



Meeting Minutes
North Hampton Planning Board
Tuesday, December 2, 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; Tim Harned, Vice Chair, Phil Wilson and Jim Maggiore, Select Board Representative.

Members absent: Dr. Joseph Arena and Dan Derby

Alternates present: Nancy Monaghan

Others present: Cliff Sinnott, RPC Circuit Rider, and Wendy Chase, Recording Secretary

Chair Kroner called the meeting to order at 6:30pm.

Chair Kroner ruled to change the sequence of business this evening, and placed the two lot line adjustment cases, #14:17 and #14:18, to the beginning of the agenda after "Old Business".

I. Old Business

1. **Case #14:07 – Applicant, James Jones, 207 Atlantic Avenue, North Hampton, NH 03862.** Site Plan Review Application for property located at 38-42 Lafayette Terrace, M/L's 021-14, 34, 35 and 36. A prior site plan has been approved; the issue is the continued use of similar items stored on the property in lesser volume but stored further back of the same property. The Applicant requests the following waivers to the Site Plan Regulations: VIII.B.19 - grade surfaces for grass, pavement, etc., and percent of sealed surfaces; VIII.B.20- stormwater drainage control plan- and related subparts; VIII.B.25 and X.E. – onsite snow storage; VII – Application fees of \$50.00 per square foot required for Site Plan Review. Property Owner: Same as Applicant; Zoning District: I-B/R – Industrial Business Residential. This Case is continued from the November 4, 2014 meeting.

In attendance for this application:

Attorney Scott Fogg, Counsel to the Owner/Applicant
Jim Jones, Owner/Applicant

Chair Kroner explained that the Town discovered that the subject site has been expanded to land owned by the Town (M/L 21-37).

- Mr. Jones applied for a Site Plan Review application for the August 5, 2014 Planning Board Meeting.

- He attended an Application Review Committee Meeting on July 30, 2014.
- The Applicant met with Jennifer Rowden, RPC Circuit Rider, to go over the waivers to the site plan regulations she suggested that he request.
- Mr. Jones requested continuances of his application each month pending the surveyor's completion of the proposed plan.

Mr. Fogg said that they met with Ms. Rowden and apologized for miscommunication on their part regarding the discrepancies between the proposed site plan and Ms. Rowden's report.

The ARC meeting held on July 30, 2014 - there was discussion of the following:

- Discussion revolved around what items from the site plan check list would be required.
- They discussed that the plan should include traffic entry points to the lots, traffic patterns, parking and vehicle storage areas, other storage areas and what materials would be stored in those areas.
- It was agreed that Mr. Jones and Mr. Fogg would meet with Ms. Rowden to review the list and determine what needed to be included in the site plan. Those lists will then be reviewed by the PB ARC for completeness, and then proceed with the Site Plan Application process.
- It was suggested the applicant consider a voluntary lot merger so the four lots would become one lot. That decision is solely up to the applicant and not a requirement from the ARC or Planning Board.

Ms. Rowden's comments regarding her meeting with Mr. Jones:

- The site plan should show everything that exists on the site, i.e. existing tree line, driveway, etc.
- It should also indicate the areas where "material" and the kind of "material" is stored.
- The driveway that crosses over the other parcel Mr. Jones' owns should at least show the driveway, tree line, utilities (if there are any).
- A note should be added to the plan that nothing is to be stored on the "access crossing only" parcel.

Chair Kroner said the size of the property, zoning district and amount of impervious surface should be added to the plan. He said that the Board needs to determine whether or not to add conditions, such as, storage height of materials, or defer to the State of NH guidelines for height of storage materials. The Applicant requested waivers that typically are items related to a fully developed site. Chair Kroner commented that this is a unique site because it is the storage of vehicles and landscape materials.

Mr. Sinnott referred to Ms. Rowden's comment that nothing be stored on the access portion of the lot and suggested that the Board could also not allow storage anywhere that it is not listed on the lot.

Chair Kroner said that if the site borders another zoning district, that should be added to the plan.

Mr. Harned said that boundary line between lots 35 and 36 is not shown on the plan. He asked Mr. Maggiore for any information on the pending court cases pertaining to the back lot of the site (21-37).

Mr. Maggiore said that it is an ongoing court case and he is not sure if he can give too much information because of Attorney/Client privileged information.

Mr. Fogg said that the ongoing court case only pertains to the back lot (21-37). Ms. Rowden told them to focus on the "pie shaped" lot.

