

HAMPTON PLANNING BOARD

MINUTES

March 2, 2022 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Alex Loiseau, Clerk
Brendan McNamara
Ann Carnaby
James Waddell, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: **Keith Lessard**

I. CALL TO ORDER

Mr. Emerick commenced the meeting by leading the Pledge of Allegiance and introducing the Planning Board members. It was noted there is a quorum present.

II. ATTENDING TO BE HEARD

- **Change of Use – 529 Ocean Boulevard
Hair Salon to Roofing King Offices/Showroom**

Craig and Jessica LaCrosse appeared. They own a roofing company (Roofing King). They need a space for their staff and a showroom. They do roofing, siding and windows and also sales. They do a lot of subcontracting. There will be sales vehicles parked at the shop. No big box trucks will be parked at the location. No roofing supplies will be stored on site. Their hours will probably be 9:00 a.m. to 6:00 p.m. or 10:00 a.m. to 6:00 p.m.

BOARD

MOVED by Ms. Carnaby to approve the change of use.

SECOND by Mr. McNamara.

VOTE: 4 – 0 – 0 (Waddell absent)

MOTION PASSED.

The applicants noted there were previously six parking spaces; now there needs to be a minimum of 9' wide spaces. He noted the spaces are pre-existing, non-conforming. The Planning Board noted they can have what exists.

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III. NEW PUBLIC HEARINGS

22-007 192 North Shore Road

Map: 134 Lot: 12

Applicant: Lisa Shea

Owner of Record: Lisa and Brian Shea

Wetlands Permit: Raze existing dwelling that is 27' from edge of wetland and build new dwelling. New dwelling to be 45' from edge of wetland.

Henry Boyd, Millennium Engineering, appeared. Mr. Boyd discussed the existing structure. The majority is within the 50' buffer. They asked for relief since the house was moved forward. The new house will only have 26 square feet in the buffer.

(Jim Waddell appeared).

There may have been drainage concerns at the ZBA meeting. A pervious paver driveway will be installed. Roof run off was discussed. Wetland plantings were discussed.

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Mr. Bachand has nothing to add, and noted it is an improvement over the existing conditions. He recommends approval with the stipulations in the Conservation Commission's letter dated February 22, 2022.

MOVED by Mr. Loiseau with the stipulations in Conservation Commission letter dated February 22, 2022.

SECOND by Mr. McNamara.

VOTE: 5 – 0 – 0

MOTION PASSED.

22-008 968 Ocean Boulevard

Map: 152 Lot: 22

Applicant: Bob and Joan Gagalis

Owner of Record: Joan Gagalis, Trustee of Joan M. Gagalis Revocable Trust

Wetlands Permit: Repair existing sea wall in kind with no expansion. Stone steps to be installed using existing boulders.

The applicant was not present. The Board moved on to the next application.

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22-009 1074 Ocean Blvd.

Map: 98 Lot: 08

Applicant: Tanya Hovnanian Baghdassarian

Owner of Record: Same

Wetlands Permit: Repair Existing Seawall. Install steps and relocate and install pervious paths and patio. Landscaping and fence are included.

Ms. Baghdassarian appeared. She noted her representative, Mark West, is running late. Ms. Baghdassarian stated she is on Plaice Cove Beach. The previous owners did not have a set of stairs. They want to duplicate the stairs of the owners. The seawall needed repair; stones washed away. They want to build up the rocks.

Mr. Loiseau was on the site walk. She is working with a landscape architect. They are doing fencing and trees, impervious pavers. Everything came back positive with the DES.

Coastal plants have been rearranged. Ms. Baghdassarian received the Conservation Commission letter. Mr. Mark West arrived and he noted he has the letter from the Conservation Commission. The Commission was okay with the project and they will follow the conditions in the letter.

Mr. Loiseau noted the work is described in the letter; it is minor work.

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Wendy and Chris Geier appeared, 2 Nor'East Lane. There is no problem with putting the stairs in or doing the sea wall. The fence going in along with trees will be in the 50' buffer. Mr. Geier discussed changing the vegetation. They could not touch their rosa ragusa back in their day. Putting in a fence and trees were discussed. He discussed significant storms. They are worried about the 50' buffer. There are no fences along that area. They want unobstructed views of the beach. Where the fence was going to go was shown. The trees can grow to substantial heights. The view could be blocked. He went on to the State assessment office. The value of their home was discussed. They do not like the landscape or the fence.

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Mr. West handed out an aerial photo. Her house is the most northern house on the beach. The abutter's house is out further than the ocean. No dune is in front of the abutters house either. The goal of the fence is to help get privacy from the house and not to impact any views. She does not want to look into their house. It won't block the abutters' views. She is not extending it down to the seawall.

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Mr. Keier said the front of their house does not point to his Mom's house. He said it is setting a precedent. He asked how the water will be treated. If the fence damages his house, what happens was asked.

Ms. Geier said houses to the north are at the exact location as they are. Her fence and trees will block others' views also.

