



Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, April 21, 2015 at 6:30pm
Town Hall, 231 Atlantic Avenue

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

Members present: Shep Kroner, Chair; Tim Harned, Vice Chair; Dan Derby, Phil Wilson, Nancy Monaghan, Josh Jeffrey and Jim Maggiore, Select Board Representative.

Members absent: None

Alternates present: None

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

I. Old Business

1. Matt Serge – recommendation on clarification of the newly adopted definition of “Structure”.

Mr. Harned explained that at the March 17, 2015 the Board made a motion to add a footnote to the definition of “Structure” that was voted on at the March 10th election to help clarify its meaning. Both the Building Inspector and RPC Circuit Rider received phone calls regarding its ambiguity. Mr. Harned sent Mrs. Chase an email to forward to Attorney Matt Serge and ask his opinion on the footnote and asked if the Board could vote to change the structure of the sentence as an administrative change that would not require town vote. Attorney Serge opined that although the definition reads correctly it is not a good idea for the Planning Board to provide any interpretive comments to the zoning ordinance. He suggested the Planning Board send a memo to the Building Inspector that sets out the intention /interpretation of the structure definition of the Board’s intention along with the meeting minutes that show what was intended.

It was a general consensus of the Board that the reordering of the wording is an administrative change.

Ms. Rowden agreed that if it is just the reordering of the sentence it is an administrative change, but thinks it would be a good idea for the Board to provide her and the Building Inspector with a memo as suggested by Attorney Serge.

46 **1. Mrs. Monaghan moved and Mr. Maggiore seconded the motion to rescind the motion**
47 **made on March 17, 2015 to add a footnote under the definition of "Structure" and to change**
48 **the Ordinance as an administrative change as follows: Structure:** Anything constructed
49 or erected, the use of which requires a fixed location on or in the ground or requires an
50 attachment to something having a fixed location on the ground. "Structure" under this definition
51 includes, but is not limited to leach fields that are, in whole or in part, constructed above grade;
52 septic systems, buildings, billboards, carports, porches, swimming pools, tennis courts, and
53 building features. For the purpose of this zoning ordinance leach fields that are constructed
54 entirely below grade, sidewalks, driveways, fences, and patios are not deemed to be structures,
55 and in addition provide a memorandum to the RPC Circuit Rider and Building Inspector explaining
56 the Board's intention of the meaning of "Structure".

57 **The vote passed in favor of the motion (6 in favor, 0 opposed and 1 abstention). Mr. Kroner**
58 **abstained because he did not vote on the original motion made on March 17, 2015.**

59
60 **2. Correspondence from Mary Drake Hale regarding "Drake Hill".** – The Board was in receipt of
61 a letter from Mary Drake Hale regarding the monument located at the Drake Farm property that
62 her family once owned. The barn on the property is being renovated and will house Hubbington
63 Furniture. Mrs. Hale has been in contact with the property owner and he plans to preserve the
64 monument.

65
66 Mr. Wilson questioned why a Site Plan Review was not required by the Building Inspector, with
67 such significant changes being made to the site.

68
69 The change in use was retail to retail and the Building Inspector determined that the use was
70 not a change to a dissimilar use. The prior use was retail (book/antique store) and the new use
71 is a retail use (furniture store).

72
73 Mr. Wilson felt that significant changes are being made to the site and referred to the Site Plan
74 Review Regulation V.B.1.c – *Any change of use which, in the opinion of the Building Inspector,*
75 *requires Planning Board approval in order to safeguard the health, welfare, morals, convenience*
76 *and safety of North Hampton's citizens.* He commented that it is a very dangerous intersection.
77 There probably should have been a traffic engineering study done. He said if they intend on
78 using the house as a "showroom" that would require more parking spaces which would require
79 site plan review pursuant to Site Plan Regulation V.B.1.b.

80
81 Mr. Kroner said that Mr. Kelley required that the owner install a fire suppression system.

82
83 Mr. Maggiore said that the property owner received a discretionary barn easement that the
84 Select Board approved because the Applicant met all of the requirements. The Select Board did
85 not approve anything beyond that.

