

HAMPTON PLANNING BOARD

DRAFT MINUTES

November 4, 2020 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair (Telephonically)
Alex Loiseau, Clerk
Fran McMahan
Mark Olson (Telephonically)
Keith Lessard
James Waddell, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning (Telephonically)

ABSENT:

I. CALL TO ORDER

Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, in order to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this body is authorized to meet electronically. Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, Chairman Emerick is confirming that the Planning Board are: Utilizing a teleconference service for this electronic Meeting. The Public may join the teleconference by calling 1-857-444-0744 and using the code 156034. If anyone has a problem, please call 603-929-5805.

Mr. Emerick commenced the meeting by introducing the Planning Board members.

Mr. Emerick read the Governor's State of Emergency criteria regarding the meeting being held telephonically. Prior to the meeting, the Planning Office gave information to residents/applicants on how to access the meeting electronically.

Attendance was taken, and it was stated who was in the room. Planning Board members, Mark Olson and Ann Carnaby, and Office Manager, Laurie Olivier, were home; no one was present with them. All other Board members and Town Planner, Jason Bachand were present in the Selectmen's Meeting Room. It was noted that all votes will be taken by roll call.

Mr. Emerick noted that the applicants for 18 McKay have withdrawn.

It was noted that the applicants for 27 Langdale wish to be continued to December 2nd.

MOVED by Mr. Lessard.

SECOND by Mr. McMahan.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

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It was noted that the applicants for 18 Sapphire Avenue wish to continue to December 2nd.

MOVED by Mr. Lessard.

SECOND by Mr. McMahon.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

- **Milone & MacBroom-Consultant for Phase I Master Plan Vision and Coastal Management**
Content: Progress Update and Next Steps

Mr. Noah Slovin was on the line. Mr. Brian Warburton and Ms. Barbara Kravitz are on the phone as well.

Mr. Slovin discussed updates. He noted they are making progress on scheduling the 8 meetings we are going to have; the focus groups. There was more feedback to include other groups in the (8) categories. Hampton Coastal Hazards and Adaption Team; HBAC; HBVD; Hampton Area Chamber of Commerce; youth and students; other under-represented groups such as seniors and low-income groups. The Hampton Walkers were also brought up. The surfing community and seasonal property owners also would be incorporated. They will figure it out as it moves along. They will figure out who fits where.

Mr. Emerick asked how many individuals per focus groups does he want. Mr. Slovin said there are no specific numbers; maybe to not go above 20 people for each group. They want to have conversations with everybody. Even if two or four people, it will still work. If a large number, they will combine with other groups. Between 5-30; around 10 people would be ideal.

Mr. Slovin said they have not discussed different numbers (with Jason Bachand and Nathalie Morison). Mr. Bachand thinks 10-15 is good. He reached out to the Village District (Chuck Rage), but has not heard back as of yet. He will be reaching out to the Chamber also.

The CHAT focus group is on for November.

Mr. Slovin said he has feedback about the Vision documents. They will incorporate that and put it aside pending focus groups.

III. NEW PUBLIC HEARINGS

20-048 15 Hedman Avenue

Map: 180 Lot: 17

Applicant: Dan and Jennie Doyle

Owner of Record: Same

Wetlands Permit: Install 192' of 6' white vinyl privacy fence.

Mr. Dan Doyle is on the line. Jennie Doyle also is on the line. They have the October 28th recommendation letter from the Conservation Commission. They do not have any issues with the letter.

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MOTION by Mr. Waddell to approve the Wetlands Permit along with the stipulations contained in the Conservation Commission's letter dated October 28, 2020.

SECOND by Mr. McMahon.

ROLL CALL VOTE: 7 – 0 – 0 MOTION PASSED.

20-049 1080 Ocean Blvd.

Map: 99 Lot: 10

Applicant: Jeffrey & Jennifer McCarthy

Owner of Record: Same

Wetlands Permit: Demolish existing dwelling and construct new, single-family dwelling

Attorney James Scully congratulated Mr. Emerick on his election. He is with Henry Boyd, Millennium Engineering, as well as Sergio Bonilla, Wetlands Scientist. They want to demolish the property and reconstruct a new dwelling. They received a few variances before the ZBA. They went before the Conservation Commission to show them the proposed plan. They went to them again for the Wetlands Permit with an updated plan, and to also get favorable recommendations for this Board.

