

HAMPTON PLANNING BOARD

MINUTES (As Amended)

September 1, 2021 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Fran McMahon, Vice Chair
Ann Carnaby
Alex Loiseau
Keith Lessard
James Waddell, Selectman Member
Steve Chase, Alternate
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: Anne (Tocky) Bialobrzkeski, Clerk

I. CALL TO ORDER

Mr. Emerick commenced the meeting by leading the Pledge of Allegiance and introducing the Planning Board members. Mr. Loiseau served as Acting Clerk.

The applicant for 132 King’s Highway has requested to be continued to the October 6, 2021 Planning Board meeting.

MOVED by Mr. McMahon.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

The applicant for 61 High Street has requested to be continued to the October 6, 2021 meeting.

MOVED by Mr. McMahon.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

The applicant for 144 Ashworth Ave; 6, 8 & 10 Riverview Terrace & 6 Johnson Ave wishes to be continued to the October 6, 2021 meeting.

MOVED by Mr. McMahon.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

The applicant for 465, 467 & 469 Ocean Boulevard wishes to be continued to the September 15, 2021 meeting.

MOVED by Mr. McMahon.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

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The applicant for 449 Ocean Boulevard wishes to be continued to September 15, 2021.

MOVED by Mr. McMahon.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

21-021 157 High Street

Map: 162 Lot: 40

Applicant: Chimera Realty Trust, Raymond & Sheila Buttaro, Trustees

Owner of Record: Same

Site Plan: Demolish rear structure (garage) and construct new four(4) bay garage with two dwelling units above. One existing unit to be removed from front structure (currently 8 units).

Reshape and reconstruct portions of existing paved parking area.

Waiver Request: Section V.E. Detailed Plans.

Mr. Henry Boyd, Millennium Engineering appeared. Mr. Lessard works for the School District. He asked if the applicant opposes him sitting in. It was stated “no”. Mr. Boyd said there is an existing garage in the back. The existing building in the front stays the same exterior-wise. The garage in back will be razed. There are 8 existing units right now. The applicant received variances and a new building to be built. Parking will be reconfigured for adequate parking. The new building in the back will be 24’ x 53’ with two apartments above and four parking spaces below. There is no stormwater treatment right now. It runs down over the slope and in towards the school. It infiltrates. There will be an infiltration basin. The project has been through two PRC meetings. Lighting should be shown on site and trash storage is shown for the unit in the back. Mr. Boyd will add trash to the plan in the back of the existing building. Mr. Boyd discussed the suggested condition that they have to add additional safety measures to protect school children from getting into the basin. There is a fence there (chain link) from down at the track and field. Kids would have to ascend the slope to get into the basin. Rainwater will be in the basin, but only for a short time. The suggested solid PVC fence was asked about. Mr. Bachand said it came up at the PRC. The proximity to the school was discussed. Kids could climb the chain link fence. A PVC fence would be better.

Mr. Boyd has no other issues with the conditions; other than the fence. It’s up to the Board.

Mr. Lessard agrees with the PRC’s recommendations about the fence. If they (PRC) thinks it is necessary, he concurs. If the basin is 3’ to 4’ deep; it’s an attractive nuisance for kids at the bottom of the fence. It is mowed; people can walk on it. Ms. Carnaby concurs. Mr. Loiseau

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asked about PVC against chain link fence. It will not be right against it, but on the other side of the property line per Mr. Bachand.

The fence is about 120' from the south. Mr. Emerick said it can protect the pond, not the whole rear property line. From the garage and eastward.

BOARD

Mr. McMahon said the project received eight variances. He hopes as we go through the Master Plan update, that we somehow get resolution between our Ordinance and what happens at the Zoning Board. This is not unusual; we see this frequently. Mr. McMahon asked about the two driveways. They want to keep both. Mr. Boyd said it is safer that way; it has existed that way for decades. Our Ordinance says one per lot. This is in the Driveway Regulations per Mr. Bachand, and that a suggested condition of approval includes its acceptance. The PRC was fine with this.

