



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, January 21, 2014 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: None

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

The January 21, 2013 Work Session will immediately follow the scheduled 6:30 p.m. Public Hearing.

Mr. Kroner convened the Public Hearing at 6:35 p.m.

- I. The Planning Board will hold a Public Hearing on January 21, 2014 at the North Hampton Town Hall, 231 Atlantic Avenue, North Hampton, to consider the approval of the proposed amendments to the following Zoning Ordinances for placement on the March 2014 Town Warrant:**

- 1. The Second and Final Public Hearing on adoption of the Demolition Review Ordinance (previously referred to as the Demolition Delay Ordinance). The purpose is to establish time limits for the demolition permitting process, with participation in the process being voluntary on the part of any property owner seeking a demolition permit.**

Mr. Kroner opened the Public Hearing at 6:37 p.m. He commented that this was the final Public Hearing for the proposed ordinance to be considered for the 2014 Warrant. He also said that there were three (3) members of the Heritage Commission present and they held three (3) public hearings on the Demolition Review Ordinance.

Mr. Kroner acknowledged the Heritage Commission members that were present who wrote the original draft of the proposed ordinance.

Mr. Kroner closed the Public Hearing at 6:38 p.m. without public comment.

44 **Ms. Pohl moved and Dr. Arena seconded motion to place the proposed Demolition Review**
45 **Ordinance on the 2014 Warrant as presented tonight.**
46 **The vote was unanimous in favor of the motion (6-0).**
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48 **2. The Second and Final Public Hearing on proposed amendments to Article III, Section 302.10**
49 **– Definition of “Duplex”- the intent of the proposed amendment to the definition of “Duplex”**
50 **is to remove vagueness from the current definition.**
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52 Mr. Kroner read the proposed definition into the record.
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54 ***302.10 Duplex: A building designed and/or used exclusively for residential purposes and containing***
55 ***two principal dwelling units separated by a common party wall. The common party wall shall be within***
56 ***interior residential space, including garage space, and shall separate this interior residential space of***
57 ***the two principal dwelling units.***
58

59 Mr. Harned said that his intention, when drafting the proposed amendments to the definition, was
60 that at least some portion of the wall would have residence on both sides of it. He may have regretted
61 taking out the word “entirely”.
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63 Dr. Arena suggested using the word “conjoined”; one section must be connected at one section.
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65 Mr. Kroner said that it was the end of the sentence of the definition (otherwise structurally attached)
66 that they were trying to “fix”.
67

68 Mr. Derby said that the crux to this is to ensure the Code Enforcement Officer interprets the intent.
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70 Mr. Wilson said that the change may be editorial if substituting one word from another phrase to
71 clarify the intent. Ms. Rowden disagreed and opined that any changes to the definition would be a
72 substantive change.
73

74 Mr. Kroner commented that since the Board is discussing possible changes to the definition at the last
75 minute, it is not ready for this year’s Warrant.
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77 Mr. Wilson said that the Board may be better off putting it on the Warrant “as is” and working on a
78 change to it for next year.
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80 Ms. Rowden commented that the proposed definition is better than the current definition.
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82 Mr. Kroner opened the Public Hearing at 6:58 p.m.
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Dieter Ebert, 12 Cedar Road – said that the current Building Inspector said at a recent Planning Board meeting that he would not issue a building permit for a duplex that is connected by a retaining wall so felt the urgency to place the amendment to the definition was not great. He said the current definition is very similar to how other area towns define duplex. He suggested adding a definition of “party wall” to the definitions and striking out the phrase “otherwise structurally attached”.

Mr. Kroner closed the Public Hearing at 7:01 p.m.

Mr. Wilson moved and Ms. Pohl seconded the motion to take the proposed amendment to the definition of “duplex” under consideration for next year’s Warrant.

Dr. Arena asked what would happen if someone were to build duplexes over the next year.

Mr. Derby said that it is not the definition of the word, but rather the interpretation of it and opined that there will be protection over the coming year.

Ms. Pohl commented that the prior Building Inspector carried out the letter of the ordinance; not the spirit, and thought he was obliged to carry out both. Other members of the Board agreed.

The vote was 3 in favor, 3 opposed and no abstentions. The motion failed.

Mr. Wilson moved and Ms. Pohl seconded the motion to put the proposed amendment to the definition of duplex on the 2014 Warrant as presented.

The vote passed in favor of the motion (5 in favor, 1 opposed and 0 abstention). Mr. Kroner voted against.

3. The First and Final Public Hearing on proposed amendment to Article IV, Section 406.4.1 – Duplex Requirements, to include the word “contiguous” in front of “non-wetland area” and to make an administrative change to replace “N.H. Water Supply and Pollution Control Division” with “N.H. Department of Environmental Services (NH DES)”.

Mr. Kroner opened the Public Hearing at 7:15 p.m.

Mr. Kroner closed the Public Hearing at 7:16 p.m. without public comment.

