



Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, February 17, 2015 at 6:30pm
Town Hall, 231 Atlantic Avenue

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

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13 **Members present:** Shep Kroner, Chair; Tim Harned, Vice Chair; Dr. Joseph Arena, Phil Wilson, and
14 Nancy Monaghan.

15

16 **Members absent:** Dan Derby and Jim Maggiore

17

18 **Alternates present:** None

19

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

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22 **I. Old Business**

23

24 **1. There is no "Old Business".**

25

26 **II. New Business**

27

28 **1. Preliminary Consultation** – John Chagnon, Ambit Engineering, on behalf of Greg Bauer. Site Plan
29 Review – proposal to add a building which will have a garage for business equipment and maintenance
30 with workforce dwelling unit above. Property location: 52 Lafayette Road, North Hampton; Property
31 owner: Jarib Sanderson Trust; M/L 008-024-000; Zoning Districts: I-B/R and R-1.

32

33 In attendance for this application:

34 Steve Riker, Ambit Engineering

35 Greg Bauer, Applicant

36

37 Mr. Riker spoke on behalf of Mr. Bauer. He explained that Mr. Bauer currently has a purchase and sales
38 agreement with the property owner's estate. They were before the Board with a preliminary
39 consultation requesting guidance from the Board on how to proceed with their proposal to build a
40 structure on the property with a dwelling unit above where 4 residential units and 1 office (mixed use)
41 currently exists.

42

- 43 • Jim Gove, Gove Environmental flagged the wetlands on the site.
- 44 • There are currently 4 residential units with an office on the site. Mr. Bauer proposes to remove
45 one of the existing residential units and build a structure to house his construction equipment
with an apartment above to allow an overseer of the property to occupy.

- 46 • There will be no change to the gravel parking area.
- 47 • The proposed new building will look like a residential structure.
- 48 • Landscaping will be added to beautify the property.
- 49 • The new access will be off of Fern Road.
- 50 • They will install paved aprons from the road to the entrance of the property.
- 51 • The proposed plan shows three vehicles housed in the new building with three bays and 60-feet
- 52 deep. There are parking spaces next to the abutting property (currently the Copper Lantern) to
- 53 park up to five cars.

54

55 Mr. Bauer said he plans to clean up the site. He has spoken to the abutters of the property and he said
56 they are supportive of his proposed plan.

57

58 Dr. Arena asked if he planned to store materials at the site.

59

60 Mr. Bauer said that he will not store materials at the site to sell; there will be small piles of materials for
61 emergency purposes and stored in the landscape area and screened by trees. He commented that he
62 has never had any violations with the NH DOT or the Town of North Hampton in his 18 years of business.

63

64 Mr. Kroner said that the frontage requirement needs to be met on all roads the site abuts. He referred
65 to Section 406.4.2 and 406.5 that may require relief from the ZBA. It is a grandfathered use, but may
66 trigger other relief if improvements are made to the site.

67

68 Mr. Sinnott asked if the traffic issues have been taken into consideration. Mr. Riker said that they are
69 looking into different options to address the issues.

70

71 Mr. Harned said that the Applicant will have to go through the ordinances and see what they will need
72 relief from.

73

74 Mr. Riker, using a scale ruler, estimated the frontage to be approximately 320 feet.

75

76 Mr. Wilson said that it is currently a grandfathered non-conforming use because it is "mixed use". He
77 said that "mixed use" is allowed under the Inclusionary Housing Ordinance as long as workforce housing
78 is provided. He said one of the requirements mandated by the State is that the development has to
79 have a minimum of five apartments. He suggested the easiest way, because it would be avoiding the
80 need to request multiple variances, is to figure a way to get five apartments on the site; a requirement
81 of Inclusionary Housing Ordinance. He said going the route of Inclusionary Housing is a process, but may
82 be a less complicated one.

83

84 Dr. Arena asked the Applicant if there were any children living in the current apartments, because under
85 the Inclusionary Housing Ordinance they would be required to provide a recreation area for the
86 children.