Mr. McMahon asked about trash; will it be Town or private. It is Town and will remain Town per Mr. Boyd. Mr. Waddell said it is supposed to be five. There will be 9 units. It's supposed to be 5; there are 8 now. Mr. Bachand said this did not come up at PRC. He reached out to the DPW. They will only pick up the existing carts at the property. Mr. Bachand read the DPW comment aloud. Usually, if more than 5, the Selectmen get involved. Mr. Boyd said it will be limited to the existing number of trash receptacles. Mr. McMahon saw a total of four today. Trash may need to go before the Board of Selectmen. **Mr. Bachand said to make that a condition.**

Mr. Waddell discussed two parking spaces per unit; they received a waiver (variance). Come wintertime, people can't find parking – the Board of Selectmen hears things like "I'm elderly" "I can't walk to a parking space." "I need parking." "Please give us parking someplace." Limiting parking presents a problem. Mr. Boyd said there are 11 existing now; we are winding up with 14. There are 8 units currently. How will parking be divided up was asked by Mr. Waddell; for 9 units. Mr. Boyd said they are adding one unit, but also adding three parking spaces. Mr. Boyd said affordable housing is offered there. Most people have one car or no car. No children reside here.

Mr. Lessard discussed 10 spaces outside; then the floor plan for the garage. There are 4 individual garages. Not two duplex garages. Will two be assigned to units above was asked; Mr. Boyd imagines so. Mr. Boyd does not think this Board should assign spaces. Mr. Lessard wants to make sure they are available for cars. Mr. Lessard discussed garage/storage spaces. If we count these as 14 parking spaces, we need room for 14 cars. Mr. Lessard discussed one-bedroom apartments can have two cars/two people living in them. Mr. Lessard wants them assigned to the units. This could become condos. He's upgrading the building. Having ample spaces was discussed.

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Mr. Boyd said they can remain as residential parking spaces; used only for parking. They aren't assigned units right now. Mr. Lessard discussed assigned spaces on Lafayette Road. Marelli – units down low; apartments on top floor.

Mr. Waddell said if they are not assigned, if he parks two cars there; someone loses a spot. He thinks they should be assigned as well. Mr. Boyd asked how about if the owner says he assigns the parking. Mr. Emerick does not think it is our job. Mr. Boyd said the garage has to be considered parking spaces; not for any other use.

PUBLIC BOARD

Mr. Bachand discussed the architectural drawings, and asked Mr. Boyd to do so as well. Storage lockers were discussed. Retaining wall changed, as did grading. There is no retaining wall in the back; no lockers are there. Grading will look like it does on the plans. Mr. Bachand said to add the conditions in his Memo; the ZBA had said there should be no basement in the garage. Trash and recycling – Mr. Bachand said to add a sentence that the applicant appear before the Board of Selectmen if continued Town pick-up is desired. Mr. Boyd said they have so many receptacles. It should say they shall confirm whether there is a need. Garage spaces to be utilized as parking spaces for units; not for storage should be added to the conditions as well. The flat panel fence for the basin also. A garage parking note should include parking to be assigned/designated by the owner.

MOTION by Mr. Loiseau to approve the waiver request.

SECOND by Mr. Waddell.

VOTE: 7 – 0 – 0

MOTION PASSED

MOTION by Mr. Waddell to approve the Site Plan application along with the conditions contained in Mr. Bachand's Memorandum, and with the amendments as noted above.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

21-043 132 Kings Highway (Units 1 & 2) *(Continued to October 6, 2021)*

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.

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21-044 Lafayette Road (Rear); 115 Landing Road Salt Marsh (Utility ROW, Hampton substation to Hampton Falls River)

Map: Varies Lot: Varies

Applicant: Unitil Energy Systems, Inc.

Owner of Record: Unitil (Utility ROW)

Wetlands Permit: Replace existing substation lines (approximately 110 wood pole structures/4.6 miles) through tidal salt marsh through Hampton, Hampton Falls & Seabrook.

