

MEETING MINUTES

NORTH HAMPTON PLANNING BOARD

Regular Meeting

Tuesday, June 5, 2007

Mary Herbert Conference Room

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*These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.*

Members present: Phil Wilson, Chairman; Shep Kroner, Vice Chairman, Laurel Pohl, Joseph Arena, Barbara Kohl, Tom McManus and Craig Salomon, Selectman's Representative.

Absent:

Others present: Jill Robinson, Circuit Rider/RPC and Wendy Chase, Recording Secretary.

Alternates present: None

Mr. Wilson convened the meeting at 6:30pm and noted for the record that the meeting was properly posted.

New Business

07:12 – Robert A. Milliken, Jr., 39 Chapel Road, North Hampton. Lot line adjustment application. Property owners: Robert & Laura Milliken (lots 128 & 129) and The Dowd Family Revocable Living Trust of 1995 (lot 130). Property location: 9 & 15 Maple Road, North Hampton, zoning district R-2, M/L 006-128, 129 and 130. The applicants request the following waivers to the subdivision regulations: (1) Section VIII.B.15 – topographic boundaries, (2) Section VIII.B.18 – location of public utilities, (3) Section VIII.B.20 – stormwater drainage control plan, (4) Section VIII.B.21 – location of hydrants, street lights and fencing and (5) Section VIII.B.25 – location and results of test pits.

In attendance for this application:

Attorney Bernard Pelech, Law Offices of Wholey & Pelech

Steve Oles, Ames MSC

Robert Milliken, Owner/Applicant

Mr. Oles explained to the Board that the Applicant proposes a lot line adjustment involving Map and Lots 006-128, 006-129 and 006-130. He commented on the following:

- Mr. Robert Milliken is the current owner of lots 128 & 129 and the Dowd Family Trust is the owner of lot 130.
- The proposal is to increase the acreage on lot 128 from 4.27 to 5.39, decrease the acreage on lot 129 from 3.7 to 2.1 and increase the acreage on lot 130 from 1.29 to 1.79.
- As noted on the proposed plan there will be a tree buffer on lots 128 and 130 for purposes of visual screening of the driveway and maintained by the new owner (other than Mr. Milliken).
- A variance to Article IV, Section 406.9 was granted by the ZBA on April 17, 2007.

It was determined by the Board that a variance from the two-acre lot requirement on lot 130 would need to be granted by the ZBA before Planning Board approval for the lot line adjustment. Attorney Pelech argued that the proposal makes a bad situation better by making lot 130 less non-conforming. The Board reviewed the relevant section of the Zoning Ordinance and found that the Planning Board has no authority to change an existing non-conforming use without a variance. Hence, Attorney Pelech stated that the applicant would increase the acreage on lot 130 to two acres making the lot a conforming lot.

Waiver requests for case 07:12

1. VIII.B.15 – topographic boundaries – Mr. Oles explained that the reason for the waiver request was that test pits were done and that the rear portion of the back lot will not be developed because of wetlands. Mr. Kroner was concerned that there were no test pit results to review. Mr. Wilson stated that there are a lot of wetlands in the area and voiced concerns of potential run off especially where there will be new landscaping where fertilizer will be used and if there is no topography map how will the Board be able to determine where the run off will go?

Mr. Wilson opened the public hearing at 6:58pm.

Mr. Wilson closed the public hearing at 6:59pm without public comment.

Dr. Arena moved and Ms. Kohl seconded the motion to deny the waiver request for Section VIII.B.15.

The vote was unanimous in favor of the motion (7-0).

2. VIII.B.18 – Public utilities, subject, size and location – Mr. Oles explained that there will be a well on the property and that the underground utilities will run along the driveway up to the rear lot. Mr. Wilson mentioned ledge on the proposed property and explained that the Board is very conscious of blasting because of possible damage to surrounding wells. It was determined that if the applicant was unable to put the utilities underground due to ledge the applicant would have to come back before the Board with an alternative plan other than blasting.

Mr. Wilson opened the public hearing at 7:15pm.

Mr. Wilson closed the public hearing at 7:16pm without public comment.

Mr. Salomon moved and Dr. Arena seconded the motion to approve the waiver request for Section VIII.B.18 with the following conditions: (1) the utilities must be underground, (2) no blasting involved in the installation of the underground utilities and (3) an as-built plan showing the location of the utilities must be submitted to the Board.

The vote was unanimous in favor of the motion (7-0).

Section VIII.B.20 – Stormwater drainage control plan- Mr. Oles, on behalf of the applicant, requested a withdrawal of the requested waiver to Section VIII.B.20. Mr. Wilson asked that Attorney Pelech put the withdrawal request in writing and submit it to Ms. Chase for the permanent record.

Section VIII.B.21- Location of hydrants, street lighting and fencing- Mr. Oles said that there will be no new hydrants put in.

Mr. Wilson opened the public hearing at 7:17pm.

Mr. Wilson closed the public hearing at 7:18pm without public comment.

Mr. McManus moved and Ms. Kohl seconded the motion to grant the waiver request to Section VIII.B.21.

The vote was unanimous in favor of the motion (7-0).

Section VIII.B.25 – Location of test pits – Mr. Oles explained that he completed test pits on the proposed lot and the request for the waiver was for Map 006 lot 130 only. He will provide the test pit information at a later date.

Mr. Wilson opened the public meeting at 7:18pm.