Mr. Boyd discussed the plan – 3 sheets. The first is the existing conditions sheet. The structure is still within the setback. It is an oddly shaped lot. The new structure is an improvement to the setback. Pulls further from the wetlands. They went in front of the Conservation Commission three times to get input before going to the Zoning Board. There is a revision to the plan set, Mr. Boyd's fault. A generator that Ms. McCarthy wanted to put on the property. The generator is added to the left of the proposed driveway. There is a safe approach to get in and out of the lot. The turn out from the garage is bigger than what is currently there. There is a reduction in sealed surface. There is a spiral staircase from the eastern side.

The applicant met with abutters and he has favorable comments from abutters. They have the Shoreland Permit. They are awaiting the State Wetlands Permit. We also have a recommendation letter from the Conservation Commission dated October 28, 2020.

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Mr. Diener is on the phone. He addressed Mr. Boyd's comment about the pad for the generator and stairs. The mitigation that they are offering more than compensates for the small additions; no problem with the revised plans.

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MOTION by Mr. Lessard to approve the Wetlands Permit along with the conditions contained in the Conservation Commission's letter dated October 28, 2020.

SECOND by Mr. Loiseau.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

20-050 18 McKay Avenue *WITHDRAWN*

Map: 265 Lot: 43

Applicant: Al Couture

Owner of Record: Alaine & Diane Couture

Wetlands Permit: Pave existing driveway with asphalt (currently gravel)

20-052 27 Langdale Drive (Continued to December 2, 2020)

Map: 68 Lot: 12

Applicant: Jean M. Mohan

Owner of Record: Same

Wetlands Permit: Application of screened loam and crushed stone within the 50' buffer. Remove and replace 8'x8' deck. Installation of 6' vinyl fence. Construction of two long retaining walls. (Applicant seeking to waive after-the fact permit fee).

20-053 542-544 High Street

Map: 151 Lot: 8-6

Applicant: Joe and Donna Redshaw

Owners of Record: Same (542) & Stephen Webb (544)

Driveway Permit Appeal: Denial due to multiple curb cuts. Excavation permit required for removal of sidewalk in front of property.

Joe Redshaw is on the phone. Steve Webb is also on the phone. Mr. Redshaw discussed his driveway. Jim (contractor) discussed the driveway. Mr. Redshaw wants to go in like the rest of the condos on the street. Right now, he goes in through his neighbor's driveway. He wants a curb cut so he can go straight in. He wants to come off High Street straight in.

Mr. Bachand asked if the applicant received his memo. Stefan Contracting received the Memo.

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Mr. Lessard does not mind the sharing for the two buildings. He does not want to see a loss of the sidewalks on the east and west side of the property. If someone walking needs to get out of the way. He does not want it wide open.

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Mr. Emerick said there is a drawing. It does not show what they are removing or replacing per Mr. Lessard.

The applicant said there could be an island with a piece of fence.

Mr. Lessard sees the picture of the neighbors. There is not much room. It should be 4 to 6 feet. Mr. Bachand said they are taking the asphalt apron and shifting. Mr. Bachand said they should replace the fence. He thinks the missing sidewalk should be replaced also.

Mr. Lessard looked at the current property (picket fence); with a Land Rover car and telephone pole. They now exit on the east side of the power pole was noted. The applicant said yes. Mr. Lessard said the one on the left side goes in and out from the west side. It was stated 'no', there is nothing going in on that side. Both units to go in in the left hand side of the pole was asked. The applicant agreed.

Steve Webb, 544 High Street – would they be putting a sidewalk in where his driveway is was asked. Mr. Lessard said that is what the sketch is showing. Mr. Webb said that puts him in the same position.

Everything is on the west side of the pole per the applicant.

Mr. Redshaw said where the sidewalk is, it is about 30 feet where the fence is in front of the home. They want a small sidewalk (leave that) small sidewalk on the right where the telephone pole would be and cut a 20-24 foot paved area so they can drive straight up. There will be an island to the side on the left. There would still be an island in front of telephone pole. They would not take out the pole. Two small sidewalks on each side of them will remain.

Mr. Lessard said both would use the new access to High Street. No. The one to the right has its own access now. Mr. Lessard said the duplex will use one drive was asked. Yes. They want an accessway to one that does not have access right now. Both 542 and 544 use the same one. They all have two accessways; just not this one duplex.

Mr. Emerick said what they want to achieve is what it will look like. 544 is to the right of the pole. Are 542 and 544 one structure was asked. That is correct.

