

**HAMPTON PLANNING BOARD**

**MINUTES**

**September 15, 2021 – 7:00 p.m.**

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

**ABSENT:** **Keith Lessard**

**I. CALL TO ORDER**

Mr. Emerick commenced the meeting at 7:00 p.m. by leading the Pledge of Allegiance and introducing the Planning Board members. Mr. Emerick announced that Tocky Bialobrzkeski has resigned from the Planning Board and thanked her for her service. He noted the Board will be looking for a replacement. We often look to our Alternates.

Mr. Emerick noted the applicant for 465, 467 & 469 Ocean Boulevard (Site Plan and Wetlands Permit) has requested to be continued to the October 6, 2021 Planning Board meeting.

**MOVED** by Mr. McMahon.

**SECOND** by Mr. Waddell.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**II. ATTENDING TO BE HEARD**

**III. CONTINUED PUBLIC HEARINGS**

**21-038 16 Boar's Head Terrace** *(continued from August 4, 2021 & August 18, 2021)*

Map: 266 Lot: 44

Applicant: Walter Tate and Tamara Tate

Owner of Record: Same

Driveway Permit Appeal: Driveway Permit Appeal (Already built drive w/pavers in Town right of way; width exceeds 24 feet)

Mr. and Mrs. Tate appeared. Ms. Tate said they submitted a letter with new information on the driveway. They looked at the Regulations. The conditions were for hardship; recommendation from DPW director; and the spirit of the Ordinance. They are not hindering safety or convenience. They have two adult children that live with them; they commute to a Community

**HAMPTON PLANNING BOARD**

**MINUTES**

**September 15, 2021 – 7:00 p.m.**

College. The Tates want a 31-foot width, so they and family have a place to park. There's no off-street parking in their area. They wanted to extend the 31' to park their cars.

Ms. Tate discussed the recommendations from the DPW. Ms. Tate stated Jen Hale (DPW) and Ms. Tate's husband came up with a plan to leave the pavers in place - 31' in front of their home; easterly to westerly. They would take out 9' and replace it with roadway gravel. Putting gravel at the bottom of the slope works best in their opinion. Ms. Hale did an email saying to leave a 31' driveway and the remaining area in the right of way will be roadway gravel.

Ms. Tate said when they installed the pavers, they thought they were doing the right thing. They thought they could put pavers right up to the roadway. The area is not highly traveled at all. It's a tight neighborhood. Safety is not an issue there in their opinion.

**BOARD  
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BOARD**

Mr. Bachand discussed this unique situation. With the applicant having worked with DPW on the issue, he feels this is a reasonable compromise. He recommends granting the appeal subject to a modification that leaves the applicant with a 31-foot wide driveway from the easterly side of the lot to the west. The remaining pavers within the right-of-way are to be removed and the area replaced with roadway gravel.

**MOVED** Mr. McMahon to grant the appeal along with the conditions in Mr. Bachand's September 15, 2021 Memorandum.

**SECOND** by Mr. Waddell.

**VOTE: 7 - 0 - 0**

**MOTION PASSED.**

**21-011 465, 467 & 469 Ocean Blvd** (continued from July 7, 2021, August 4, 2021 & September 1, 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, August 4, 2021 & September 1, 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)

## HAMPTON PLANNING BOARD

### MINUTES

September 15, 2021 – 7:00 p.m.

**21-029 449 Ocean Boulevard** *(continued from July 7, 2021, August 4, 2021, & September 1, 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

Attorney Justin Pasay appeared with Mr. Chuck Bellemore (applicant) and Paige Libbey of Jones & Beach. Michael Keane, the architect is present also.

Attorney Pasay gave an overview. Two issues were discussed. The Floodplain Management Ordinance and the waiver sought from the Site Plan Review Regulations for stormwater management plans. The applicant and the Town staff have come far in this process.

The substantial improvement threshold was discussed. Fifty (50) percent of market value of the structure--\$911,950.00 is the number they came to. It (improvements) can go up to that number.

