

## HAMPTON PLANNING BOARD

### MINUTES

June 17, 2020 – 7:00 p.m.

**PRESENT:** Tracy Emerick, Chair (Selectmen’s Meeting Room)  
Ann Carnaby, Vice Chair (Telephonic)  
Alex Loiseau, Clerk (Selectmen’s Meeting Room)  
Fran McMahon (Selectmen’s Meeting Room)  
Mark Olson (Selectmen’s Meeting Room)  
Keith Lessard (Selectmen’s Meeting Room)  
James Waddell, Selectman Member (Selectmen’s Meeting Room)  
Jason Bachand, Town Planner (Selectmen’s Meeting Room)  
Laurie Olivier, Office Manager/Planning (Telephonic)

**ABSENT:**

#### I. CALL TO ORDER

*The Planning Board Chairman Tracy Emerick, has determined that, 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 toll free 1-857-444-0744 and using the code 156034. If anyone has a problem, please call 603-929-5805.*

Mr. Emerick led the Pledge of Allegiance.

It was noted that roll call votes will be taken tonight.

Mr. Emerick commenced the meeting by introducing the Planning Board members.

Mr. Emerick read the Governor’s State of Emergency criteria regarding the meeting being held telephonically. Prior to the meeting, the Planning Office gave information to applicants on how to access the meeting electronically.

Attendance was taken (members physically present in the Selectmen’s Meeting Room are noted above). For those attending telephonically, it was stated who was in the room with them. Some Planning Board members were home; no one was present with those members.

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Keith Lessard, Jim Waddell, Mark Olson, Alex Loiseau, Fran McMahon, Tracy Emerick, and Jason Bachand are all in the Selectmen's Meeting Room. Ann Carnaby is home and alone as is Laurie Olivier.

Brian Warburton (Master Plan Steering Committee - MPSC) is home alone; Nancy Stiles (MPSC) is home alone. Noah Slovin (Milone & MacBroom - M&M) is at home. Dave Murphy (M&M) is not on the line. Nathalie Morison (NHDES) is at home, alone.

Sharon Raymond (MPSC) and Barbara Kravitz (MPSC) are also on the line at home, alone.

## II. ATTENDING TO BE HEARD

### Master Plan Steering Committee

#### 1. Public Comment (relating to Master Plan)

Nancy Stiles (representing the HBAC) discussed concern around duplication and many approaches not merging. She wants to listen to the presentation first before asking questions. She decided to ask some initial questions.

Ms. Stiles asked about stakeholders in the community when the presentation is made. Who will be included in the public engagement plan was asked. Will it be public was asked. Would it involve residents at the beach and the HBAC. How detailed will the update be or will it cover coastal resilience only.

How will it intersect with the Hampton Beach Area Master Plan. She is happy to hear of next steps.

She put the Hampton Beach Area Master Plan update on hold to wait and see how this is handled.

Mr. Bachand said her questions should be answered.

#### 2. Milone & MacBroom – Consultant for Vision and Coastal Management Content

##### a. Municipal Staff Questionnaire

Noah Slovin (Milone & MacBroom) appeared telephonically. He noted that the Hampton Beach Area Master Plan is on their mind. The Municipal Questionnaire was discussed.

Ms. Carnaby asked if we will see it before it goes out. Mr. Slovin stated 'yes'. Mr. Emerick said moving forward, it seems like there are two questionnaires. The Beach questions are real to the beach; to the Village, they are non-existent.

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Mr. Emerick said some people have no knowledge of water issues, for example. Mr. Slovin said they will think about that.

Barbara Kravitz asked Mr. Slovin if this goes to school personnel and the library people. Mr. Bachand noted the library is on the list; he does not believe the school (SAU 90) is on the list.

Mr. Slovin said the school can be added.

Ms. Kravitz asked about question #6. What are objectives for government, for administration, for the people who work here was asked.

New expenses that they may expect to request over time. There is a CIP for part of that.

Regional cooperation.

Matters relating to land use.

Questions relating to the beach and uptown--how does it get stated.

Question #7, per Ms. Kravitz – for three months of the year, we are a tourist community. How will that be addressed was asked. The community may have comments on experience and thoughts of what needs to be improved.

Ms. Kravitz discussed #7 – what people who work for the Town think needs to be done regarding infrastructure and upgrading was asked.

Question #8, relating to cost, taxation, grants. What is available for Federal and State was asked. People who work for the Town – many give excellent service to the Town and they may have thoughts to add to this.

Ms. Kravitz discussed question #11. Long-range planning. In the questionnaire, they are asking people to think of long-range planning. If it is being asked, she suggests they be more definitive and explanatory.

