

HAMPTON PLANNING BOARD

MINUTES

January 19, 2022 – 7:00 p.m.

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

ABSENT:

I. CALL TO ORDER

Mr. Emerick commenced the meeting by leading the Pledge of Allegiance and introducing the Planning Board members. Planning Board member, Ann Carnaby, was at home; no one was present with her (staying safe from COVID). She has been advised to avoid large crowds. It was noted that all votes must be taken by roll call vote.

Present for the Steering Committee were as follows: Chuck Rage, HBAC, Brian Warburton, Budget Committee; Erica DeVries, ZBA; Pat Bushway, HBAC and Liz Kelly, Consultant with Resilience Planning and Design. Barbara Kravitz, citizen-at-large, called in (a bit later) to the meeting. Sharon Raymond, Conservation Commission, was home alone due to COVID and Frank DeLuca, SAU 90, is home alone and is under the weather.

II. ATTENDING TO BE HEARD

Master Plan Steering Committee

1. **Public Comment (relating to Master Plan)**
2. **Resilience Planning & Design – Consultant for the Phase II Comprehensive Update**
 - a. **Discussion of Draft Vision**
 - Committee Feedback
 - Consulting Team's Feedback
 - Master Plan Themes
 - b. **Update on Outreach**
 - Community Conversations
 - c. **Next Steering Committee Meeting - March 16, 2022**

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Public Comment - Nancy Stiles, Chair of the HBAC noted that Steve Whitman of Resilience Planning & Design is coming to their meeting next Thursday. They have an RFP out to hire a consultant. They want to work together with us (this Master Plan Steering Committee) on their project.

Liz Kelly, Resilience Planning & Design, discussed the material that was given to everyone before tonight's meeting. The Draft Vision is what is being discussed most. Ms. Kelly gave a presentation. She will give an update on the Community Conversations as well.

The Vision states the ideals and values that guides future growth, protection, and development in any community. This and Land Use are legal components of the Master Plan. The Vision paints a portrait of what the community will be like in 10 to 20 years.

Milone and MacBroom did Phase I of this project. They did the Coastal Resilience portion as well. They (Resilience) are looking on what the Steering Committee would like to see revised; and what should be the same.

Ms. Kelly asked for comments. What are the impressions of the Draft Vision was asked. General impressions and elements missing is what they are looking for. Ms. Kelly wants to see a big picture. Vision and Guiding Principals, introduction and context are part of the Vision document. Any comments are welcome. Ms. Kelly just wants any issues that anyone thinks are important, big issues, that is what she wants to know. Mr. Lessard thought they (Milone) did a nice job. We're on the next phase; if we need to modify this on the bigger picture of Hampton, he thinks it should go that way.

Ms. Kelly discussed their provisions and suggestions. It is in her Memo. She discussed the outline. She asked what all thought of their (Resilience's) recommendations.

Mr. Warburton thinks it is excellent. It marries to what the Town is doing now (the Memo). A lot of these issues will be brought forward with drafting the Master Plan. Ms. Kelly does not have many changes (Resilience). There were some concepts that came out during public outreach that they wanted to add. Ms. Kelly thought a lot of information can be woven in the Vision statement.

Barbara Kravitz joined the meeting on the line. She is home, alone and not attending the meetings due to Covid.

Ms. DeVries discussed other Visions statements. They pulled out quality and characteristics-- themes. Portsmouth has Vibrant, Diverse... Those things exist in the Draft Vision, but they are not lifted up. All of this is in service for a healthy and happy community. Connecting people. Aging in place; healthy climates, she wants it all included.

Ms. Olivier discussed other Visions as samples; some were more eye-catching Visions. She thought the Vision should be welcome to the Master Plan, something more eye catching.

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Mr. Lessard asked if they work with a designer. Yes, they do (it's Ms. Kelly). They like it to read more like a magazine. It should be more personal.

Ms. Kelly discussed themes. Topic and chapter like themes were discussed. An action plan would be at the end. More plans are being organized more by theme Resilience is noting.

Guiding Principles and draft visions were discussed. Draft outline for the plan will be presented at the next meeting.

Two ideas were presented by Ms. Kelly. Headings of guiding principles. Guiding principles shown could be the themes.

What makes Hampton a great place to live should be highlighted. Forward Looking, Resilient, Livable, Connected, A Regional Voice. Ms. Kelly said they can do both. Mr. Emerick said he likes both, but likes #2 better. Mr. Rage likes #2; it is direct. What does 'served as' stand for? ...A Regional Voice. It should be 'does serve'. Ms. Kelly said in the future – it should be written present. It should be 'does serve'. Ms. Kelly said they can incorporate both; trust Resilience to give a good example.