The Board took action on the waivers requested by the Applicant:

Waiver Request VIII.B.20 – Stormwater drainage control plan – Chair Kroner commented that there is nothing being proposed that increases the impervious surface on the site.

Mr. Wilson asked the Applicant if he intended on servicing vehicles on the property, such as changing oil or greasing vehicles.

The Applicant said that there will be no servicing of vehicles on the property.

Chair Kroner opened the Public Hearing at 7:00pm to waiver request, VIII.B.20.

Chair Kroner closed the Public Hearing at 7:01pm without public comment.

Mr. Wilson moved and Ms. Monaghan seconded the motion to approve the waiver request to Section VIII.B.20.

The vote was unanimous in favor of the motion (5-0).

Waiver Request VIII.B.19 – grade surfaces for grass, pavement etc. – Chair Kroner commented that outside of the structure, there's pretty much gravel on the site.

Chair Kroner opened the Public Hearing at 7:03pm.

Chair Kroner closed the Public Hearing at 7:04pm without public comment.

Mr. Wilson moved and Ms. Monaghan seconded the motion to approve the waiver request to Section VIII.B.19.

The vote was unanimous in favor of the motion (5-0).

Waiver Request VIII.B.25 - snow storage

Chair Kroner opened the Public Hearing at 7:06pm.

Chair Kroner closed the Public Hearing at 7:07pm without public comment.

Mr. Wilson moved and Ms. Monaghan seconded the motion to approve the waiver request to Section VIII.B.25, including Section X.E.

The vote was unanimous in favor of the motion (5-0).

Waiver Request VII – Fees (specifically \$50.00 per 1,000 square-feet)

Mr. Fogg explained that this portion of the application was not paid yet pending the results of the waiver request.

Discussion ensued on what exactly the \$50.00 per square-foot is supposed to be based on.

Chair Kroner said that it was his understanding that this portion of the application fee was to cover the costs of the Code Enforcement Officer inspecting the subject properties, but thought that it pertained to square-footage of buildings.

Mr. Sinnott agreed that it probably pertains to buildings.

Chair Kroner opened the Public Hearing at 7:15pm.

Chair Kroner closed the Public Hearing at 7:16pm.

Mr. Wilson commented that the Code Enforcement Officer will inspect the site, so reducing it to zero may not be appropriate. He wasn't sure how to establish a fair and reasonable number.

Mr. Wilson moved and Ms. Monaghan seconded the motion to approve the waiver request to Section VII without prejudice.

The vote was unanimous in favor of the motion (5-0).

Mr. Wilson suggested that for future applications, the Board look into the square-footage fee and how it would pertain to a site without buildings.

Chair Kroner asked the Board if they thought there was enough information to take jurisdiction of the application.

Mr. Fogg said that both the current Building Inspector Kevin Kelley and the prior Building Inspector Richard Mabey agreed that there is no problem with the current use of the property, or the types of materials being stored, and the Applicant has no plans to do anything differently.

Mr. Harned confirmed with Mr. Fogg that he was referring to storage of materials, not processing of materials.

Mr. Fogg said that Judge McHugh met with him and Attorney Matt Serge and said that there shouldn't be a problem getting a site plan approved, and if it were approved, it would be the end of the pending Court Case.

Chair Kroner said the Board can require a note on the plan stating that there will be no processing of material on the site.

Mr. Harned moved and Ms. Monaghan seconded the motion to take jurisdiction of the Site Plan Review Application – Jim Jones, Case #14:07.

Mr. Wilson said that some of the issues he will raise are:

- Will the Applicant consider merging the lots, because if the lot lines are not removed, the owner will be required to allow for a 10-foot vegetated buffer around all of the lots?
- The applicant will be required to allow for adequate screening between the I-B/R zone and all abutting residential properties.
- The lot line depicted on the plan that doesn't finish all the way down has to be corrected.
- The plan should depict all the recommendations made by Ms. Rowden.

The vote was unanimous in favor of the motion to take jurisdiction of the Application (5-0).

Mr. Wilson said that the buffer has to be a vegetated buffer; not just a fence. He said the Board is looking for a site plan that can be recorded at the Registry of Deeds.

Mr. Sinnott commented that all of the lots are germane to the “pie shaped” lot.

Chair Kroner commented that it would have been a good idea to have Town Counsel present for this application.