Ms. Kravitz discussed virtual communication. It has to be addressed. It's going to affect how people do their job.

Ms. Kravitz – how can the Town be responsive to virtual communication was asked. What training would be involved.

Mr. Slovin will look over Ms. Kravitz's comments for incorporation into the questionnaire. It will be sent to the members before distributing.

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#### b. Stakeholders and Community Champions

Mr. Slovin discussed this is one step in a large area of community engagement. There are two different types of people or groups. People who can help us reach members of the community are the Community Champions. Some people won't respond to online documents or there could be language barriers; it could be tough for the aging community. Soup kitchens, senior centers, members who can reach those community members. A stakeholder is any other special interest group over the course of the project. We want to develop a list of who the Community Champions may be; it can expand over time. People will be informed of events occurring and public meetings, etc.

Mr. Slovin started putting together a short list with stakeholders. Making voices heard is the goal.

Ms. Carnaby asked if we each should send them their lists of both stakeholders and community champions, or should we circulate a list. How best can we do this was asked. Two lists – one of stakeholders and one of champions. Maybe extra columns for phone number and email also. **Mr. Slovin thinks people can send information to him and he will put it together and send it out.** Mr. Slovin said if they think of names, send them to him. He can research numbers and emails on his own. He can send it out to everybody.

It was noted to not have three separate lists. The Girls Scouts should be added (stakeholders), it was noted.

Ms. Kravitz agrees folks around the table would do well to think about their lists. She suggests categories. SHEA was discussed. Add CHAT to this also per Ms. Kravitz. She asked about Rockingham County Conservation District. Maybe identify a bit about each of the organizations.

HBAC it is "Commission"; not Committee.

HBVP – it is the Hampton Beach Village "District".

Winnacunnet High School and SAU 90 were asked about That needs to be added per Ms. Kravitz.

Ms. Kravitz sees more entities; not residents, tax payers, or voters. The Conservation Commission (Hampton) should be added also.

Mr. Emerick said this is Town staff. Ms. Kravitz thinks the purview should be broadened. Even Channel 22 should be added.

Batchelder Family was mentioned. Ms. Kravitz said spelling should be checked. (*Note: It is Batchelder*)

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**Mr. Bachand asked the Steering Committee to look at the list; give ideas, give a list of what needs to be corrected and send it to him. He will copy Mr. Slovin and we will get another draft. This list (provided for this meeting) is just an initial list of the stakeholders.**

#### **c. Public Engagement Plan**

Mr. Slovin discussed a range of possibilities of this process. What it would look like. **Mr. Bachand, Nathalie Morison and Dave Murphy and himself will discuss different possibilities and find a more specific public engagement plan to put together.**

He read through – direct outreach to champions and stakeholders. Identify stakeholders about the planning process. Participating in engagements. Invite them to send direct emails.

Campaign – poster installation and text campaign. Social distance and the ways to get out in the community and make a difference were discussed. Develop a large poster with a small amount of information about the planning process. A text number would be given to text questions. Simple questions like – what do you love, what is your vision. **The poster would go out next week to get feedback.**

**Have posters in a few areas around Town. An online public survey would be shown, and on the website.**

Online public survey. It would be 10-15 questions. It would help with Vision and Coastal portions of the Master Plan. They need to think of people on the Coast versus people in Town.

They do not want to hit the same questions that have already been offered for the first survey.

Public Engagement has two phases. Summer and into the Fall and a later phase in Early-Mid Spring. We plan to have a virtual workshop using Zoom where the public can attend. A brief presentation will be given. It will be interactive and engaging.

They can break into break-out rooms by topic or by smaller groups. They can do two of those – twice a day maybe including evening, or two different times over the week to have proper outreach.

Focus Groups. Guided discussions. The idea is to bring together members of different groups to come together and talk about different interests, priorities and concerns regarding the Master Plan Vision. Stakeholders from certain groups can meet as well.

Identifying specific needs and routes missing, outreach, focus groups all will be taken into account.

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Milone & MacBroom will run some; DES will also run some.

January and February outreach - getting community feedback. January or February, a draft will be available. By February or March there will be final draft. This will be in 2021.

Mr. Lessard asked about the final Master Plan, i.e. final proposals. It will be final part of two pieces of the Master Plan. He wanted to note that this is not the final Master Plan. This is only for the Coastal Management and Vision content. He wants people at home to know this.

**Ms. Carnaby asked when the Phase One end report is due. It will be in March of 2021, Mr. Slovin believes. He can check.**

#### **d. Consultant Next Steps and Steering Committee Action Items**

**The next steps to designing and finalizing the poster design. Mr. Slovin wants that out in July.** Getting information for the campaign. Online public survey. That will be open in July. Then, the public engagement part will start.

