

HAMPTON PLANNING BOARD

MINUTES

October 21, 2020 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Alex Loiseau, Clerk
Fran McMahan
Mark Olson
Keith Lessard
James Waddell, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT:

I. CALL TO ORDER

*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 **1-857-444-0744** and using the code **156034**. If anyone has a problem, please call **603-929-5805**.*

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.

The Pledge of Allegiance was said. Attendance was taken, and it was stated who was in the room. Planning Board member, Ann Carnaby, and Office Manager, Laurie Olivier were home; no one was present with them. All other Board members and Town Planner, Jason Bachand were present in the Selectmen's Meeting Room. It was noted that all votes will be taken by roll call. Brian Warburton and Tony Ciolfi telephoned in, as did Barbara Kravitz and Sharon Raymond. The consultants were also on the line.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2020 – 7:00 p.m.

II. ATTENDING TO BE HEARD

Master Plan Steering Committee

1. Public Comment (relating to Master Plan)
2. Milone & MacBroom – Consultant for Vision and Coastal Management Content
 - a. Focus Group Plan
 - b. Vision Draft
 - c. Next Steps for Project (Phase I)
 - d. Steering Committee Action Items
3. Proposals for Phase II Comprehensive Master Plan Update
4. Next Steps

Mr. Bachand asked for public comment, and if anyone was on the phone that wished to speak. Regina Barnes telephoned in. Ms. Barnes, 95 Presidential Circle, said she received the Draft Vision. She discussed coastal neighborhoods and our Town Center. She discussed the Budget Committee meeting and CHAT. She wants to make sure about the timeframes, flooding and zoning.

Some Steering Committee members are on the line. Sharon Raymond (Conservation Commission); Brian Warburton (Budget Committee); Barbara Kravitz (Resident-at-Large); and Tony Ciolfi (Resident-at-Large).

Noah Slovin and Dave Murphy, Milone & MacBroom (M&M) are on the line.

Mr. Slovin discussed updated plans for focus groups and the Draft Vision.

The focus group plan was discussed first. The original scope for this involved public input efforts. Holding one focus group – 1 ½ hour meetings with stakeholders, etc. was discussed. They want to expand the scope to include different groups. The DES will provide information. There are 8 interest groups for them to hold meetings with. Mr. Slovin said the DES would provide supplemental funding. They are going to start focusing more now on the Coastal portion of the plan.

Mr. Slovin said to reach enough people, we need help from the Town and the Steering Committee to recruit individuals to participate in these focus groups. One Steering Committee member at each focus group would be encouraged. Meetings would be virtual.

Mr. Bachand likes the timeframe. CHAT will do theirs in November. The Village District, the Chamber of Commerce, and other groups will be coordinated later, those would probably be held in December.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2020 – 7:00 p.m.

Ms. Kravitz said she will participate on one or more focus groups. She is concerned about the number of people who participate and how we plan to do outreach for people who are not part of a group. **She asked if they could put an ad into the paper; put it on Channel 22** and say what we want. We need to reach out further than we have been able to.

Mr. Slovin said #7 (residents) is a group of unaffiliated members of the population.

Mr. Emerick said the Hampton Walkers could be notified. They walk the whole Town; he will reach out and get back to them.

Mr. Ciolfi said his mother is also a Hampton Walker. She is interested in somehow getting the seniors together. He can help with that as well.

Ms. Carnaby asked how the Steering Committee members should pick a group. What is their pleasure. Mr. Bachand said letting us know by email is fine. Mr. Slovin said they are going to create a Google Drive base document. Email is fine – let us know which organization each member has connections to. We don't have to be redundant. No one needs to be held back.

Ms. Carnaby asked about the specific work product – what are they looking for with each focus group was asked. There will be a script of plan for each focus group. This will fall under Task 3 data collection/input. There will be a summary of this.

Mr. Warburton noted he can volunteer anytime. He can reach as many as possible. There could be overlap. Mr. Warburton likes the Google Drive approach. He will send **Mr. Bachand and Mr. Slovin an email on this.**

Ms. Kravitz asked about participation and timing. When the listing is sent out, she suggests considering one group afternoon meeting and one group evening meeting.

Mr. Ciolfi discussed the surfing community. They should be included as well. It contributes to a big part of the community. The Board agreed. Mr. Slovin said there will be some overlap.

