

**HAMPTON PLANNING BOARD**

**MINUTES**

**March 1, 2023 – 7:00 p.m.**

**PRESENT:** Ann Carnaby, Vice Chair (Acting Chair)  
Sharon Mullen, Clerk  
Keith Lessard  
Alex Loiseau  
Brendan McNamara  
Richard Sawyer, Selectman Member  
Jason Bachand, Town Planner  
Laurie Olivier, Office Manager/Planning

**ABSENT:** Tracy Emerick, Chair

**I. CALL TO ORDER**

Ms. Carnaby commenced the meeting by leading the Pledge of Allegiance and introducing the Planning Board members.

**II. ATTENDING TO BE HEARD**

**III. NEW PUBLIC HEARINGS**

**23-003 465 & 467 Ocean Blvd**

Map: 266 Lot: 31 & 32

Applicant: 465 Ocean Blvd, LLC (Attn: Rick Smith)

Owner of Record: Same

Site Plan: Condominium building with 8, three-bedroom units with associated parking and site improvements.

Waiver Request: Section V.C-Fees and Section IV.D.vi-Lighting

Attorney Justin Pasay appeared. Rick Smith is in the audience. Joe Coronati is in the audience, Jones & Beach. The Wetlands Scientist is present, Brenden Walden. The applicants were here during the summer of 2021. The project was withdrawn in the past. There was litigation. They appreciate the PRC process. They received Mr. Bachand's Memorandum. The highest observable tide line was discussed. Architectural elevations were discussed. Attorney Doug Macdonald is also in the audience.

Attorney Pasay feels all issues are dealt with now. The fire access issue was resolved by the Fire Prevention Officer. They have an agreement now with Mr. LaBranche, one of the abutters.

Mr. Coronati, Jones & Beach, appeared. They were here 2 years ago with a similar project. Two lots are involved. The address of 465 Ocean Boulevard was owned by the Ayotte's previously and #467 is the Griffin House. They want to remove the structure at the Griffin

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House location. The Ayotte's property was already removed. They are proposing an 8-unit condominium project on two lots. The layout is slightly different. The driveway is through the building. Six parking spaces are out back with parking under the building. This simplifies the layout of the building. There is less visual pavement on the property. The green space area will be on the left side (west side) of the building. Eco-rasters will be there. Larger vehicles can drive onto the property. It can support fire trucks.

Pavement out back will be porous pavement. Both lots have water and sewer. They will use services where they can. It will be fully sprinklered.

Elevations – Mr. Coronati discussed plans submitted previously – there are two different architects. One is constructing and one is designing. These are not the same plans submitted to the PRC. Mr. Coronati discussed changes. Monotony of siding and boxiness was discussed. The architect came up with a similar layout. Masonry was added on the lower section.

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Ms. Mullen asked about access to parking. She likes the underground parking. The southeast shows a more significant setback than is actually there. Is access into the underground --is it one way was asked; if not, where do cars wait while the door opens. Mr. Coronati shows it is a two-way entrance. The areas shown outside of the building are not-to-scale. The garage door is set back; not at the face of the building.

Ms. Mullen asked about the garage door in the back. It is to occupy spaces beyond the building per Mr. Coronati. Exterior parking goes through the building. The side is for emergency access. Hopefully, the area to the west never needs to be used.

Mr. Lessard asked about visitor spots. There is one. It was asked if it is on Sheet C-2. There are 17 parking spaces per Mr. Coronati; some are handicapped. Can a visitor space be handicapped was asked. What if Mr. Lessard does not have handicapped notification (if he were handicapped). Mr. Coronati said it's tricky. Mr. Lessard said you have to have a special permit to have a handicapped space. Mr. Coronati discussed scenarios. Mr. Lessard said the Board will want assigned spaces. Mr. Lessard asked how do you assign a unit to a handicapped space. He noted the Board needs to look into that. Mr. Lessard said as far as planning and developers, we need to start off being correct. Mr. Lessard said we know what the requirements are. He gave the example again if he were handicapped and a visitor. He would have to park across the street per Mr. Coronati. Mr. Lessard said the space is not for visitors. Mr. Coronati has not thought of this. Mr. Lessard said the Board needs to look at this.

Mr. Lessard asked about bi-peddling his way into the building. How does he get in. Where is the front door. He said there is no door walking through the parking lot to the elevator. Mr. Coronati said there is an alcove to the right of the side door. Mr. Coronati said you walk into an

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opening where the alcove is. Mail is accessible for the post office. Secondary access is located as you walk to the left side of the building.

Mr. Lessard asked if a mid-sized 18-foot vehicle would fit.