Mr. Wilson moved and Dr. Arena seconded the motion to put the proposed amendment to Article IV, Section 406.4.1 – Duplex Requirements on the 2014 Warrant.

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

The Board reviewed the Town Warrant language regarding the proposed zoning amendments and made minor editorial changes.

Planning Board Work Session

Ms. Pohl assumed the Chair.

I. Old Business

1. None

II. New Business

1. Discussion of proposed amendments to Article IV, Sections 409.8 and 410 drafted by Member Dan Derby.

Mr. Derby commented that the proposed changes to Sections 409.8 and 410 are not intended to be included in this year's town Warrant. He went over his proposed changes:

- Section 410 1. c – Added *but not limited to*, because rather than having a precise description this would allow other ways to accomplish the same thing.
- 410. 1. d – referring to “four feet” – if the requirement is referencing NH DES regulation numbers, those numbers should be referenced in the Ordinance. Ms. Rowden said that in this particular section, the town regulation is more restrictive than NH DES. She further explained that the NH DES rules trump the local rules when the local rules are less stringent. Ms. Pohl suggested changing it to three (3) to four (4) feet.
- 410 1. g – added “such as but not limited to an aerobic pretreatment system” to give an opportunity for another proven system, instead of limiting it to an aerobic pretreatment system.
- 410 1. i – was proposed by the Conservation Commission that would require that septic systems having a design flow of greater than 2,500 gpd would report the condition of the leaching field at least every three years by a licensed septic system designer. Ms. Rowden said that a septic system with a design flow of greater than 2,500 gpd is for a very large house and typically the general recommendation for a single family dwelling would be to have the septic system inspected and/or pumped every two to three years. She said that there are not many communities that require any kind of reporting of septic systems, but it has been tried in some towns for properties that have a close proximity to a water supply.

The Board agreed that the proposed ordinance needs some work. Ms. Rowden offered to provide the Board with copies of examples of what other towns have done. She said that there is a town that recently passed an ordinance very similar to the one they were discussing.

2. Clarification on the term “Riding Stables” permitted only by Special Exception in the R-1 and R-2 Zoning Districts.

The Agriculture Ordinance allows and promotes agriculture and agricultural operations. Riding Stables are listed under permitted use by Special Exception through the Zoning Board of Adjustment.

Ms. Rowden explained the issue: if an arena or riding facility were to come before the Board, would they be required to seek approval of a Special Exception from the Zoning Board. She said that *riding arenas*,

under the agriculture ordinance, are a permitted use, but there is a contradiction in the zoning that *riding stables* require a Special Exception and the more stringent would apply.

Mr. Wilson commented that a “riding arena” and a “riding stable” are two different things.

Mr. Kroner said that the ordinance does not have a definition of “riding stable” but the dictionary defines it as a place where horses are kept for people to ride.

Mr. Wilson said that it is up to the Code Enforcement Officer to interpret the Zoning Ordinance. Mr. Wilson said that it is the role of the Zoning Board to interpret the zoning ordinances not the Planning Board and if the Planning Board cannot come to a consensus on how to act on it then the Planning Board should send it to the ZBA.

Ms. Rowden said that there was not a clear enough distance between a “riding arena” and a “riding stable” and feels it would be prudent to send an applicant to the Zoning Board for calcification. She added that she did not see why a Special Exception would not be granted for a “riding arena” in Town.

It was a general consensus of the board that a “riding arena” and a “riding stable” are two different things.

Mr. Wilson said that he understands why a “riding stable” would require a Special Exception, because in his opinion, a “riding stable” is for a commercial operation where horses are housed, bred and where people are invited to come in for pay to ride the horses that are housed there, and if you put this type of commercial operation in a residential zone then it makes sense to require a Special Exception.

Discussion ensued on the definition of “riding stable”. Mr. Wilson said that if the Board could not come to a consensus then an Applicant should be directed to go to the Zoning Board for an interpretation of the ordinance.

The Board came to a general consensus to let the Code Enforcement Officer make the decision of whether or not to send an Applicant to the Zoning Board; that is the proper chain of command.

3. Discussion of RSA 676:3.III. Decision letters or conditions of approval shall be added to the Recordable Mylar on Site and Subdivision plans.

Ms. Chase informed the Board that pursuant to RSA 676:3.III all conditions of approval made by the Board on subdivision and site plans shall be added to the final Mylar before recording. The Board agreed that that would be a good idea, especially in cases that deal with conditions that will remain in perpetuity, such as “rain gardens” and the maintenance of them.