87

88 Ms. Monaghan asked if it was the intention that only the 3 vehicles shown on the plan would occupy the
89 proposed garage. Mr. Bauer said that there is plenty of room to house more than that.

90

91 Mr. Wilson suggested that when the Applicant decides what he wants to do, to attend an Application
92 Review Committee meeting to iron out some of the issues prior to a Public Hearing.

93

94 Mr. Wilson said that the Applicant may need a variance because of the building in the wetland setback,
95 but with the new proposed changes to the Zoning Ordinance 409.12, the Applicant may need to seek a
96 Conditional Use Permit through the Planning Board instead of a variance. He said that they may need a
97 variance because it is an expansion of a non-conforming use; the addition of a new building would be
98 considered an expansion.

99

100 Mr. Wilson commented that he was glad to see someone interested in doing something with that site.

101

102 Dr. Arena asked if they had measures in place to control the noise level. Mr. Bauer said there were; he
103 does not want to upset the neighbors.

104

105 **2. Committee Updates**

106

107 a. Long Range Planning (LRP) – No update

108 b. Capital Improvement Plan (CIP) – No update

109 c. Rules and Regulations/Procedures – No update

110 d. Application Review Committee (ARC) – No update

111 e. Economic Development Committee – Dr. Arena said there are plans to put in a natural
112 gas line on Route 1A from Hampton to Rye. Mr. Wilson said that the plan is before the
113 Conservation Commission to put in the gas line from Hampton to Rye on Route 1A; they
114 will eventually have to come before the Planning Board with an application for essential
115 services.

116 f. Select Board – No update

117

118 **III. Other Business**

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120 Mr. Kroner reported to the Board that there were a couple of pertinent questions asked of him at the
121 Deliberative Session on February 7th. The first was regarding changing the 100-foot setback to 75-foot
122 setback under 409.8.B – Prohibited Uses in the Wetlands Conservation District – would a variance be
123 required if replacing an oil tank on an existing home if it were within the 75-foot setback.

124 It was a general consensus of the Board that a variance would not be required because they would be
125 “grandfathered”.

126

127 The second question relates to the changes to the Floodplain Ordinance and if the new changes would
128 affect the current definition of Historical sites in the Zoning Ordinance, Section 413.1.

129

130 Mr. Sinnott said that changes to the floodplain ordinance are for the purposes of the Floodplain
131 Ordinance, Section 514, not the entire ordinance.

132

133 Mr. Wilson referred to SB 146 regarding the new proposed law relative to accessory dwelling units. He
134 asked that the Board authorize him to write a letter to State Legislatures and local newspapers on behalf

135 of the Planning Board that the Planning Board of North Hampton opposes this legislation for three
136 reasons:

- 137 1. It effectively mandates random and premature residential development throughout every town
138 in New Hampshire.
- 139 2. It severely compromises the town's essential responsibility to prepare Master Plans that defines
140 and implements the town's vision for orderly development based on its citizen's values and
141 desires and the unique characteristics of the town itself.
- 142 3. It "claws" back from the State planning and zoning to the State that was previously granted to
143 the municipality without due consideration of the specific needs, wants, heritage and character
144 of each municipality; it sets a bad precedent.

145
146 Mr. Sinnott said that there was a Hearing on SB 146 on February 4th, and as of today there has been no
147 vote taken outside the Senate Committee.

148
149 Mr. Kroner said that a major concern with SB 146 is that it allows a separate dwelling in an accessory
150 dwelling.

151
152 Mr. Wilson said that it doesn't limit the number of accessory dwellings allowed on one lot. He said that
153 Planning Boards don't have authority over ownership of property so any one of them can be turned into
154 condominiums.

155
156 Mr. Sinnott said it is a poorly drafted law that doesn't intend to do the things mentioned by Mr. Kroner
157 and Mr. Wilson. He said North Hampton already allows accessory apartments in a reasonable way and
158 this law may change the legislative body's mind about keeping it. He said they put it under Innovative
159 Land Use Statutes so that Planning Boards could regulate it under Conditional Use Permits rather than
160 by Special Exceptions.