Ms. Carnaby asked about parking. Are six parking spaces underneath the building was asked. Six are out back behind the building; under the building are 11 spaces. How does that divide up was asked by Ms. Carnaby. Mr. Coronati said it is up to the developers. The upper top floor gets two spaces under the garage and the other six get them outside. Sometimes it's first come first serve. It varies based on sales and marketing. Mr. Loiseau said they do an up-sell too. Ms. Carnaby is upset about the handicapped space as well. It is adjacent to the elevator.

Mr. McNamara said the handicapped spot says it's 8' wide; it needs to be 9' x 18'. Mr. Coronati said the ADA requirement is different than the Town's. The applicant needs an 8' wide hatched space per Mr. Coronati.

Mr. Loiseau asked about the architectural plans. Elevations were asked about and mechanicals. Will the mechanicals need to go higher was asked. Mr. Coronati said there are two different architectural. Architect plans were discussed. The applicant believes the A/C units should be fine.

Mr. Lessard went back to parking; He asked if there is a fueling station for electric cars. Will there be charging stations was asked. Mr. Coronati does not know of any location for this development.

Mr. McNamara asked about the emergency access lane. It was noted 17.03 from the lot line to the building. There is a 4' walkway to get to the rear. It was stated 17 feet is really 13 feet for emergency access because 4' is set aside for people to walk. Is there only 14' for emergency vehicles was asked. Mr. Coronati said it is the secondary egress. Emergency vehicles cannot drive under the building. They would be on the west side. It was noted 17' is lower than our standards. The requirement from Fire was 12'. They wanted greater footage for the ladder truck. Fire thinks they can stabilize it on the sidewalk, etc.

Attorney Pasay discussed Mr. Bachand's Memorandum. Two letters were sent by Matt Newton from Fire. NFPA was discussed. Twelve (12') feet is established. More than 12' is required here.

Mr. Lessard asked about the waiver for lighting. We have a lighting plan. Mr. Coronati said along the beach – removal of lighting was discussed along Ocean Boulevard. This project could allow more lighting than what is typically allowed. They can light the sidewalk. A light pole will be removed from the site. Mr. Lessard asked if they could come back and say we don't want to pay for lights. Mr. Coronati said it can be added as a condition **per Mr. Coronati. The walkway needs lighting; the front façade needs lighting. Along the pedestrian way and back parking lot there will be lights.**

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Ms. Brianna O'Brien, Conservation Commission Coordinator appeared and asked about the HOTL and to have it be explained. Attorney Pasay discussed at the PRC, the HOTL was discussed. It relates to the edge of the pavement. Ms. O'Brien had correspondence from Eban Lewis (DES). Brenden Walden, wetland scientist, provided a memorandum and a letter. Mr. Walden said the letter says it is an issue. The State administrative code was discussed. The analysis was discussed. His delineation was at the edge of the pavement. The HOTL excludes storm events. Attorney Pasay is not aware of any events that go beyond the way it is delineated.

Ms. O'Brien challenges the fact that the marsh on the north side, in between the properties, if water goes in that area where there is no barrier and no change in elevation, she doubts that the HOTL does not go through that parking lot. She is doubtful of it, and she would like to see evidence of providing this point further. Tides of 8' to 10' – she lives out in that area. She feels it needs to be taken into consideration. She spoke with some wetland scientists. It should be observed in a high tide event. She has concerns. A project like this, where the HOTL location could have an effect on the project, it could bring this into the Town wetlands buffer. Their wetlands scientist stamp is on the plans. Mr. Walden came up to discuss. Ms. O'Brien said the issue is tricky – it is not unheard of to get a second opinion in an area where it can be tricky.

Mr. Walden appeared. He looks for debris that is laid from the tidal event; where the concentrated debris line is. His photos show there is no water marking on the pavement. The tide was receding at that point. Mr. Lessard asked what time Mr. Walden took the pictures. The date is there, but no time. That picture was taken for the State per Mr. Walden.

Ms. Mullen asked what happens to snow storage. They don't delineate if there is a lot of snow. Ms. Mullen asked about high tide. What happens during the winter storm during high tide if it snows. Is there a snow storage area. The tide will impact the area. Mr. Lessard said snow is not supposed to be there.

Mr. Coronati discussed the wetland impact plan.

Ms. O'Brien asked if the finger that comes upon the north side, there is more of a depression there. There is a lower elevation. That is considered a tidal wetland. Mr. Walden feels there is enough of a lip. Ms. O'Brien thinks there is enough weight to get another outside opinion.

Ms. Carnaby said there is a lot weighing on this.