Nick Nolan, TFMoran, appeared. The Senior Project Engineer could not attend. This project traverses through Hampton, Hampton Falls and Seabrook. It is 4.6 mile running north to south. It heads to the Seabrook power station. This dates to the 1940's-1950's. Lines and poles have reached the end of their life and need replacement. Unitil went out there and evaluated and the wood was checked. The vast majority of poles have reached their life. Upgrading of insulation, conduits, etc. There will be a Wetlands Permit with the NHDES; they are receiving permits from other Towns as well.

Impacts were discussed. Twenty-seven poles installed. Flush cut. Old poles will be disposed of properly. The wetland impact is minor. Depths are variable. Most poles are 60-70' tall.

Temporary impacts – 88,000 s.f., matting, work zone around poles at low tide were discussed. The intent is wood poles and machinery will be done by barge, matting, and helicopters. Poles can be delivered by helicopter.

Tidal marsh. There will be 8-12 mats installed at any given time. This is a day-to-day operation. Construction duration: This will be one year to a year and a half. Protecting species; they don't work on utility poles if they are not allowed to. Late fall through winter months is usually better. Plant species or animal species won't be disturbed.

Vital utility infrastructure is being proposed.

BOARD

Mr. McMahon asked how tall poles are now. 50' to 60'. Mr. Nolan said they need to be taller. There was a lot of comment after the project by Glade Path. Mr. Nolan said this is being built in place.

Mr. Lessard asked about species and what areas. Mr. Nolan said the studies are ongoing. It's confidential. Migratory birds, plant species. They consult with West Environmental. Evaluations are done at different times of the year. They deal with the full life cycle.

Mr. Lessard asked about mammals and fish. Mr. Nolan said you can obtain a copy of the permit.

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The Avian component was discussed. Suggested practices for Avian...the Edison Institute dealt with this. Engineers use most current standards. Mr. Lessard asked about poles on Route 101. Where does the barge go was asked by Mr. Lessard. Mr. Nolan said USA Construction deals with this. He does not know the access routes. Mr. Nolan discussed access roads.

Mr. Lessard asked about storm wind speeds. Records are showing climates are not the same as 50 years ago. Mr. Nolan said it is designed for ratings for our area. These new poles should last 30-40 years at a minimum.

Mr. Waddell asked about technology and the cost if it has to be buried. Mr. Nolan does not know. It was noted the environmental impacts are so high in burying cables.

PUBLIC BOARD

Mr. Bachand provided the letter from the Conservation Commission recommending the granting of the Wetlands Permit. Five stipulations are included. He recommends approval subject to the stipulations contained in the Conservation Commission letter dated August 25, 2021.

MOTION by Mr. Waddell with the stipulations in the Conservation Commission letter dated August 25, 2021.

SECOND by Mr. McMahan.

VOTE: 7 – 0 – 0

MOTION PASSED.

21-047 Timber Swamp Road (Substation)

Map: 102 Lots: 1 & 2

Applicant: Public Service Company of NH (d/b/a Eversource Energy)

Owner of Record: Public Service Co. of NH

Wetlands Permit: Modification to fiber infrastructure to ensure primary and secondary protection communications channels meet NPCC requirements. Work requires temporary wetland impacts for access to structures & associated work pads.

Mr. Lessard note that he is an abutter; Unitil said he could stay; the Planning Board agreed he can stay as well. Jeremy Degler, Tighe and Bond appeared along with Curt Nelson, Eversource and Stephanie Gardner, Eversource.

Mr. Nelson discussed the project. Fiber optic communications was discussed. A Wetlands Permit is needed. Upgrades to fiber optic systems will take place. The substation communications were discussed. Splicing into existing poles.

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Mr. Nelson met with the Town earlier this year. That work was outside of the wetlands buffer. The transmission line and fiber line travels to existing steel poles; off steel poles it runs to the transmission station. This is not heavy equipment. The topography is level.