161
162 The Board asked that the letter state the limiting of unattached accessory units.

163
164 Mr. Harned suggested Mr. Wilson add the comments made by the Board and draft the letter for the
165 Board to review at the next meeting.

166
167 Dr. Arena did not feel the need to review it at the next meeting and thought the Board should just
168 authorize Mr. Wilson to pen it and send it.

169
170 Mr. Wilson will draft the letter with the following additions suggested by the Board:

171 Some specific examples of problems this legislation will create for towns like North Hampton
172 that already have provisions for accessory apartments by Special Exceptions, there are the
173 following:

- 174 1. Mandating by definition takes away the flexibility of requiring accessory apartments to
175 be attached or contained within primary structures.
- 176 2. It takes away the flexibility to limit the number of accessory dwellings on one lot.
- 177 3. It opens the door to divisions of lots on which accessory dwellings are built by dividing it
178 into condo ownership.
- 179 4. It provides no guarantee of affordability for units comparable with affordable housing.

180
181

182 **Ms. Monaghan moved and Dr. Arena seconded the motion to authorize Mr. Wilson to send the letter**
183 **to State Legislatures and local newspapers on the Planning Board's behalf.**

184

185 **Mr. Harned made a friendly amendment that Mr. Wilson will draft the letter and bring it back to the**
186 **Planning Board at the March 3rd meeting for the Board's review.**

187

188 **Ms. Monaghan and Dr. Arena accepted the friendly amendment.**

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

190

191 **RPC correspondence regarding NH DOT Ten Year Plan (TYP)** – Board review of the 2015 RPC
192 Transportation Projects List to ensure that priorities from North Hampton are included and identify any
193 transportation service or infrastructure problems that are not being addressed.

194

195 Mr. Sinnott said that the RPC reaches out to communities every two years to see if the projects are still a
196 priority or if there are new ones that need to be addressed. They request feedback from the Select
197 Boards but also reach out to Planning Boards because they have planning ideas.

198

199 Mr. Kroner said that he has been approached by residents regarding the Route 1 and Route 111
200 intersection. He said that solutions to that dangerous intersection are probably predicated on whether
201 the Town Complex gets voted in.

202

203 The Board discussed the dangerous intersection on North Road.

204

205 Mr. Sinnott said that the City of Portsmouth still haven't negotiated the sale with the Railroad. The
206 railroad tracks from Hampton Center to Portsmouth are owned by the Railroad and the NH DOT will end
207 up owning it. The NH DOT owns the tracks from Seabrook to Hampton. The State has first refusal to
208 purchase the tracks from the Railroad.

209

210 The Board decided to reach out to the Select Board as follows:

211

212 The Planning Board supports the improvement of Atlantic Avenue/Route 1 intersection to provide safe
213 crossing for pedestrians and cyclists and would like the Select Board to "pick up" where they left off a
214 year or so ago and look at alternatives to spending over \$3.74 million to reconstruct the bridge over the
215 B&M Railroad at North Road and advocate for reconfiguring that intersection as proposed in the "Route
216 1 Corridor Study" and seeking less expensive alternatives to preserve the integrity of the "rails to trails"
217 project.

218

219 Mr. Harned directed Ms. Chase to pass this information to the Select Board.

220

221 **Minutes**

222

223 **1. January 12, 2015**

224 **2. January 20, 2015**

225 **3. February 3, 2015**

226

227 **Mr. Wilson moved and Ms. Monaghan seconded the motion to approve the January 12, 2015, January**
228 **20, 2015 and February 3, 2015 minutes as written.**

229 **The vote passed in favor of the motion (4 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained**
230 **because he was not present.**

231

232 Mr. Sinnott said that Ms. Rowden will be at the March 3rd meeting for limited hours.

233

234 The Board thanked Mr. Sinnott for stepping in during her absence and for all his help to the Board.

235

236 The meeting adjourned at 8:30pm without objection.

237

238 Respectfully submitted,

239

240 Wendy V. Chase

241 Recording Secretary

242

243 **Approved March 17, 2015**