Mr. Bachand discussed his Memorandum. The encroachment was discussed. Attorney Pasay noted that the issue is resolved. Attorney Pasay said Rick Smith entered into an agreement with Steve LaBranche. Rick Smith will release the easement. An Agreement is executed. Attorney Macdonald is present. Mr. Bachand noted our Town Attorney will need to review.

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Attorney Macdonald appeared. He represents Steve LaBranche. He is all set.

Mr. Bachand discussed mechanicals. The applicant is limited on the height; 58.5 feet maximum is allowed; mechanicals will not be more than 58.3. There is no more room.

It was discussed 58.5 vs. 58.3 is the top of the elevator shaft. The applicant is clear on that.

Mr. Bachand asked Mr. Coronati about the transformer. The transformer needs to be elevated. Mr. Coronati said it is elevation 8; the pad will be above the floodplain. The Flood zone was lowered from 9' to 8'. A slab of concrete pad for the transformer will be above 8'. Mr. Bachand confirmed this with the Building Inspector. Mr. Bachand gave credit to our new Coastal Resilience Coordinator, Tori Bamford, who caught this issue.

Mr. Bachand discussed that the Building Inspector said it (current project) did not need to come back for variances. The building height on the site plan needs to be corrected per Mr. Bachand. It says 59' on Mr. Coronati's plan.

The Griffin House was discussed and noted it is more than 100 years old. The Heritage Commission could be notified on this and may wish to document information - **this can be added as a condition.**

Trucking snow off site was discussed.

Mr. Bachand asked if the applicant discussed the mailbox locations with the Hampton Postmaster. The applicant met with her; she is in support of the configuration.

Mr. Bachand is concerned about the HOTL and if a Town Wetlands Permit becomes required.

Attorney Pasay said it is up to the Board to decide. He doesn't understand the basis of needing a second opinion (on the HOTL location). Mr. Bachand wants DES confirmation. He wants to know what the exchange is with Eban Lewis.

Mr. Sawyer discussed the report from the wetlands scientist. Who pays for an independent second opinion was asked. It is the applicant. Is there a question of validity was asked about. Mr. Bachand said a wetlands scientist would be selected by the Town and the review done at the applicant's expense. Mr. Sawyer said if they have to go through the State, if the State has a problem, then they have to come back anyway.

Mr. Coronati said no one at the prior project questioned the HOTL.

Mr. Lessard asked about the hours of operation of lights. Lights on the pronounced middle area – two decks, it should not affect them; lights will shine downward. Mr. Loiseau discussed lights shining down. Mr. Lessard does not want tenants to be bothered.

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Mr. Bachand said it is up to the Board on whether to have the Heritage Commission have the opportunity to document the Griffin House, if they wish, and the condominium documents should include addressing lighting.

Attorney Pasay discussed #14 – lot merger before the plan is signed. Two lots are owned by the same entity. Can they move it to the conditions before the Building Permit. It will help on the timing side. Also, #15, architectural renderings; Mr. Bachand deferred to the Board.

Ms. Carnaby said it is a box. There are no other boxes in that area. She finds it wrong for the area. The HBAC has had similar comments. She understands the height consideration. She asked the applicant to break up the box. Mr. Lessard asked about the height toward the elevator with more of a sloped roof. An angle or slope anywhere would help. The applicant is happy to work on that.

Attorney Pasay discussed Condition #14. Mr. Bachand is fine with that; the lot merger can be moved.

Mr. McNamara discussed the garbage room. With eight units, and people can't put out Town recycle bins and trash. There would be carts with wheels. It was noted a private trash company will come out and the door to the garbage room is not connected to the main building. Residents will have a key to the door for trash. How many carts will be there was asked by Mr. McNamara.

Mr. Lessard asked what the proper size of the recycling room will be; how many cubic feet per unit. The units are 3-bedroom. There will be a lot of trash. Mr. Lessard asked if they will be VRBO's. It is allowed in the overlay if it passes. Mr. Coronati thinks the trash room is large enough for 8 units.

Mr. McNamara discussed snow storage and the emergency lane being clear. It will be removed and dropped off at an area. Mr. McNamara asked where the snow would be stored – where are snow storage areas now. There is no way to follow up on these. We need to think about that as a Board. The safety of residents in the building was discussed. Attorney Pasay said he appreciates the concerns.

Mr. McNamara does not like taking handicapped spots and saying it's used for either handicapped people or visitors. You're not giving someone a handicapped spot. He said you can't do that in a supermarket or anywhere else. It has to be a handicapped spot; whoever comes first.

Mr. Coronati said they need 17 parking spaces; they have 17. One visitor spot per eight units.