Mr. Slovin discussed the Draft Vision. He thanked everyone for feedback. Ms. Barnes was thanked as well. They tried to incorporate all comments, but maybe missed some. He asked for the Board and Steering Committee's thoughts on the new version.

Mr. Slovin said our goal is to get this draft to a location where we are comfortable to distribute to the public, etc.

Mr. Slovin noted Mr. Bachand sent out samples from other communities as well.

Mr. Loiseau said in the Vision, there is a portion stating "...facilitating the gradual movement of residents within Hampton." Was this recommended was asked. Sounds like it is giving the idea

HAMPTON PLANNING BOARD

MINUTES

October 21, 2020 – 7:00 p.m.

that people need to move. Mr. Slovin said the language can be revisited. Combining this with the Coastal portion they want to recognize in the Master Plan – climate change and coastal changes are concerns. It's going to be challenging to live in some coastal areas. This is not the Town telling people to move; it is to encourage development outside of the hazard areas, flooding areas.

Helping people to relocate was discussed per Mr. Slovin. He will re-work the language. Mr. Loiseau discussed development referencing the Master Plan. Mr. Emerick said our Conservation Commission has a lot of pressure to inform people about properties prone to flooding. We need to give all the information we have available to us so people can make a rational decision.

Mr. McMahon said this is a portion of the Master Plan. Mr. Bachand said this is crafting the Vision, so by March we can begin with Phase II. The second phase consultant could want to make adjustments to the Vision.

Mr. Emerick said there needs to be a vision of the Town that includes the beach and flood management to be addressed. This may be two documents. Mr. McMahon said we don't want conflict between two consultants.

Mr. Bachand said the same Steering Committee members will oversee Phase I and Phase II. There should not be conflicts. We need a bigger Vision for the Town.

Mr. McMahon discussed forward-looking development. "...maintaining low density neighborhood..." There is a large group who wants sewer in that area of Town (west side).

Ms. Kravitz likes Mr. Emerick's thinking. She thinks during Phase II there will be aspects of the Vision that need to be included or deleted from what we are looking at right now. It should be a living document. Mr. Emerick said Phase II will crystalize Phase I.

Ms. Kravitz said as the Coastal Management section is moving forward, the Vision will have some overview or additional highlights that merge from this.

Ms. Kravitz said there are steps that communities can take that will be very important.

Mr. Slovin discussed the next steps.

He is taking notes. **He asked for people to send him emails as well.**

HAMPTON PLANNING BOARD

MINUTES

October 21, 2020 – 7:00 p.m.

The next steps: M&M will take another (final) stab at the Vision for now. Then, they will work on the focus groups and then shift fully into the Coastal content. There will then be public engagement opportunities of the Vision and Coastal Content (early spring).

Mr. Bachand asked for additional comments for the Draft Vision.

Mr. Lessard discussed creative writing. He liked the Plaistow sample.

The Milone & MacBroom portion of the agenda concluded.

Mr. Bachand discussed the proposals received for the Phase II Comprehensive Master Plan Update. October 8th was the deadline. We received a total of 5 proposals. He named the Firms that provided bids. He would like to follow a similar evaluation process as we did for the Phase I portion. The ones who reviewed were Tracy Emerick, Ann Carnaby, himself and Laurie Olivier. He asked if another person wants to volunteer from the Steering Committee/ Planning Board to let him know.

Someone else from the Town could also review these. It may be helpful to have another set of eyes. Ms. Carnaby said it is the Planning Board who is responsible. We can pull in resources. Mr. Lessard said he would like to see someone from Public Works involved.

Mr. Olson would not mind reviewing it. If the Planning Board is responsible, he would like to see it.

Mr. McMahon will do this also. Mr. Bachand has received PDF's of all the documents. Mr. Olson discussed the numeric value rating system.

Mr. Bachand said we can make adjustments to the review process. He discussed the smaller Evaluation Committee; they would rank proposals using the matrix and it would be reviewed to see if criteria had been met. Then, there would be a meeting of the Evaluation Committee where the scores would be tallied. The deadline for Evaluation Committee review would be November 12th (with flexibility if more time is needed). The Evaluation Committee could discuss its review with the full Steering Committee on November 18th. **Mr. Emerick wants everyone on the Steering Committee to see the proposals now and provide input.**

Mr. Bachand said we can make that adjustment if the group wishes. He will distribute the PDF's to the entire Steering Committee. We can discuss this on November 18th. Mr. Emerick believes we can discuss this off line as well. We can email each other. This is not an application; this is an evaluation. Not a voting process.