Ms. Baghdassarian said it is odd—the geography. All houses to the south are pretty much lined up. She discussed panoramic views. When she is in the house, she does not want to block anyone from the ocean. The fence does not even go over her windowsill. When she is in the living room, she is looking in/at their home.

Mr. West said the fence has to be raised off the ground so water can flow underneath.

Mr. Geier said the kitchen looks out that view. Ms. Baghdassarian said it is the side of the house. Mr. Emerick said she (Ms. Baghdassarian) can do to her property what she wants to do. Nobody is guaranteed a view per Mr. Emerick. She (Ms. Baghdassarian) can get permits to put a fence on her property.

Mr. Geier was told a decade ago to not touch the rosa ragusa. Mr. Emerick said she has an approved plan according to our statutes. Mr. Geier is talking about the 50' buffer.

The Conservation Commission letter was discussed. The Geiers went on the site walk.

Mr. West said they are putting two post holes in past the trees that exist next to the house. They are not ripping out any plants. They are making a pervious pathway.

Mr. Geier asked if they are going into the buffer zone.

Mr. McNamara said the Conservation Commission gives recommendations and the Planning Board votes on this. Mr. West said this project is turning pervious areas into impervious areas. They are reducing the size of driveway and there is a 38 percent reduction in impervious surface.

Mr. Loiseau said the Conservation Commission did not have a problem with the project. It is just two elevated poles in the buffer zone, but they were happy that other mitigation was offered to be done. Decreasing impervious area in the buffer zone and on site as well was discussed.

Mr. Waddell does not understand why a fence is needed; he knows they can do it, but why put a fence there was asked. The deck was right next door to the house. The applicant wants to look at her own fence and flowers rather than the neighbors' home and siding, etc.

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Mr. Geier said water will be affected when water comes over. Managing water was discussed. They have 30 days to appeal if they wish per Mr. Emerick. It can be appealed to the Superior Court.

Ms. Geier asked about the height of the trees. Mr. Emerick said the view is not in our Zoning Regulations. Mr. Loiseau said if they were going outside of our Zoning Ordinance, it would be different. Everything in this project is falling within our zoning.

Ms. Baghdassarian asked about the 30 days; do they have to show cause. What is the process.

Mr. Robert Saltmarsh appeared, 1072 Ocean Boulevard. He noted the DES put a 50' buffer in place to protect the environment. He has been a taxpayer on this for 40 years. Regulations are to protect the environment and protect the views. If he were on the Board of Selectmen, he would be careful about ruining someone's view. Taxing at higher rates was discussed. His view starts at 2' above the ground.

BOARD

MOTION by Mr. Loiseau to approve the Wetlands Permit along with the stipulations contained in the Conservation Commission's letter dated February 22, 2022.

SECOND by Ms. Carnaby.

VOTE: 3 – 2 (Waddell & McNamara) – 0 MOTION PASSED.

The Planning Board went back to the application for 968 Ocean Blvd.

22-008 968 Ocean Boulevard

Map: 152 Lot: 22

Applicant: Bob and Joan Gagalis

Owner of Record: Joan Gagalis, Trustee of Joan M. Gagalis Revocable Trust

Wetlands Permit: Repair existing sea wall in kind with no expansion. Stone steps to be installed using existing boulders.

Mr. Mark West appeared, West Environmental. This lot has access to work on the wall. There is room to work. They want to rebuild and repair the wall where there are woods. They are going to build stone steps into the wall. Everything will be done in the footprint of the existing wall. They received a permit from the DES.

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Mr. Bachand recommends with conditions in the Conservation Commission letter dated February 22, 2022.

MOVED by Mr. Loiseau with the stipulations in the Conservation Commission letter (dated February 22, 2022).

SECOND by Mr. McNamara.

VOTE: 5 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

21-043 132 Kings Highway (Units 1 & 2) *(continued from September 1, 2021, October 6, 2021, and December 1, 2021 & February 2, 2022)*

Map: 183 Lot: 30A

Applicant: Gary and Gail MacGuire, Trustees

Owners of Record: MacGuire Family 2020 Revocable Trust (Unit 2) and Eddy and Kathleen (Fleming) Clemente (Unit 1)

Wetlands Permit: Replace the existing decks on the duplex units with enclosed space. All improvements to occur within the limits of the existing decks and existing developed lawn area.

Mr. Doug MacGuire appeared. He is with The Dubai Group. He gave an updated plan in accordance with the request of the Conservation Commission. They went for a single variance and then were told they needed additional variances. They have obtained those variances.

The original plan had larger impacts. They showed additional deck space. They made changes. They eliminated the existing shed and eliminated the impervious patio area and location of the proposed decks. They are proposing a vegetated planting area where the original shed was to provide a more delineated separation between that and the existing wetland area.

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Ms. Carnaby asked about the hatched area. That is the area they want to enclose. Ms. Carnaby asked about the existing decks. There is a larger deck below the smaller decks.