86
87 Mr. Wilson said that this is a perfect time to require offsite improvements because of the
88 dangerous intersection it sits on. They should have traffic engineers involved to design a safer
89 environment, for example a deceleration lane.

90

91 It was a general consensus of the Board to invite Mr. Kelley to attend the next Work Session to
92 go over the redevelopment plan for the Hubbington Furniture store.

93
94 Mr. Harned will contact Mr. Kelley by email and invite him to attend the next Work Session on
95 behalf of the Board.

96
97 **Mr. Wilson moved and Ms. Monaghan seconded the motion to empower the Vice Chair, Mr.**
98 **Harned, who presides over the Board's Work Sessions to request that Mr. Kelley, Code**
99 **Enforcement Officer attend the May 19, 2015 Work Session to discuss issues that have been**
100 **raised with respect to the redevelopment of the "Drake Hill Farm" property and some of those**
101 **issues include whether the existing plan that he is working with them to realize shows,**
102 **1. Adequate parking; 2. Adequate drainage; 3. Adequate safety provision for ingress and**
103 **egress onto Route 1, and whether the project includes converting the use of the residence**
104 **from residential to business use and whether there is a site plan on record that he is basing**
105 **the work on and any other matters that may be of interest to the Board.**
106 **The vote was unanimous in favor of the motion (7-0).**

107
108 Mr. Kroner said that he received a letter for Richard Skowronski regarding his conditionally
109 approved Conservation Subdivision "Rocky Ledge". He is having trouble meeting the condition
110 of approval regarding the conservation easement deed. He said that they received input from
111 the Rockingham Planning Commission back in 2009 for their draft easement and now they no
112 longer take conservation easements and is no longer interested in their conservation land. Mr.
113 Skowronski has had conversations with the Southeast Land Trust and the Society Protection of
114 New Hampshire Forest and neither one are interested in working with them on a conservation
115 easement; both organizations are uninterested in land that is owned by a homeowner's
116 association. He asked if the Planning Board knew of any other organizations in the area that
117 would be interested in a homeowner association owned conservation easement to please let
118 him know.

119
120 Mr. Wilson said that the remedy would be that Mr. Skowronski and Ms. Hanna donate the
121 easement to the Town of North Hampton and leave the fee interest with the homeowner's
122 association, which will presumably be formed once they sell off the lots. Mr. Wilson said that he
123 believes the Select Board cannot refuse to accept an easement on conservation land when
124 donated under those terms.

125
126 Mr. Kroner will reach out to Brian Hart of the Southeast Land Trust to get clarification on the
127 matter.

128
129 **II. New Business**
130 **1. Todd Baker, TCB, LLC – request for a 2-year extension for conditionally approved for Site**
131 **Plan – November 5, 2013. Site Plan Regulation VI.E.2.a. – Hampton Airfield 9A Lafayette**
132 **Road; M/L 003-061-000.**

133
134 Ms. Rowden said that the Applicant must request a waiver to the provisions of VI.E.9 and adhere to the
135 public meeting noticing requirements. The Board can either grant or deny the waiver request and can
136 vote to require a new site plan review if they determined the conditions have changed appreciably.

137 Mr. Wilson read from the Site Plan Regulation Section VI.E.2.a – *if the conditions are not met within one*
138 *year, the conditional approval shall lapse, unless granted a one year extension by the Board prior to the*
139 *expiration date.*

140

141 Ms. Rowden said the Board can waive their own regulations, even if it states the word *shall*.

142

143 Mr. Kroner said that he doesn't have a problem granting the waiver because he doesn't see the benefit
144 to the Town to make the Applicant go through the Site Plan Review process again.

145

146 The Applicant was notified that the Conditional approval had expired in November 2014 and chose not
147 to apply to the Board at that time.

148

149 **Mr. Wilson moved and Mr. Kroner seconded the motion to affirm the decision that the opinion the**
150 **Planning and Zoning Administrator has given to the Applicant in order to remedy the situation that he**
151 **needs to apply for a waiver to Section VI.E.2.**

152

153 Mr. Harned said that at that time the Board can either grant the waiver or not and require the Applicant
154 to go through the Site Plan Review process.