4. Committee Updates

a. Long Range Planning (LRP) – There was no Committee update.

b. Capital Improvement Plan (CIP) – Ms. Pohl said that she would reach out to the Town Administrator and ask for an update and report back to the Board.

c. Rules and Regulations/Procedures – There was no Committee update.

d. Application Review Committee (ARC) –There were no meetings of the ARC for the month.

e. Economic Development Committee – Mr. Wilson reported that the Committee has been discussing extending the natural gas line along Atlantic Avenue to the School from Lafayette Road, and because of the School's replacement schedule of their heating system, it did not make sense to build the gas line down Atlantic Avenue immediately. The Select Board agreed that if the complex goes through they will provide for attachment to the gas line.

The Committee is proceeding with discussions on whether it makes sense to re-zone 50 +/- acres by the Stratham, NH Industrial Park to expand it, which would increase the town's tax base and not town services, and would not impact the School. Ms. Rowden and the Rockingham Planning Commission is working on doing an inventory of undeveloped land in Town and determine what parcels may be suitable for commercial development that would not impinge upon residents and property taxes.

f. Large Assembly Ordinance Committee – Mr. Wilson said that the Large Assembly Ordinance is complete and is going on the 2014 Warrant. Ms. Monaghan did most of the writing of the amended document and it shifts the burden to the Chief of Police and establishes a more straight forward process. The Board agreed to remove "item f" large assembly ordinance update from the agenda.

III. Other Business

1. Minutes

- a. November 19, 2013
- b. December 3, 2013
- c. December 17, 2013
- d. January 7, 2014

Mr. Kroner moved and Dr. Arena seconded the motion to accept the minutes of November 19, 2013, December 3, 2013, December 17, 2013 and January 7, 2014 as written.
The vote was unanimous in favor of the motion (6-0).

2. ¹ Items laid on the table

a. Master Plan update – Natural Resource Chapter, consideration of adoption of the Chapter as part of the Master Plan.

Mr. Kroner said that the Natural Resource Chapter needs to be redone and suggested taking it off of the Agenda under "items laid on the table".

Mr. Kroner moved and Mr. Harned seconded the motion to remove the Natural Resource Chapter from the Agenda under "Items laid on the table".
The vote was unanimous in favor of the motion (6-0).

263
264 **3. Any other business to come before the Board.**

265 **The meeting was adjourned at 8:45 p.m. without objection.**
266
267 Respectfully submitted,
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269 Wendy V. Chase
270 Recording Secretary



Meeting Minutes
North Hampton Planning Board
Tuesday, March 4, 2014 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, Mike Hornsby, Dan Derby and Phil Wilson, Select Board Representative.

Members absent: Tim Harned

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. Harned.

Mr. Kroner explained that the Building Inspector determined that the proposal submitted by the Applicants would require Planning Board approval; he read the Case caption as follows:

1. **Case #14:02 – Historic Runnymede Farm, LLC, 68-72 Atlantic Avenue, North Hampton, NH 03862.** The Applicant submits a Site Plan Review Application under Section, V.B.1.c - Use Change: any change of use which, in the opinion of the Building Inspector, requires Planning Board approval in order to safeguard the health, welfare, morals, convenience and safety of North Hampton's citizens, for a proposal to build a 100' x 250' Riding Barn to provide an indoor area for exercising, training and running of horses and related activities. Property owner: Historic Runnymede Farm, LLC, 68-72 Atlantic Avenue, North Hampton, NH 03862; property location: 68-72 Atlantic Avenue, North Hampton, NH 03862; M/L 006-002-001 and 006-003-000; Zoning District: R-2.

Dr. Arena, Mr. Wilson and Ms. Pohl arrived.

Dr. Arena announced that he is a member of the Planning Board and an abutter to the subject property and as a result of that he recused himself from the Case.

Mr. Wilson recused himself because if the Juror Standard were applied to him for this Case he would be disqualified.

Secretary's note: Throughout these minutes the proposed 100' x 250' riding barn is also described as, exercise facility, exercise barn, arena, riding arena and barn.

Mr. Kroner explained the proceedings of Case #14:02 as follows:

1. The Applicants will first present their Case.
2. The Chair will open a Public Hearing, for those opposed, in favor or neutral to the Case.
3. The Board will determine whether or not the application is complete in order to take jurisdiction of the application, or determine whether or not the case should be continued to the next meeting (April 1, 2014).
4. The Chair requested that, during the Public Hearing, those wishing to comment please limit themselves to 20 minutes.

