



Meeting Minutes
North Hampton Planning Board
Tuesday, March 3, 2015 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; Dr. Joseph Arena, Dan Derby, Phil Wilson, Nancy Monaghan and Jim Maggiore, Select Board Representative.

Members absent: Tim Harned, Vice Chair

Alternates present: Tom McManus

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

Chair Kroner called the meeting to order at 6:35pm.

Chair Kroner noted that there was a quorum and seated Mr. McManus for Mr. Harned.

I. Old Business

1. Case #15:01 – Applicant, Two Juniper Road, LLC, 2 Juniper Road, North Hampton, NH 03862.

Conditional Use Sign Application. The Applicant requests a waiver to Article V, Section 506.6.D – Monument Sign. The proposed newly renovated monument sign meets the dimensional requirements and the location will remain the same as the current sign, but the existing foot print falls outside the required 10-foot property line 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. This case is continued from the February 3, 2015 meeting pending further information by the Applicant.

In attendance for this application:

There was no one present for this application. Chair Kroner ruled to move Case #15:01 to the end of the Agenda to give the Applicant a chance to present their case if they were just running late. The Applicant did not appear.

Mr. Derby moved and Ms. Monaghan seconded the motion to deny the Application without prejudice. The vote was unanimous in favor of the motion (7-0).

II. New Business

1. Case #15:02 – Applicant, Roy Mattucci, 83 Woodland Road, North Hampton, NH 03862. Conditional Use Permit Application under Article IV, Section 409.9 and 409.12. The Applicant proposes to build an addition onto the existing porch that will include a bedroom and a handicap accessible bathroom for the purpose of “first floor living”. The proposed addition falls within the 100-foot wetland setback on the neighboring property. The Applicant requests the following waiver – Section VII.B – Other Fees, the Applicant requests relief from agreeing to, and signing of, the “Authorization and Agreement to Pay Town of North Hampton Planning Board Review Fees” (PB07). Property Owners: Roy and Doris Mattucci, PO Box 6, North Hampton, NH 03862; Property location: 83 Woodland Road, North Hampton; M/L 006-136-000; Zoning District: R-2 Medium Density District.

In attendance for this application:
Roy Mattucci, Owner/Applicant

Chair Kroner explained that the Applicant is requesting a waiver to the form “authorization and agreement to pay”. It is the form generally filled out as part of a subdivision or site plan review application. The Applicant did pay for the Conditional Use Permit and Abutter notification fees and is not requesting a waiver to those fees.

Mr. Mattucci referred to the waiver request and said that he fully expected to pay for the application fees, but his position regarding the “authorization and agreement to pay” form is that he does not agree to give anybody, no matter how honorable, a “blank check”.

Mr. Mattucci said that he bought his lot in 1972 and it is a lot of record so that, in and of itself, should abort any further investigation into the wetland situation. He said there is too much reliance on the 1986 Normandeau map; there is a more current wetlands map dated 2014 that shows that his property and the neighbor’s property doesn’t have any wetlands. He is positive, that it is accepted, that his property doesn’t have wetlands, and the proposed addition is more than 100-feet away from any wetlands, so being here tonight may be moot.

Chair Kroner referred to the letter/report from the Conservation Commission essentially stating that they made a motion to affirm that they had no concerns with the proposed application. He also stated that, before the snow fall, he walked the road that heads back into the Boulder’s Subdivision and behind Mr. Mattucci’s property is a wetland complex that drains towards the ocean. He said, as he saw it, there was a stream behind his property.

Chair Kroner said that he doesn’t know what the Board would be giving relief to; how does the Board grant a Conditional Use Permit without knowing how many feet the structure is away from any wetland (the rendering the Board has shows the structure to be 115-feet away from wetlands), or is Mr. Mattucci just asking the Board to recognize that his property doesn’t have wetlands on it.

Ms. Rowden said that if the Board granted the Conditional Use Permit they would be giving permission of the proposed small addition within the wetland buffer. She said that she has no concerns over this application and the small addition in the buffer.

Mr. Wilson said that the Board should find that the relief is unnecessary because the proposed addition shows to be approximately 125-feet away from the wetland.

Mr. Wilson moved and Dr. Arena seconded the motion that the Board finds the Applicant is not required to come to the Planning Board for a Conditional Use Permit based on the information received by the Planning Board as part of the Application.

Mr. McManus wondered if it would be better for the Applicant to withdraw his application and request a refund of his application fees.

Mr. Kroner said that the reason the Applicant is before the Board is because the Building Inspector looked at the wetland map and it showed wetlands on his property.

Ms. Rowden commented that the wetland survey was done for the Cotton Farm Subdivision and not for Mr. Mattucci's property. The Board has a letter from the Conservation Commission, but they are not Wetland Scientists. Ms. Rowden said she suspects that there is not an issue with Mr. Mattucci's proposal and thinks there are ways to work around the Conditional Use Permit that has been applied for.

Mr. Maggiore asked that, if by approving the Conditional Use Permit, would the Board be confirming, in a way, that there are wetlands on the property.

Mr. Wilson said that the Board wanted to they could go through the formal process.

It was the general consensus of the Board to go through the formal process.

Dr. Arena withdrew his second, and Mr. Wilson withdrew his motion.