Mr. Harned said that the Board is not privy to what transpired in court and isn’t sure this is the solution to the problem because they are not sure what the problem is.

Mr. Sinnott suggested Town Counsel review what the Board currently has to review.

Mr. Wilson disagreed; he said the Applicant was directed by Judge McHugh to apply for a Site Plan Review and it is the Board’s job to see that the plan meets the Site Plan Review standards. Mr. Jones has the right to use his property for commercial business, but the Planning Board has to make sure it is done according to the Town’s regulations.

Mr. Harned suggested the following notes be added to the plan if approved:

- No servicing of vehicles
- No processing of materials
- Something to the effect that there be no increase of the amount of impervious surface

Mr. Wilson moved and Ms. Monaghan seconded the motion to continue Case# 14:07 – Jim Jones, to the January 6, 2015 meeting.

The vote was unanimous in favor of the motion (5-0).

2. Case #14:13 Applicant MacDoo LLC, 750 Exeter Road, Hampton, NH 03842 requests a Conditional Use Permit under Article IV, Section 409.10. The Applicant proposes to construct a driveway on upland but within the wetland buffer zone. Property owner: Same as the Applicant; Property location: 225 Post Road, westerly area of lot adjacent to Post Road; M/L: 022-014-003; Zoning District: R-1. This case is continued from the November 4, 2014 meeting.

The Board was in receipt of a letter from the Applicants (MacDoo, LLC) informing the Board that they withdrew their application.

The Board took no action.

II. New Business

1. Case #14:17 – Applicant Rollins Farm Development, LLC, PO Box 284, Stratham, NH 03885. The Applicant requests a lot line adjustment. The intent is to adjust the lot lines to deed Parcel A (0.93 acres) to Tax Map 15 lot 19. The Rollins Hill Development LLC property consists of 106 acres in Stratham, NH and less than 1 acre in North Hampton. Property owner: Dieter Ebert, Rollins Hill Development, LLC, 12 Cedar Road, North Hampton, PO Box 284 Stratham, NH 03885; M/L 015-024-000; Property location: Rollins Farm Drive, Stratham, NH and a portion of Goss Road, North Hampton, NH; M/L 015-024; Zoning District R-2 Residential Medium Density.

There was no one in attendance for this application.

Mr. Wilson moved and Ms. Monaghan seconded the motion to deny the application without prejudice because there was no one present and they did not request a continuance.

The vote was unanimous in favor of the motion (5-0).

1. Case #14:18 – Applicant Duane Hyde, Southeast Land Trust, 12 Center Street, Exeter, NH

03833. The Applicant requests a lot line adjustment between property located on North Road, Tax Map 016-004 and 36 Holly Circle Tax Map 21 lot 7-124, in the 203 Lafayette Road Mobile Home Park owned by Joseph Roy Realty, LLC. The intent is to increase Map 21 lot 7 from 45.3 acres to 45.73 and decrease Map 16, lot 4 from 70.59 acres to 70.15 acres so that Map 21 lot 7 will no longer encroach on Map 16, lot 4 owned by Nancy Rand who intends to put approximately 100 acres into conservation with the Southeast Land Trust. The Applicant requests the following waivers to the Subdivision Regulations: VIII.B 16 – Natural Features and 100-year flood elevation contour, VIII.B.18 – Location of public utilities, VIII.B. 20 – Stormwater Drainage Control Plan and VIII.B. 25 – location of test pits and perc tests. Property owners: Nancy Rand Trustee, Nancy Rand Revocable Trust (16-4), 395 Wallis Road, Rye, NH 03870, and Joseph Roy Realty LLC, (21-7), PO Box 1627, North Hampton, NH 03862. Property location: (21-7) – 203 Lafayette Road, North Hampton and (16-4) North Road rear; M/L 021-007 and 016-004; zoning districts R-1 Residential High Density and I-B/R Industrial Business Residential.

In attendance for this application:

Duane Hyde Director of Land Protection of Southeast Land Trust

Mr. Hyde explained that Mrs. Rand made a very generous donation of land to the Southeast Land Trust in memory of her late husband Charles E. Rand and her late son Charles E. Rand, Jr. It will be called the Charles E. Rand Memorial Forest used for people in Rye and North Hampton to enjoy. There will be miles of hiking trails.

He further explained that Tom Brouillette did the survey and discovered an encroachment onto the property from Mr. Joseph Roy's property consisting of a shed, lawn and grading and a brick patio. Both Parties agreed that a lot line adjustment would be the simplest remedy; Mrs. Rand would like to close on the property by the end of the year.