**Dates and times for workshops will be finalized. Dates are on the Agenda. Mr. Slovin would like to have information for Planning Board/Steering Committee members by next week.**

He will send an email out with all the information.

He will also work on the municipal questionnaire and get another draft out.

Outreach should start in July per Mr. Slovin.

Ms. Carnaby asked about contingencies depending on what the virus does in one direction or another.

Mr. Slovin said they are assuming there will not be in-person meetings, but this can be revisited over time. It should not delay the time frame per Mr. Slovin.

Mr. Slovin is hoping July gives time; people may be out and seeing posters and participating.

Mr. Emerick asked if the questionnaire will be available for people who do not use computers? It was stated “yes” per Mr. Slovin.

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#### 3. Closing of Preliminary Master Plan Survey

Mr. Bachand discussed the Steering Committee's decision at the last meeting to close the Preliminary Master Plan Survey. It has served its purpose and generated great information. A thank you letter was sent to Dave Walker, RPC Assistant Director for his assistance with the survey.

#### 4. Draft RFP for Comprehensive Master Plan Update

#### 5. Next Steps

Mr. Bachand discussed Phase Two – the Comprehensive Master Plan Update. The Warrant Article for the Master Plan Update was passed in March. Phase One work (Vision and Coastal) will be later worked into the Phase Two work.

The latest revisions to the draft RFP were discussed. Ann Carnaby, Barbara Kravitz and Laurie Olivier had revisions. **Mr. Bachand said that if anyone else has comments, please get them to him by Monday, June 22<sup>nd</sup>. The final draft version will be distributed to everyone.**

We have the Town's contractual language worked in. Kristina Ostman from the Town Manager's office also provided information.

Mr. Bachand said the money (from the warrant article) will eventually come available. They would like to start by early fall. Mr. Bachand noted having in-person meetings would be good. Phase Two is the largest component.

Mr. Bachand hopes the RFP will be out by July. That may be aggressive. We can refine dates per Mr. Bachand.

Mr. Lessard wants to make sure our funds do not lapse. December 2023 is when the funds lapse per Mr. Bachand. Phase One was the grant award, and is completely separate from the Phase Two work.

Mr. Olson discussed responses. Putting it out there was noted. Get responses and then the group can decide whether to accept those responses.

Mr. Lessard asked for list of potential firms who may respond.

Mr. Bachand worked in COVID language so that alternatives would be presented.

Mr. Lessard asked if it is advantageous to send out a solicitation – and schedule, etc. Mr. Olson said what's another couple of months on releasing the RFP; we should take our time to do things right.

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**Mr. Bachand asked for comments by next Monday. He will update it (draft RFP) and the Steering Committee can circle back to discuss further at the July meeting.**

Brian Warburton discussed stakeholders and Channel 22. If we have a round table format televised and broadcast; doing these in Town was discussed. Watching replays. If we have round table with Mr. Emerick, it may stay in people's minds. It could be a powerful component.

**III. CONTINUED PUBLIC HEARINGS**

**IV. NEW PUBLIC HEARINGS**

**V. CONSIDERATION OF MINUTES of June 3, 2020.**

**MOVED** by Mr. Olson to accept and approve the Minutes.

**SECOND** by Mr. McMahon.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

**431 & 435 Ocean Boulevard – Request for modification to front of approved condominium building (proposed change from post railings to glass banisters).**

Mr. Bachand said this item relates to a 23-unit condominium project approved in September of last year. The Pre-construction meeting was held last week, and they are about to begin construction. The applicant has requested one change as a minor field modification - front post railings. They would like a glass panel system at the front of the building. No other changes are proposed. Does the Board have any issue with the field modification was asked. Mr. Bachand said the modification is only proposed for the front, but he asked if the Board would have any concerns if they decide to do this all the way around (four sides of the building).

Mr. Emerick thinks it is an improvement. Mr. Olson agrees and Mr. Waddell does as well. Keeping clutter out of view was discussed by Mr. Olson.

Mr. Olson noted a place in Portsmouth that was like a little mini-dumpster with a glass wall. Mr. Bachand said they have condominium documents, so hopefully there will be restrictions in there. Mr. Olson likes the aesthetics of the glass.

Ms. Carnaby noted places that are the same distance from the ocean with glass windows. They have to be cleaned every day and still get sand and wet at the end of each day. What type of cleaning challenges may they have was asked. Why did they want the change was asked. Mr.