Ms. Carnaby asked about narrowing the five down to 2 or 3. She would appreciate having a representative from each of the finalists sit with us and have a conversation/interview from each

HAMPTON PLANNING BOARD

MINUTES

October 21, 2020 – 7:00 p.m.

company, talk about their proposal, and why they think they should be chosen. This was missing the last time around. Mr. Emerick can do that; he has a Zoom license.

Ms. Raymond asked about the solicitation. It may talk to how proposals are worded in our RFP. It tells you who will have to present. That way everyone is on the same criteria. Mr. Bachand read the language that sounds like the door is open for that.

Mr. Warburton discussed people coming in for interviews. He thinks it's a good idea.

Mr. Emerick said the interviews are a chemistry test. Mr. Bachand will distribute the RFPs digitally. We can circle back in a few weeks.

Mr. Warburton said the process has been one of the finest so far.

III. CONTINUED PUBLIC HEARINGS

IV. NEW PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of October 7, 2020.

MOVED by Mr. McMahon to approve and accept the Minutes.

SECOND by Mr. Olson.

ROLL CALL VOTE: 6 – 0 – 1 (Lessard)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

• **Proposed 2021 Zoning Articles**

Mr. Bachand discussed holding our first hearing on Zoning Articles; we are looking at November 18th or December 2nd. He is waiting for comments from our Town Attorney and the Building Inspector as well. Maybe we can move some of these forward soon.

Mr. Bachand said the first Article to discuss comes from the Conservation Commission. He said Mr. Jay Diener, Conservation Commission, is on the line. These Articles are available in the Planning Office. This first one provides a new definition of "Porch". Mr. Bachand explained the purpose of the Article. Mr. Diener said this adds clarity and it addresses the 12' dwelling setback with regard to porches. Porches are attached to the structure; they have a roof.

Mr. Lessard said to move this forward (for public hearing). The rest of the Board agreed.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2020 – 7:00 p.m.

Mr. Bachand said he worked on some of the next Articles with the Building Inspector.

The first is the Use Change language. Last year, we removed the requirement that situations such as “retail to retail”, “office to office”, and so forth must obtain Change of Use approval if in the TC-N or TC-S district. However, we left it in for the TC-H district. The intent was to give the Planning Board complete oversight of the uses that are coming into our downtown. However, this has proven challenging in some cases. There have been retail-to-retail and other similar situations which, in most cases, shouldn’t have required the extra step of a Change of Use approval. It was noted delaying some of these people for a use change for a couple of weeks does not seem fair. This Amendment would remove the “retail to retail”, any non-residential change of building occupancy, requirement entirely from the Zoning Ordinance, but there would still be protections. The Building Inspector and Mr. Bachand already have the option under the Site Plan Regulations and the current zoning definition of “Use Change” to send any proposed use to the Planning Board for a Change of Use, which in their judgement calls for such action to safeguard health, safety, and so forth. That existing language would simply be inserted into the Town Center District ordinance, as proposed.

Mr. Emerick asked what if the Board does not like it. Mr. Olson asked about marijuana shops and gun shops, etc. He said we should have authority over that. He asked if other communities just embrace everything people need. There are some restrictions, but if restrictions are not in play, people can do what they want. Mr. Bachand agrees with this. He said that is why there is discretion.

Mr. Lessard said to move this forward (for public hearing). The rest of the Board agreed.

Ms. Carnaby said this is in the Bill of Rights. She read it aloud. Enabling legislation for all Planning Boards to make the restrictions we do.

Mr. Bachand next discussed the POR District changes. Through a review of a recent application to the Planning Board, we discovered a few significant issues with the POR District Ordinance. There were completely missing requirements, and some lack of clarity. This proposed amendment is intended to address those shortcomings.

For front, side, and rear setbacks we have spelled out single family, two family, multifamily, nonresidential, and mixed use, rather than just saying “all other residential dwelling structures” as it does now. This improves clarity as to exactly what is required. Mr. Bachand discussed several missing requirements that would now be included. These include minimum lot area, maximum number of dwelling units, minimum frontage, and maximum impervious surface coverage. It was also noted that no POR zoned lots are in the Aquifer Protection District.

