



Meeting Minutes
North Hampton Planning Board
Tuesday, September 3, 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; Laurel Pohl, Vice Chair, Joseph Arena, Tim Harned, Dan Derby and Phil Wilson, Select Board Representative.

Members absent: Mike Hornsby

Alternates present: Nancy Monaghan

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.
Mr. Kroner seated Ms. Monaghan for Mr. Hornsby.

I. Old Business

1. **Case #13:02 – Harbor Street Limited Partnership, 7B Emery Lane, Stratham, NH 03885.** The Applicant, Joseph Falzone, Harbor Street Limited Partnership, submits a pre-application Design Review pursuant to Subdivision Regulation VI.A.2. – Design Review Phase, for a proposed 49-unit residential workforce housing subdivision and proposed road totaling 3,200 feet. Property owner: Field of Dreams at Post Road, LLC, 7B Emery Lane, Stratham, NH 03885; Property location: 160-186 Post Road, North Hampton; M/L 018-038-000; Zoning District R-1: High Density and R-2: Medium Density. This Case is continued from the July 2, 2013 meeting.

There was no one in attendance for this application.

The Board agreed to continue Case #13:02 to the October 1, 2013 meeting pending receipt of the grant from the US Farm and Ranchland Protection Program for the purchase of the property to put into conservation.

Dr. Arena moved and Ms. Monaghan seconded the motion to continue Case #13:02 – Harbor Street Limited Partnership to the October 1, 2013 meeting.

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

2. **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. This Case is continued from the August 6, 2013 Meeting.

In attendance for this application:

Joseph Coronati, Jones and Beach Engineering

Mr. Coronati addressed the issues brought up by the Board members from the last meeting:

- Clarified the plan by labeling the lot line that will be relocated.
- Added a dimensional line describing the lines that will be relocated.
- Labeled the parcel “A” with a note “land to be combined with Map 6 Lot 147-1 311,729 SF 7.16 AC” to make it clear that the acreage will be added to the Sancoff’s holdings.
- A better depiction of the edge of the river was added.
- A lot line agreement was secured by Doris Rice and Gregory and Jennifer Sancoff and depicted and signed by both Parties on the plan. Ms. Rice also signed a notarized affidavit that will be recorded at the Rockingham County Registry of Deeds. Mr. Coronati has the original affidavit at his office.
- The monuments have been set, not typically done before the approval, but it was a concern of the Board Members to have the boundary line issues resolved. The Certificate of Monumentation was submitted to the Town.
- The plan states, “IR to be set”, and will be changed to “IR set” on the actual Mylar.

Mr. Coronati explained that the lot line agreement will be recorded at the Rockingham Registry of Deeds by recording the Mylar that depicts the agreement, and recording the notarized affidavit from Doris Rice.

Mr. Kroner referred to the Applicant’s waiver requests from the subdivision regulations, and commented that he wasn’t sure if they are prominent for a lot line adjustment, by NH law.

Mr. Kroner opened the Public Hearing at 6:47pm for the following requested waivers from the subdivision regulations: VIII.B.15 – Topography; VIII.B.16 – Natural Features; VIII.B.18 – Size and location of proposed public and private utilities and VIII.D.3 – High Intensity Soil Survey (HISS).

Dr. Arena moved and Mr. Wilson seconded the motion to approve the requested waivers from the subdivision regulations (VIII.B.15, VIII.B.16, VIII.B.18 and VIII.D.3).

Discussion:

Mr. Wilson commented that the proposal is a lot line adjustment with respect of two pieces of property owned by one landowner; there is no requirement for waivers of the provisions in the subdivision

regulations be granted or denied. The Board could rule that the waiver requests are unnecessary, given the application, or the Board can grant them. He cautioned that it shouldn't be implied that a subsequent subdivision application for the property would be treated the same, and if it is implied, the Board could vote against the motion to grant the waivers, and make a separate motion to find that the waivers are not required for a lot line adjustment; therefore the Board will not act on it.

Ms. Rowden said that legally, the Board could go either way, but note #12 on the plan refers to the waivers, so the note would need to be changed to reflect how the Board decides.