Chair Kroner commented that it was a pretty straight forward lot line adjustment and decided to take action on all of the waivers requested at once.

Mr. Wilson pointed out that it is not a subdivision plan and that no new building lots will be created.

Chair Kroner opened the Public Hearing on the waiver requests to VIII.B.16; VIII.B.18; VIII.B.20; and VIII.B.25 at 8:00pm.

Chair Kroner closed the Public Hearing at 8:01 without public comment.

Mr. Wilson moved and Mr. Harned seconded the motion to grant the waiver requests.

The vote was unanimous in favor of the motion (5-0).

Mr. Wilson moved and Mr. Harned seconded the motion to approve the lot line adjustment for Case #14:18 Southeast Land Trust – Joseph Roy and Nancy Rand. The vote was unanimous in favor of the motion (5-0).

2. Case #14:14 – Applicant Two Juniper Road, LLC, 2 Juniper Road, North Hampton, NH 03862. Site Plan Review Application. The Applicant proposes to add an addition of approximately 710 square-feet to the existing dental office with an expanded parking lot which meets current dimensional standards. The Applicant requests the following waiver from the Site Plan Regulations: X.D.4 – required 10-foot wide Landscape buffer. Property owners: Two Juniper Road, LLC, 1 Woodridge Lane, North Hampton, NH; Property location: 2 Juniper Road, North Hampton, NH; M/L 017-001; Zoning District: I-B/R Industrial Business Residential.

In attendance for this application:

Eric Buck, Terrain Planning & Design, LLC, Representative to the Applicants

Mr. Buck explained that the Applicant received variances to Article IV, Section 406.1 to allow the expansion of the building, and Article IV, Section 406.8 to allow a five (5) foot landscape buffer where ten (10) feet is required. The proposed site plan moves the location of the entrance across the road from McInnis Auctioneer business. The proposed parking meets the requirement for 90 degree parking; there will be adequate turn-around spaces; the building renovations will expand the building toward Lafayette Road. The end result will make the building more aesthetically pleasing. They are able to meet the 5-foot buffer, a condition set by the Zoning Board, with the exception of the driveway entrance, which will be 1-foot. The proposed landscape plan exceeds the requirements, and they increased the landscape around the building itself.

Mr. Buck received KNA's report today, and there is a list of issues that will need to be addressed.

Mr. Buck addressed the following comments and questions:

- The Regulations require them to have 16 parking spaces; they are requesting the maximum amount, 24 or 25, to accommodate the patients, so the practice can accept as many patients as the site will allow.
- The current parking configuration doesn't meet any standard.
- They could not maintain the 10-foot buffer with only 16 parking spaces.
- Off of Lafayette Road they need a 22-foot driving lane to access the parking spaces and 20-foot parking lot.
- The proposed expansion of 12' 8" is shrinking the amount of usable site space for the parking lot.
- The current buffer ranges from 15-feet to 30-feet. There are arborvitae hedges and a stockade fence.
- The lot is fairly unique because it is surrounded by three roads.
- The business will remain open during construction.
- The second floor is conference space, and the parking is based on both floors.

Mr. Wilson made the comment that it sounds like the Applicant is trying to put 5 pounds of flour into a 2 pound bag and asking the Board for relief from the 10-foot landscape buffer to achieve that. He said it is up to the Board to determine whether that would be in the best interest of the Town, and in the neighborhood.

Ms. Monaghan asked if they could put the dental offices on the second floor, and they said that they could not.

Chair Kroner opened the Public Hearing to the waiver request from Section X.D.4- 10-foot landscape buffer.

Mr. Buck explained that Abutters voiced concerns over the buffer at the Zoning Board meeting. He said that it was his interpretation that the Zoning Board's condition to plant a certain tree to screen the property was a recommendation as to the species. He said timber pines and hemlocks would be better; arborvitaes are not salt tolerant.

Jack McCarthy, 3 Juniper Road – said that he lives adjacent to the subject property. He attended the ZBA meeting and voiced his concern of his view once the project was complete and the Board provided a condition that a certain type of tree be planted to help screen the property, and that is what he wants. He wants as much screening as possible so he is not staring at a parking lot.

Chair Kroner said the type of tree the ZBA recommended is unpredictable and intolerant to salt. He said it is not the best choice because they will be planted so close to the road.

