

HAMPTON PLANNING BOARD

MINUTES

February 17, 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 reading the above criteria and introducing the Planning Board members.

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, 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.

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II. ATTENDING TO BE HEARD

Master Plan Steering Committee

1. Public Comment (relating to Master Plan)
2. Milone & MacBroom – Consultant for Vision and Coastal Management Content
 - a. Focus Group Progress (Completed and Upcoming Meetings)
 - b. Final Virtual Workshop – Thursday, March 11, 2021 at 7:00 PM
 - c. Draft Coastal Chapter and Schedule for Revisions
 - d. Next Steps / Steering Committee Action Items
3. Update on Master Plan Phase II

Mr. Bachand stated Brian Warburton is on the line. Mr. Bachand asked if there is any public comment.

Mr. Noah Slovin (M&M) called in. Dave Murphy (M&M) is also on the line. Nathalie Morison (NHDES) is also on the line.

Mr. Slovin discussed seven of the focus groups. The final of the eight is tomorrow – the youth/teachers focus group. It is at 1:45 p.m. After that, all focus groups are done. He will send a reminder email about that.

Mr. Slovin discussed the final virtual workshop; it is taking place on March 11th at 7:00 p.m. They will get the word out. The goal is to review the draft materials; Coastal and Vision work is done.

Mr. Slovin discussed the draft Coastal Chapter work. He is open to comments now. This is the early draft. There are opportunities to make changes.

Mr. Bachand asked Mr. Slovin to discuss the M&M schedule with the Steering Committee. Mr. Slovin added a calendar for tonight's meeting. The final product and public input was discussed. Mr. Slovin is hoping to have feedback asap, but wants feedback by the 24th of February. Friday, the 26th, there could be a public draft ready. The okay to share with the public (as a draft) will be on Wednesday, March 3rd. A week before the workshop, March 11th, it can be discussed. Friday, the 12th he would write up with feedback to give expected changes. It could be discussed the 17th and the final draft would be Friday, the 19th. A special meeting, Wednesday, the 24th could be a special acceptance meeting for the final draft. Everything is to be done by the 31st.

Ms. Carnaby felt like pieces were missing. She is asking about the draft – getting it (initial completed draft). Noah said the 26th of February. That is the next time they will see a draft with more completeness. Ms. Carnaby asked what acceptance of this means in terms of changes after that meeting. Are changes still possible was asked. How does it work.

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Mr. Slovin said it would be an acceptance pending final changes that Mr. Slovin will make over the next week; before the 31st of March. Mr. Lessard asked about the document they have; it seems fairly complete. Mr. Slovin said, from his perspective, he wants to add in filling out vulnerability information and to have a list of actions. They have strategies, but actions are not there yet. More information from publicinput.com and other comments need to be added in. Nathalie, Jason and Laurie are reviewing this also. Noah has already received comments from Nathalie and Laurie.

Ms. Kravitz offered comments on the early draft. She noted Mr. Slovin said it is lacking some of the input – there's more information coming from other people. Ms. Kravitz said we need to have a more complete draft. She wants it to be specific to Hampton.

Ms. Kravitz also said the draft cries out for graphs and photographs. She urged Mr. Slovin to think in those terms. It needs to be Hampton specific.

Ms. Kravitz also noted Jennifer Hale and Chris Jacobs (DPW) may have comments that help with adding in more comments to add to this document.

Ms. Carnaby got stuck on Page 12 where it sets up resilience approaches. The five steps are hard to read on the page. Are they in order of preference in one direction or the other, or is there an order of importance. She wants a broader description of the framework.

Mr. Slovin took graphics only. Framework is established. A lot comes from the NHDES framework.

Resilience strategies being laid out was asked about. Chapter 4. We can all look at it and get back to Mr. Slovin.

Ms. Kravitz discussed so much attention is on the Coastal Management content. Vision also still needs to be addressed.

Mr. Warburton said this is good timing with their March meeting (16th or 23rd).

Ms. Morison echoes a lot of the comments tonight. She found that there needs more specific information regarding Hampton's vulnerability. They will continue to push for this to be tailored to the community.

Mr. Bachand discussed Phase II of the Master Plan. Resilience Planning & Design was chosen. He is working with the Town Manager and the Town Attorney to finalize the contract, and that should be done soon.

The start of Phase II is March. The consultant will be asked to come before the Board/Steering Committee on March 17th. The updated schedule from Resilience was sent to everyone.

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Mr. Bachand said he, Mr. Slovin, and Steve Whitman from Resilience will be talking next week in order to help make a smooth transition. March 11th, Mr. Whitman will also attend the Virtual Workshop. The overlapping communication is good.

Ms. Carnaby asked about the Steering Committee. Mr. Warburton and Ms. Kravitz have been very involved and active and she thanked them. She asked about the rest of the members. If people drop out, can we get the Steering Committee back. We need the schools represented as we go forward. She went looking for a list of original Steering Committee. **Mr. Bachand said he can bring that back to everyone to see where the gaps are, and see if we need to find other people. He will send an email out to full Steering Committee.**

Mr. Warburton discussed the election. He was appointed for the Budget Committee; if he is not re-elected, we would need to find someone else.

