

## HAMPTON PLANNING BOARD

### DRAFT MINUTES

January 6, 2021 – 7:00 p.m.

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

**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 and leading the Pledge of Allegiance.

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 member, 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 thanked the Board for the card he received when he was ill.

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Mr. Emerick noted that the applicants for 10 & 14 Sapphire Avenue wish to be continued to February 3<sup>rd</sup>.

**MOVED** by Mr. McMahon.

**SECOND** by Mr. Olson.

**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. Bachand updated the Board on where we are at. Mr. Slovin is not on the phone this evening. Focus groups are being coordinated actively. There will be a joint focus group meeting with the HBAC and The Village District on January 21<sup>st</sup>. The Chamber and business groups will likely take place in January as well. A date will be locked down. Mr. Bachand will keep everybody updated. Other groups, walkers, under-represented, etc. will be worked on.

**III. NEW PUBLIC HEARINGS\*\***

1. Amend Article I – General. Section 1.6 Definitions to modify the definition of “Accessory Building” to clarify that such buildings are detached structures with permanent roofs. Also, modify the definition of “Accessory Use” to clarify that an accessory use with a roof is also classified as an accessory building.

Amend Article III – Use Regulations. Amend Section 3.1 to allow a single-family dwelling to have not more than two accessory buildings, and to cross-reference with the Accessory Building definition in Section 1.6. Also, amend Section 3.3 to allow two-family dwellings to have a private garage (consistent with the current language for single-family dwellings), not more than two accessory buildings, and to cross-reference with the Accessory Building definition in Section 1.6

Mr. Bachand discussed that all information is on the Town website, i.e. full text, etc.

Mr. Bachand discussed the Amendment. It went through a few iterations. He revised it per the Board’s prior comments. The Building Inspector gave comments also. It modifies the definition of accessory building. Accessory use was discussed as well. He discussed the changes; these are available at the Planning Office. Two-family dwellings were introduced with this version. Not more than two accessory buildings. Other zoning requirements would still need to be followed.

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We are about out of time; we can further improve upon this in the future. He recommends it to the Board.

**BOARD  
PUBLIC  
BOARD**

**MOVED** by Mr. Lessard to move this to ballot.

**SECOND** by Mr. Olson.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**IV. CONTINUED PUBLIC HEARINGS**

**20-059 10 & 14 Sapphire Avenue** (continued to February 3, 2021 – see above)

Map: 223 Lot: 66 & 74

Applicant: Nancy Keay, Trustee, Lucille Walker Revocable Trust

Owner of Record: Same

Wetlands Permit (After the Fact and Amended):

Remove rip rap and install originally planned stabilization items. The installed bank stabilization varied from what was approved in 2013.

**20-056 1024 Ocean Boulevard** (continued from December 2, 2020)

Map: 116 Lot: 37

Applicant: Kathleen Romano

Owner of Record: Romano Family Living Trust

Wetlands Permit: Relocate two boulders impeding stairway/beach access to front sea wall in their natural surroundings. Construct stairs to extend down to the beach.

Ms. Romano said they want to remove two boulders. They are going to put them to the side as the Conservation Commission stipulated. Once removed, they can have stairs (3 or 4 additional).

**BOARD  
PUBLIC**

Town Attorney Mark Gearreald called in. Constructing stairs to the beach; this is Town property so the Selectmen's permission is required before they put the stairs in. This is in the recommendation letter from the Conservation Commission dated December 22<sup>nd</sup>. Ms. Romano

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is fine with the letter from the Conservation Commission. If they get approval, they will contact the Selectmen and get on the Agenda.

**MOTION** by Mr. Olson to approve the Wetlands Permit along with the stipulations contained in the Conservation Commission letter dated December 22<sup>nd</sup>.

**SECOND** by Mr. Lessard.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**20-025 48-52 High Street** (continued from December 2, 2020)

Map: 161 Lot: 2

Applicant: 48-52 High Street LLC

Owner of Record: Same

Site Plan and Conditional Use Permit: Demolish existing structure and construct two new structures. Structure adjacent to High Street to consist of 2 commercial units and 4 residential units. Second structure to be at the rear portion of the lot and to consist of 12 residential units.

Waiver Request: Section IV. D.2.vi-Standards (lighting).

Mr. Lessard recused himself.

Attorney Scully is on the line. Mr. Fleury is on the line also (Adam). Henry Boyd (Millennium) and Al Fleury are present with Attorney Scully. With the exception to minor title block changes in the architect's portion, everything is complete.

An outstanding item was the sight distance easement. Everything else was covered. They received the January 6<sup>th</sup> Memo from Mr. Bachand.