The construction cost estimate was discussed. The applicant hashed through that process with Attorney Gearreald and Mr. Bachand. \$628,900 is the projected cost of the building improvements.

The Floodplain Management Ordinance is no longer an issue for this project per Attorney Pasay. They do not intend to go over the 50 percent mark.

The stormwater management plan was discussed. Jones & Beach requested a waiver initially on that requirement. They were not changing the exterior. Test pits were run. Doing the entire front parking lot in porous asphalt would be preferred by the Town. The applicant is proposing another method which is acceptable with conditions. Certain amendments can be made to the O&M Plan. The applicant is happy with the recommendations.

Michael Keane, the Architect, gave a brief summary of structural changes for the project.

Ms. Libbey discussed stormwater management. They do not need the waiver anymore since they have a full drainage report. CMA and DPW reviewed the proposal for porous pavement. The front portion of the roof runs to the middle of the pavement. A 14' wide strip will collect all run off – whether or not it is coming from porous. It is a decrease of impervious coverage. Adding items to the O&M regarding no sanding and sealcoating will be included. The condo association will make sure they are inspected and maintained yearly. **They will incorporate this into the O&M manual.**

## HAMPTON PLANNING BOARD

### MINUTES

September 15, 2021 – 7:00 p.m.

#### BOARD

Ms. Carnaby asked what is used if no sand for ice. They can do/are doing salt. It was noted sand clogs porous pavement.

Mr. McNamara asked if there is a blend that can be used as well. Anything besides sand per Ms. Libbey. They may want to do a blend per Mr. McNamara. There will be a maintenance requirement of vacuuming.

#### PUBLIC BOARD

Mr. Bachand discussed his Memo. Mr. Bachand thinks this project is now in good shape. It would be ideal if the entire front parking area was porous. It is still an improvement was noted. Mr. Bachand recommends Ms. Hale's September 14, 2021 email be incorporated by reference.

Mr. Bachand discussed the Floodplain Management Ordinance. The cost estimate now seems appropriate. Mr. Bachand noted Jim Marchese (Building Inspector) concurs with the cost estimate given and provided a letter. The applicant still has to be careful. Mr. Bachand recommends that the project not be phased with all work to be performed simultaneously. He also recommends verification of the final cost as being less than the 50% substantial improvement threshold prior to the sale of any individual dwelling unit and prior to the issuance of a CO for any dwelling unit. Including these conditions in an approval will help protect the Town and its status in the National Flood Insurance Program. We don't want this ending in a difficult situation for the Town and its residents.

The detailed plan waiver still needs to be voted on per Mr. Bachand. If the Board is prepared to move forward, he recommends that its approval be subject to all conditions provided in his Memorandum dated September 15, 2021.

Attorney Pasay asked about conditions contained under 'before Building Permit'; some conditions are for new construction. He noted 15, 16 and 17 feel obsolete. There is a State Driveway Permit already; striping is already removed. Number 16 is for a Sewer Permit- no alternation to sewer is being proposed. Number 17, there is already a water connection. His idea was to amend 20 to say receipt of shoreland permit from the State.

Mr. Bachand said he concurs with striking Condition #15. Number 16 – he only concurs with striking the first sentence. It says 'may' and he does not want to speak for what the DPW may require. Mr. Bachand wants to leave #17 and add "if required". Mr. Bachand said # 20 should be left as is. If any other State approval becomes required, it will be covered.

Mr. McMahon asked about Condition #21. He asked if there is about a \$300,000 cushion. Attorney Pasay said 'yes'.

**HAMPTON PLANNING BOARD**

**MINUTES**

**September 15, 2021 – 7:00 p.m.**

Mr. Waddell thinks it is a great project. He is concerned about the waiver for parking, the 2 spaces per unit. He knows it's going to come back to the Selectmen. People are going to want a space. It was noted that this wasn't granted by waiver, but by a variance from a different Board.