Mr. Paul Connolly, Civilworks Engineering, on behalf of Historic Runnymede Farm, LLC, introduced himself and those in attendance participating in the delivery of the application to the Board:

1. Alan Perkins, Principle of Historic Runnymede Farm, LLC
2. Blythe Brown, Principle of Historic Runnymede Farm, LLC
3. Ben Auger, General Contractor and Construction Manager
4. Robin Woodburn, Landscape Architect, Woodburn & Company
5. William Becket, Attorney for Historic Runnymede Farm, LLC
6. Gene Sweeney and A.J. Silva, Farm Managers and Horse Trainers at Runnymede Farm

Mr. Beckett gave an overview of the history of the property and the proposal:

- His Clients own 68 and 72 Atlantic Avenue.
- They have filed a Voluntary Lot Merger application for the two lots which will result in a 6.43 acre lot.
- The Farm has grazing rights consisting of over 9 acres.
- The exercise arena will be built with no violations of the North Hampton Zoning Ordinances.
- Runnymede Farm was started by Alvin Fuller in 1923 and has been in continuous operation to present.
- Mr. Fuller built a large cow barn (taken down 15 years ago) and the existing antique barn.
- There are 12 stables on the first floor of the antique barn and a three-bedroom apartment on the second floor where the Farm Managers, Mr. Sweeney and Mr. Silva reside.
- The Applicants have restored the barn and there are currently 11 horses, and 10 of them are Friesian.
- Peter Fuller ran the farm after Alvin Fuller died.
- Peter Fuller sold the property to the Devenports in 1998.
- The Devenports sold the property to Alan and Donna Perkins to save and preserve it as a horse farm.
- The horses need an exercise arena; it's a safety issue for the horses and those who take care of them in the wintertime.
- The arena is a permitted use and will comply with all zoning ordinances; the first permitted use listed under the R-2 table is "agriculture".

Mr. Beckett submitted a list referencing NH RSA 21:34-a, and Sections of the North Hampton Agriculture Zoning Ordinance, Article V, Section 508, titled The Arena is a Permitted Use Because:
Highlights of the list include:

- The arena is located in the R-2 Zoning District and Agriculture is permitted in this District and throughout Town.
- Agriculture means “all operations of a farm” (RSA 21-34-a; and Z.O. 508.3).
- Farm means agriculture and farming activities that include the breeding, boarding, raising, training, riding instruction and selling of equines (RSA 21:34-a; and Z.O. 508.4.B.2.b).
- Animal husbandry operations may be conducted on lots of 4 acres or more in all districts as long as they comply with NH Dept of Agriculture and Food and Markets manual of Best Management Practices BMPs for Agriculture (Z.O. 508.3.D).
- Animal husbandry operation is defined as an agricultural operation concerned with the production and care of animals (Z.O. 508.3.D).
- The exercise arena will be sited in the rear of the property and will meet all dimensional and setback requirements; it is a permitted structure.
- The Building Inspector, Kevin Kelley, and the RPC Circuit Rider, Jennifer Rowden agrees that the proposed arena is permitted in the R-2 District and does not require a Special Exception.
- Z.O. Section 508.1 – Purpose *to facilitate the continued operation and maintenance of [the Town’s] existing well managed farms.*

Mr. Beckett said that they want to do everything they can to address the concerns of the neighbors. He referenced Site Plan Regulation V.B.3 –and said the proposal will not be detrimental to the health, welfare, morals, convenience and safety of the North Hampton Citizens.

Mr. Gene Sweeney presented a PowerPoint presentation.

- Mr. Sweeney is the Farm Manager and Horse Trainer at Runnymede Farm and moved to the Farm in May 2013.
- The horses have to be in tip-top condition to compete, and during the winter months the 11 horses have to be trucked to another location 4 to 5 times per week. They do not own the arena they are currently using and have no control over the daily activities there.
- The horses have to walk over ice and snow to get to the trailer and have slipped on the ice causing broken teeth and broken jaws. They have resorted to running the horses in the aisles of the stalls.
- The competing horse wagons are large and need the 100’ x 200’ arena room to make the turns without crashing into the walls.
- The horses are pleasure horses but much larger and need more room than the average horse to run around.
- The paddocks at Runnymede farm are mowed 2 to 3 times per week and the manure is picked up continually.

Ben Auger, General Contractor for the proposed project described the following:

- He presented and displayed samples of stained, vertical barn board and metal roofing that will be used in constructing the proposed building.
- The building is 100’ wide x 250’ long.
- They are tucking the building into the ground as much as possible, there is an existing slope at the north end of the building closest to the street and the grade is 4-feet higher than the south side (river side).

- They clipped the building and put a hip roof on each end in order to shorten the length of the ridge.
- The ridge on the north side is 32-feet from grade and on the south side it is 38-feet from grade.
- The finished grade to the peak of the roof is 33-feet.
- There are a lot of windows on both sides of the building.
- The floor plan is 100' x 200' of working arena, and the remaining square footage includes grooming room, storage and observation area.
- The height of the proposed building in relationship to the existing antique barn is 3-feet higher.
- He referred to the architectural drawings and said that the trees shown are either existing or will be planted.

Paul Connolly referred to Site Plan Review Regulations V.B.1.c. and V.B.1.5. Use Change Review requirements. The property, M/L 006-002-001 has, been in the past, and is currently used as a horse farm including training, riding and exercising of horses. The adjacent lot 006-003-000 has been used as a single-family lot and is currently vacant and will be merged with lot 006-002-001. He referred to the updated plan showing the common lot line that will be dissolved. Attorney Beckett submitted the voluntary lot merger form to the Board for signage.