155

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

157

158 **2. Committee Updates**

159 a. Long Range Planning (LRP) - no update

160 b. Capital Improvement Plan (CIP) - no update

161 c. Rules and Regulations/Procedures - no update

162 d. Application Review Committee (ARC) – Mr. Kroner said that it came to his attention at the
163 Site Walk at 52 Lafayette that the Applicant was under the impression from the ARC meeting
164 that it was suggested to him by the Committee to add the single-family home to his
165 development plan and that it had to be categorized as Workforce Housing. Mr. Wilson, Mr.
166 Harned and Mr. Jeffrey said that was not the case.

167 e. Economic Development Committee – Mr. Maggiore will find out when the Economic
168 Develop Committee will be meeting and let Mr. Wilson know.

169 f. Select Board – Jim Maggiore – Mr. Maggiore said that he will raise the question with the
170 Heritage Commission on Thursday regarding Discretionary Easements before the Commission
171 that there be some consideration for business development in that subject building and give
172 careful review of the application to see if it should receive Planning Board review. He also
173 updated the Board on the town campus. The Town Campus Advisory Committee is currently
174 meeting and has had one meeting prior to this, and members of the public are attending. The
175 committee is charged with giving the Select Board a view of what can get approved at next
176 year's election.

177

178 Mr. Kroner said that the municipal facilities fell under the Planning Board purview and wondered
179 whether or not the Planning Board should re-inject work in the municipal planning.

180

181 Mr. Wilson said that the Planning Board dealt with municipal facilities and services for the Master Plan
182 in 2001 and 2005. He opined that the town campus project is beyond the Planning Board.

183

184 The Board discussed the consequences of purchasing a piece of property on Route 1 to construct a town
185 complex. The Town has a limited commercial district and it is the town's tax base. If the Town were to
186 purchase property it would be well over a million dollars and be off of the tax rolls forever; that's a huge
187 loss especially if the property was used for a tax positive business; a business that generates business
188 without using many town services.

189
190 Mr. Kroner commented that he has heard town residents say that a lot of property was taken off the tax
191 rolls when purchased by North Hampton Forever and put into conservation. Mr. Harned said that's not
192 the same because the land put into conservation was residential land, not commercial property.

193
194 Mr. Kroner said that the Master Plan should be updated so it is consistent with what is currently going
195 on with the research of the town campus.

196
197 Ms. Rowden said that there is funding opportunity with the Piscataqua Region Estuary Partnership, they
198 have a grant available for water quality related ordinances in the coastal watershed and thinks North
199 Hampton is a good candidate to work on some of the wetland buffer issues. It can be used to amend the
200 zoning ordinances and as an outreach to the public informing them of the benefit to the town. The
201 grant may also qualify for the new MS4 Stormwater permit from EPA by updating the stormwater
202 ordinance and site plan regulations to be consistent with the new EPA permit. She further explained that
203 it does require a match of 25% that has to be cash. She said the turn-around time is short and it would
204 be helpful for the Board to be prepared at the next Work Session of what they want to work on. Ms.
205 Rowden said North Hampton is the only town on the Coast that doesn't have a vegetated buffer
206 requirement. She said that there is a model stormwater ordinance out there that many towns have
207 adopted. She said that it will be additional technical assistance from RPC because she could work on it
208 without it being taken out of the Circuit Rider budget.

209
210 Ms. Rowden opined that the current wetlands ordinance needs a major overhaul. They could work on
211 the wetlands ordinance and incorporate the vegetated buffer ordinance at the same time.

212
213 It was decided that Ms. Rowden, Mr. Harned and Mr. Maggiore will meet to "flesh out" both the
214 stormwater ordinance and vegetated buffer ordinance to see which one makes more sense to work on
215 through the proposed grant and report back to the Board with their findings.

216
217 The Board went over their thoughts on what they felt was most important to work on over the coming
218 year.

219
220 Ms. Monaghan:
221 1. Continued work on the Vegetated Buffer Ordinance
222 2. Review of the Accessory Apartments Ordinance
223 3. Subdivision Regulations (in light of what happened on Maple Road with the upland change on the
224 approved and recorded Mylar).

