



Meeting Minutes
North Hampton Planning Board
Tuesday, October 1, 2013 at 6:30pm
North Hampton Town Hall
231 Atlantic Avenue

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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: Shep Kroner, Chair; Laurel Pohl, Vice Chair, Joseph Arena, Mike Hornsby, Tim Harned, Dan Derby and Phil Wilson, Select Board Representative.

Members absent: Laurel Pohl and Mike Hornsby

Alternates present: Nancy Monaghan and Barbara Kohl

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

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

Mr. Kroner seated Ms. Monaghan for Ms. Pohl.

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 September 3, 2013 meeting.

In attendance for this application:

There was no one present for this application.

The Board agreed to continue Case #13:02 to the November 5, 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.

Mr. Wilson moved and Dr. Arena seconded the motion to continue Case #13:02 to the November 5, 2013 meeting.

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

II. New Business

- 1. Case #13:12 – Craig Schreck, 140 Mill Road, North Hampton, NH 03862.** The Applicant proposes a 3-lot subdivision. The Subdivision will consist of two conventional lots with one backlot, with the intent of having all three (3) lots share one (1) common driveway to be maintained with a homeowners association. The Applicant requests two (2) waivers from the Subdivision Regulations: (1). VIII.B.20 – Stormwater Control Plan and (2). VIII.B.23 – Culvert Design. Property owner: Little River Farms, LLC, Gregory and Jennifer Sancoff, 120 Mill Road, North Hampton, NH; property location: 167 Atlantic Avenue; M/L: 007-172-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Craig Schreck, Applicant/Owner

Attorney Bernard Pelech, Wholey and Pelech Law Offices

Joseph Coronati, Jones and Beach Engineering

Dr. Arena voiced concerns over the absence of the owners' signatures on the submitted application.

The property is owned by Little River Farms, LLC, Gregory and Jennifer Sancoff; the Applicant is Craig Schreck; both parties authorized Jones and Beach Engineering to act on their behalf concerning the subject property for Planning Board, Conservation Commission and State Applications.

- It was noted that the signatures on the Authorization letters were not notarized or witnessed.
- The Applicant, Craig Schreck, was present and offered a portion of a Purchase and Sales agreement on the property between the owners and himself.
- Mr. Kroner said that the Application states that "if not signed by owner a statement or authorization letter from the owner(s) must accompany application", which it did.
- Ms. Rowden commented that applications have been presented to the Board this way in the past.
- Dr. Arena said that the owner should sign the application and then authorize who they want to represent them before the Board.
- Mr. Wilson suggested adding a condition of approval that the parties involved submit a letter that this problem has been remedied.

The Board voted to proceed with the Application.

The vote passed (5 in favor, 1 opposed and 0 abstention). Dr. Arena opposed.

Attorney Pelech, on behalf of Mr. Schreck, said that they are seeking approval to subdivide the property at 167 Atlantic Avenue into three (3) residential lots and are requesting two waivers from the Subdivision Regulations. The lot contains 11.7 acres; they have the sufficient lot size and meet the setback requirements. They received a review report from Jenn Rowden, RPC and Steve Keach, KNA Engineering (Town's Engineer). Jones and Beach engineering addressed all the suggestions made by KNA.

Mr. Coronati said that he was recently before the Board for a lot line adjustment involving this property and noted that he prepared and signed the application in the same manner on that application, as he did, this application.

- The property contains 2 large barns, a house and gravel road that gives access to the property and farm trails that allow access onto the site.
- Each lot is sized to allow a duplex on them, and will share a driveway.
- A homeowners association will be established to deal with plowing and maintenance of the driveway.
- The three (3) duplexes will be custom built, quality homes.
- They propose to have town water that will come down the driveway.
- They already have one curb cut, but NH DOT requires a driveway permit, and that is pending.
- The State Subdivision approval is pending.
- Test pits have been dug and there is more than one (1) passing test on each lot.
- The waivers are for drainage and culvert design, and Steve Keach, KNA, is in support of the waivers.
- The field provides natural drainage for stormwater runoff.
- The plan depicts the building envelope on each lot but they are not sure where the homes will be located on the lot. They may build duplexes but they are not ruling out selling the lots to a buyer that wants to build a single-family home.