Discussion ensued. Mr. Derby voiced concern over setting a precedent if the Board voted against the motion to approve the waivers; Ms. Pohl said that the Applicant could withdraw the waiver requests; Mr. Kroner said that the Board was beginning to make it too complicated.

Dr. Arena withdrew his motion and said that, as it stands, the waiver requests are not necessary.

Mr. Wilson withdrew his second to the motion; Dr. Arena withdrew his motion.

Dr. Arena moved that the Board finds that the requested waivers are not necessary because this is a lot line adjustment; therefore the Board will not act on them as a condition of taking jurisdiction of this application.

Mr. Harned made a friendly amendment that the reason the Board is doing this is because the lot line adjustment is simply between two pieces of property owned by the same landowner, and the finding that these waivers are not needed, is for *this* case, and *this* case alone; therefore expect note #12 to be removed from the final Mylar. Dr. Arena accepted the friendly amendment. Mr. Wilson seconded the motion, as amended.

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

Ms. Pohl moved and Dr. Arena seconded the motion to take jurisdiction of the lot line adjustment application, Case #13:11.

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

Mr. Wilson asked Mr. Coronati what would become of all the "drill holes" at the site that are no longer relevant. Mr. Coronati said that they will have to keep them on the land so no one will wonder where the boundary line is. He said the boundary agreement is solid and future surveyors will know where the correct boundary line is.

Ms. Monaghan asked what would become of the existing trail. Mr. Coronati said that it will remain accessible, unless the owners "post" it; there is no "dedication of rights to pass" planned. Mr. Coronati said that the trail has to be shown on the plan to meet Survey Standards.

Mr. Harned voiced concern over how the signed affidavit gets tied back to the registered plan if someone does a title search at the Registry of Deeds; there is no date and plan number on it. Mr. Coronati said that the affidavit will be referenced so that a Surveyor would "catch it", but the affidavit doesn't say anything more than what is stated on the plan.

Mr. Wilson moved and Ms. Pohl seconded the motion to approve the lot line adjustment for Case #13:11, Little River Farms, LLC with the following conditions:

- 1. The Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan.**
- 2. A note shall be added to the plan referring to the affidavit signed by Doris Rice on August 20, 2013 affirming the lot line agreement noted on the plan.**
- 3. Note #12 on the plan as presented has been removed.**
- 4. The verbiage "IR to be set" shall be changed to "IR set".**
- 5. There shall be no changes to the Mylar except to meet these Conditions of Approval.**

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

II. New Business

- 1. Review/Discussion of the proposed Demolition Review Zoning Ordinance.** – The Heritage Commission drafted a proposed Demolition Delay Ordinance for the Board's review and consideration for approval. Mr. Kroner invited Ms. Donna Etela, Chair of the Heritage Commission, to address the Board and explain what sources the Commission used to draft the proposed Ordinance. Ms. Etela said that the Commission met with the Little Boar's Head Village District's Heritage Commission and during discussions it was realized that the 50-year cutoff date that triggers the demolition delay would not pertain to items designed by famous architects, so they amended the proposed ordinance to remove the word "and" and replace it with the word "or" under Section B – Criteria, number 1, so that it did not have to comply with both 1 and 2 of the criteria; it could be either, or. Ms. Etela said that she reviewed a number of town ordinances and she retrieved a lot of material from the Exeter, NH ordinance, which was "tried and true" and was reviewed by legal counsel before it was adopted by the Legislative Body. Ms. Etela explained that a lot of thought went into the time line process; they developed the ordinance so that the entire permitting process would be completed within 30 days. Ms. Etela said that this was her first attempt at drafting an ordinance and asked that the Planning Board use their expertise to craft it in a way that makes it work.

It was the general consensus of the Board that they would need more information on the Code Enforcement Officer's legal obligation on issuing permits, and to also seek advice on how the process should take place according to his schedule.

Mr. Kroner said that he would talk to the Code Enforcement Officer and try to "iron out" some issues. He encouraged the Members of the Board to make any suggested changes or improvements to the Ordinance and ready for Board review at the September 17th Work Session.