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Mr. Bachand discussed the letter from the Conservation Commission and he agrees with approving this along with the stipulations contained in its letter dated August 25, 2021.

MOVED by Mr. McMahon.

SECOND by Mr. Loiseau.

VOTE: 7 – 0 - 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

21-019 61 High Street *(continued from April 7, 2021, May 5, 2021, and June 2, 2021 & July 7, 2021)*
(Continued to October 6, 2021)

Map: 161 Lot: 17

Applicant: Shane Pine

Owner of Record: GMC Group Limited Partnership

Site Plan (Amended): Propose to make outdoor patio space (previously approved for Covid-19) permanent.

Waiver Request: Section V.E. Detailed Plans.

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

(continued from April 7, 2021, May 19, 2021, July 7, 2021, and July 21, 2021) *(Continued to October 6, 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.

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

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21-011 465, 467 & 469 Ocean Blvd *(continued from July 7, 2021 and August 4, 2021)* *(Continued to September 15, 2021)*

Map: 266 Lots: 31, 32 & 33

Applicant: RJS Consulting, LLC (Attn: Rick Smith)

Owners of Record: Elaine & Frederick Ayotte (465); J. Hunter Properties (467) & The Stephen LaBranche Living Trust (469)

Site Plan: To construct residential condominiums with associated parking at 465 & 467 Ocean Boulevard (to be merged) and to re-build parking area on 469 Ocean Blvd.

Waiver Request: Section V.C. Application Fees & IV.D.vi Lighting. (See 21-031 Wetlands Permit)

21-031 465, 467 & 469 Ocean Blvd *(continued from July 7, 2021 and August 4, 2021)* *(Continued to September 15, 2021)*

Map: 266 Lots: 31, 32 & 33

Applicant: RJS Consulting, LLC

Owner of Record: Elaine & Frederick Ayotte (465); J. Hunter Properties (467) & The Stephen LaBranche Living Trust (469).

Wetlands Permit: Replace existing asphalt behind 469 Ocean Blvd with porous pavement.

Small portion of work is within the 50' Wetland Conservation District. (See 21-011 Site Plan)

21-029 449 Ocean Boulevard *(continued from July 7, 2021 and August 4, 2021)* *(Continued to September 15, 2021)*

Map: 266 Lot: 29

Applicant: Chuck Bellemore, MAM Realty Investments I, LLC

Owner of Record: Sea Spiral Inc., c/o Norman Bolyea

Site Plan: Renovate existing Sea Spiral Suites hotel into thirty-seven (37) one-bedroom condominiums.

Waiver Request: Sections V.E. Detailed Plans and Section VII.E - Stormwater Management

21-034 212 Lafayette Road *(continued from August 4, 2021)*

Map: 189 Lots: 14 & 18

Applicant: Tony Olbres

Owner of Record: Yankee Faust Trust, Tyler Olbres, Trustee

Subdivision and Site Plan: Subdivide Lot 14 into two conforming frontage lots and construct one condex on each lot with common driveway and utilities from Drakeside Road.

Waiver Request: Section V.D.13 (showing entirety of all lots of a subdivision).

Tony Olbres appeared with Joe Coronati, from Jones & Beach and Attorney John Sokul.

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Mr. Coronati discussed a couple of concerns the Board had. There was very little to change on the plans. Water service was discussed. The plan was stamped by a surveyor. A sewer profile was added. These were reviewed by the PRC and signed off on. Mr. Coronati looked at Mr. Bachand's Memo regarding plan concerns. Mr. Coronati discussed the landscaping. They are not proposing to cut vegetation along Lafayette Road. They are adding plantings along Drakeside Road and between the proposed subdivision and the Moulton House. They are adding landscaping.

Attorney John Sokul discussed Historic New England. Easements can be addressed. Attorney Sokul said Town Counsel instructed the Board about the easement; restrictive covenant holders receiving notice was discussed. Attorney Sokul believes it is beyond the Board's jurisdiction. He spoke with Town Counsel a couple of times since. A restrictive covenant was discussed. Land Use Law and Zoning was discussed. He noted the project has been designed around the restrictive covenant. He feels it is beyond the Board's jurisdiction. He wrote a letter responding to questions from the last meeting. They don't dispute it affects the property.