Mr. Emerick said to move this forward (for public hearing). The rest of the Board agreed.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2020 – 7:00 p.m.

Mr. Lessard asked if the Zoning Board gives input on these. Mr. Bachand intends to meet with them in November. He has been meeting with them for the past few years.

Mr. Bachand discussed the next Article involving accessory buildings. This proposal resulted from conversations with the Building Inspector about swimming pools being considered “accessory buildings” under the current definition, which is clearly inaccurate and a problem in his view. If someone had a shed, they couldn’t have a pool under that interpretation. The definition of Accessory Building would include the words “detached” and most importantly “with a permanent roof”, resolving the pool interpretation issue. We also added that it cannot be connected to sewer, preventing its use as a dwelling unit. It was noted that approved ADU’s are completely different.

Because an Accessory Use can also involve a building, a sentence has been added to further clarify this classification. Additionally, lots that can reasonably accommodate a second accessory building for recreational or home entertainment purposes should be able to do so. This has been added under this Article. Examples would include a gazebo, personal workshop, pool house, or game room. However, the intent is not to use the second accessory building for primary storage purposes.

Mr. Emerick said to move this forward (for public hearing). The rest of the Board agreed.

Mr. Bachand discussed the next Article, an ADU Ordinance change.

He removed the blanket requirement for a survey, which was written into the first draft the Board saw in September. If there is an exterior enlargement of any existing building and/or any increase in impervious coverage of the lot due to a proposed ADU, a certified plot plan from a licensed land surveyor would then be required, with existing and proposed coverage shown on said plan. This is important because if something is sketched it may not be accurate, and we have seen problems. If the ADU is internal with no exterior expansion, we would continue to require only a basic scaled drawing.

Mr. Lessard does not agree. Some people have large lots. He asked if one could just survey a portion of a lot. It adds a lot of money to residents to spend. **Mr. Bachand will talk to the Building Inspector about this.** He thinks he will require the survey anyway, so we should address it early to avoid issues. Mr. Emerick asked if the Building Inspector has that authority. Mr. Lessard said to get a permit, you don’t need a certified plot plan. Mr. Bachand will discuss with Mr. Marchese. Mr. Olson asked what triggers the survey. Mr. Emerick said making everyone do it may not be the way to go.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2020 – 7:00 p.m.

The second part of this amendment simply clarifies that an impact fee is not required if a two-family property is converted to a single-family with an ADU. That is an unusual circumstance, but we had one such case earlier this year and that applicant had to go to the ZBA for relief. This will prevent that conflict in the future. The Board was fine with this.

Mr. Emerick said he had a partial survey done once. **Mr. Bachand will circle back with the Board on the survey part.**

Mr. Bachand discussed the next Article involving the Aquifer Protection District and pre-existing lots of record. He needs to discuss this one with Attorney Gearreald.

This amendment has changed significantly since the Board saw it in September. Mr. Bachand went back and further reviewed information on systems for artificial recharge of precipitation to groundwater, and does not believe that we have the ground conditions (high water table) to support this approach. It would not be an equitable solution for pre-existing lots of record. It may also be cost prohibitive for most people. Allowing lots in the Aquifer Protection District to cover as much as 60%, even with artificial recharge, is also excessive in his opinion.

Instead, this proposal allows for a driveway that is in conformance with our Driveway Regulations to exclude said driveway from the sealed surface calculation, but in no case can the total sealed surface, including the driveway, exceed 35%. Mr. Bachand said this aligns with his findings that many pre-existing lots of record are already well over the 25% coverage, and provides equity to other lot owners in the District without being excessive. We want to be mindful of the purpose of the Aquifer. It may also provide an incentive for some property owners with non-conforming driveways to bring them into conformance.

Mr. Lessard discussed people who want sheds vs. large bump-out additions. Mr. Lessard said if this is for sheds, maybe say up to a 10'x12' or so is fine. Doubling the size of the house is something totally different. He agrees that people may need a place to put their lawnmower rather than on their lawns. **Mr. Bachand will look at some other communities for ideas.**

Mr. Bachand needs to talk to the Building Inspector about the second part of this Article.

HAMPTON PLANNING BOARD

MINUTES

October 21, 2020 – 7:00 p.m.

VIII. ADJOURNMENT

MOTION by Mr. Loiseau to adjourn.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:24 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