



Meeting Minutes
North Hampton Planning Board
Tuesday, August 6, 2013 at 6:30pm
Town Hall, 231 Atlantic Avenue

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

Members present: Shep Kroner, Chair; Joseph Arena, Mike Hornsby, Tim Harned, and Phil Wilson, Select Board Representative.

Members absent: Dan Derby and Laurel Pohl.

Alternates present: Nancy Monaghan and Tom McManus.

Others present: Jennifer Rowden, RPC Circuit Rider, and Wendy Chase, Recording Secretary.

Mr. Kroner convened the meeting at 6:30pm, and noted for the record that there was a quorum of the Board.

Mr. Kroner seated Ms. Monaghan for Mr. Derby, and Mr. McManus for Ms. Pohl.

I. Old Business

There was no old business before the Board.

II. New Business

1. **Case #13:11 – Applicant, Joseph Coronati, Jones and Beach Engineers, Inc., PO Box 219 Stratham, NH 03885 submits a lot line adjustment application on behalf of owners, Little River Farms, LLC, Gregory and Jennifer Sancoff, 120 Mill Road, North Hampton, NH 03862.** The Applicant requests the following waivers from the Subdivision Regulations: 1). VIII.B.15 – Topographic Contours, 2) VIII.B.16 – Natural Features, 3). VIII.B.18 – size and location of proposed public and private utilities, 4). VIII.D.3 – High Intensity Soil Mapping. The proposed lot line adjustment between Tax Map 7, lot 172, 167 Atlantic Avenue and Tax Map 6, lot 147-1, 120 Mill Road, will not result in the creation of additional building lots. Property owner: Little River Farms, LLC, Gregory and Jennifer Sancoff, 120 Mill Road, North Hampton, NH. Property location: 167 Atlantic Avenue, North Hampton, and 120 Mill Road, North Hampton; M/L 007-172 and 006-147-001; Zoning district: R-2 – Medium Density Residential.

In attendance for this application:

Joseph Coronati, Jones and Beach Engineering

Mr. Coronati explained that Mr. and Mrs. Sancoff own the property located at 167 Atlantic Avenue that includes a portion of property situated on the other side of the Little River, adjacent to the property where Mr. and Mrs. Sancoff live (120 Mill Road). They propose to adjust the boundary line to add the portion of land across the Little River and add it to their property at 120 Mill Road, and resell the house at 167 Atlantic Ave with 11.7 acres, which will remain under current use assessment.

Mr. Coronati explained that the deeds to properties in the subject parcel's area are old and have not been updated, and some properties have not been surveyed. He said the properties that have been surveyed were not found at the Registry of Deeds or area local surveying firms. Mrs. Doris Rice is an abutter to the property and doesn't agree with Jones and Beach on how the back lot line runs. Mr. Coronati said that they are working with Mrs. Rice and intend to resolve the issue on this plan, so that both "parties" involved are in total agreement. Mr. Jim O'Neil from Jones and Beach Engineering is working with Mrs. Rice on the boundary issue.

Mr. Coronati said that they have requested four waivers from the Subdivision Regulations, listed above, and stated that they are not proposing any additional lots.

Mr. Kroner said that he was confused when reviewing the plan for the first time; he believed it to be a subdivision plan rather than a lot line adjustment because the plan did not show an existing lot line that was to be abandoned.

Ms. Rowden said that, in her opinion, what was being proposed was a lot line adjustment.

Dr. Arena commented that antiquity is used to define the lot lines in this area and mentioned that the Board was recently faced with a case involving "adverse possession". He asked that it be confirmed that Jones and Beach did everything within their ability to make sure the plan was done correctly. Mr. Coronati said that they did and that is why they are trying to come up with an agreement on the boundary line with Mrs. Rice and the Sancoffs now instead of the future.

Mr. Wilson shared Mr. Kroner's concerns and said that if the proposal is a lot line adjustment, the plan doesn't depict a lot line to be abandoned, preventing it from being a subdivision, and the plan doesn't depict which lot will be merged with the "parent" lot. He said the plan before the Board lacks sufficient clarity to take jurisdiction.

Mr. Wilson said that in order to be a lot line adjustment a portion of property from the "parent" lot has to be merged to one of the other lots the owner owns; the plan has to indicate that so that people can look at the plan and immediately understand what is being proposed. He said that it is obvious what the Sancoff's intentions are and they make sense, but there is question as to where the boundary line is, making the plan before the Board incomplete. Mr. Wilson said that the Board was "burned" on the last plan Jones and Beach Engineering submitted to them.