Mr. Connolly addressed comments made by the Town's Engineer, Steven Keach, KNA Engineering:

- They propose to construct 11 porous paved parking spaces and 9 grass parking spaces that will be able to support vehicles, but look like lawn attachment.
- They did not provide the required 22-foot access way (Section X.B.4) to the parking spaces because they didn't want it to look "commercial"; it is a private facility.
- The proposed building is 44-feet away from Virginia Weldon's property, close to the 100-foot wetland buffer setback and within the 150-foot shoreland protection setback. They located the building as far to the rear as possible (170-feet from Atlantic Avenue).
- A sketch of the property showing location, parking and traffic flow appears on the submitted plans.
- There is an existing 3-D, 2' X 1.5' sign at the site.
- No modifications to the existing building.
- They have designed mitigating measures under Best Management Practices for stormwater runoff coming off the new roof.
- There will be an infiltration area that will capture and recharge water runoff from the westerly side.
- The east side is guttered and directed to a subsurface drainage directed out to wetlands adjacent to Little River and ultimately drain into the Little River drainage swales.
- A proposed leaching basin will cover the southwest area runoff and recharge it.
- They have Town and State approval for a septic system that will replace the current antiquated system; it will accommodate the new exercise barn and is located further away from the Little River.
- They have run domestic water into the site and replaced the pipe with a larger pipe that will allow for fire suppression for the existing barn and the proposed exercise barn.

Mr. Connolly requested that the Board conditionally approve the application. The issues raised by the Town's Engineer are not "deal breakers" and can be satisfactorily addressed.

Mr. Kroner asked if Mr. Connolly wanted to address the Zoning Matters referenced on page two of the Town Engineer's report to the Board. Mr. Kroner questioned whether or not the "merged lots" would have their "grandfathered" setbacks.

Ms. Rowden said that even with the lots being merged the exercise barn would have to meet the new setbacks, which she thinks it would. The paddock is not a "structure"; it is not affixed to the ground. Agriculture is allowed within the setbacks as long it doesn't create issues with erosion by following Best Management Practices (BMP).

Ms. Pohl asked what the paddock is made of.

Mr. Connolly said there are miles of paddock fencing on the farm and they intend to keep the existing fencing and add 120-feet of the same fencing. He said it is strong, and the posts are almost the size of telephone poles, drilled into the ground without concrete.

Mr. Connolly referred to Mr. Keach's comment that the proposed 66-foot diameter round paddock on lot 2-1 doesn't appear to fulfill the landscaped/vegetated buffer requirement contained in Section X.D.2 (b) & (c). He explained that Runnymede Farm owns grazing rights over all the rest of the Runnymede lots and they contend that they are not infringing on any "rights" they already possess.

Ms. Rowden recommended they request a waiver to the landscaped/vegetated buffer requirement.

Mr. Kroner questioned the height elevation. Mr. Auger said he met with the Building Inspector and he informed him that he observes a mean average when calculating the height of a structure.

Mr. Kroner said that an accessory structure is subordinate to something and the new proposed site is not subordinate to anything else.

Mr. Connolly said that proposed exercise barn is subordinate to the antique barn because it has a residence, houses the office where the operations of the barn run out of, and it is where the horses live.

Mr. Kroner said that he struggles with whether or not an "arena" is different from a "riding stable". A "riding stable" requires a Special Exception from the Zoning Board. He said he wants to make sure the Board is playing within the confines of how it is written in the Zoning Ordinance.

Mr. Connolly said that the stables have been there for 90 years and the proposed building is an exercise facility.

Mr. Beckett referenced the Statute he read earlier that a farm includes any building used in the conduct of a horse farm. The exercise barn is necessary for the overall use of Historic Runnymede's horse farm. He said "Special Exceptions" are for a use that is not allowed unless by Special Exception from the Zoning Board; both the Building Inspector and the Circuit Rider have opined that no "Special Exception" is needed.

Mr. Connolly listed the State permits they had, or needed to obtain:

- They have a NH DOT driveway permit; a modification to the existing driveway by widening and adding on to the turning radius to accommodate the tractor trailers.

- They have construction approval for the septic system for the antique barn, and plan to file a revised plan that will show the additional septic tank for the riding arena.
- They have a shoreland permit for work at the barn and will be filing an additional shoreland permit for work preformed within the 250' shoreland buffer zone on lot 006-003.
- They have not applied for an AOT permit but will be meeting them to discuss what level of overview they will require. He said all stormwater design has been done in accordance with NH DES for AOT.

Ms. Pohl asked what the density was for animals on a 6+ acre lot. Mr. Connolly said he would get that information for the Board.

Mr. Derby asked why the exercise barn was designed to be so big.

Mr. Sweeney said that it has to be this size in order to accommodate the large wagons making the turns without hitting the wall. The arena is the typical size for these types of horses.