Mr. Wilson closed the public meeting at 7:18pm without public comment.

Mr. Salomon moved and Dr. Arena seconded the motion to grant the waiver request to Section VIII.B.25 as to Map 006 lot 130 only.  
The vote was unanimous in favor of the motion (7-0).

Mr. Wilson asked if the Board thought that they should require the applicant to present a High Intensity Soil (HIS) map of the property. Ms. Robinson opined that a topography map and test pit results would suffice and didn't see what additional benefit the HIS map would provide for the Board.

Mr. Oles, on behalf of the applicant, requested that case #07:12 be continued to the July 3, 2007 Planning Board meeting.

Attorney Pelech reiterated the additional information the Board requested (1) topographic contour boundaries (2) drainage control plan, (3) letter of withdrawal from waiver request VIII.B.20 and (4) test pits depicted on plan.

Mr. Kroner moved and Mr. Salomon seconded the motion to continue case #07:12 to the July 3, 2007 Planning Board meeting.  
The vote was unanimous in favor of the motion (7-0).

07:13 – Jean E. Booker, 69 Winnicut Road, North Hampton. Subdivision application. The applicant proposes a backlot subdivision. Property owner: Jean E. Booker Living Trust. Property location: 69 Winnicut Road, North Hampton, zoning district R-3, M/L 023-007.

In attendance for this application:

Rodney Booker, Applicant  
Jean Booker, Owner

Mr. Booker stated that a variance to the acreage requirement for a backlot subdivision was granted on May 23, 2006 for M/L 023-007.

Mr. Wilson noted that the Board was in receipt of a letter from an abutter and read it into the record. The letter read that the applicant had no objection to the backlot subdivision but requested that only a single-family residence be built if approved.

Mr. Salomon noted for the record that he had done legal work for Mr. Booker but felt that there was no conflict so he opted not to recuse himself from the case.

Ms. Robinson informed the Board and Mr. Booker that the setback line drawn on the plan was incorrect and needed to be changed from 15-feet to 35-feet.

Mr. Kroner moved and Mr. Salomon seconded the motion to take jurisdiction of the application, case #07:13.  
The vote was unanimous in favor of the motion (7-0).

Mr. Kroner commented that a backlot subdivision was originally designed to give residents relief and enable them to develop their property regardless of proper frontage and stated that the Board should reconsider the backlot provision in the ordinance.

Mr. Wilson opened the public hearing at 7:47pm.  
Mr. Wilson closed the public hearing at 7:48pm without public comment.

Mr. Kroner moved and Mr. McManus seconded the motion to grant the subdivision with the following conditions:

1. Recordable Mylar. The applicant shall submit a recordable Mylar of the plan with required signatures and seals affixed of all licensed professionals whose names appear on the plan.
2. The monument at the north/west corner of lot two shall be depicted on the plan and properly set.
3. Certificate of Monumentation. The applicant shall provide the Board with a Certificate of Monumentation, stamped and signed by a NH LLS certifying that all monuments depicted on the plan have been properly set.
4. The Applicant shall correct the setbacks depicted on the plan, changing them from 15-feet to the required 35-feet.
5. The Applicant shall submit a copy of the language for the access easement for the shared driveway.
6. The Applicant shall add a note to the plan stating that all utilities shall be underground, contained within proposed lot two, and that there will be no blasting when installing them.
7. The Applicant shall submit an as-built plan once all the utilities are installed.

The vote was unanimous in favor of the motion (7-0).

Mr. Wilson recessed the meeting at 8:00pm.

Mr. Wilson reconvened the meeting at 8:10pm.

Mr. Kroner left the meeting at 8:10pm.

Other Business

Phase V, Lafayette Crossing (Staples) site work surety and landscape surety

In attendance for the discussion:

Larry Besh

The Board was in receipt of a recommendation from Steve Keach of Keach and Nordstrom recommending that Board increase the site surety amount by \$3,000.00. Mr. Wilson commented that it has been past practice by the Town Engineer to add an additional 10% to all surety amounts as a contingency to cover price increases in materials or any other unforeseen costs that the Town might encounter if it were necessary to complete the project. Mr. Besh did not object, and the Board agreed to add the additional 10%.

Mr. Salomon moved and Dr. Arena seconded the motion to accept the amount of \$253,000.00 for the site work surety for the Staples construction in the form of an irrevocable self-calling letter of credit.

The vote was unanimous in favor of the motion (6-0).

Dr. Arena moved and Ms. Kohl seconded the motion to accept the amount of \$34,000.00 for the landscape surety for the Staples site and hold 25% (\$8,500.00) for two growing seasons after installation of plantings.

The vote was unanimous in favor of the motion (6-0).

Mr. Salomon commented on the seminar he attended presented by Lorman education services on advanced zoning and land use in New Hampshire. He will leave the book he received in the Town Office for any member wishing to review it.

Mr. Wilson asked Mr. Salomon if he would give a brief synopsis of the meeting to the Board at the next Work Session. Mr. Salomon said that he would.

Ms. Robinson reminded the members of upcoming training opportunities that may be of interest to them. (June 7<sup>th</sup> and June 12<sup>th</sup>).

Ms. Pohl moved and Ms. Kohl seconded the motion to adjourn at 8:16pm.  
The vote was unanimous in favor of the motion (6-0).

Respectfully submitted,

Wendy V. Chase  
Recording Secretary