Mr. Coronati said he was somewhat aware of the last plan before the Board but was not involved in that particular project. He said that there are four (4) owners of the Engineering firm, he being one of them. He said that Jones and Beach did nothing intentionally to "burn" the Town of North Hampton; a mistake was made and was not caught until they were setting monuments.

Mr. Wilson said that the Mylar submitted with, conditions met, is supposed to represent the plan that the Board approved. Jones and Beach submitted a Mylar that depicted a significant change from what was originally approved by the Board without the Board's review or approval. It calls into question how much confidence the Planning Board can put in a firm that would do that.

Mr. Coronati said that he would not knowingly submit a Mylar for recording that was changed from the original approved plan, but said that the surveyor that did the original plan is not the same surveyor that was before the Board most recently, and that the project got very complicated because the issue arose after the plan was approved, and wasn't discovered until they went out to monument the property, and that's when the lawyers got involved. Mr. Wilson commented that that is when a licensed surveyor should have known to bring the plan back before the Board for review.

Mr. Harned had the following issues with the plan submitted:

- The plan does not show what portions of what lines is going away to make the merger.
- The plan does not clearly depict what the new line is.
- It is unclear where the boundary is going to be abandoned.
- The plan doesn't depict where the boundary line is between map 6 lot 147-1 and map 7 lot 172, or the separation between Map 6 lot 147-1 and the other lots; it is unclear how the lots are coming together at that point.
- There are issues with the legend on the plan; it is missing descriptive symbols that are depicted on the plan.

Mr. Kroner said that the important step missing on the proposed plan is the abandonment of the existing lot.

Mr. Coronati said that they can relocate the common lot line and depict it as lot line to be relocated.

Mr. Kroner said that there should be a resolution with the Rice Family before the Board proceeds with anything on the plan presented; the agreement needs to be put in place. Mr. Wilson agreed that this is the perfect point to resolve the boundary dispute.

Mr. Coronati believes the boundary dispute can be resolved between now and the next Board meeting.

Discussion ensued on continuing the Case to the next meeting. The Applicant was given the choice to request a continuance in writing, or the Board could vote not to take jurisdiction of the plan and the Applicant would need to start the process from the beginning.

Mr. Coronati said the he would like to request a continuance, but asked if the Board would entertain the waiver requests he submitted.

Mr. Kroner commented that he noticed "test pits" were being dug on the property indicating that there may be a future subdivision plan; he suggested that the Board wait to consider the waiver requests and hold a public hearing on them. The Board agreed.

Mr. Coronati wrote a letter requesting a continuance of Case #13:11 to the September 3, 2013 meeting.

Mr. Wilson moved and Ms. Monaghan seconded the motion to continue Case #13:11 to the September 3, 2013 meeting.

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

Mr. Hornsby questioned how the Board would know if the boundary dispute is settled.

The Board agreed that a note should be added to the plan that states both Parties agree to the boundary line between their properties, with both Parties signatures, and a separate affidavit that memorializes that agreement to be recorded at the Registry of Deeds.

Mr. Wilson said that at the next meeting he would like to see a plan that represents very clearly and very accurately what they are proposing. He said under these circumstances, he would also like to see a certificate of monumentation, even though the Applicant may not want to set the monuments until after the plan is approved.

Mr. Coronati said that there may be only two new monuments and would be able to set them.

Mr. Harned referred to the drill holes depicted on the plan in the area of the boundary dispute and asked if they were put there erroneously.

Mr. Coronati said that they would be moved to wherever the Parties agree the boundary line to be.

III. Other Business

Mr. Kroner informed the Board that the abutters to the Hampton Air Field received letters informing them that the Air Field was sold. He said that there is a possibility that the new owner wants to pave the runway.

Mr. Kroner said that the Air Field is in the Aquifer Protection District and if it is paved it could also alter the type of air craft that is able to land there. He was hopeful that the Building Inspector would send the owner to the Planning Board for review if they decided to pave the runway.

Dr. Arena said that they may have to inform the Heritage Commission because the grass runway has historic value.

The runway is approximately one mile long and runs from Cedar Road, North Hampton to Pennington Road, Hampton, NH.

Mr. Wilson informed the Board that the Rockingham Planning Commission has notified the Select Board that there is a Sea Level Rise Advisory Committee that has been formed and the RPC is looking for a volunteer from North Hampton to represent the Town.

Mr. Kroner said that he would volunteer to sit on the Sea Level Rise Advisory Committee.

The meeting adjourned at 7:23pm without objection.

184 Respectfully submitted,
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186 Wendy V. Chase
187 Recording Secretary
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189 **Approved August 20, 2013**