Attorney Sokul did not feel a traffic study was warranted. He saw this in the Planner's Memorandum. They did go and get a study done by Steve Pernow. He's well regarded and respected. Mr. Chase asked if there is any change in level of service site distances. He submitted the memo to Mr. Bachand. No change in level of service; no safety issues. Mr. Bachand noted the traffic memo just came in about 4:00 p.m. today.

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Linda Metcalf, 63 Edgewood Drive appeared. She is the President of The Hampton Historical Society. She sent a letter last Thursday and outlined their objections. In 1975, when Bates College had the property, they divided the property into three pieces. She discussed its history. They asked the Society to oversee the restrictions to protect the property and grounds. It was accepted by the Board with no negative votes. Deeds then changed; all three parcels were under one deed; she noted the restrictions go with all three parcels. There have not been any changes to the deed that they can see since the last deed.

She said the Board had a meeting last week. They discussed the options they have. They have an attorney. They decided that is its their obligation to honor the commitment made in 1975 and that is why they object to what is happening now. The view of the house will be altered with buildings. Their purpose is to protect the view of the house and the property.

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She said she was the President; only for 6 more weeks and then Lori Cotter is going to be the new President. She (Ms. Cotter) is the VP now and she will be taking over as President in October.

Lori Cotter, Mill Road, appeared. The restriction said the façade will be blocked. Part of Parcel 3 was formed into Parcel 2; occurred and accepted by the Board in 1979. She discussed restrictions. Covenants are with all three parcels. They object to the building plan as it stands now. Historic New England has not signed off. They are following due diligence along with Historic New England. Ms. Cotter read details.

Mr. Emerick asked Attorney Gearreald to comment. Attorney Gearreald said, at the August 4th Planning Board meeting, the Board asked for Attorney Gearreald's recommendations. The Hampton Historical Society being opposed to the project was recognized. The Board allowed both the applicant and the Hampton Historical Society to deal with the restrictions based on the probate court restrictions. Both parties provided different viewpoints.

At the PRC in June, no members of the Historical Societies involved were present; The Historical Society did not receive a notice to be present, he believes.

Attorney Gearreald discussed the situation to the Board – on the one hand, the applicant does not want the Board to take any cognizance at all to the Historical Society. On the other hand, the Historical Society says here are the deed restrictions in the chain of title that came down from the Probate Court that we want enforced and they want the Board to deny the project. It puts the Board between a rock and a hard place. These are probate court ordered restrictions. Attorney Sokul did a fine job giving a detailed evaluation. Short vs. Town of Rye. Rye was presented a subdivision plan. In that matter, the Rye Planning Board recognized the Court needed to decide and disapproved the subdivision plan. The other case Attorney Sokul cites, the Board was presented with the problem of a dispute over title to a property in question; the Board approved the plan but had severe conditions – property given jurisdiction now owned by the applicant. Those are not good resolutions for this Board in this case.

Attorney Gearreald recommends this Board has the ability to continue the application and have filed with the Superior Court a Petition for Declaratory Judgment to let the Court decide. He listed the criteria, as follows:

Do the recorded Probate Court imposed restrictions (as also contained in the deeds to the property) constitute an interest in land?

Are the recorded Probate Court imposed restrictions as contained in the deeds to the property being violated by the proposed development?

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Does the Hampton Historical Society have standing to assert that these restrictions are violated?

Does the Planning Board have the legal authority to deny the Applications on the basis of the Probate Court imposed restrictions, if they are being violated by the proposal?

Is the only recourse open to the Hampton Historical Society the avenue of seeking an Injunction from the Superior Court?

Attorney Gearreald recommends the Planning Board continue the applications and direct the Legal Department to initiate in its behalf the Declaratory Judgment to get these issues taken care of.