Mr. Warburton says #1 sends a message. He asked about livable. He likes livable neighborhoods. But, livable to who was asked? Whose premises. We have different sections of town.

Ms. Bushway likes #1 also. It has the right degree of specificity that allows us to capture what we need to, but it does have elements that capture the specific things that we need.

Ms. Carnaby likes #1 as well. It's more flushed out. Mr. Lessard asked what are we deciding. Both say similar things. One is more action driven. If #2 is chosen, other concepts will be incorporated. The themes are the Chapter headings; content will follow under there. They will be tied in. It allows more flexibility to use that as an anchor to talk about all aspects of the Master Plan.

Mr. Emerick asked about combining the two. Ms. Kelly said if both are combined all can be incorporated into the Vision itself. If we combine the two, we will have to decide on a structure on what the chapters will be. In the vision we can talk about all components. We can achieve both.

Mr. Bachand likes #2 as headings while integrating #1 into the overall content.

Mr. McNamara has a problem with idea #1. In the future Hampton has..., and then a different tense is given. Tense will be addressed later per Ms. Kelly.

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Ms. DeVries likes #2 also. Livable – just sounds like getting by on a bare minimum. It does not sound aspirational. Serving as a regional voice. Or demonstrating leadership was asked about.

Mr. Lessard said he does not want this to be a marketable piece; it should be motivating.

Ms. Kravitz asked about Theme #1 and themes in general. Do each of these get explained in the document was asked. Portsmouth used theirs quite well.

Ms. Kelly will have an outline that will provide some detail on what will be explored under each theme.

Mr. Rage looked at the Portsmouth Master Plan. Vibrant is liked by everyone.

They will have more detail at the next meeting.

Ms. Kelly gave an update on community conversation. They received about 35 registrants. They will be put things on social media. She asked everyone to share the flier and get this out more via word of mouth.

Ms. Kelly won't be attending the February meeting; she will be back in March. Steve (Whitman) and Ms. Kelly are going to try to get a lot out in advance.

Future land use will be discussed at the next meeting. Ms. Kelly is putting together an internal agenda together now/outline to all moderators. There will be tips for moderators also.

III. CONTINUED PUBLIC HEARINGS

20-060 144 Ashworth Ave; 6, 8 & 10 Riverview Terrace & 6 Johnson Ave

(continued from April 7, 2021, May 19, 2021, July 7, 2021, July 21, 2021, September 1, 2021, October 6, 2021, October 20, 2021, November 3, 2021 and December 15, 2021)

Map: 293 Lots: 65, 66, 73, 72 & 71

Applicant: Zoo Property Management, LLC & Albert Fleury

Owner of Record: Same

Site Plan: Merging of lots 66 and 73 to expand the existing restaurant (Wally's Pub). New four-season addition to include additional bathrooms, additional dining space & abundance of air flow for patrons.

Waiver Request: Appendix E Section: Landscaping and Lighting, #12 and Section IV, Subsection D.2.vi for light only in the Site Plan Regulations.

Note: Waiver Request: Section V.E. Detailed Plans was denied by the Planning Board on April 7, 2021.

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Attorney Timothy Phoenix appeared. Al Fleury appeared and Kat Morrill from Millennium Engineering appeared. This is for the renovation to add the Pavilion in the back. They were granted a variance to allow a concrete landing placed off the deck off the southerly side of the addition at the ZBA meeting. They changed the dumpster location. They also provided a letter from the engineering firm regarding characteristics of the noise and a waiver for lighting. The southerly side is affected for lighting. Lighting is for access doors.

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Deb Parlee, 27 L Street appeared. There are many additions. Most in 2012. The same concerns were addressed as are now: noise, intoxicated patrons. Nothing is changing. People walking with alcohol. Bus parking was discussed. Nothing is striped for parking. She listed the bars. Hours were discussed. There are about 30+ carts. Much of the concern is the same as prior Minutes at other meetings. Food trucks were discussed. Assembly numbers were discussed. The bar is supposed to close at 1:00 a.m. Police response and Fire were discussed. Ms. Parlee does not want more noise. Parking was discussed and towing cars. Safe and responsible development is what this Board is supposed to address. She sees assaults in the streets; intoxication. Speakers are on the patio areas. The volume of noise is supposed to be regulated.

11 Riverview Terrace, Melissa Olenick, appeared. She likes the Green Room; Twin Lobsters and she likes the variety. Her house is diagonally across the street from Wally's. After 8 – she can close all doors and windows and still hears all music lyrics. There is a lot of profanity. This cottage is rented to other families. This is turning into a concert venue. She understands outdoor eating establishments, but this is nighttime concert venue. She is concerned about trash. A dumpster was supposed to be put in. Is it going to be barrels? There is no stop sign at Riverview. She almost sees people getting hit there. Ms. Olenick said there used to be a tall fence. A shorter fence was put up. It's not there anymore.