Waiver requests:

Section VIII.B.20 – Stormwater Control Plan

Mr. Kroner commented that both the RPC Circuit Rider, Ms. Jenn Rowden, and the Town's Engineer, Steven Keach, KNA Engineering, gave professional opinions that the waiver requests seemed acceptable.

Mr. Kroner opened the Public Hearing at 7:07 p.m. to waiver request VIII.B.20.

Mr. Kroner closed the Public Hearing at 7:08 p.m. without public comment.

Dr. Arena said that there is no reason not to approve the waiver request.

Mr. Wilson said that there has been contamination of the Little River for the past three (3) years and said that the Board should know where the septic systems will be located and what kind of systems will be constructed; there could potentially be six (6) families living in close proximity to the Little River.

Mr. Kroner commented that the Town requires one (1) acre of upland per building lot and each proposed lot has nearly double that amount.

Mr. Wilson moved and Dr. Arena seconded the motion to approve the waiver request from Subdivision Regulation VIII.B.20 – Stormwater Control Plan.

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

Section VIII.B.23 – Culvert Design

Mr. Kroner opened the Public Hearing at 7:18 p.m. to waiver request VIII.B.23.

Discussion ensued on whether or not Mr. Coronati should withdraw the waiver request to Section VIII.B.23. Mr. Coronati said that he would withdraw the request if the Board felt it was addressed to their satisfaction.

Mr. Kroner commented on the importance of putting in a culvert. He visited a property where a culvert was not put in and after the "build out" a vernal pond has formed.

Mr. Coronati said that he would submit the information on the culvert with the septic design and withdrew the waiver request to VIII.B.23 – Culvert Design.

Mr. Coronati said they plan to construct the common driveway first, which may be this year, and wait to build the others after marketing the lots.

Mr. Derby moved and Dr. Arena seconded the motion to take jurisdiction of the Subdivision Application.

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

Shared Driveway -

Attorney Pelech submitted copies of the Covenants and explained that a Fund will be established, paid annually by the tenants, to pay a contractor to plow the snow and maintain all of the driveways. The document will be recorded at the Rockingham Registry of Deeds. The bulk of the driveway will be located on the back lot, Map 7, lot 172-2, and it has been moved over to the west 30-feet on Atlantic Ave. for a better sight distance, and an easement has been placed on the lot because of that.

Attorney Pelech said that he will provide the Board with a copy of the Homeowners Association document; he said he will send it to Ms. Chase this week.

Mr. Wilson asked that Mr. Coronati correct the "Route 125" on Sheet H1 (Heavy Access Plan) to "Route 111" and asked him to explain the graph depicted on the access plan.

Mr. Coronati said that the State requires that a State Road have 400-feet of sight distance in each direction and the way they measure it is with an object that is 3 ½ feet off the ground to an object 400-feet away that is also 3 ½ feet off the ground. (3 ½ feet is the ideal height of a person sitting in their vehicle).

Heritage Commission -

Mr. Schreck said that he is scheduled to meet with the Chair of the Heritage Commission tomorrow at the site at 1:00 p.m. to discuss the buildings on the property, and then it will be determined whether or not to hold a Non-public Heritage Commission meeting. He said that he would be willing to sell some of the old buildings for \$1.00 for someone to remove them instead of having them razed. Mr. Schreck said that he would be happy to donate something from the house to the Historical Society to archive.

Barbara Kohl, 164 Atlantic Avenue – said that vehicles travel fast on Atlantic Ave and asked how NH DOT calculates the state permit distance. Mr. Coronati said that it is determined by the site distance

profile, topography and contours of the road. He said that they will not be taking down the stone wall because it is a boundary line and they will be taking some trees down at the entrance of the property. Ms. Kohl said that the existing house was built in 1714 and there should be a huge effort done to preserve it to show kids and other people interested in how people lived in that day and age.