- 2. Review/Discussion of the proposed Future Land Use Chapter for the Master Plan.** –

Mr. Kroner said that this Chapter is the final Chapter of the Master Plan to be updated. Mr. Kroner said he doesn't think the Chapter is going to change too much. Ms. Rowden will have a big part in writing it. Mr. Wilson said that at the last Economical Development Committee meeting they discussed tax increases and ways to keep the tax rate down, or at least stable; the only way to keep the rate down is to increase the taxable base. The CEO of Unitil was at the

meeting and they discussed what types of businesses the town would want to encourage that would provide more tax revenue. Mr. Wilson said that the Committee would like the Planning Board to consider using the money under the "Special Studies" line item in the budget to hire the Rockingham Planning Commission to do an inventory of all currently developable undeveloped land in the I-B/R District, and an inventory of all re-developable land. They would also like the study to include other areas in town that would be useful for commercial development without affecting the quality of life for residential properties. Ms. Rowden said that the study could cost between 3,000 and 5,000, depending on the perimeters of the study, such as traffic studies and proximities to utilities, etc. Ms. Chase was asked to find out the amount allocated in the budget's "Special Studies" line and the "Master Plan" line. The Board will discuss what to do with the money at their Work Session and determine where it will be best spent. Mr. Harned reminded the Board that the Workforce Housing Ordinance requires a yearly inventory of the town no later than April 15th of each year. Ms. Rowden said that the RPC is updating its housing inventory for the end of this year so it will be provided to the Town automatically. It is written in the Ordinance to find out each year what the Town's "fair share" percentage is for workforce housing. Mr. Wilson commented that it will be complicated by the fact that since Little Boar's Head Zoning is no longer covered by the Town, all of the properties from LBH should be omitted when calculating the Town's "fair share" percentage for Workforce housing. This will improve the Town's current position and increase the current percentage of 51%; nothing the Board does in the Town of North Hampton has any affect in Little Boar's Head anymore; the jurisdiction for Planning and Zoning resides with Little Boar's Head Village District, rather than with the Town of North Hampton. Dr. Arena commented that Little Boar's Head is a part of the Town of North Hampton. He said that he is doing some research on the matter.

Ms. Rowden said that she has been working on the Future Land Use Chapter and has divided the town into different areas; residential area, seaside area, I-B/R District and Municipal area and is going through the entire Master Plan and compiling thoughts and recommendations that are "forward thinking" that should be included in the Future Land Use Chapter. She said that incorporating the results from the Charrette for the Municipal Complex would be useful information for the Chapter, as well as, information from the Economic Development Committee, even if it's just continuing to study the potential for redevelopment, or economic opportunities. She said that she would be happy to bring it to the next Work Session for the Board to discuss. Mr. Kroner mentioned that the Municipal Facilities Committee is currently working on their recommendations on the Town Complex and is doing a decent job reducing the costs associated with it. He suggested the Future Land Use Chapter not be finalized until they have received those recommendations so they can be incorporated into the Chapter. Mr. Wilson said that the Facilities Committee's next meeting is tomorrow night at 7:00pm, and encouraged the members to attend.

Ms. Rowden said that the Rockingham Planning Commission has scheduled a series of meetings across the region on topics such as transportation, economic development, cultural and historic resources, land use climate change, etc. She said that the first meeting is in Epping on Monday, September 9, 2013 and there will be meetings in Portsmouth and Seabrook also. She said that if anyone wanted to attend to let her know and she would sign them up.

The Board did not receive a response from the owner of Rite Aid regarding the letter sent to ask that they remove some of the trees that are impeding the sight line on Atlantic Ave. Mr. Wilson said that he

229 ran into Mr. Linesman and he told him he would be amenable to the Board's recommendations, but
230 does not think that PSNH would be.

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232 The meeting was adjourned at 8:40pm without objection.

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234 Respectfully submitted,

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236 Wendy V. Chase

237 Recording Secretary

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239 **Approved October 1, 2013**