Mr. Boyd, Millennium Engineering, discussed the sight distance easement. The Town and Jodie Strickland (CMA) requested this. Based upon safe sight distance (a survey crew went out there) they produced an easement plan. They put everything on one plan. There is adequate sight distance. Nothing will be placed to prohibit having the sight distance. Electric easements are added as well. Jennifer Hale (DPW) discussed the way Cathy Gilman at Unitil configured the new scenario of how power would get to the site.

The holder of easement was discussed. Maybe a perpetual restriction needs to be put in place. Maybe two areas should be re-defined. Sight restriction areas.

Preapproval of the plans was discussed (condition). Mylars are produced; they either fail or pass. The Registry is not doing this now. Number 22 can be revised.

Mr. Bachand said Ms. Strickland (CMA), Ms. Hale (DPW), and Attorney Gearreald discussed sight easements.

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Attorney Gearreald said Public Works does not want to be the holder. There could be a restriction of the deed. Maybe with a restriction of covenants. It was done on Mary Batchelder. This is #18 in Mr. Bachand's latest memo. Sight distance maintenance detail could be mentioned. Also, sight maintenance area.

Mr. Emerick asked about the waiver. Section IV. D.2.vi - standards for lighting. Mr. Boyd said it was not discussed before. A neighbor said it was pretty poorly illuminated at that spot. Mr. Emerick said very seldom do we have a request for more light.

Mr. Olson discussed property lines. Is it in the driveway of the bank was asked. Mr. Boyd said there is a little mark. Two spots. Look at the existing conditions plan. Mr. Olson asked what will happen with that.

Mr. Olson discussed the sight easement detail coming out of Dearborn. Sight easement for cars that are stacked up. If you are going south on Dearborn, who requested that was asked. Maybe with vegetation. He understands High Street; he does not understand Dearborn Avenue. High vegetation could cause problems.

### **PUBLIC**

Vincent Palmieri called in. 18 Dearborn Avenue. They asked about reducing the size of the project. There was no motion to reduce the number of units per Mr. Emerick. Mr. Palmieri is not happy about having a 30' high structure abutting his property. Can a fence accommodate to go around the perimeter to go between his property and the applicant's was asked.

Attorney Scully said they are fine with that. They will put a fence up. The fence will be put as high as the Town allows. They are happy to work with Mr. Palmieri. As long as the Town approves. It is for noise abatement and privacy. He asked where trash will be stored. What kind of containers and where situated was asked.

Attorney Scully said it (trash) is a significant distance from Mr. Palmieri's property. It is basically abutting the bank.

Mr. Palmieri asked about covenants. Can they be converted to condos at any point in time was asked. Right now it is apartments. The ability to convert to condos is allowed by statute and open. It is possible to be converted. They would have to come back to the Board.

Matt Taylor was on the phone. He owns the property at 70 High Street. He asked where snow storage will land. Attorney Scully said it will be removed to a drop-off site. There is no room to store significant snow from the site.

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Mr. Taylor asked Mr. Boyd to have the curb cuts on the property located on the plan. It should be on the recorded plans. Mr. Boyd is happy to show those on the plans to be recorded. He hopes the architecture blends in well.

Ms. Carnaby said she is still opposed largely because of Building B. She discussed what benefits the Town will have and what the community needs. Building B, if it were a size that would fit within the ordinances, it would eliminate the need for most of the conditions. It's the reason we have these ordinances. If Building B were built to satisfy rather than override, it would be fine. There is no benefit for the Town to have it so over built.

Attorney Scully addressed the variances. Most were for Building A. Cost should not matter, but the cost does matter. To build this, it is almost impossible to go smaller.

Mr. Bachand discussed the variances. He said there was a variance under 2.8.G.1.10-Town Center Historic that was needed for Building B to allow 12 dwelling units instead of 8. He thinks it is generally a good project, and could be an asset to the community. However, he is unable to recommend it at this time due to ongoing concerns with the density of Building B and how it affects the internal workings of the site. He noted this at the last meeting on the application as well. He relayed the PRC comments and concerns of some members, and he shares those concerns.

Mr. Bachand said his conditions should be part of the approval if that is the way the Board decides to go, and to also add a condition for the applicant to work with the abutter (Palmieri) about the fence.

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

**SECOND** by Mr. Loiseau.

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

**MOTION** by Mr. Loiseau to approve the Conditional Use Permit.

**SECOND** by Mr. Waddell.

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

**MOTION** by Mr. Loiseau to approve the Site Plan along with working with the abutter on the fence and along with the Town Planner's Memorandum.

