beverly Bortone, Trustees

Owner of Record: Beverly A. Bortone Revocable Trust.

Conditional Use Permit: Conversion of Garage into Accessory Dwelling Unit.

Attorney Peter Saari appeared. He has no objections to Mr. Bachand's Memo. It has to go through 41:14-a process. Attorney Saari discussed the parking spaces. He handed out a new plan. The property line is shown on the sketch. Mr. Olson is concerned about property not being in the right of way. Mr. Olson discussed the edge of pavement.

**HAMPTON PLANNING BOARD**

**DRAFT MINUTES**

**March 4, 2020 – 7:00 p.m.**

**BOARD  
PUBLIC  
BOARD**

Mr. Bachand discussed the parking spaces. Spaces #3 and #4 from the original plan are not needed to comply. These would also require adding an additional curb cut when two already exist. Mr. Bachand recommends approval with the conditions in his Memo dated March 4, 2020.

**MOTION** by Mr. Olson.

**SECOND** by Mr. Loiseau.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**V. CONSIDERATION OF MINUTES of February 19, 2020**

**MOVED** by Mr. McMahon.

**SECOND** by Mr. Olson.

**VOTE: 5 – 0 – 1 (Chase)**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

- **495 Lafayette Road – Question regarding proposed bed and breakfast use**

Mr. Bachand said this item does not need to be covered this evening. It was further researched, and a site plan will be required.

- **2020 Comprehensive Economic Development Strategy (CEDS) Update – Project Submission Sheet**

Mr. Bachand discussed the CEDS. Ms. Kravitz is an advocate of this; she is on the CEDS Steering Committee. The five objectives were discussed. He discussed what CEDS addresses. Information is available at the Planning Office. The Town of Derry listed its Master Plan as a priority project. Jennifer Kimball (REDC) said the priority project list does not equate to funding, but it gives weight and support for the plan and recognition of the project by having it listed as part of a regional plan and receiving federal recognition. The Department of Commerce and EDA approve the CEDS plan. It gives the Town exposure to be a part of this. Mr. Bachand asked the Board if it is okay to submit the application. The deadline is coming up. Mr. Chase thinks it's a good idea. Ms. Carnaby said it is an example of more places where fundable projects could get funded and noticed. The Board concurs with going forward with this.

**HAMPTON PLANNING BOARD**

**DRAFT MINUTES**

**March 4, 2020 – 7:00 p.m.**

- **Article 10 – Comprehensive Master Plan Update**

Mr. Bachand said next Tuesday is Town Meeting, and he asked the public to vote in favor of this Article. He summarized the Article again. Having a current plan will help the Town to qualify for grants for projects that are financially beyond what the Town can afford - he said this is a very important point. The Master Plan Sessions, which have been held monthly since June of 2019, were discussed. The online survey is still running ([publicinput.com/HMPS1](http://publicinput.com/HMPS1)). We are looking for public participation. March 18<sup>th</sup> is the next meeting about the Master Plan with the Master Plan Steering Committee.

The slide show about the Comprehensive Master Plan Update is airing on Channel 22. For those who have not seen it already, please watch for a more thorough overview. We need the voters support on Tuesday, March 10<sup>th</sup>, so that we will have a current and essential tool to better plan for the future of Hampton.

Ms. Carnaby said the yellow sheet shows “vote no” but no reason was given - we have all kinds of reasons for our residents to vote “yes”. We have been emphasizing these for many months.

**VIII. ADJOURNMENT**

**MOTION** by Mr. Olson to adjourn.

**SECOND** by Mr. Waddell.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**MEETING ADJOURNED: 9:29 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**