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Mr. Loiseau was at the Conservation Commission meeting. The Commission had a lot of suggestions, and it looks like these are all included to make it work. Mr. Bachand agrees and recommends approval along with the stipulations contained in the Conservation Commission letter dated February 22, 2022.

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MOTION by Mr. Loiseau with stipulations in the Conservation Commission letter (dated February 22, 2022).

SECOND by Mr. Waddell.

VOTE: 5 – 0 – 0

MOTION PASSED.

V. CONSIDERATION OF MINUTES of February 2, 2022

MOVED by Mr. McNamara to accept and approve the February 2, 2022 Minutes.

SECOND by Mr. Loiseau.

VOTE: 5 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **RPC Technical Assistance Opportunity – Review and Propose Amendments to the Aquifer Protection Regulations**

Mr. Bachand discussed this back in October, he spoke with the Board about working with the RPC to review and amend the Aquifer Protection District Ordinance. The Board authorized him to provide a letter of support, which he did. He noted that the February 10th letter from Tim Roache, which the Board received, is connected to a different grant opportunity. However, the project purpose, intent, and deliverable product all remain the same as discussed in October. March 15th is the beginning of the project window, which goes through May 30th. It would then come for public hearings and adoption in 2023. Mr. Bachand asked if he can move forward on this. He believes the Conservation Commission is aware of this and feels the Commission should be involved.

MOTION by Mr. McNamara to move forward on this.

SECOND by Ms. Carnaby.

VOTE: 5 – 0 – 0

MOTION PASSED.

- **Temporary Transitional Outdoor Dining Permit Application for Private Property**

Mr. Bachand stated that on February 2nd, the Board asked the Planning Office to put together a permit application for authorizing temporary outside dining. The Board of Selectmen discussed this subject also. Ms. Olivier and Mr. Bachand worked on this. We consulted with the Town Manager and other department heads. It has been prepared to be simple and straightforward. It will require administrative sign offs.

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This application would be effective for the years 2022 and 2023. A more comprehensive process will be developed later. It (a permit approval) would only be good for one year, and this application is for private properties only. Permanent outside dining still needs site plan approval.

Mr. Bachand is looking for the Board to approve this for use during the years 2022 and 2023. This will be posted it on the Town website as well.

Mr. McNamara asked about taking over existing parking spaces. There will be a required plan (noted on last page of the application); with a hand-drawn layout of the site, so information will be shown.

Mr. Loiseau likes it. Will they get an actual permit was asked. There would be sign offs. We will maintain it in the Planning Office. Applicants could receive a copy. Could we put an expiration date on it was asked. This is good until the end of the given year; this already noted in the application.

Ms. Carnaby has questions. On the top of the second page. Will it be covered was asked. She made a grid to specify material and access points for getting under. That would be covered by the required drawings per Mr. Bachand. Mr. McNamara noted they do this for the seafood festival.

Ms. Carnaby discussed the general guidelines. Entertainment and annoying to people... This language was a carry-over from a prior Covid dining application per Mr. Bachand. She thinks it is unrealistic. Ms. Carnaby thinks that should be edited. Mr. Bachand will edit this item.

Ms. Carnaby was confused about the Selectmen only approving the alcohol portion. It was clarified that item goes through the Board of Selectmen.

MOTION by Mr. Waddell to accept the application for use (with the noted entertainment edit).

SECOND by Mr. McNamara.

VOTE: 5 – 0 – 0

MOTION PASSED.

Mr. Bachand discussed 74 Island Path. The Condominium Site Plan and Wetlands Permit came before this Board. They have a closing scheduled for this Friday. There is landscaping and a paver driveway that still needs to be completed. The Planning Office received an \$18,000 cost estimate. Ms. Hale saw the letter with estimate. The Conservation Coordinator saw this as well. All work is to be done by July 30, 2022. June Kulokowski (Shannon Builders LLC) is the applicant. He recommends the Board accept an \$18,000 bond for this purpose.

MOTION by Mr. Waddell to accept the bond.

SECOND by Ms. Carnaby.

VOTE: 5 – 0 – 0

MOTION PASSED.

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Mr. Waddell brought up a House Bill dealing with Air B&B's that overtakes what the Town has for rules if that Bill gets passed. The Selectmen voted to send a letter opposing that Bill because we would not have any authority over it. This would allow almost anyone to have an Air B&B. Mr. Bachand said he will take a look at it. Mr. Loiseau asked who can have short-term rentals now. Mr. Bachand said we only have "lodging houses" in our Zoning Ordinance. The bill came out of Conway, because they stopped Air BnB's in their single-family zone. This would mean the Town could not control things from a local level.

Ms. Carnaby said on the Plan Link service- House Bill 1174 has been discussed. She said it proposes to allow 4 ADUs on every property. The RA zone is being eliminated by definition. It is an attempt to make affordable housing more successful. Ms. Carnaby will double check the HB number.

VIII. ADJOURNMENT

MOTION by Mr. McNamara to adjourn.

SECOND by Mr. Waddell.

VOTE: 5 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:08 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