Mr. McMahon asked about a 12' or 15' driveway; come off the street and fork out left and right. 15' is tight to get in and out safely with the way cars travel per the contractor. Everyone else has 24' per Mr. Redshaw. The condo came after the sidewalk per Mr. Lessard; that is the problem.

Mr. Bachand said the Board has the discretion to decide what the width should be. This was denied by the DPW, that is the reason it is before the Board on appeal.

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Mr. Loiseau asked why it was the only one. The condos were built after sidewalks were put in per Mr. Lessard. The new sewer went in about 28 years ago. Each house had an access back then. Then they got permission to divide them into duplexes. Cart before the horse.

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Mr. John Roller was on the phone. He is in the unit next to Steve Webb and Joe Redshaw. He understands the objective and he wants to give his support to it as well.

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Mr. Bachand provided the Board with a Memo. If the Board wishes to grant the appeal, it should be based upon the sketch and include the re-installation of the fence. The sidewalk should be consistent as well.

Up to a 24' curb cut per lot is allowed per Mr. Bachand.

MOTION to approve by Mr. McMahon with an 18' curb cut width and the conditions in the (Town Planner's) memo and the sidewalk comments.

SECOND by Mr. Lessard.

It was asked if the applicant was happy. They asked for 20'.

Ms. Carnaby asked if the rest are 24', why can't this applicant have 24'. Mr. Loiseau agrees with Ms. Carnaby on this.

Amended by Mr. Loiseau to 24'. He does not mind if it is 20', as long as it is consistent.

Mr. Emerick said this is to match the other lots on the street.

Mr. Loiseau is amending Mr. McMahon's Motion.

SECOND by Mr. Waddell – for 24' (curb cut width).

ROLL CALL VOTE: 6 – 1 (McMahon) – 0 MOTION PASSED.

The Board next voted to grant the Driveway Permit Appeal based on the amended motion for 24' with the memo and conditions.

MOVED by Mr. McMahon.

SECOND by Mr. Waddell

ROLL CALL VOTE: 7 – 0 - 0 MOTION PASSED.

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20-054 19 Wayside Farm Lane

Map: 57 Lot: 5-5

Applicant: Patrick & Angela Parisi

Owner of Record: Same

Wetlands Permit: Addition of 9' patio for fueled (propane) gas firepit using permeable pavers. Two-foot wide trench also being dug for additional propane line for portable gas grill and generator.

Mr. Patrick Parisi and Ms. Angela Parisi are on the phone. He noted the paver patio would have a number of plantings surrounding the perimeter. He discussed his plan. There would be additional blueberry plantings along the buffer side of the wetlands.

Mr. Emerick was on site walk. The applicant was amenable to the Conservation Commission recommendations in its letter dated October 28, 2020.

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MOTION by Mr. Lessard to approve the Wetlands Permit along with the Conservation Commissions letter dated October 28, 2020.

SECOND by Mr. McMahon.

ROLL CALL VOTE: 7 – 0 - 0

MOTION PASSED.

20-055 18 Sapphire Avenue (Continued to December 2, 2020)

Map: 223 Lot: 83

Applicant: Krystyna Godbout

Owner of Record: Same

Wetlands Permit: Replace approximately 62 linear feet of wooden retaining wall along section of the tidal creek known as Eel Ditch and raise an existing family home within the existing footprint to accommodate a first-floor garage.

Amendments to Subdivision Regulations and Site Plan Review Regulations:

- **Subdivision Regulations - Amend Section VIII Special Flood Hazard Areas to modify the introductory paragraph to state that the Special Flood Hazard Areas are “as shown on the current effective FEMA Flood Insurance Rate Maps and associated Flood Insurance Study”, and to change #2 to read “base flood elevation data”.**

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- **Site Plan Review Regulations - Amend Section VIII Special Flood Hazard Areas to modify the introductory paragraph to state that the Special Flood Hazard Areas are “as shown on the current effective FEMA Flood Insurance Rate Maps and associated Flood Insurance Study”, and to delete a note under #6 that was inadvertently incorporated with a prior amendment**

Mr. Bachand said these two amendments should be discussed together but voted on separately. FEMA has updated its flood maps. They will become effective January 29, 2021. These Amendments are among the necessary steps to make us consistent with FEMA requirements. He is working with Jennifer Gilbert from the NH Office of Strategic Initiatives.