Mr. Bachand discussed his email sending PREP grant information. There is a potential grant opportunity. The RFP was sent to everybody. Updating regulations with grant money was discussed. The Town would be the applicant. The NHDES Coastal Program has offered to assist. In kind (staff and volunteer) support hours can be included. The grant would run May 1, 2021 to June 1, 2022. There are benefits to doing this now. Phase I will be completed. Any zoning amendments would be for the 2023 adoption time. He heard concerns about possibly putting the cart before the horse by pursuing this now. He opened it up to discussion.

Ms. Morison added there is no expectation that the Planning Board would commit to adopting any amendments that are drafted throughout this process. This would enable the Town to explore options on how to incorporate future flood risks, sea level rise in our Regulations, etc. It could be in the Zoning Ordinance, Subdivision Regs or Site Plan Regs. Coastal flood risks in our land use could be included. She expects some form of recommendation will be included in the Phase I component.

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Mr. Emerick says go for it. Ms. Carnaby said we are spending a lot of money on consultant which will include Phase I and the expectation is that it is part of the work they will be doing for us. Are we setting up a group to work beside them or against them was asked. Mr. Lessard said that could be the 'in kind'. Ms. Carnaby said we should ask the Phase II consultant if they want us to include this with them for their activities before we go ahead and say we've applied for a grant to do part of your work for you.

Ms. Morison does not see an overlap in the work under this proposal. This project would look at an audit of existing land use regulations and see how they can be modified for coastal risk. This would be a technical exercise. Ms. Carnaby discussed our RFP. Addressing zoning ordinances

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will be addressed at some level; they should be part of this conversation. Ms. Morison said there could be a conversation to compliment work they are doing.

Mr. Emerick said this is making an application for a grant; it's not saying we will get it. If we receive the grant, we can decide whether to accept it.

MOTION by Mr. Lessard to go forward with a grant proposal.

SECOND by Mr. Olson to apply for the grant.

ROLL CALL VOTE: 6 – 0 – 1 (Carnaby)

MOTION PASSED.

III. CONTINUED PUBLIC HEARINGS

21-007 238 Woodland Rd (w/12 Great Gate Drive & 250 Woodland Rd.) (continued from February 3, 2021)

Map:77 & 78 Lot: 3, 7 & 11-1

Applicant: Carl Brytz

Owners of Record: Brytz (238), Helen Brosseau Trust (250), David & Anne Murray (12 Great Gate)

Lot Line Adjustment (2): Transfer approximately 29,946 sf of land from Lot 7 to Lot 3;

Transfer approximately 26,634 sf of land from Lot 7 to Lot 11-1.

Waiver Request: Subdivision Regulations Section V.E. Detailed Plans. (See Also 21-008)

21-008 238 Woodland Rd (continued from February 3, 2021)

Map:77 Lot: 7

Applicant: Carl Brytz

Owner of Record: Carl & Kimberly Brytz, Trustees

Subdivision: Subdivide approximately 4.64 acres of land (following lot line adjustments) into two (2) lots.

Waiver Request: Subdivision Regulations Section V.E. Detailed Plans. (See Also 21-007).

Henry Boyd, Millennium Engineering, called in. The application appears more complicated than it is. The lots are odd-shaped. After receiving comments from Mr. Bachand, he was able to respond to the initial round of comments. He also addressed Jennifer Hale's (DPW) comments. He highlighted the plans for the Board. The parcel is almost 6 acres. Mr. Brytz will convey to Brosseau to the North Parcel A. The tail extends to the North Hampton boarder. There is currently an easement across the northern boundary. The project was discussed.

Mr. Olson asked what the easement is for. Mr. Boyd said the plan was never recorded. Utility poles and other uses thereof were discussed. It appears they wanted to run power at some point.

The easement was in favor of Brosseau. Mr. Boyd said the easement will remain in effect for her benefit.

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Parcel A will be conveyed to the neighbor.

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Mr. Bachand asked Mr. Boyd to discuss the subdivision part of these applications.

Mr. Boyd discussed the subdivision. After the lot line adjustment, then there would be Lots 1 and 2. Sheet 2 shows the results of the subdivision. It does not include Parcels A and B any more. The remainder is shown. It shows utility locations. Site distance was discussed. Mr. Boyd added a note. An existing well was discussed. The well will remain but only for irrigation purposes. Lot 1 will be serviced by municipal water.

Runoff was discussed. A stone infiltration strip has been added. Screening for neighbor to the south was discussed. Spruce trees.

Mr. Boyd discussed the proposed dwelling structure. At the time, nothing was designed. A structure could fit on the lot. He submitted a sketch that shows a house and garage. He does not like to do this, as this may not look like this at all.

Mr. Olson asked about splitting the lots. Mr. Boyd thinks the lots are not useable. The owner of the new house making parcel larger was discussed. Mr. Olson said it seems to prevent a house on Lot 2 from being located in those two areas. Not much room on Parcel A.

Mr. McMahon asked about the North Hampton portion. Mr. Boyd does not know of any plans. Mr. Boyd discussed the expense of building a road; it does not make sense to come in from the Hampton direction. They would have to come back to the Board. He's fine with a note to that effect if the Board wants one.

