



**Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, May 19, 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, arrived at 7:30pm; Tim Harned, Vice Chair; Dan Derby, Phil Wilson, Josh Jeffrey, Nancy Monaghan, 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. None

II. New Business

1. Richard Skowronski and Leila Hanna to discuss conditionally approved Conservation Subdivision – Rocky Ledge.

Mr. Skowronski and Ms. Hanna were both present for the discussion.

Mr. Skowronski and Ms. Hanna received conditional approval for a conservation subdivision on March 9, 2009 and have received yearly extensions by the board annually. Mr. Skowronski explained to the board that he is having trouble meeting condition #7 which states: "Applicant shall submit to the Planning Board an executed copy of the Conservation Easement Deed burdening the conservation land in the Rocky Ledge Subdivision that has been executed by all parties, thereto, including Grantor, Grantee, and the Town of North Hampton as holder of an Executory Interest in said Easement. Applicant understands that the Town shall secure a review of the Conservation Easement Deed by Town Counsel prior to execution of the Deed by the agent of the Town."

Mr. Skowronski said that originally they were working with the Rockingham County Conservation District on the easement but learned back in December 2014 that they no longer take conservation easements. He researched other land trusts and the only one interested was the Southeast Land Trust but they

required extensive changes to the design; some that would conflict with the conservation subdivision. He asked for guidance from the Board.

Mr. Wilson said the simplest solution is to put the easement into the hands of the Town, and perhaps they would contract with an outfit to do the monitoring of the easement; the Conservation Commission would otherwise be responsible for monitoring it. He said there is a similar set up on the two acres in the middle of the Runnymede Farm development. Mr. Wilson said the way to go about it is to reach out to the Select Board to authorize the acceptance of the conservation easement, and by state law, they cannot reject it. The homeowner's association or the property owner would be the "Grantor" and the Town would be the "Grantee"; both parties work together to decide who will monitor it.

Mr. Skowronski asked what would prevent a person, who believed they had the authority, to go on the property whenever they wanted if it was the Town that held the easement. He voiced concerns over people trespassing on his property.

Mr. Wilson said the easement can be drafted to include "no public access" but the owner cannot deny access onto the property for monitoring purposes. He said that if it is stated within the easement that there is no public access and if anyone goes on the property it is considered trespassing.

Mr. Wilson suggested Mr. Skowronski look at sample conservation easements already existing in town to use as a guide to draft a conservation easement and schedule an Application Review Committee meeting to review it and recommend to the Planning Board to approve it.

Mr. Skowronski asked the costs involved with the town holding the conservation easement deed. Mr. Wilson said he doesn't believe the Conservation Commission has ever charged for monitoring conservation properties, but that may have changed.

Mr. Harned suggested Mr. Skowronski contact the Conservation Commission Chair for more information on monitoring conservation easements held by the Town. He said basically the Town will own the development rights (conservation easement) of the property and the owner of the Fee Simple Absolute owns the land. Mr. Skowronski said the future homeowner's association will own the Fee Simple Absolute.

2. Committee Updates from prior or current committee members if any:

a. Long Range Planning (LRP) – The Committee plans to meet to go over the Master Plan and prepare it to be placed on the town's website.

b. Capital Improvement Plan (CIP) – Ms. Monaghan reported that the CIP Committee is meeting on July 10, 2015; the Department Heads are getting their information together to have ready for that meeting.

c. Rules and Regulations/Procedures – Have not met; no update.

d. Application Review Committee (ARC) – Have not met; no update.

e. Economic Development Committee – Ms. Rowden said that the Exeter Chamber of Commerce is hosting an Economic Development Forum in Newmarket on June 3, 2015. Mr. Apple sent an email to each of the EDC members inviting them to attend. Some of the things they will be going over are the development in Newmarket and economic development tax incentive rules such as, tax incentive districts.

Discussion ensued about TIF – Tax Increment Financing. Mr. Wilson explained that in a TIF District a portion of the amount of taxes paid by businesses in that district goes toward a capital improvement project. He gave an example that if the portion of taxes comes out to be \$500,000 that amount goes toward the capital improvement but the \$500,000 is taken away from the town's revenue so the taxpayers end up with that burden. Ms. Rowden said that it generally works in the town's best interest, but sometimes it does not.

f. Select Board – Jim Maggiore – reported that the Select Board approved to fund the matching grant amount so that the Planning Board may move forward in applying for the Piscataqua Region Estuaries Partnership (PREP) grant to be used to upgrade the town's stormwater regulations to assist in dealing with the new MS-4 stormwater permit that is coming out that the town has to comply with this year, or early next year. The stormwater regulations will have to be upgraded to comply with the new permit. The Grant will help pay for technical assistance to get that done. Ms. Rowden said it is a straight forward ordinance change and the Southeast Watershed Alliance put out a model ordinance. Any time the board or staff spends on it can be considered an "in kind match"; the federal volunteer rate is \$20.07 per hour. The total cost to the Town is \$838.40. The proposed vegetated buffer ordinance would not be covered. Mr. Harned said that even though it is not covered under the grant he would like the Board to move forward on it. Ms. Rowden said she can draft something.