Mr. Kroner said that on the Historic Runnymede Farm's website it talks about "events" and asked what potential "events" they plan, and the size of these "events".

Blythe Brown, Owner/Applicant, said that the "events" are more like "clinics" where they invite an Instructor in to teach to students and hold approximately 3 "clinics" per year. They also have invited riders to come in and they had one where there were 40 to 50 people there. She said it is a private facility and they intend to keep the "clinics" small.

Robin Woodburn, Woodburn Architect, said she was charged with designing the most attractive barn it could be and to make sure it fit with the farm and surrounding landscape.

- They cited the building back from Atlantic Avenue 170-feet.
- It is 45-feet from the nearest abutter where only 15-feet is required.
- They designed it as low as they could get it and put in large window to cut down the mass of the building when seen from afar.
- The paddock screens the building from the road.
- They will keep some existing trees and add other trees for screening. The screening will be good between Runnymede and the Weldon property.

Ms. Rowden said that the paddock shown on the architectural plan is not shown on the engineering plan. Mr. Connolly said that he forgot to add it, but will correct it.

Mr. Beckett referred to NH RSA 435:14 and 16, *an adequately ventilated, dry barn with stalls of sufficient size so that the horse is able to lie down, and shall be provided adequate and suitable exercise in arenas, barn yards, paddocks or pastures....*

Alan Perkins, Owner/Applicant explained that he and his wife bought Runnymede Farm 3 years ago and it was in significant disrepair. The horses got loose, there was overgrown sumac on the paddocks, every window in the barn was broken, the living quarters had mold and the siding had asbestos. He said they purchased it and promised Mr. Fuller to keep it as a horse farm. It has been a financial and emotional rollercoaster. He said they knew nothing about horses or about the process. He said it is not for the

light- hearted and is very expensive. He thinks of the farm as the Fuller's property and keeps the office as Mr. Fuller had it when he was running the farm. He said he is fortunate to have partners to share the expense and to have such great Barn Managers. Mr. Perkins said his partner, Dan Brown could not make the meeting; he read a letter from Mr. Brown into the record (attached).

Mr. Perkins would like to keep his promise to Mr. Fuller and this is an important solution to them. Many of the horses hold world titles and need to be trained; there is an important schedule the horses need when in competition.

Mr. Kroner recessed the meeting at 8:24pm.

Mr. Kroner reconvened the meeting at 8:32pm.

Mr. Kroner opened the Public Hearing to those opposed to the application. He asked that people limit their comments to 20 minutes.

Attorney Michael Donovan explained that he was representing Ms. Virginia Weldon and members of the Weldon family, abutters to the west of the subject property. The Weldon's have also hired Alex Ross, Ross Engineering. He said that they oppose the proposal and that it does not comply with North Hampton Zoning Ordinances.

James Weldon spoke on behalf of his mother Virginia Weldon and presented a PowerPoint presentation. He took pictures of his mother's house and superimposed a sketch of a building representing the proposed arena and how it will affect his mother's property and views. He said the proposed building will be the 6th largest building in Town. He said that the websites *historicrunneymedefarm.com* and *behindthethemaskhistoricrunneymedefarm.com* show the intense training and loud music associated with the performances. He said it is an intense use and only 45-feet away from his mother's kitchen window and is concerned on the impacts this proposal will have on her enjoyment of her property.

Attorney Donovan handed out a memorandum to the Board members and went over each of the points:

- It appears that the proposed new arena is not a permitted use under the terms of the North Hampton Ordinance because it is a commercial use not permitted in the R-2 zone absent a use variance from the ZBA, or it is a commercial animal husbandry facility which is prohibited by Section 405.3 of the Zoning Ordinance, or it is a "riding stable" which requires a "Special Exception", or it is an unlawful expansion of the present riding stable which is a nonconforming use because it boards more than 4 horses on fewer than 4 acres, or it is an accessory building/use to the existing stable use which requires a Conditional Use Permit from the Planning Board, because it is not located in the rear of the property.

He said that an applicant has the burden of establishing that all requirements of the Site Plan Review Regulations are met.

Attorney Donovan handed out copies titled Site Plan Review Concerns to the Board members. He addressed the following:

- IV-B. - The overall proposal is to establish a commercial use, which would require a variance.

- IV-E: 1 - the new arena will have a detrimental effect on Mrs. Weldon's residential property by blocking her view, blocking the sea breeze and possible noise, and lighting spillage onto her property.
- IV-E: 2-a; X-D: 2-b; X-D: 2-c (Screening) – Ms. Weldon's house is 78-feet away from the massive structure and cannot be effectively screened.
- IV-E: 2-f – light, glare, odor and noise. They are concerned with possible night rehearsals, no lighting plan, no information about manure storage and management, glare off the massive metal roof.
- IV0E:2-e – they recommend a peer review of the drainage plan and study to assess its impact on Little River, and a peer review of the applicant's assertion that the Shoreland Protection Act requirements have been met.
- X-D: 3 – there is no information about solid waste disposal and the 100-foot loading area is not screened from view from Atlantic Avenue as required.