Mr. Bachand discussed the pending flood maps and why we are doing this. These maps are produced by FEMA and used by municipal officials to determine which areas of the community are subject to its floodplain development regulations, and the building requirements that apply for development activity in floodplain areas; by lenders to determine which properties require flood insurance as a condition of a mortgage or other loan; by insurance agents to determine flood insurance rates for properties; and by the general public to understand flood risk in their area.

The pending flood maps are on the Town website; the Planning Office page. Hamptonnh.gov. There are also links on the front page of the Town’s website for people to look at a viewer with the effective and pending maps. People can overlay these and show how flood zones may be changing with the new maps. This is one of several actions we have to take. The Board of Selectmen must also approve of them.

Mr. Bachand explained the changes to the Subdivision Regulations. This is language so it will carry with future amendments. As they are updated, they won’t need to be updated every time new maps come forward.

Base flood elevation is the same as the 100-year flood. This is changing because base flood elevation is the commonly used term.

There are similar changes for the Site Plan Regulations. The same adjustments are made. Any changes in the future, it will not need to be edited.

Mr. Bachand said the Base Flood Elevation is defined in our Regulations. It is in our Zoning Ordinance. Mr. Bachand will check to see if it is in Site Plan Regulations. The base flood elevation is no different from the 100-year flood. Mr. Lessard said we have had four or five 100-year storms in the last 10 years. Mr. Bachand said this is how FEMA defines it.

Mr. Lessard asked if drain plans will be different. Base Flood Elevation was further discussed. Mr. Lessard asked if drainage would be different in a 100-year storm event.

Mr. Bachand located the base flood elevation definition (read aloud) in our Zoning Ordinance. Our Ordinance has to be compliant with what FEMA wants.

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This is a public hearing. Mr. Bachand will have them (Planning Board) sign the adoption sheets afterwards.

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MOVED by Mr. Lessard to include and adopt the language for our Subdivision Regulations.

SECOND by Mr. Waddell.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

MOVED by Mr. Lessard to include and adopt the language for our Site Plan Review Regulations.

SECOND by Mr. Waddell.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

The Certificate of Adoption was passed around to the Planning Board members who are present; Ms. Carnaby and Mr. Olson can sign it later.

IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of October 21, 2020

MOVED by Mr. McMahon to accept and approve the October 21, 2020 Minutes.

SECOND by Mr. Lessard.

ROLL CALL VOTE 7 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

- **Upcoming Webinar - Permitting for Electric Vehicle Charging Stations**

Mr. Bachand discussed an upcoming webinar. It is on Friday, November 13th from 10-11:30. This is a big issue that may be coming up in the future.

Mr. McMahon asked if there is anything we need to do with any of our Regulations. Mr. Bachand said we will need to learn what is happening in NH with these things. This is an introduction for us.

VII. OTHER BUSINESS

- Update on Proposed 2021 Zoning Articles

Mr. Bachand said the Board already moved three Articles to public hearing. They will be scheduled for December 2nd. The ADU amendment, Mr. Bachand noted he asked for more information. A partial survey of the site may be an option per the Board. For ADU's, expanding the footprint or going up was

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discussed. He is waiting for information from the Building Inspector and the Town Attorney. He is hearing there is good reason for a full survey. He is waiting to hear more, but does not have definitive answers at this time.

The Aquifer Protection District amendment will be tabled. It is complicated and there is much more to looked into. Maybe it will be looked at again next year.

Mr. Bachand discussed a new amendment. It involves easements and minimum dimensional requirements. Mr. Bachand discussed that there are many subdivisions where we have large drainage easement areas/utility easements. They are many times on lots that meet minimum requirements. A drainage easement, say rain gardens, took up it about 1/3 of those lots. It presents challenges for people who may want to put up a shed, for example. This only for new subdivisions creating buildable lots. The amendment as proposed would exclude drainage and utility easement areas from the minimum lot area, minimum lot area per dwelling unit, minimum frontage, and minimum lot width requirements.

For example, a lot that has large drainage rain garden, may take up 5000 s.f.; that lot including the easement would have to be 20,000 effectively; which gives lot owner 15,000 s.f. and more room for a shed, patio, deck, etc. It requires lots to be larger, to accommodate drainage and utility easements. He ran it by the DPW. He talked with Mark Gearreald, Town Attorney and Jim Marchese, Building Inspector. He is waiting to hear more from them.

Mr. Bachand thinks this is important.