Chair Kroner closed the Public Hearing on the waiver request.

Discussion ensued regarding the variance granted to the Landscape Buffer Ordinance. Mr. Wilson explained that it has nothing to do with 10-foot wide Landscape Buffer requirement under the Site Plan Review Regulations (X.D.4); the Planning Board has the option to deny the waiver request.

Mr. Wilson mentioned the State's Route 1 Corridor plan and asked if the Applicant considered the future expansion of Route 1 and the plan to expand 12-feet onto properties along Route 1. Mr. Sinnott didn't know if the State was still considering that.

Mr. Wilson said that the Planning Board has been requiring that the vegetated buffer be maintained, especially along Route 1, and the Board has consistently denied waiver requests to the buffer strip.

Mr. Wilson asked if the addition could be moved to the side of the building. Mr. Buck said that is where the septic and well is located. Mr. Wilson asked if the septic system could be moved and Mr. Buck said that it could, but it would be very costly.

Mr. Wilson said that it is the type of business that the Board wants in North Hampton and wondered if there was something unique about the property that would enable him to entertain granting relief from the 10-foot buffer.

Neil Hillitun, 1 Woodridge Lane – said that the property is unique in that it is surrounded by roads on three sides of the property. He said that constricts them in a way that that doesn't in other properties along Route 1.

Mr. Maggiore said that there probably aren't many other businesses along Route 1 that is surrounded on three sides by a road and maybe that is the unique distinction with this property.

The Applicant would have to go back to the Zoning Board and request them to amend their condition of allowing a 5-foot landscape buffer down to 1-foot off of Lafayette Road. The Applicant would still have to come back to the Planning Board and request a waiver to Section X.D.4 – landscape buffer from 10-feet down to 1-foot.

The Applicant was aware that the case would be continued, so that they could address the issues raised by KNA, the Town's Engineer and Mr. Sinnott, RPC Circuit Rider.

Mr. Buck requested a continuance, on behalf of the Applicant, to the January 6, 2015 meeting.

Chair Kroner asked that he send a letter of the continuance request to Ms. Chase for the record.

Mr. Wilson moved and Ms. Monaghan seconded the motion to continue Case #14:14 – Two Juniper Road, LLC, to the January 6, 2015.

The vote was unanimous in favor of the motion (5-0).

Chair Kroner called for a five minute recess.

Chair Kroner reconvened the meeting.

3. Case #14:15 – Applicant Paul Powell, Manager of Maple Road 14, LLC, 28 Winnicut Road, North Hampton, NH 03862. Request for confirmation of amended wetland delineation on the approved two lot subdivision plan, approved by the Planning Board on January 7, 2014 (Case #13:14). The Applicant requests a waiver to Section VII of the Subdivision Plan Regulations – Application Fees. Property owner: same as above; Property location: 14 Maple Road, North Hampton; M/L 006-065; zoning district: R-2 Residential Medium Density.

In attendance for this application:

Attorney Steve Ells, Counsel to the Owners/Applicants

Luke Powell, Co-owner/Applicant

Steve Oles, MSC Engineering

Chair Kroner explained that he received advice from Town Counsel, who suggested the Board open the Public Hearing as an amendment to the Subdivision Plan. The amount of uplands had been changed since approval, and would now allow a duplex rather than a single family home.

Mr. Ells said that the Planning Board approved the two lot subdivision in January 2014. One lot had enough upland to meet the requirement for a duplex, and one lot did not. Mr. Powell purchased the property and hired Gove Environmental to re-review the wetland delineation. Mr. Gove discovered there was enough upland on the second lot to meet the requirement to build a duplex. Mr. Powell applied for a building permit and the Building Inspector suggested that they have a site walk and asked Mr. Mike Cuomo from RCCD to come and witness it. Mr. Cuomo confirmed that Mr. Gove's findings were correct. Mr. Oles prepared an affidavit and a new plan showing the new delineation. Mr. Ells said that, as they discussed at last month's Planning Board meeting, because a site plan is needed for a condominium plan, the Board suggested a note be added to the plan explaining that one of the purposes for the plan was to show the most recent wetland delineation, which they did. Mr. Ells said that, in his opinion, that it was the end of the Planning Board's responsibilities after they approved the 2-lot subdivision, and it is up to the Building Inspector to issue a building permit based on the plan that

shows adequate uplands. Mr. Ells said it was their position that there is no reason they should be before the Board; the Building Inspector already confirmed with the Town's expert, Mike Cuomo that there is sufficient uplands for the Building Inspector to issue a Building Permit. The request being made is for the Board to approve the re-delineation of the uplands made by Mr. Gove, and confirmed by Mr. Cuomo.