Attorney Donovan said the applicant has supplied insufficient information about the proposed use and the applicant has not demonstrated a public benefit that offsets the substantial impact on the property and the neighborhood.

Attorney Donovan submitted an appraisal report from Fremeau Appraisal, Inc., that states *the view currently enjoyed by the subject would be substantially obstructed and the livability of the home diminished. Issues such as odors, noise, proximity, shadows, etc. would also be of concern to potential buyers and would result in a diminution of value to the property if the proposed building is constructed.*

Attorney Donovan submitted a document from Alex Ross, Ross Engineering. Mr. Ross states that after reviewing the project plans he concluded that the project will have an adverse affect on Ms. Weldon's property:

- The proposed building is 10 times larger than her house.
- The proposed building will impact the view to the east; it will cast a large shadow depending on the time of day and time of year.
- There is a significant amount of permanent impact with the 250' shoreland buffer and a shoreland protection permit will be required.

He stated in his report that the development has been placed in the agriculture category but it appears to be a large commercial operation that has been required to go through the site review process and recommends the Board require a much more complete submission prior to acting.

Attorney Donovan suggests the arena be built in front of the existing antique barn and away from the conservation easement and abutters.

Mary, Ms. Weldon's daughter said that her mother has lived in her home since 1960 and loves her home more than anything. She is home a lot and enjoys her view; it would be a diminution of her quality of life. Those who love her are concerned with that.

Attorney Karen Forbes, Shaheen & Gordon Attorneys at Law, representing James and Susan Baldini, who reside at 15 Runnymede Drive, submitted a letter to the Board that was distributed to the members' right before the meeting. Attorney Forbes said that the Baldini's will be looking directly into the

windows of the proposed arena. She said that the arena is not an agricultural use; it will be used for rehearsals for theatrical shows. "Behind the Mask" website acknowledges Historic Runnymede is its home, and describes its performances as "precision dance moves on horseback accompanied by powerful, mysterious music...traveling to weddings, horse shows or gatherings in mystical forests." She said it is an intensive development not permitted in the R-2 Zone.

Attorney Forbes said that most of the year there are no leaves on the trees. She said that there is no indication if other horses will come to the site, and if they do, where will those trailers be parked. She questioned what would happen if the venture doesn't succeed. She said the presentation lacks substance and doesn't think a "theatrical troupe" is agriculture.

Cindy Balciest, Soil Scientist, Certified in Sediment and Erosion Control, said the property is an environmentally sensitive area. She said that two programs under NH DES, Alteration of Terrain (AOT) and the Wetlands Bureau do not exempt agriculture. A shoreland protection permit was issued in January 2014, but the plan does not show two of the paddocks on the plan presented. They will need to apply for a new shoreland protection application. The paddock next to the arena is in the jurisdictional wetlands and grazing is not allowed in jurisdictional wetlands. One of the paddocks is located in the tidal buffer zone according to NH DES. She said that a manure maintenance plan has not been submitted; the manure may be picked up continually but horses also urinate and the paddock next to the proposed arena is not in an appropriate area so close to an impaired water.

Tom McCarthy, 76 Atlantic Avenue, said that he likes the view of the farm from his house and when he enlarged his house he designed it to maintain that view. He commended Mr. Perkins for the wonderful job he's done to the farm. He said according to the Agricultural Ordinance only 4 animals are allowed to occupy lots less than 4 acres, he said once the lots are merged it will total 6+ acres leaving two acres on the current Rush property and of that lot it will take ½ acre for the proposed building and 1 acre on the property is wetlands or unusable because of the setbacks. He said that the proposed building's windows can all be opened and the noise and lighting will go through them. He understands that the horses have to be exercised, but there has to be enough land to make that work properly. He opined that it will affect his property value and is not suitable for the neighborhood; the impact on the Weldon property is horrific.

Mr. Kroner opened the Public hearing to those in favor of project:

Cynthia Jenkins, Chair of the Agriculture Commission said that the Commission addressed the concept of the farm and the reality of having it return to an agricultural use. She read the Agriculture Commission purpose statement: *The Master Plan encourages the purchase of conservation and agricultural easements in order to preserve agricultural heritage. Residents have demonstrated continued support for this through easement purchase of farms, pasture land, hay fields and other agricultural spaces.* She said that the Agriculture Commission supports the efforts at the farm to create a first class agricultural facility, which requires an indoor arena/barn for the proper care, management and exercise of their horses, and the storage of related equipment. She referred to the NH RSAs that support and mandate the exercise of horses, which emphasizes the need for this state of the art arena. Ms. Jenkins has a riding arena on Exeter Road and has owned horses since 1962. She said you cannot equate the size of the lot with the size of the building the horse farm needs, and the owners are addressing the issues that

would create a problem, such as, pollution and degradation. The size of the arena is necessary to properly exercise the horses.