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Bachand said he believes it is for aesthetics. It's preferred over the railing design. If it needs to be washed every day, it may be more challenging.

Mr. Bachand recommends allowing this as a field modification. He also asked that the Board say whether or not it matters if they install these just in the front or on all four sides of the building. Mr. Emerick says it's a legal barrier, doesn't matter. Other members agreed.

The Board is unanimous in its support of the field modification.

#### **RSA 41:14-a Process - Town owned Deed Restrictions on formerly Leased Land**

- **Tax Map 183, Lot 26 – 4 14<sup>th</sup> Street - Removal of Deed Restriction #3 - “*No fences may be erected upon said premises other than ornamental fences of no more than a three-foot height.*” The Petitioner wishes to enclose the rear portion of the yard with an ornamental fence of no less than 4 feet in height.**

Mr. Bachand asked if the Petitioner is on the line. No one is on the line. The Board needs to issue a recommendation to the Board of Selectmen. Mr. Bachand recommends release of the deed restriction, but with a maximum fence height of 4 or 5 feet.

It is only a recommendation to remove a deed restriction. Mr. Lessard said the Planning Board recommends them or not, but noted that these items come from the Town Manager's Office; they work with the Board of Selectmen. We (Planning Board) are not approving this and he wants to make this clear to some other Selectmen. Oftentimes, a lot is thrown toward the Planning Board as making/approving these items when it's not the case.

Mr. Emerick said we are recommending the relieving of a deed restriction – that's all.

Mr. McMahon said we are the target of all the trash as well by the Board of Selectmen.

Mr. Olson asked what the spirit was of the deed restriction. When the Town sold property, deed restrictions were put in place. Mr. Bachand said the deed restrictions might go back to before there was Zoning.

Mr. Olson doesn't mind giving recommendations on a case-by-case basis. He believes there are restrictions for a reason.

Town Attorney Mark Gearreald called in. He said whatever restrictions were in the lease for a given property were supposed to be carried over to the deed. Deed restrictions are not uniform. There are a lot of variations.

Attorney Gearreald's direction is just modifying it to keep as much of the deed restriction that was there before with just one particular aspect being released.

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Mr. Waddell said if there are 6' fences, the view of the street is cut off.

Mr. Olson is respectful of this, but there is a reason why they were put there.

Mr. Lessard discussed Newburyport; private yards, beautiful.

Mr. Olson does not know what the circumstances are.

Mr. Bachand recommends release, but to have the Board suggest an appropriate maximum height. Mr. McMahon wants to be consistent on this. We need rationale (to include a maximum height). Mr. Emerick said we have zoning restrictions on fence height. It is not in the Zoning Ordinance per Mr. Bachand, it's determined during the Building Department permitting process.

Mr. Lessard is not opposed to them having a fence.

**MOTION** by Mr. Waddell to recommend this to the Board of Selectmen. To lift the deed restriction.

**SECOND** by Mr. McMahon.

**ROLL CALL VOTE: 7 - 0 - 0**

**MOTION PASSED.**

Mr. Bachand discussed Scott Road. The project was approved by then Board at its last meeting on June 3<sup>rd</sup>. There was Condition #12, on the Scott Road application, which was a topic of discussion at that meeting. The condition reads: "Any remaining questions regarding the existing undefined access easement to benefit Tax Map 143 Lot 9 shall be resolved to the satisfaction of the Town Attorney." There is concern about how the condition reads. Does this condition make Attorney Gearreald an arbitrator was asked and noted.

The Board could move to reopen the hearing and reconsider Condition #12. Should the Board remove it, modify it, or keep it as is. Attorney Gearreald provided a suggested Motion for the Board.

Attorney Gearreald discussed the Planning Board in NH Handbook that explains the Board's authority within the appeal period to proceed with this reconsideration. The Board would not deliberate on what to do this evening, but within the appeal period would need to re-open it so that it could do a reconsideration following notice to the public and abutters. **The public hearing would be held on July 15<sup>th</sup>.**

**MOTION** by Mr. McMahon to reopen and reconsider its June 3, 2020 decision to enable the Board to reconsider Condition 12 of that decision at its meeting on July 15, 2020 in the context of a fully noticed public hearing under RSA 676:4, I(d) and to direct the Town Planner to accomplish the notices necessary to comply with that statutory section.

**SECOND** by Mr. Olson.

**ROLL CALL VOTE: 6 - 0 - 1 (Lessard)**

**MOTION PASSED.**

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**VIII. ADJOURNMENT**

**MOTION** by Mr. Olson to adjourn.

**SECOND** by Mr. Waddell

**ROLL CALL VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**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**