Mr. Emerick said there cannot be a continuance to a date certain because we don't know what the court will do. It will be open ended, and the application will have to be re-noticed once we have a judgment. We would be asking the Court for an early hearing so this matter does not drag on and we can get back here (before the Board) at the earliest possible time.

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Attorney Sokul said he whole heartedly disagrees with this approach. He has been practicing in NH since 1990. He has never seen anything like this. The Board has a deadline he noted. It's being lost in the shuffle. The Hampton Historical Society is not a Town entity. It is a non-profit in the Town of Hampton. Declaratory Judgments are usually stakeholders in the document/matter. The property owner and two restriction holders are the only ones who can do the Declaratory Judgment. He said it is beyond the Board's purview. He discussed an older case. This project complies with Site and Subdivision Regulations and the Zoning Ordinance.

Restrictions were discussed by Attorney Sokul. All work is being done on Parcel 2. He thinks this is unreasonable.

We have not accepted jurisdiction at this time per Mr. Emerick. It was incomplete at that time. Mr. Bachand said the prior plan question was addressed. It could be considered a complete plan. Mr. Emerick said we have to honor the advice we receive from Town Counsel. That is outside of our jurisdiction. We have to go along with our Town Attorney; this is a lose-lose situation. The Historical Society could name us as a party; or the Board could be named under the applicant. Let's get a legal opinion.

Attorney Sokul said he feels we are not in a lose-lose position. Mr. Emerick said we have to go along with our Town Attorney's recommendation.

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Mr. Olbres said he is being cheated on his due process. He said it's not in the purview of this Board to take their (Historical Society's) considerations at all. He should get an approval for the project. They could take him to Court. We are going to be in a Court situation.

Attorney Gearreald discussed the interest of two different parties. The Town of Hampton Planning Board versus the Trust and the and Hampton Historical Society. The Court can tell us where it goes. After the Court rules, we can go from there.

Mr. Lessard agrees the waters should be clear so we know where we stand. The Planning Board are not attorneys. Mr. Olbres said the t's are crossed. Mr. Emerick said we are unsure of our position of granting an approval. Mr. Emerick said we need an opinion. We are not a Court. We need direction from the Court. Attorney Sokul said this is different from the earlier Attorney Memo.

Ms. Carnaby said she was brought up to honor deeds, wills, legal documents, etc. This one is beyond what we are here to do on a day-to-day basis. She welcomes Attorney Gearreald's suggestion that we get input from a higher court.

MOTION by Ms. Carnaby to move to Declaratory Judgment.

SECOND by Mr. McMahan.

VOTE: 6 – 1 (Waddell) – 0

MOTION PASSED.

No date certain; but we will re-notice. Attorney Sokul asked if he can participate in the Declaratory Judgment.

V. CONSIDERATION OF MINUTES of August 18, 2021

MOVED by Mr. Waddell to accept and approve the August 18th Minutes.

SECOND by Mr. Loiseau.

VOT: 6 – 0 – 1 (Chase)

MOTION PASSED.

VI. CORRESPONDENCE

- **Master Plan Community Forum** – September 29, 2021 (6:00 PM or 7:00 PM) at the Hampton Academy Gymnasium

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Mr. Bachand discussed the upcoming Forum for the Master Plan. The flyer has been distributed throughout Town at various businesses, etc. A press release has been started; that will go in the newspaper shortly. There is a video on Channel 22, and it is on the Master Plan website. We are strongly encouraging people (residents and businesses) to attend. We want to hear what they have to say.

This Forum is **September 29th at Hampton Academy at 6:00 pm or 7:00 pm**. We will break into tables. Informative conversations and information will be given and taken.

We are asking the public what we need to do in Hampton to make it a more comfortable town. This is a chance for information gathering. Nothing is pre-determined.

Mr. Waddell reiterated that we need people to participate. As many as can come, are welcome. Again, this Forum is **Wednesday September 29th at 6 or 7**.