Linda Scranton, 21 Riverview Terrace, appeared. She is at the end of the street. People don't stop when coming out of the parking lot. It occurs in the winter also. She walks the dog up the street. No one is considerate at all. No right turn; local traffic only - a sign should be there. Many things happen in the marsh. Will there be police at the bar every night was asked. They come down their street, hit their fence. They moved from Claremont and now they are living a nightmare. They have water frontage almost year-round now. People urinating in the marsh was discussed.

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Attorney Phoenix started with this project last summer. He understands the issues of the neighbors. What is on the minds of the Board was asked. What can they address was asked. He does not want to address neighbors' concerns that were addressed in the past. The use is permitted. This is the BS Zone. It is permitted. It received variances. The dumpster was denied

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because it was in the Residential zone. Now it is going to be barrels. Charlie Hoyt (architect) is in the audience. Noise issues were discussed.

Sound deadening issues were discussed. The sound issue and light issue need to be addressed. Occupancy was discussed. Occupancy is different in Wally's due to the nature of the events. The Fire Engineer note was given to all. Attorney Phoenix discussed occupant load, fire code. He doesn't know the occupant load because it changes time to time. Attorney Phoenix discussed there are law enforcement issues. The Zone permits the use. What do they need to do now for a conditional approval was asked.

Mr. Bachand discussed his Memo. The first hearing was in April of last year. Mr. Bachand discussed the fence. The fence added to the plan to the rear of the property was asked about. It's wasn't previously called out on the plan. What is the purpose was asked.

Ms. Morrill noted that fence is already there. Al Fleury said there is a 10' fence. It is pine with reinforced 6 x 6's throughout. It delineates where people should go; it keeps people in the BS Zone.

Mr. Bachand discussed trash and recycling. The proposed dumpster location did not work out at the ZBA; now there is a plan with 30 carts. That was not what we were looking for. Mr. Bachand offered a suggestion. Can a portion of the building where a large bathroom is proposed along Ashworth Ave be cut back and put a dumpster in there with decorative screening. There should still be room for adequate restrooms. It would be off the residential streets. Attorney Phoenix discussed expanded bathrooms have to be to Code and a certain size. Nothing can be taken out of that area. Charles Hoyt, Charles Hoyt Designs discussed 12 toilets; that is how many are needed for this project. They are just making code.

Mr. Bachand asked if the dumpster can be located elsewhere. Ms. Morrill reached out with two local area companies. Waste Management and another. Getting trucks to turn in and out was not do-able. There may not always be 26 carts.

Mr. Bachand asked how do carts work within the loading zone. He discussed a cart management plan. Where will they be when not utilized was asked. Ms. Morrill said they can sit with Mr. Fleury and discuss what the anticipation of carts will be for the management plan.

Mr. Bachand discussed the ramps. The missing cross sections were asked about. Ms. Morrill will address it later. A third-party company will be involved. Ms. Morrill said handrails will be addressed also.

CMA comments still need to be addressed. Ms. Morrill said they have test pit information. It can be added on. Ms. Morrill discussed pavers. Motorcycle parking was shown. They are adding pavers. They need help with previous numbers. The curb cut is already existing.

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Mr. Bachand discussed landscaping and whether there would be a second floor on the addition. Ms. Morrill said it will be mobile landscaping – container plants. Plants will be in whiskey barrels. Everything will be moveable.

The question about a second floor on the addition was discussed. Charlie Hoyt said there is not a second floor; no stairs. It is designed that it is a loft. The loft will bring sound up to that space. The sound engineer will design systems to absorb sound. They may hang TVs. It is really like a barn. There is one residential unit above Wally's. Two parking spaces have to be designated for that unit. It needs to be shown on the final plans.

Mr. Bachand discussed a requested seating layout. The SFC letter addresses this per Attorney Phoenix (the letter he handed out).

Fire and Police should have another look at the plans. If the Board were to decide to conditionally approve, the applicant shall meet with CMA, DPW and the Town Planner, and possibly others, to make sure comments are fully resolved. That was added as a condition. #5 and #9 (relating to sound) are especially critical conditions per Mr. Bachand.

Attorney Phoenix asked about #12; it is fine. Proposed Condition #9—He understands the concept, but amplified noise shall be contained to extent feasible. That is broad. How is that defined was asked. Additional sound mitigation was asked about. Attorney Phoenix believes it's a noise complaint, and that goes to the Town. Attorney Phoenix and Mr. Bachand need to work on the wording. Attorney Phoenix likes enforcement to handle this.