**Mr. Wilson moved and Dr. Arena seconded the motion to grant the waiver request regarding the form Section VII.B – Other Fees.
The vote was unanimous in favor of the motion (7-0).**

Mr. Wilson moved and Dr. Arena seconded the motion to take jurisdiction of the application.

Mr. Maggiore asked if the discrepancy regarding the distance between the addition and the wetland prevents the Board from having enough information to take jurisdiction.

Mr. Wilson said it is solely up to the Board to determine whether or not it has enough information to take jurisdiction. Ms. Rowden concurred.

Mr. McManus asked if the motion is contrary to the information provided by the Circuit Rider that it is unknown where the wetlands are.

Ms. Rowden said that she thinks the Board needs to take action on the Conditional Use Permit without having the property surveyed on whether it's wet or not, which in this case would be overkill. The information the Board has of where the wetlands are indicates wetlands on the property, without actually having it surveyed.

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

Mr. Wilson said that the Board has been provided with information that affirms that Mr. Mattucci is not building in the wetland setback on his property or the abutting property.

Mr. Wilson moved and Mr. McManus seconded the motion that the Planning Board finds that Mr. Mattucci is not required to come to the Planning Board for a Conditional Use Permit.

Dr. Arena said he is familiar with the area because he once owed two pieces of property in the Boulder's Subdivision and they both contained wetlands. He eventually had to have fill put in to help mitigate the water runoff across his driveway from a neighboring property.

Mr. McManus commented that the Conservation Commission walked the subject property on October 15, 2015 and, in their opinion, found there were no wetlands on the property.

Mr. Derby asked if the Board's Decision remained in place into the future.

Ms. Rowden said that anyone aggrieved by the Board's decision has the right to appeal it within the required 30-days, to Superior Court.

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

Mr. Wilson moved and Mr. Maggiore seconded the motion to refund the application fees except for the newspaper publication and abutter notices.

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

2. Case #15:03 – Applicant, Rollins Hill Development, LLC, PO Box 284, Stratham, NH 03885. Lot Line Adjustment Application. The Applicant proposes a lot line adjustment between Tax Map & Lot numbers 015-019 and 015-024. The intent of the project is to adjust the lot lines to deed 015-024 (0.93 acres) to Tax Map 015 Lot 019. The subject properties, consisting of less than 1 acre, abut the proposed Rollins Hill Farm Subdivision, consisting of 106 acres in Stratham, NH. The lot line adjustment will not create a buildable lot in North Hampton. The Applicant requests the following waivers to the Subdivision Regulations: Section VIII.B.16 – Natural Features; Section VIII.B.18 – Utilities, size and location; Section VIII. B.20 – Stormwater Drainage Control Plan; Section VIII.B.25 – Test Pits, locations and results. Property Owners: Same as Applicant and Dieter Ebert, 12 Cedar Road, North Hampton, NH; Property location: Goss Road Rear, North Hampton, NH; M/L 015-019-000 and 015-024-000; Zoning District: R-2 Medium Density District.

In attendance for this application:

Joe Coronati, Jones and Beach Engineering
Dieter Ebert, Owner of M/L 015-019 – Goss Road rear

Mr. Coronati said that the lot line adjustment will combine the less than 1 acre of land in North Hampton into Mr. Ebert's land in Stratham, NH. The abutters in North Hampton will still receive notices from Stratham regarding the major subdivision.

Mr. Wilson said that voluntary mergers that don't create lots do go through the review process, but cannot be denied by the Planning Board. He further stated that Mr. Ebert's lot is in excess of four acres, but has no frontage. The merger would be expanding a non-conforming use pursuant to Article V,

Section 501.2, *A non-conforming use [cf. 302.31] may be continued but may not be extended, expanded, or changed unless to a conforming use, except as permitted by the Board of Adjustment in accordance with the provisions of this ordinance.* He said essentially the Board is being asked to change a non-conforming lot and has no jurisdiction to do so. The Applicant needs to go to the ZBA for relief from this provision.

Mr. McManus pointed out that the plan had an abutter listed on it that no longer owns the property. It was determined that the new owner was not properly notified of the meeting. The previous owner received the notice (it was forwarded to him at his Florida residence) and he signed for it.

Mr. Wilson moved and Mr. Derby seconded the motion that Case #15:03 – Rollins Farm Subdivision be continued to the April 7, 2015 meeting.

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

Mr. Wilson commented that 501.2 is a quirk in the ordinance that the Board should address.

III. Other Business

1. Any other business to come before the Board.

Mr. Wilson distributed copies of a letter he was authorized by the Board at the last meeting to draft regarding the Board's opposition of SB 146 – Accessory Dwellings. He commented that he did not involve the Planning Administrator because she is a town employee and it would be considered electioneering.

Mr. Wilson took Mr. Derby's suggestions and added the following sentence at the end: SB 146 essentially eliminates zoning for residential purposes by municipalities in New Hampshire. Chair Kroner will sign the letter on behalf of the Planning Board.

Ms. Monaghan moved and Mr. McManus seconded the motion that the letter drafted by Mr. Wilson be approved by the Planning Board and sent out with Chair Kroner's signature, to the appropriate parties.

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

Chair Kroner reminded everyone of the upcoming Election on March 10, 2015 and of Candidates Night on March 4, 2015.

Mr. Wilson will send a final copy of his letter to each of the members electronically.

The meeting adjourned at 7:52pm without objection.

Respectfully submitted,

Wendy V. Chase

Recording Secretary

Approved March 17, 2015