

HAMPTON PLANNING BOARD

MINUTES

January 16, 2019 – 7:00 p.m.

PRESENT: Fran McMahon, Chair
Alex Loiseau, Clerk
Ann Carnaby
Mark Olson
Keith Lessard
Norman Carpentier, Alternate
Mary-Louise Woolsey, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: Tracy Emerick, Vice Chair

I. CALL TO ORDER

Chairman McMahon commenced the meeting at 7:00 p.m. by leading the Pledge of Allegiance and introducing the Planning Board members.

II. ATTENDING TO BE HEARD

III. CONTINUED PUBLIC HEARINGS

IV. NEW PUBLIC HEARINGS

PUBLIC HEARINGS FOR ZONING ORDINANCE AMENDMENTS

- 1. Amend Article IV – Dimensional Requirements. Section 4.7 to reference a new footnote (34) pertaining to the BS and BS1 zoning districts; New Section 4.7.1 regarding the maximum number of dwelling units per lot where a group of residential buildings are allowed on one lot; New Footnote 34 requiring for the BS and BS1 Zoning Districts that, in addition to the requirements of Section 4.1.1 and Section 3.8, any building containing 12 or more dwelling units or a group of buildings on one lot containing a total of 18 or more dwelling units shall require both Site Plan and Conditional Use Permit approvals from the Planning Board; Article VIII – Multi-Family Dwellings. New Sections 8.4 and 8.4.1 to reference the same language in Footnote 34 and outline criteria for the Planning Board to grant a Conditional Use Permit. Also, amend Article II – Districts, Section 2.7 D to add to Subsection 5 - Lot Area that the minimum lot area per dwelling unit in the Professional Office / Residential District is 10,000 square feet.**

Mr. McMahon noted that any Articles we hear tonight cannot be amended, other than minor editorial changes (spelling). They either go on the ballot as written; or not.

HAMPTON PLANNING BOARD

MINUTES

January 16, 2019 – 7:00 p.m.

Mr. Bachand said that this evening's articles are available on the Town website; hamptonnh.gov. Full text will be available at the deliberative session at Town Meeting. This is the second hearing on this Amendment. Nothing has changed from the first hearing.

Mr. Bachand discussed the proposed Amendment. It adds a Conditional Use Permit requirement in the BS and BS1 zoning districts for any building containing 12 or more dwelling units or a group of buildings on one lot containing 18 or more dwelling units. The provisions are under Section 4.7 (including New Footnote 34) and New Section 8.4. Subsection 8.4.1 includes criteria that must be met for the Planning Board to grant a Conditional Use Permit. There is also a new Section 4.7.1 for situations where a group of residential buildings may be allowed on one lot, which is capped at 12 dwelling units in the RB, B, and G zoning districts. The amendment provides clarification that the minimum lot area per dwelling unit in the POR district is 10,000 square feet. Section 2.7 only identifies the minimum lot area at this time.

Mr. Bachand noted an email discussed at the last meeting from Donik Corporation expressing concerns about the amendment.

He feels a conditional use requirement may be necessary for some larger projects. Mr. Bachand discussed the proposed criteria for a conditional use permit.

This information is available at the Town Planning Office as well as online.

BOARD

Mr. Lessard asked what a conditional use permit is. Mr. Bachand stated it is another permit that would be added along with the required site plan. Mr. Bachand discussed the Findings of Fact. It is an extra layer of scrutiny by the Board, if it is needed.

Ms. Carnaby asked if it is correct that if the Amendments are put to ballot, they are in effect now. That is correct. When the Town vote takes place in March, if Amendments are not passed, they go away.

Ms. Woolsey discussed height.

Mr. Olson discussed Tom McGuirk's comments (from earlier PB meeting). Mr. Olson agrees this is another layer of protection or scrutiny for us. Mr. Olson asked if we are trying to capture this, can we put it somewhere sooner. Can the PRC deal with this was asked. Ms. Carnaby said this is to establish it. The Board feels this topic may go further when the Board talks about its PRC process.

Mr. Olson said it seems like it is duplicated in our processes.

HAMPTON PLANNING BOARD

MINUTES

January 16, 2019 – 7:00 p.m.

Mr. Loiseau agrees with Mr. Olson. It seems like an unnecessary layer since the PRC goes over this.

Ms. Woolsey asked about access to water. Fire accessibility was also discussed. Mr. McMahon said that the Fire Department comes to our PRC meetings.

PUBLIC

Mr. Brian Provencal appeared. He stated this Board does a good job. He is not in favor of this amendment. He feels it is redundant. He thinks it's not uncommon to have more than 12 units on one lot. He noted the HBAC meets with applicants; then they go to Zoning, PRC and then to this Board. Adding another step to get a conditional use permit seems redundant. He does not think it is pro-development for the beach.