Resilience is not attending the regular meeting on the 15th of September. Mr. Bachand asked if the Board agrees with not having a Master Plan Steering Committee meeting on the 15th, since we will be at the Forum on the 29th. The Board concurs.

Getting information out in a Friday news release was discussed by Mr. Lessard.

Mr. Lessard asked about the report on the assessment inventory (Existing Conditions Report). Can it be more up front instead; on the video page was asked. Place a link for the Existing Conditions document there. Mr. Emerick noted to the public that everyone should read this document. It is very informative.

Ms. Carnaby said a re-do for younger grades would be great to incorporate.

Mr. Bachand noted the Planning Board and Master Plan Steering Committee will get any material we receive from Resilience in the meantime.

Ms. Carnaby said the HBAC is updating its Master Plan; they asked Ms. Carnaby to issue an invitation to attend their next meeting which follows the next night after the Forum. “How do each of us see the two Master Plans looking together” was asked. It’s an open-ended question. That is the topic of discussion. **The night after the forum. It will need to be noticed if the Board is in attendance - 24 hours in advance.**

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VII. OTHER BUSINESS

- **RSA 41:14-a Process - Town owned Deed Restrictions on formerly Leased Land**
Tax Map 223, Lot 133/1 –715 Ocean Boulevard. Request for Modification of Deed Restriction #4. *“The Grantee will not erect any buildings upon the premises within (7) feet of any boundary line, nor shall the premises be subdivided. All outbuildings and sheds, other than stables or garages, shall be connected with and attached to the dwelling house, stable or garage on the lot”* **The Petitioner is requesting relief of front setback of 7-feet to 4-feet.**

Mr. Bachand discussed this needs a Planning Board recommendation (or not) before it goes to the Board of Selectmen for public hearings. This is to modify the deed restriction to allow a 4-foot front setback, which is consistent with the BS zone. The applicant proposes to construct a deck on the front of his house.

MOTION by Mr. Lessard to recommend this deed modification to the Board of Selectmen.

SECOND by Mr. Waddell.

VOTE: 7 – 0 – 0

MOTION PASSED.

- **RSA 41:14-a Process – Town owned Deed Restrictions on formerly Leased Land**, Tax Map 293, Lot 34-16 L Street. Request for Modification of Deed Restrictions #3 and #4. *“No fences may be erected upon said premises other than ornamental fences of no more than a three-foot height”, and #4 - All outbuildings, other than a private garage, shall be connected with and attached to the dwelling house on the lot”*. **The Petitioner is requesting relief to erect a 6-foot fence (#3), and is requesting the removal of language pertaining to “dwelling” (#4).**

Mr. Bachand said the above is consistent with a condition of the June 2021 Planning Board approval. The petitioner would like to construct 6-foot high fencing. The language involving dwelling also needs to be removed, as it does not apply to the approved project. The Board has to recommend (or not) this to the Board of Selectmen.

MOTION by Mr. Waddell to recommend these deed modifications to the Board of Selectmen.

SECOND by Mr. Loiseau.

VOTE: 6 – 0 – 1 (Lessard)

MOTION PASSED.

Mr. Boyd said he feels badly for the Planning Board regarding 212 Lafayette Road. He noted he feels the (applicant’s) attorney is talented, but he is overlooking something important. If there is a specific parcel issue, he does not think this Board can say ‘go ahead’.

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- **349 Lafayette Road (Dana’s Towing)** – Proposed Modification to Landscaped Island

Mr. Bachand received this request from TFMoran. He feels it is a minor field modification regarding the modification of the landscaped island but wanted to ask the Board. Mr. Emerick thinks it is a field modification. Same number of plantings will be provided.

Everyone agreed. The building looks good. Ms. Carnaby asked about the roof height. No taller than the bank building was asked about. It looks tall to her. Mr. Emerick said there is a height stipulation in the zone.

VIII. ADJOURNMENT

MOTION by Mr. McMahon to adjourn.

SECOND by Ms. Carnaby.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:38 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