Mr. Lessard asked if RPM commissions the work. That is Attorney Phoenix's understanding. There is a management system. Sound levels get checked.

Mr. Fleury said there is a mapping software that goes along with system. Mr. Lessard asked if someone comes out to check. RPM works for Mr. Fleury. Mr. Lessard does not know how it is monitored.

Mr. Lessard asked about a third party. Ms. Morrill said this could be a commissioning procedure.

Mr. Waddell discussed noise being a big issue in Hampton. Noise needs mitigating as much as possible. It is very difficult to enforce. The more we can mitigate noise now; the better off we will be. Mr. Waddell asked about a way to use a dumpster. Trash is a problem at the beach area. Two different zones side by side is a problem.

Mr. McNamara discussed exiting the rear parking lot; can you put a sign up that says 'no right turn'. Mr. Fleury has no problem with that. It just can't be within the right of way.

Mr. Loiseau asked to change "complaints" to "violations" in Condition #9. That is a good point per Mr. Bachand. Attorney Phoenix would be happy with the condition with that change.

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Mr. Emerick discussed the waiver request about lighting. Ms. Morrill discussed E1. A certain amount of light is needed for the walkway. It shines onto the walkway. Ms. Morrill said the abutter has not had any problem. He was notified. They can be dimmed down after hours. Lights are going to be lower also. The lights sit at 6’.

Mr. Emerick said we already took jurisdiction. He said for Mr. Bachand to work out the conditions with the applicant.

Mr. Bachand recapped the changes to the conditions. A third party review will be added to #9, along with changing “complaints” to “violations”. Condition #4 - Mr. Bachand said to add that 9’ x 18’ parking spaces shall be identified on the site plan and designated on site for the existing residential unit. A dumpster is still preferred by the Board, which will be noted in Condition #11. An addition condition about installing no right turn signage on the private property before going onto Riverview Terrace.

MOTION by Mr. Waddell to approve the waiver for lighting based on the plan and explanation.

SECOND by Mr. Loiseau.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

MOTION by Mr. McNamara to approve the Site Plan with conditions in the Town Planner’s Memorandum (dated January 19, 2022) as noted and as amended.

SECOND by Mr. Waddell.

ROLL CALL VOTE: 5 - 1- (McMahon) - 1 (Carnaby) MOTION PASSED.

IV. NEW PUBLIC HEARINGS

PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENTS

1. Proposed Article XIX-A, Interstate Corridor Overlay District

Amend the Zoning Ordinance to add new Article XIX-A, the “Interstate Corridor Overlay District”, which includes the following sections: 19-A.1 stating the purpose of facilitating development of real property exclusively accessed from Interstate 95. 19-A.2 citing the boundary as having frontage upon Interstate 95 south of its intersection with Towle Farm Road, lying within 1,000 feet of the centerline of said portion of Interstate 95, and having State of New Hampshire-owned and exclusive points of entrance and egress (notwithstanding secondary emergency access) to and from Interstate 95. 19-A.3 stating that the dimensional requirements for the Interstate Corridor Overlay District shall be the same as those provided for the underlying General (G) Zoning District. 19-A.4 citing permitted uses to include retail sales, restaurants, emergency response roadside vehicle repair, passenger vehicle filling stations, electric vehicle charging stations, visitor/welcome centers with restroom facilities, outdoor recreation areas for picnicking and pet exercise, and higher education information kiosks. 19-A.5 requiring Site Plan Review. 19-A.6 requiring a 50-foot wide vegetative buffer and/or sound mitigating buffer to be maintained on

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site between any building or improvement that is undertaken in this zone and the property line of any abutting residentially improved lot. 19-A.7 prohibiting the overnight parking and/or idling of large commercial vehicles. Also, amend Article III – Use Regulations to add Note (8) cross referencing Section 19-A.4 for the Permitted Uses and Facilities in the Interstate Corridor Overlay District.

Attorney Ari Pollack appeared with Andrew Davis, NH Liquor Commission. Mr. Emerick said this is what we worked out at the last meeting on the 5th of January. Attorney Pollack said the details were discussed. They worked with the Town Planner to get to this proposal. Revisions were made based on the meeting and confirmed. The Commission is disappointed that the final language does not use motels and hotels. They realize the language is locked in at this point.

Mr. McNamara discussed retail sales, ‘including without limitation...’ Mr. McNamara said there are limitations on martial art equipment and firearms. This is in the General Zone. It is an overlay. How does that affect this was asked by Mr. McNamara. Shooting stars and nunchucks were discussed. Mr. Bachand said it is defined differently in Article III. Attorney Pollack shares that opinion.