Chair Kroner said that when an Applicant comes to the Board the abutters are notified and have the chance to review the information and gather their own information if they considered challenging any expert's testimony. He said Town Counsel is concerned that the abutters are not given the same opportunity with the updated plan. The 2-lot subdivision was approved at a Public Hearing and then the plan was changed, but not considered at a Public Hearing, and the approval and change to the plan were in such close proximity.

Mr. Ells wanted it known for the record that there was no "bait and switch" involved. The Developer who purchased the property is not the same party that subdivided the land.

Chair Kroner said it is an unusual case before the Board and wondered if the Board had to take jurisdiction of the revised plan.

Mr. Wilson said that he would not consider taking jurisdiction without a site walk of the property. He referred to Section V. B and C of the Site Plan Review Regulations – Suitability of land.

Chair Kroner did not see the necessity in conducting a site walk; the reason they are before the Board is for the increase in uplands.

Mr. Wilson added, and to also develop the land differently than what the Planning Board envisioned when it approved it.

Mr. Harned said that Board envisioned single family homes on the two lots; he is concerned with the limited amount of buildable area.

Chair Kroner mentioned the Blasting Regulations and the insufficient application form that is being used. He said he spoke to Paul Apple about it. He also said he does not fault the Applicant for blasting at the site.

Mr. Ells said that the Applicant has done everything asked of him at last month's Planning Board meeting. He said that the Board has to take jurisdiction of the plan in order to move forward.

Mr. Wilson moved and Ms. Monaghan seconded the motion to take jurisdiction of the revised plan, showing the re-delineation of uplands.

Mr. Sinnott asked if the Board was taking jurisdiction of re-approving the subdivision plan or just the amendment to the subdivision plan.

Mr. Harned said it is an amendment to the subdivision plan.

Mr. Sinnott asked what would happen if the Board did not take jurisdiction of the plan.

Chair Kroner said that his understanding is that the Developer would be able to build a single family house on the lot; not a duplex.

Mr. Ells said it is an amendment to the wetland delineation.

Chair Kroner said that when the Board approves a plan that delineates the wetlands; they may not be updating the wetland map, but that by accepting a wetland delineation; that becomes the new wetland buffer, and if someone is aggrieved by that then they have to come to the Planning Board.

Mr. Sinnott said that the Board may want to look at Section 409.3 – Wetlands Map, and consider changing the process.

Chair Kroner commented that it is difficult to not approve a subdivision if the uplands and setbacks requirements are met.

The vote was unanimous in favor of the motion to take jurisdiction (5-0).

Chair Kroner opened the Public Hearing.

George Lagassa, 26 Maple Road – said the subject area is very wet and there were ruts filled with water before the recent snow and rain. He referred to the November 2, 2014 Planning Board minutes. There was concern over the size of the building envelope and the two driveways at the crest of the hill that will have more traffic coming and going because there may be 4 residences. At the last meeting Mr. Kroner voiced concern over the amount of flooding that takes place at the site, and Mr. Harned was concerned over the limited amount of buildable area. The wetlands were delineated and flagged by a Wetlands Scientist at the time of the subdivision approval and Mr. Powell was aware of the limits based on the 60,000 square-feet of uplands when he purchased the property. The Board, at the January 7, 2014 meeting, said that although the subdivision meets the requirements, it was a consensus of the Board that it did not meet the spirit and intent of the Zoning Ordinances. Mr. Lagassa said that two duplexes do not fit in with the character of the neighborhood and he is opposed of any granting of any special dispensation by virtue of becoming more lenient of the wetland delineation that was established by a Wetland Scientist, of an accurate depiction of what is there at the site.

Gregory Phelps, 15 Maple Road – said that the proposed condexes do not fit the character of the area whatsoever. He said it is a dangerous precedent for the Board to change a wetland delineation made by a Wetland Scientist hired by the Developer. He said if it is changed, the original owner of the property could possibly bring a suit against the Town because they may not have gotten the full value of their property all along.

Chair Kroner explained that a process did take place. The Code Enforcement Officer did deploy the use of Michael Cuomo from RCCD to go out and witness the delineation done secondarily, and the Town is in receipt of an affidavit to that effect.