BOARD

Mr. Lessard asked why this went through. Mr. Bachand said there are a lot of larger projects coming in. The Board wanted an opportunity to respond to this. Many projects need variances prior to coming to our Board. Mr. Bachand said the Board wanted to put this forward. Mr. Lessard said if someone wants to build a 50' building; has proper variances; odds are that most will be met – Fire will answer 'yes or no'. Aquarion, sewer will say 'yes' or 'no'. If in Aquifer Protection (none at the beach) – what is the advantage was asked.

Mr. Bachand said the advantage is having the conditional use permit as part of the site plan, having the applicant respond to Findings of Fact. He noted the PRC process works well. This is an extra layer per Mr. Bachand. How much time would this take was asked by Mr. Lessard. Mr. Bachand said it would work simultaneously with Site Plan Review. It would be like projects in the Aquifer. This would or could require a variance or a waiver. There is not a waiver option per Mr. Bachand because it is not in the Site Plan or Subdivision Regulations.

Mr. Olson thinks whatever the intent or concern we had – this is far reaching. The Planning Board may grant a conditional use permit. It would be the density that triggers that.

Mr. Olson asked what this will accomplish. Mr. Olson thinks it is redundant.

Mr. Provencal appeared. His comments are toward the BS Zone. He agrees about the number of units. Having it trigger at 18 units, there could be redundancy down the beach. He agrees with how many units are on a lot. He thinks all the Boards do cover it.

Mr. Bachand said there cannot be a substantive change. He said if the Board does not want to move forward with this, it can be placed on file and re-visited in another form next year, but it is the Board's choice.

HAMPTON PLANNING BOARD

MINUTES

January 16, 2019 – 7:00 p.m.

Ms. Carnaby said this shows we need a new Master Plan.

Mr. Lessard does not see where it will hurt, or where it will help. Mr. Olson said it delays things. There's just 45 days. There is no delay; 45 days is in the RSA's.

MOVED by Ms. Carnaby to put it to ballot and let the public decide.

SECOND: None.

Mr. Olson wants to re-visit it over the next year; he's not opposed. It needs to be flushed out more.

Mr. Lessard asked about density. Mr. Olson said we should re-visit density in that Zone. Many of the projects need variances because of regular density per Mr. Lessard.

Mr. Olson discussed micro-units/contels.

MOTION by Mr. Lessard to table this and develop what people want to see and to include density as part of the Master Plan. If Master Plan does not pass, do we have a Master Plan was asked.

If \$18,000 gets turned down, does that mean you can't work on that issue was asked.

SECOND by Ms. Woolsey.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Lessard noted that everyone talks about the Master Plan; everyone seems to want it, but no one wants to offer funds for the technical support or survey support for the project.

- 2. Amend Article I – General. Section 1.6 Definitions to add a definition for “Demolition”. Amend Article I – Districts. New Section 1.8 to establish a demolition review procedure which includes the following: a purpose statement; review thresholds that are triggered where a building was constructed more than one hundred (100) years before the date of application for a demolition permit (per Assessor records), or is listed in the National or State Register of Historic Places, with an exemption provided for manufactured homes; a review process which involves the applicant meeting with the Building Inspector and the Town Planner to review the proposed demolition and discuss potential alternatives to demolition prior to the issuance of a demolition permit; the opportunity for the Hampton Historical Society or its designee to photographically document a subject building prior to demolition, encouraging the applicant to salvage significant architectural features, and to state that nothing in the Article shall be construed to prevent immediate demolition where public safety is at stake. A statement of authority relating to a Historic District Commission and/or a Heritage Commission, if established, is also included.**

HAMPTON PLANNING BOARD

MINUTES

January 16, 2019 – 7:00 p.m.

Mr. Bachand discussed the proposed Amendment. It involves the review of demolition activities that meet certain thresholds prior to the issuance of a demolition permit. A definition of “demolition” is included. A new Section 1.8 titled “Demolition Review” is proposed with the purpose of encouraging the preservation of buildings and places of historic, architectural and community value. The new section sets forth review thresholds and a review process that would typically take no more than 30 days. Thresholds and the criteria were discussed. Prior to demolition, the Hampton Historical Society or its designee would be provided with the opportunity to photographically document the building. The applicant is also encouraged to salvage significant architectural features. Reasonable alternatives to demolition will be preferred in some cases. Mr. Bachand said the proposed amendment is not intended to prohibit demolition, but instead provides an opportunity to “hit the pause button” so that Town Staff may work with developers and property owners to consider practical preservation efforts.

This information is available at the Town Hall and on the Town website.

Mr. McMahon asked about the Historical Society.

Ms. Carnaby contacted the President of the Historical Society. Their Board completely supports this (where the Historical Society is mentioned). The President is here tonight in support of this.

BOARD PUBLIC

Linda Metcamp appeared, President of the Board of Trustees. She contacted the Board members. They are all in favor. There is a book at the museum, started by Helen Hayden. A book to be written on homes of Hampton. This would add to what we have in the museum. It would be nice to have all old homes recorded. They are in favor of taking pictures as well.