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It was noted our Town Zoning Ordinance does not include ADA. **We need to work on that per Mr. Lessard.**

Ms. Carnaby said we are voting on this as a complete application. It can be accepted as is, or voted to continue it until next month on the basis that there are some unresolved issues. They can accept jurisdiction and the clock starts ticking, the 65-day clock.

Ms. O'Brien stated she is not challenging the validity of the stamp, but this area is tricky. It is common to get a second opinion. The HOTL could be closer; not because Mr. Walden is a bad wetlands scientist, but because it is a challenging area. There are questions that can be looked at by another wetlands scientist. The elevation may not change where the HOTL is on the plan to where the marsh comes up on the north side of the parking lot. The HOTL could meet the marsh on the side. She also thinks there is a lag time at the Harbor and when the marsh reaches its highest point. She would like to see time stamps and numbers of how high the tide was that day. Water laps the edge of the parking lot many times. It is challenging. A second opinion would do the applicants well also.

The line of debris was discussed by Ms. O'Brien. Marsh vegetation sometimes holds material back. Mr. Sawyer appreciates her thoughts. This would have to go to the DES to confirm what is being said. Ms. Mullen said if this is coming back, and time data is available, can we add that data to the report was asked. If the measure takes the lag into account, would concern be alleviated was asked. Mr. Walden said the rack line won't move. It's pretty stable. He would delineate the way he did. The rack line is where loose vegetation is brought up from a tidal event.

The wetland line is on the abutting property per Mr. Coronati. The DES will look at this also. They have two DES permits to obtain. Mr. Lewis will look at this again.

Ms. Mullen asked if they are building to today's sea level or the future. Mr. Coronati said it's first floor parking. The level is above today. Flood vents will be on the walls of the building.

Mr. Lessard knows the parking lot and he knows it has water on it under bad tide conditions. The parking lot was improved not that long ago. He noted they are outside the wetlands except for the corner.

Mr. Coronati said the Conservation Commission has an obligation to provide comments to the Wetlands Bureau. They will clearly raise this as well at the wetlands level.

Mr. Lessard is satisfied with the soil scientist report and he shares Ms. O'Brien's concerns. He will take the risk of accepting the soil scientist report and put the onus on the State. Mr. Loiseau feels the same.

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**MOTION** by Mr. Lessard to move the lighting waiver.

**SECOND** by Mr. Loiseau.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Lessard to move the fee waiver.

**SECOND** by Mr. Loiseau.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Lessard to approve the site plan along with Mr. Bachand’s Memorandum dated March 1, 2023. Number 14 of conditions will be (moved to) when the Building Permit is needed. Lighting in the condominium documents will be added. The applicant will give an opportunity for the Heritage Commission to photo document the Griffin House. Snow removal will be added as well. This information will be in the condo documents as well.

**SECOND** by Ms. Mullen.

**VOTE: 5 – 1 (McNamara) – 0**

**MOTION PASSED.**

**23-006 30-32 Island Path**

Map: 282 Lot: 15

Applicant: Billy Foster

Owner of Record: Collegian Beach, LLC (Billy Foster)

Wetlands Permit: Replace 6' x 8' deck and stairs with new deck and stairs (same size).

Mr. Bill Foster appeared. On December 23<sup>rd</sup>, they had an astronomically high tide. The stairs and deck washed into the marsh. He needs to repair this. He noted Ms. O’Brien was super helpful with the application.

**BOARD**

The applicant has the letter from the Conservation Commission. He is in agreement with the recommendations. There were no concerns.

**PUBLIC**

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**MOVED** by Mr. Loiseau with the recommendations contained in the Conservation Commission letter dated March 1, 2023.

**SECOND** by Mr. Lessard.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**IV. CONTINUED PUBLIC HEARINGS**



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**V. CONSIDERATION OF MINUTES of February 15, 2023**

**MOVED** by Ms. Mullen.

**SECOND** by Mr. McNamara.

**VOTE: 5 – 0 – 1 (Lessard).**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

- **137 Landing Road** - Wetlands Permit Extension Request (two-year extension)

Mr. Bachand said this is an extension request for two years. The Conservation Commission supports this. Work is underway. He recommends the two-year extension to April 7, 2025.

**MOVED** by Mr. Lessard.

**SECOND** by Ms. Mullen.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

- **95 & 97 Ocean Blvd & 4 & 25 J Street** - Request for one-year extension of Amended Site Plan conditional approval

Mr. Bachand discussed the one-year extension request. He recommends approval for the extension to expire March 4, 2024. The applicant is working on revisions.

**MOVED** by Ms. Mullen.

**SECOND** by Mr. Lessard.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**VIII. ADJOURNMENT**

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

**SECOND** by Ms. Mullen.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

**MEETING ADJOURNED: 8:57 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**