Jerry Day, 153 Atlantic Avenue – said he is an abutter to the subject property and is pleased to learn that the matter is being referred to the Heritage Commission for their comments. He said that the house is either the oldest, or second oldest house in Town.

Ms. Kohl disclosed that she is an alternate member of the Planning Board, but was speaking as a citizen, not a board member.

Attorney Pelech explained that the proposed lots will not be further subdivided between duplex owners. The lots will have up to two units on each lot, and if owned by two different owners, it would have to be condominiumized and would have limited common area. All of the terms will be worked out in the condominium documents and recorded at the Rockingham Registry of Deeds.

The Board discussed concerns over the septic systems being so close to the Little River.

Mr. Coronati said that they use Environ-Septic septic systems made by Presby in New Hampshire. They use a larger pipe and a smaller system that allows it to be moved farther away from the Little River.

Mr. Wilson moved Mr. Harned seconded the motion to approve the three lot subdivision at 167 Atlantic Avenue; M/L 007-172-000; Case #13:12, with the following conditions:

- 1. Recordable Mylar.** 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. Certificate of Monumentation.** Applicant shall provide a copy of the Certificate of Monumentation, stamped and signed by a NH LLS, certifying that all monuments depicted on the plan have been properly set in accordance with the subdivision regulations.
- 3. State Permits.** Applicant shall submit evidence of receipt of all required federal, state, and local permits, including but not limited to, NH DOT Driveway Permit, NH DES Approval for Subdivision, and shall note the permit numbers, as appropriate, on the plan.
- 4. A note shall be added to the plan that a culvert shall be added to the driveway depicted on the plan along the driveway that is appropriate to ensure that drainage eliminates ponding on the west side of the driveway, and the culvert shall be constructed as depicted on the plan (Sheet D1).**
- 5. A note shall be added to the plan that prior to the installation of any septic system on these lots they shall be reviewed by the Conservation Commission, and no septic system shall be placed within 100-feet of the wetlands.**
- 6. A note shall be added to the plan stating that the shared driveway shall continue as a shared driveway in perpetuity and shall never be accepted by the Town as a Town Road.**
- 7. The Applicant shall submit the condominium agreements and condominium plans to the Board prior to signing the Mylar.**

8. The Engineer shall submit a letter certifying that the Mylar accurately reflects what was specified and approved by the Planning Board in its Conditional Approval.

9. The Applicant shall submit a notarized letter signed by the owner, the perspective buyer and the engineering firm that states that everyone agrees to this plan as approved.

10. L-CHIP Fee. Applicant shall submit a check made payable to the Rockingham County Registry of Deeds for \$25.00. (This mandatory State Fee is to fund The Land and Community Heritage Investment Program).

11. Fees. All fees incurred by the Planning Board, including but not limited to, Consulting, Engineering and Legal fees, have been paid by the Applicant.

The vote passed in favor of the motion (4 in favor, 1 opposed and 1 abstention). Ms. Monaghan opposed and Mr. Harned abstained.

III. Other Business

1. Minutes

a. August 20, 2013 – Dr. Arena moved and Mr. Derby seconded the motion to approve the August 20, 2013 Work Session Minutes as written.

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

b. September 3, 2013 – Mr. Derby moved and Dr. Arena seconded the motion to approve the September 3, 2013 minutes as written.

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

2. Any other business to come before the Board.

Mr. Derby is working on the purpose statement for the proposed Demolition Delay Ordinance and will have something for the Board to review at the next Work Session.

Ms. Rowden said that the estimate for the development/redevelopment analysis the Board was interested in is estimated to cost the town \$2,000.00. She will bring a copy of the proposal to the October Work Session for the Board to review and discuss.

Mr. Kroner said that he and Mr. Wilson attended the Regional Master Plan update held in Portsmouth. Topics discussed were Transportation, Housing and Economic Development. Ms. Rowden said there will be a follow up in Seabrook on Monday, October 7th at 5:30pm covering Land Use, Historical Resources and Economical Resources.

The meeting adjourned without objection at 9:00pm.

Respectfully submitted,

Wendy V. Chase

Recording Secretary

Approved October 15, 2013