Ms. Pohl asked Ms. Jenkins if she knew the density of horses for the size of the lot. Ms. Jenkins did not know.

Mr. Derby asked what the minimum space is to keep these horses healthy and properly trained. Ms. Jenkins said they need to be "turned out" and exercised year round to keep fit. She said it would be a benefit to the Town to have this facility; the school children have visited her farm and arena and loved it, it would be educational for them to see the different level of a barn and different operation.

Dr. Arena, spoke from the audience as a Citizen and not a Planning Board member. He said that all the arguments have been very good, but the discussion should be curtailed due to the late hour. He said he is a direct abutter to Runnymede Farm and the noise element is non-existent; the horses don't make a lot of noise. He said it is stated in their covenants that the horses have the absolute use of the land to exercise.

Mr. Kroner said that it is in the best interest of the Planning Board and Town of North Hampton that the Board meets with Town Counsel prior to the next Public Meeting. There have been a lot of issues brought up and there are Waivers to Site Plan Review Requirements that have to be publicly noticed. Mr. Kroner and Ms. Rowden suggested the applicant request waivers to Section X.D.2.b and c regarding screening around the paddock and a waiver for possible tree species under the Landscaping and Screening Regulations.

Ms. Pohl requested an explanation of the "grazing rights". Mr. Perkins said that "grazing rights" were granted by Peter Fuller when he sold the property; the "grazing rights" are in perpetuity as long as there are horses. The "grazing rights" are on land that runs from the antique barn due east to lot 5 of Maple Road, and on lots 006-002-002, 006-002-003, 006-002-004 and 006-002-005, and is 15 ½ acres including the two subject lots. The "grazing rights" allow the horses to graze and for the paddocks to be located.

Mr. Connolly said the "grazing rights" for the property are recorded at the Rockingham County Registry of Deeds, Book 3239, Page 107, and these rights are described in the property owner's restrictive covenants also recorded at the Registry, Book 3215, Page 1432.

Ms. Pohl asked how the Friesians came to be in North Hampton. Mr. Perkins said that his friends, the Browns, bought one and boarded it at Runnymede Farm and it evolved into moving Mr. Sweeney and Mr. Alvin's Concord and Bow operation to Runnymede Farm with their Friesian horses. Mr. Perkins said that a baby is due in April.

Mr. Perkins said that the "Behind the Mask" discussion was blown out of proportion and they would like the opportunity to address that at the next meeting. The Board agreed that they would have ample time to respond.

Mr. Derby said that the Board has received a lot of complicated and sophisticated feedback for a fairly complex issue and the Board needs time to consult with its experts prior to the next meeting.

Mr. Derby moved to continue Case #14:02 to the April 1, 2014 meeting.

456
457 Mr. Connolly called for a Point of Order. He asked that the Board take jurisdiction of the Application.
458 Ms. Rowden recommended that the Board continue the application without taking jurisdiction. The
459 Board agreed and did not take jurisdiction of the application.
460
461 **Ms. Pohl seconded the motion to continue Case #14:02 to the April 1, 2014 meeting.**
462 **The vote passed in favor of the motion (4 in favor, 0 opposed and 1 abstention). Mr. Kroner**
463 **abstained.**
464
465 **Ms. Monaghan moved and Mr. Hornsby seconded the motion to adjourn the meeting at 10:00pm.**
466 **The vote was unanimous in favor of the motion (5-0).**
467
468 Respectfully submitted,

469 Wendy V. Chase
470 Recording Secretary
471
472 Attachment: Dan Brown letter dated March 4, 2014 and read into the record.
473
474 Minutes approved March 18, 2014
475



DAN BROWN

March 4, 2014

Dear Planning Board members and attendees,

I had very much hoped to be with you in person tonight, and I appreciate your allowing me to speak briefly through this letter.

I grew up on the seacoast, and my parents often took me to see the Runnymede horses and to visit Runnymede's dairy barn for chocolate milk. Even as a young boy, I remember the billboard of Dancer's Image filling me with a deep sense of local pride.

I am not so naive to think that the past can last forever, or that times don't change with progress. Even so, Runnymede has long been one of North Hampton's great historic landmarks, and I truly believe it is worth preserving as a horse farm.

Those of us involved in the perpetuation of Runnymede are committed to helping this important property enter a new phase of life such that it can survive long-term as a horse farm. If we are to accomplish that goal, it is absolutely critical that the farm have an indoor arena to keep the horses exercised and healthy during the long New England winters.

I am writing now with the sincere hope that our presentation tonight is able to convey to you the passion and integrity with which we hope to carry on the legacy of this well-loved North Hampton farm.

Sincerely,

www.danbrown.com

A1 Perkins Read into the record 3/4/14 meeting