Mr. Maggiore said that discussions regarding a cell tower on Mill Road have slowed down because the Select Board has not heard from the appropriate homeowners.

Mr. Maggiore said that there will be a Public Hearing on the "town complex". The Committee presented their opinions to the Select Board. Mr. Maggiore said that the "number" given by the committee has not been validated and should not be taken as "Gospel". The Public Hearing will be held on May 27, 2015 at 7:00pm.

Mr. Wilson suggested the Select Board consider changing the entire fire department into EMS Service only and contract fire services from Hampton and Rye, so accommodations don't have to be made to house the ladder truck and other fire apparatus.

III. Other Business

1. ¹Items laid on the table

a. Proposed Zoning Ordinance amendments/additions and/or Regulation amendments/additions Discussion.

Mr. Harned handed out a work list he consolidated and organized based on based on the board's discussion. The list is attached.

The Board discussed SB 146 – Accessory Dwelling Units. The board thought it best to hold off on any changes to the Accessory Apartment Ordinance because the state is going to vote it inexpedient to legislate because they did not have a strong enough opposition. He suggested the Board wait until next year to see how SB 146 pans out. He said if it passes the town will have to correspond with what passed. The Board agreed to wait.

Mr. Kroner said the only problem he has with the current accessory apartment ordinance is that it gives some landowners more "rights" than others. A homeowner whose house was built after 1990 does not have the same property rights as a homeowner whose house was built before 1990. He asked why a property owner can have more rights if their house existed before 1990 than a property owner whose house was built after 1990; it's simply not fair.

Mr. Wilson agreed and said that they can discuss whether to take that provision out of the list of criteria for a Special Exception, but if they did that they should also change accessory apartments to a conditional use permitting process under the Planning Board purview instead of a special exception process under the ZBA purview.

Ms. Monaghan said she will keep track of SB 146.

Mr. Kroner said that Mr. Jim Better, a member of the North Hampton Business Association, has invited the Board to a luncheon that will be held on Wednesday, May 27th at noon at the Town Hall to discuss promoting business in town.

Mr. Wilson, Mr. Kroner, Mr. Derby and Ms. Monaghan will be attending. Ms. Chase will post an agenda because there will be a quorum of the board.

The Runnymede Farm court ruling was received and Ms. Chase forwarded a copy to the members.

b. Minutes

i. April 21, 2015

ii. May 5, 2015

Mr. Wilson moved and Mr. Derby seconded the motion to approve the April 21, 2015 and May 5, 2015 as presented.

Ms. Monaghan asked that a substantive change be made to the May 5, 2015 minutes.

Mr. Derby withdrew his second, Mr. Wilson withdrew his motion.

Ms. Monaghan asked that line 245 be changed as follows: Ms. Monaghan reminded Mr. Bauer that at the last meeting she had asked how many vehicles would be parked outside the garage, and he had replied none. She noted that he was now listing dump trucks, trailers and heavy equipment that will be parked outside the garage. Mr. Bauer replied, "There is not enough room for everything in the garage." Ms. Monaghan asked if Mr. Bauer had known that at the last meeting. He said: "I knew it butI wasn't aware of the answer to the question in full, I guess." He said he will store approximately six vehicles outside, as depicted on the plan.

Ms. Monaghan reviewed the recording of the meeting to verify.

Mr. Wilson moved and Mr. Derby seconded the motion to approve the April 21, 2015 minutes as written.

185 **The vote was unanimous in favor of the motion (7-0).**
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187 **Mr. Wilson moved and Mr. Derby seconded the motion to table the May 5, 2015 meeting minutes and**
188 **ask Ms. Chase to verify the change by reviewing the recording.**
189 **The vote was unanimous in favor of the motion (7-0).**
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191 The meeting adjourned at 8:45pm without objection.
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193 Respectfully submitted,
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195 Wendy V. Chase
196 Recording Secretary
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198 Approved June 16, 2015
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