Mr. McNamara asked about Condition #17 - proposed water connection. If we're striking the fact they don't need a permit; then they don't need a permit. Nothing is happening with the sewer; just the amount of flow per Ms. Libbey. If not over increasing the flow (#17), why would Aquarion need to check it out to say if ok. Mr. Bachand noted this is why he said to add 'if required'.

**MOTION** by Mr. Loiseau to move the waiver of the detailed plan.

**SECOND** by Mr. Waddell.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**MOTION** by Mr. Loiseau to approve the site plan along with the conditions contained in the Town Planner's Memorandum (dated September 15, 2021) and all changes/additions discussed above.

**SECOND** by Mr. Waddell.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**IV. NEW PUBLIC HEARINGS**

**V. CONSIDERATION OF MINUTES OF September 1, 2021.**

**MOTION** by Mr. McMahon to approve the September 1, 2021 Minutes.

**SECOND** by Mr. Waddell.

Last page, Per Ms. Carnaby—it should not state “Mr.” and she informed Ms. Olivier earlier in the week.

**VOTE: 5 – 0 – 2 (McNamara and Chase).**

**MOTION PASSED.**

**VI. CORRESPONDENCE**

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

Mr. Bachand discussed the upcoming Master Plan Community Forum. He, the Planning Board, and the Steering Committee are asking for residents and business owners and all who wish to attend, to please join the Community Forum to help guide Hampton's future. **The date is Wednesday, September 29<sup>th</sup>; 6:00 p.m. and 7:00 p.m., at the Hampton Academy Junior High Gymnasium.** We will be breaking into six working groups; designated by topics. It is an opportunity to go to a table or multiple tables and provide information on those topics. The Town

## HAMPTON PLANNING BOARD

### MINUTES

September 15, 2021 – 7:00 p.m.

of Hampton Website has this information on it as well. There is also a video on the website. There is also an Existing Conditions document online that is super informative for businesses and residents to review.

Mr. Bachand noted there is a news release appearing in the *Hampton Union* this Friday and following Friday, the 24<sup>th</sup> of September. The Planning Board and the Master Plan Steering Committee have been provided with draft documents from Resilience. Any comments on the draft documents need to be submitted by this Friday.

The public can reach out to the Planning Office with questions: 929-5913. We hope to see everyone there.

#### VII. OTHER BUSINESS

- **699 Lafayette Road – Release of bond for remaining on-site improvements**

Mr. Bachand discussed in January of this year, the Board authorized acceptance of a \$2,000 bond for remaining fencing and landscaping work. The applicants followed through with that. Mr. Bachand and the Assistant Building Inspector went to the site in August and saw the work; it is signed off. It was also confirmed that there is no living unit upstairs.

**MOTION** by Mr. Waddell to release the Bond.

**SECOND** by Mr. McMahan.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

- **Planning Board Appointment to fill vacated seat (until the March 2022 election)**

Mr. Bachand discussed Ms. Bialobrzkeski (Tocky's) resignation from the Planning Board. He thanked her for her service to the Board. As a result of her resignation, we need to fill the vacated seat until the March 2022 election; then someone would be elected to the remaining two years of the vacated term. In the past, the Board has voted for an Alternate to fill such a position.

Mr. Emerick asked if an Alternate at tonight's table wants to fill in. Steve Chase said he would be willing. Mr. McNamara is also willing and available. Mr. McMahan said we should at least ask all of our Alternates. It was agreed to reach out to all of them and we will bring this matter back on October 6<sup>th</sup>, when the Board can make a decision. In the meantime, we will need to have an Alternate fill in again for the October 6<sup>th</sup> meeting. It is important to appoint an Alternate per Mr. McMahan.

**HAMPTON PLANNING BOARD**

**MINUTES**

**September 15, 2021 – 7:00 p.m.**

**VIII. ADJOURNMENT**

**MOTION** by Mr. Waddell to adjourn.

**SECOND** by Ms. Carnaby.

**VOTE: 7 – 0 – 0**

**MOTION PASSED.**

**MEETING ADJOURNED: 7:37 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**