225
226 Mr. Wilson said that there are two categories; one is housekeeping items and the other is major goals
227 items. The three major goals:

- 228 1. Establish a Village Center
229 2. Establish a Vision Process for the commercial district

230 3. Make land use planning this year's master plan section of choice supporting village center and vision
231 process.

232 4. Senior Care Facility (revenue positive)

233

234 Mr. Wilson said that there is an opportunity to push an economic agenda that would be good for the
235 Town. He said it was Mr. Kroner that thought of the Village Center and Senior Care Facility as an allowed
236 use; both good ideas. He suggested maybe joining forces with the Economic Development Committee
237 and the CIP Committee to develop a tax base.

238

239 Mr. Kroner said that there may be a property tax problem in the future and the commercial district is
240 the best mechanism in reducing the impact on the residents. He said that the Board can't do it on its
241 own; they need to have community input through visioning sessions.

242

243 Mr. Kroner:

244 1. Nonconforming Ordinance, Section 506.2 – the Planning Board has to send a lot of applicants to the
245 ZBA because of it and it should be reviewed and/or amended.

246

247 Mr. Jeffrey:

248 1. Senior Care Facility – it's a good idea.

249 2. Creating more business revenue along Route 1.

250

251 Mr. Derby:

252 1. Develop a Vision of the Commercial District. The development should be inclusive of the Town
253 Offices.

254

255 Mr. Maggiore:

256 1. Review of the Sign Ordinance – it is important to have a viable commercial entity to contribute to the
257 tax base and he has heard from many business owners how frustrating the sign ordinance is.

258

259 The Board decided that the Long Range Planning Committee will work on the long term goals and report
260 back to the Board next month on a plan or a vision.

261

262 Mr. Harned said that the other members of the board will exchange emails and prioritize the list and
263 come back to the Board next month with a list of what they perceive the task that needs to be done or
264 even with the task done for the Board to review.

265

266 **Determination of a "number" of when the Town reaches its "fair share" of Workforce Housing Units.**

267 Mr. Harned said that he is willing to take on this task and investigate how the RPC has come up with the
268 numbers. He will report back to the Board with information he gleans.

269

270 Ms. Monaghan said that leaving the Inclusionary Housing Ordinance open it is contrary to the ban on
271 mixed use in the IBR; as long as workforce housing is open anyone can come in and put in apartments
272 and call them Workforce Housing units.

273

274 Mr. Wilson said that the town is required to offer Workforce Housing and the mixed use provision was
275 put in to make it feasible and that would "stand up" under reasonable and realistic opportunities. He

276 further explained that Workforce housing development requires a lot of work and a lot of expense so it
277 won't be something the Board will be buried under.

278

279 Mr. Wilson said that before they decide to "shut off" the Inclusionary Housing Ordinance because the
280 Town meets a certain "fair share" number, he would like to have greater confidence that the Town is
281 providing it's "fair share" and the data to back it up is legally defensible.

282

283 **Mr. Wilson moved and Ms. Monaghan seconded the motion that, at this point, the Board finds that**
284 **the Town is at its "fair share" of Workforce Housing, but wants to investigate, and if it finds otherwise**
285 **the Board will revisit the decision.**

286

287 The motion will not affect Mr. Bauer's Application because it is already in the system.

288

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

290

291 **Meeting Minutes**

292

293 **March 17, 2015 – typographical mistakes were corrected. Mr. Wilson moved and Ms. Monaghan**
294 **seconded the motion to approve the March 17, 2015 meeting minutes as corrected.**

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

296

297 **April 7, 2015 – Mr. Wilson asked that the 2.3% of housing stock on line 216 be checked on. Mr. Wilson**
298 **moved and Ms. Monaghan seconded the motion to approve the April 7, 2015 minutes with the**
299 **correction of the % when confirmed with Ms. Rowden.**

300 **The vote passed in favor of the motion (6 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained**
301 **because he was not present at the April 7, 2015 meeting.**

302

303 Respectfully submitted,

304

305 Wendy V. Chase

306 Recording Secretary

307 Approved May 19, 2015