Mr. Provencal appeared. He is in favor of this. He asked if there is a time frame; a limit to how long. Mr. Bachand said 30 days. Mr. Bachand noted that Mr. Schultz (Building) and he wanted to keep a reasonable timeframe.

BOARD

MOTION by Ms. Woolsey to move this to ballot.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 - 0

MOTION PASSED.

HAMPTON PLANNING BOARD

MINUTES

January 16, 2019 – 7:00 p.m.

- 3. Amend Wetland Conservation District Ordinance Section 2.3.4 - Use Restrictions and Prohibited Uses to add a new Section “H” titled “Construction Standards for the Tidal Wetland Conservation District” that will require all new construction and substantial improvements projects within the Tidal Wetland Conservation District to comply with FEMA’s Guidelines that the Town has adopted for the VE Special Flood Hazard Area (Section 2.4.11-C Coastal High Hazard Areas (Zone VE) –Construction Standards). The construction work shall have no adverse impacts on adjacent properties.**

Rayann Dionne and Jay Diener (Conservation) appeared. This Amendment was discussed before. This is a revision. It would only apply to tidal wetlands in the 50’ buffer. This would only pertain to new construction and substantial improvements. Projects whose value is equal to or greater than 50 percent of building’s assessed value. Structures to be elevated on pilings was discussed. We are looking at 3’ height for the first floor. Water can flow underneath. Adding livability to the Town was discussed. They spoke with the Town Attorney, construction work should have no adverse impact on properties. Conservation was in touch with FEMA also regarding the number of properties this would impact. It’s a maximum of 340 properties (that have structures on them).

Mr. McMahan asked about 50 percent threshold; it is building evaluation. Not the land. Smaller projects will not trigger this.

Ms. Woolsey discussed global warming.

PUBLIC BOARD

MOVED by Mr. Lessard to move this to ballot.

SECOND by Mr. Olson.

VOTE 6 – 1 (Woolsey) – 0

MOTION PASSED.

V. CONSIDERATION OF MINUTES of January 2, 2019

MOVED by Ms. Woolsey to accept and approve the Minutes.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (Carpentier)

MOTION PASSED.

VI. CORRESPONDENCE

HAMPTON PLANNING BOARD

MINUTES

January 16, 2019 – 7:00 p.m.

VII. OTHER BUSINESS

- **109 Towle Farm Road (NH School of Mechanical Trades) – Bond for remaining on-site improvements**

Mr. Bachand noted the applicants have wrapped up its construction and are looking for a CO. There's some on-site work items that cannot be addressed at this time due to winter weather conditions. In order to not hold up the CO, we proposed a bond be accepted and held until the remaining work is completed in the spring and verified. The DPW and CMA support this, and \$52,142.50 would be held. There is a 15 percent contingency included as well. Mr. Bachand recommends the Board approve and accept the bond so they can get their CO.

Mr. Lessard asked if we have confirmation in writing; Mr. Bachand stated 'yes'. Mr. McMahon asked about providing a time for completion – it will be within one year.

MOVED by Ms. Woolsey.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

- **Planning Board Member Terms Expiring in 2019**

Mr. Bachand noted that Mr. McMahon's and Mr. Lessard's terms are expiring. If they wish to remain on the Board, He noted the first day for filing a declaration of candidacy is the 23rd of January. The final day is February 1st.

- **Deliberative Session – Saturday, February 2, 2019 at the Winnacunnet High School Auditorium**

Mr. Bachand said the Deliberative Session starts at 8:30 a.m. He will present the Zoning Articles and the Master Plan Article. He noted the Heritage Commission Article is on there as well. We hope the voters will come out in support.

Ms. Carnaby said by the end of the evening of last night's Budget Committee Meeting, most of the Budget Committee members mentioned the importance of planning for dealing with their budget, but they failed to support our Article asking for money to update the Master Plan. She felt it was conflicting. She hopes the public sees their way clear.

Mr. Bachand discussed the Article for Phase I Tasks, and why the \$18,000 (cap) is needed to get this Master Plan in motion.

HAMPTON PLANNING BOARD

MINUTES

January 16, 2019 – 7:00 p.m.

• **PRC Application Process**

Mr. Bachand discussed the Town Attorney meeting with the Board at the first meeting of the month. The Board wanted a roadmap. The document being looked at Ms. Olivier drafted and Mr. Bachand sent to the Board; it's rough, but it explains the current process well. Mr. Bachand spoke with Attorney Gearreald today. Mr. Bachand wants to communicate more with him. Mr. Bachand does not want the Board to decide whether to or not to change the PRC application process. We can invite Attorney Gearreald back to discuss this if the Board wishes.

Mr. McMahon is not ready to vote on anything tonight. The Board thanked Ms. Olivier for her work drafting this.

VIII. ADJOURNMENT

MOTION by Mr. Loiseau to adjourn.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:14 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