Mr. Lagassa referred to the Zoning Ordinance, Article IV, Section 409.3, a process that applies to changes to the wetland map; this is a different matter but there is a process, and the Conservation Commission Chair is supposed to investigate. Mr. Lagassa called Mr. Ganotis Chair of the CC and he was not invited to attend the site walk that took place with the Building Inspector. He said the procedure was violated.

Mr. Sinnott said that in his view, at the Site and Subdivision levels, the HISS map and the onsite wetland map essentially establishes what the Town has defined in the ordinances as the wetlands; it's not changing the Normandeau map, it is defining what the wetlands are at the particular site based on the conditions that are found.

Mr. Wilson said he is concerned with the process; the Chair of the CC goes out to review the property and makes a determination. He said that no one Board Member has that kind of authority. He said the Planning Board has to look at the provision 409.3 very carefully.

Sandra Woodworth, 19 Maple Road – said she lives across the street and was surprised to hear there would be duplexes built on the lots. She said she was also surprised that she was not notified as an abutter.

Secretary's note: Sandra Woodworth is not an abutter to the subject lot, 6-65; she does abut lot 6-65-2.

Chair Kroner called for a recess per request made by the Channel 22 Station Manager.
Chair Kroner reconvened the meeting.

Mr. Ells granted permission on behalf of Mr. Powell to conduct a site walk of the property. Mr. Oles said he would not be in attendance, but would stake out points of interest, as well as, the driveway entrances.

Mr. Wilson moved and Ms. Monaghan seconded the motion to continue Case #14:15 to the January 6, 2015 meeting.
The vote was unanimous in favor of the motion (5-0).

4. Case #14:16 – Applicant Christine Harvey, Sea Breeze Sleep, 27 Lafayette Road, Suite C2, North Hampton, NH 03862. Conditional Use Sign Application – The Applicant requests the following waivers: (1) Article V, Section 506.6.K – Wall Sign. The applicant would like to exceed the 12-foot square footage requirements, and have two wall signs where only one wall sign is permitted per business, and (2) Section VII of the Site Plan Review Regulations – Application fees. The applicant applied for the same application previously but was not in attendance at the Public Hearing on November 4, 2014; this is a reapplication. Property owner: North Hampton Capitol Group, C/O Minco Development, 231 Sutton St., Suite 1-B, North Andover, MA 01845; property location: 27 Lafayette Road, Suite C-2, North Hampton, NH 03862; M/L: 007-057-000; Zoning District: I-B/R – Industrial Business Residential.

There was no one in attendance for this application.

Mr. Wilson moved and Ms. Monaghan seconded the motion to deny the application due to the fact that there was no one in attendance to present the case and no request for a continuance.
The vote was unanimous in favor of the motion (5-0).

III. Other Business

Chair Kroner informed the Board that there was a Public Hearing in Stratham tomorrow night regarding the Rollins Farm Development subdivision.
Rommelman lot line adjustment – 242 & 244 Atlantic Ave.

Ms. Chase informed the Board that the Rommelman lot line adjustment approved by the Board on September 2, 2014 was incorrect. It was discovered at the time of the survey that the buildings did not meet the setback requirements, so essentially the Board, unknowingly, approved a lot line adjustment that created non-conformity. The Applicant went before the Zoning Board on November 25, 2014 requesting a variance to the setback requirement and it was granted. Ms. Chase asked for guidance on how to proceed.

The Board agreed to ratify the prior decision made by the Board on September 2, 2014 and a new Mylar will be required to be recorded.

Mr. Wilson moved and Ms. Monaghan seconded the motion to ratify the prior Decision made by the Planning Board on September 2, 2014, which the Board recognized was improper by a faulty survey, that was remedied by a Zoning Board of Adjustment Variance to Article IV, Section 406 granted on November 25, 2014, with the following conditions:

- 1. Recordable Mylar. Applicant shall submit a Recordable Mylar of the approved plan that includes the following:**
 - a. Depicting location of all existing structures and setbacks on both lots, 008-096-000 and 008-097-000;**
 - b. Signatures and seals affixed of all licensed professionals whose names appear on the plan;**
 - c. All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III;**
 - d. A note shall be added to the plan showing the Zoning Board of Adjustment's approved Variance that allowed the original decision of the Planning Board to be a legal decision.**

The vote was unanimous in favor of the motion (5-0).

The meeting Adjourned at 10:33pm without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved January 20, 2015