Mr. Waddell asked if this would be NH retail products being sold. Attorney Pollack said NH merchandise was prioritized, but he does not know if it is a restriction.

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PUBLIC**

Nancy Stiles, 1 Hayden Circle, appeared. She thanked the Planning Board members. She is glad that a motel is not included, but she wishes hotels were included. This would be a convenience for people to stay if they need a rest. She hopes the size of the applicant pool is not reduced.

Ms. Stiles asked about Mr. Webb mentioning light mitigation at the last meeting. Is this addressed at site review was asked. ‘Yes’. Her second question, 19-A:4 states if hotel is not mentioned, can the hotel issue go to the ZBA for a variance was asked. It was stated ‘yes’.

Alfonso Webb, 28 Seabury appeared. He is the President of the James House Association. He appreciates the sound mitigation. He wants it for sound/light as well.

He discussed garbage. People leasing from the State -- will they be responsible for their own garbage. He thinks they should be responsible here also. Mr. Webb discussed response times. Our response time on I-95 is slow. We are responsible for Fire on State properties. The Town is responsible for all properties services in Hampton.

Mr. Webb has not objection to hotels.

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Joe G. (last name inaudible), 19 Taylor River Estates, appeared. They are directly across from the southbound side. Trucks constantly are idling. Its worse now with no leaves. On Drakeside there is a pump station. Pushing sewer up to Drakeside to their system will occur. He noted this rest area is not a destination; it is a by-pass. Why do we need all this was asked. They are in the marsh area.

Mr. G. asked if someone buys this property and they come to the Town to develop, will they still have more say down the road—if this passes. If it doesn't sell, then the State develops it and leases. Mr. Lessard does not understand the nuances of that. Attorney Pollack said if the warrant article is recommended, but does not pass, then the State can decide how they want to develop the land. They can develop it themselves. It is outside of the local zoning process. Can it be tied into the Town services was asked. It cannot be determined at this time per Attorney Pollack.

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Ms. Carnaby said this is difficult. She thinks part of the problem was created by them (the applicants) by the pressure of time. If there had been more time for discussion before wording had to be set, we may have gotten to a different place. That process can still move forward. We need to be clear what we are voting for.

We are voting to put the article on the ballot as written. Mr. Bachand thinks it would be a substantive change to add lighting now. Mr. Bachand said this would go through the site plan review process and addressed there.

MOTION by Mr. Waddell to recommend to move this to the ballot.

SECOND by Mr. Lessard.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Davis appreciates the time of the Board. He genuinely appreciates the public concern and comments. He noted the list of uses brought forth to Mr. Bachand - that was a result of an RFQ. That full list of uses is not what is being brought forward in the Town version.

V. CONSIDERATION OF MINUTES of January 5, 2022.

MOTION by Mr. McMahon to approve the January 5, 2022 Minutes.

SECOND by Mr. McNamara.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

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VII. OTHER BUSINESS

- **Planning Board Representative to Hampton Coastal Hazards & Adaptation Team (CHAT)**

Mr. Bachand noted that Ms. Carnaby attended yesterday's CHAT meeting. We need to appoint a Planning Board representative. Mr. Lessard nominates Ms. Carnaby. Ms. Carnaby nominates Mr. Lessard. Mr. Lessard's work schedule does not allow him that freedom. Ms. Carnaby cannot do this either; her plate is full. We can circle back at the next meeting.

Mr. Emerick noted there is one more item. It is with great reluctance that we accept Fran McMahon's resignation. This is his last night. He is relocating to Seabrook next week. We thank him from the Town for all of his valuable years of service. We all enjoyed working with him. He will be missed.

Mr. McMahon noted staying on the Board would be illegal as he will be a non-Hampton resident. He thanked everyone and all members of all Boards, past and present. He enjoyed working with us all. It has been a wonderful experience for him and his family. There are an awful lot of good volunteers who sit on Boards at the local level. It's important for people to take part in Boards to make a difference. He thanked Ms. Olivier and Mr. Bachand for their time being here as well. They do a wonderful job with all of the Planning Board. Mr. Bachand said Mr. McMahon's knowledge and contributions to the Planning Board are immeasurable. He wished him well and thanked him for all the support afforded to him as well. A gift from the Planning Board and Planning Office was presented from all of us. Mr. Lessard thanked Mr. McMahon's wife also for family support. Best Wishes Fran!

VIII. ADJOURNMENT

ROLL CALL VOTE to ADJOURN: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 9:09 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 MEETI**