**SECOND** by Mr. Waddell.

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

**V. CONSIDERATION OF MINUTES of December 16, 2020**

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

**SECOND** by Mr. Olson.

**ROLL CALL VOTE: 5 – 0 – 2 (Emerick and Waddell) MOTION PASSED.**

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## VI. CORRESPONDENCE

### VI. I. OTHER BUSINESS

- 699 Lafayette Road – Bond for remaining on-site improvements

Mr. Bachand discussed the proposed bond. The applicant is looking for a CO but has landscaping to complete, which would be done in the spring. The applicant is agreeable to providing a \$2,000 bond. Mr. Bachand recommends this, but with all work to be completed by June 30, 2021.

A sign that was put up was asked about by Mr. Olson. No one asked him about putting up a sign. He said it is huge. Mr. Bachand will check the sign issue. The sign is like McDonalds per Mr. Olson. He does not think it is in compliance.

Mr. Bachand will check into this with the Building Inspector and see if anything was issued by that department.

**MOTION** by Mr. Lessard to approve the bond for landscaping (to be completed by June 30, 2021).

**SECOND** by Mr. McMahon.

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

Mr. Lessard reiterated that we should look into the sign. Mr. Olson also said to check if there is a second floor apartment there.

Mr. Bachand announced that Rayann Dionne, our Conservation Coordinator has resigned. Laurie Olivier and Mr. Bachand, as well as the Planning Board want to thank her as well for all of her hard work. Her departure leaves a significant void and affects us tremendously. Mr. Bachand noted her position is critical to the Town, and a highly qualified successor should fill the vacancy as soon as possible. Jay Diener (Conservation Commission) is on the line as well.

Mr. Diener said the most meaningful thing he can think of to say is that she made a complex job look easy. She served the Town's people well. DES applications have been simplified. She was the link between the Conservation Commission and the Planning Board; the Conservation Commission and the ZBA; the Conservation Commission and the PRC as well as with the BOS. She did site visits to allow for residents to adhere to the ordinances. She oversaw signing of demolition permits and CO's. We have well over 100 easements in town (Conservation Commission) – monitoring properties. Ms. Dionne has overseen this. She worked with interns. We are in her debt for all she's done for the Town.

Work needs to continue per Mr. Diener. We need to get the process moving to get a Conservation Commission Coordinator ASAP. We need support to do this. He asked for a vote

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or consensus from the Planning Board to permit the Conservation Commission to go ahead and start the process of filling the position.

Mr. Emerick said we/the Board support the efforts to fill the position. Mr. Lessard said it will be hard to find the diplomatic skills of Ms. Dionne. Interim support would be great also. Anyone in the interim would be great to have. Do we need to go to the Selectmen or to an engineering firm was asked. Mr. Lessard wants to support the Conservation Commission and the Planning Office in any way we can.

Ms. Carnaby agrees. Is there a job description was asked. If so, she suggests they look at it and if it can be flushed out to further describe what we need. She agrees with Mr. Lessard on his points as well.

Ms. Olivier thanked Mr. Diener. She noted he has stepped up and is working out of the goodness of his heart as well as for the love for his Town in keeping Conservation issues afloat. Everyone agreed.

Mr. Diener said we have a draft job description. He needs to sit with the Town Manager to go over it and get it posted as soon as possible. When the position was originally created, it goes back about 14-15 years ago. It was originally done through the Planning Board. Funding was transferred to the Conservation Commission. It was noted there is a 840-3, Section B-4 it says the Conservation Coordinator position gets approved for by the Planning Board and the Conservation Commission. Mr. Olson said it is worth funding and in the spirit of getting the right person, this needs to be a qualified individual.

This is a part-time position. It is about 29 hours a week.

Anyone watching, if interested, give a call. No health benefits.

Attorney Gearreald discussed hiring. He thanked Ms. Dionne as well. O&M Plans were reviewed by Ms. Dionne also. She did a magnificent job.

Mr. Diener said he can't believe Ms. Dionne only spent 29 hours at this position. Appropriate hours with appropriate pay should be given for this position.

An exit interview would be appropriate as well. Mr. Emerick gives his best to her endeavors. He wishes her the best.

Ms. Carnaby had a message from Scott Bogle (RPC) regarding funding from DOT. Full details on the fourth round for transportation (TAP) funding from the website. If a community is looking for funding for a rail trail, pedestrian, bicycle improvement, etc., safety projects. It will



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fund up to 80 percent. There is a link. **A letter of interest must be received electronically by Friday, February 5<sup>th</sup>. If anyone wants details, contact Ann Carnaby. This includes the rail trail.**

Mr. Bachand asked Ms. Carnaby to forward the email to him. He will talk with Ms. Hale (DPW) about this as well.

**VIII. ADJOURNMENT**

**MOTION** by Mr. Lessard to adjourn.

**SECOND** by Mr. Olson.

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**Attorney Gearreald asked Ms. Carnaby to get the TAP grant information to Kristina Ostman (Town Manager's Office) as well.**

**MEETING ADJOURNED: 8:06 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**