Mr. Bachand discussed the access to the North Hampton piece could come in from the Hampton side; he wants the Board to understand that this is a possibility. The conditions should ensure that the applicant has to come back to this Board if that is the case.

Mr. Olson asked if that is why the easement is being left in place. Mr. Boyd said they enjoy some sort of access now; he can't tell much more than that. Mr. Boyd believes the stone walls have a history. Not wide enough to build a roadway; it's very narrow.

Mr. Olson discussed the airfield being similar. Does Attorney Gearreald have an issue with doing a Lot Line Adjustment with North Hampton was asked; does legal have an issue. Mr. Boyd said this is entirely within the Town of Hampton. The Brousseau's will pay taxes on A to the Town of Hampton. If access comes through Hampton, this Board needs to be made aware of this.

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Mr. Bachand said the Brousseau land has a 250 Woodland Road address per our Assessor information. On the North Hampton side, it is known as 1 Woodland Road. Water and sewer access through Hampton was discussed. Mr. Boyd said this is not being thought about right now.

Mr. Olson discussed the driveway and proposed site distance. Mr. Boyd said it is more than 300 feet.

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Mr. Bachand discussed the driveway and his conditions. He had the Fire Department look at this. Bill Paine noted because driveway exceeds 150 feet in length, it may need to be sprinklered. A turnaround for fire apparatus was also discussed. It is explained in his Memo.

Using land in North Hampton was also discussed. He suggests approval of these applications should be subject to the sign off of the DPW and himself. He recommends any approval by the Board be together with the conditions in his Memorandum. There are waiver requests.

MOTION by Mr. Lessard to approve the waiver request for the lot line adjustment.

SECOND by Mr. Loiseau.

ROLL CALL VOTE: 7 – 0 - 0

MOTION PASSED.

MOTION by Mr. Lessard to approve the Lot Line Adjustment along with conditions contained in Mr. Bachand's Memorandum dated February 17, 2021. Project #E91234212321 revised comments plan sheet 1 of 2 was noted.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Lessard discussed gaining land. Spruce trees. When this lot is built up; make sure spruce trees are brought up front as soon as the building permit is requested. He does not want this to be forgotten. They didn't gain any land. If this is a promise; in case land is transferred. It can be included as a condition per Mr. Bachand.

It can be part of landscaping waiver.

MOTION by Mr. Lessard to approve the waiver request for the subdivision.

SECOND by Mr. Loiseau.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

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MOTION by Mr. Lessard to approve the Subdivision along with the Planner’s Memorandum dated February 17, 2021 with Plan E192342, sheet 2 of 2 dated 2/3/2021. Mr. Bachand discussed the addition of trees. Should there be spacing and quantity. Mr. Lessard said a meeting of the minds; as agreeable to the property owners, to the abutters to the south. Mr. Boyd said he is amenable to it. Mr. Bachand said it should read “spruce trees along the southerly side of the proposed driveway shall be planted per discussion and agreement with the abutting property owner”. Mr. Lessard agreed while noting they may want a different tree other than spruce.

SECOND by Mr. Waddell.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

IV. NEW PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES

MOVED by Mr. McMahon to accept and approve the February 3, 2021 Minutes.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **RSA 41:14-a Process - Town owned Deed Restrictions on formerly Leased Land**
Tax Map 183, Lot 25 – 141 King’s Highway – Modification of Deed Restrictions #3 and #4 in order to allow for the installation of a fence on the north and south boundary lines of the property greater than 3 feet in height, and in order to allow for a minimum of a 6’ setback and a 4’ setback for the garage on the south side of the boundary of the property.

Mr. Bachand discussed this needs the recommendation of the Planning Board and the Conservation Commission. The fence was discussed. A two-story garage with living space above is proposed. Is this (fence) greater than 3’ high was asked. Mr. Bachand said it is. 4’ is noted.

Mr. Bachand asked about the 2-car garage.

Mr. Bachand stated the petitioner’s letter says this will not be a two-family.

The garage was discussed. The other 10 feet goes behind the house. Where does 10 feet go to get it to 10 x 20. Needing a variance was asked about. Mr. McMahon asked about living space above the garage. Is it two bedrooms; kitchen and bathroom? What is it. Can the applicant be asked to provide additional information. Mr. Bachand said absolutely. Mr. Lessard wants clarification. There are no issues with the fence request. The information about the garage is disjointed. Ms. Carnaby asked about the room over the garage, if a 4th bedroom. Can you have a separate building with a bedroom and without a bathroom was asked.

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More detail is needed for the use above the garage. Can a lodging unit be put up there without utilities. Mr. Bachand said when the applicant provides more information on the garage and the space above, we will bring it back. It will be continued to March 3rd, pending clarification.

We are only giving a recommendation on modifying a deed restriction. No zoning relief is being given. We still need to exercise our normal due diligence.

MOTION by Mr. Waddell to table this.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

VIII. ADJOURNMENT

Mr. Emerick adjourned the meeting.

MEETING ADJOURNED: 8:21 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