Mr. Emerick discussed taking land for an easement for drainage. Just say you can't put a structure on an easement. They can get a variance to put structure in easement. Mr. Emerick said he could still get a variance to put a shed in his easement. He does not think it solves a problem.

Mr. Lessard asked what kind of structure. Mr. Emerick said other than drainage. Utilities – water, sewer, etc. Mr. Bachand said it is designed to give people a more usable lot. The easement is part of the measurement. The easement does not count toward your minimum per Mr. Bachand.

Mr. Lessard thinks of drainage as a structure. If you have a 5,000 s.f. easement you need 20,000 s.f. lot if you are in Residence A.

Mr. McMahon asked if this is for all easements. Could be utilities; shared driveways. Mr. Bachand said referring to drainage easements or easements for utility purposes. Maybe we should spell it out.

Couldn't someone build a driveway over someone's sewer easement was asked. It would not count toward the minimum lot area. Mr. Lessard is not crazy about this either.

Ms. Carnaby asked about 236 Winnacunnet. She thinks it was their fourth plan where they dug out an older one where they had rain gardens. She likes the idea to make sure that minimum lot requirement are met exclusive of drainage easements or rain gardens or whatever else, but if they draw the lot lines and then stick in rain gardens at last minute, would those lots need to be re-drawn was asked. She thinks they should.

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Mr. Emerick said people building things in easement areas is the problem. Mr. Bachand said the idea is actually to give people a more useable lot.

Ms. Carnaby said if you take some of the useable land for rain gardens (example) then people who think they have a lot of a certain size and want to put a shed on it – they can't because rain garden is there and it is taking up available square footage where they would otherwise put the shed in.

Mr. Emerick said if we don't want to put structures in easements, say it.

Mr. Lessard said the real issue may be drainage. Drainage (structures) is not an easement.

Mr. Bachand explained that the 236 Winnacunnet rain gardens are used for drainage. Those rain gardens are within designated easements.

Mr. Lessard said there was a problem with that behind Presidential Circle. There was one on Barbour Road per Mr. Lessard. The front rain gardens off of Barbour Road.

Mr. Emerick said what problem are we solving? Mr. Lessard said we need to define the area we are setting aside and for what purpose.

Mr. Emerick said the way it reads now could be awful. Mr. Lessard does not know if frontage should be included.

Mr. Lessard asked about who goes around and checks things out. Who makes sure they are not being filled in with leaves. The area by Hannaford is all overgrown. Mr. Bachand discussed the O&M annual reporting process. Mr. Lessard asked who checks these.

Mr. Bachand said we send letters out annually as a reminder. Applicants hire engineer to do this. They certify the work and they are supposed to respond by the end of the year. Reports are given to DPW.

Mr. Emerick thinks this could be a taking of land.

Mr. Bachand is waiting for feedback from Attorney Gearreald.

Mr. Bachand discussed the Master Plan Phase II proposal review. The Planning Board and Steering Committee talked about a strategy at the last meeting. He was unclear about how that was to move forward. He wanted to clarify how they would like to go about the review. He distributed PDFs of the proposals to the full Steering Committee. He discussed a scoring matrix. Each Steering Committee member and Planning Board members would have an opportunity to review and score them. The completed scoring matrix would be given to the Planning Office by the end of this month.

Interviews would then be scheduled with potential consultants. He would use Zoom to do interviews.

The January 20th Steering Committee meeting date was discussed. We could vote to choose a firm at that time. Mr. Bachand wants clarification.

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Ms. Carnaby is good until #3 (on handout provided to the Planning Board). What do we use the matrix for. Is it optional? Is the scoring matrix used only by half the group and other half has questions? How does that fit in with final decisions. It is muddy for her there. Getting from all these choices on scoring and questions by people who want to jump in and do that to how we end up deciding.

Mr. Bachand said he wants all members to use the scoring matrix (there is space to add comments on the matrix). It won't be based on individual comments. The scoring matrix is strictly a guide for decision making. Mr. Bachand believes this will fall into place as it moves along. It gets everyone (full Steering Committee) involved throughout.

With Zoom we can have 20 people involved. Ultimately, it will come down to a vote.

VIII. ADJOURNMENT

MOTION by Mr. McMahon to adjourn.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:11 p.m.

Respectfully submitted,

Laurie Olivier, Office Manager/Administrative Assistant

****PLEASE NOTE****

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

MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING