



Meeting Minutes
North Hampton Planning Board
Tuesday, February 2, 2021 at 6:30pm
NO PHYSICAL LOCATION FOR MEETING
MEETING ACCESSED THROUGH ELECTRONIC MEANS ONLY

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

In attendance: Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Lauri Etela, Shep Kroner, and Jim Maggiore, Select Board Representative; Alternate Member Valerie Gamache; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:32pm. Mr. Harned noted that the meeting was being held by electronic means as authorized by State of NH Executive Orders associated with the current public health crisis. The public may participate during public comment periods using the posted email address or phone number.

Ms. Gamache was seated for Mr. Kilgore.

I. New Business

1. Case #21:04 – Applicants: Jeffrey and Kristen Osborne, 14 Walnut Avenue, North Hampton, NH 03862. The Applicants request a Conditional Use Permit to allow construction of home addition and deck within the Wetlands Conservation District buffer zone. Property Owner: Jeffrey Osborne, 14 Walnut Avenue, North Hampton, NH 03862. Property Location: 14 Walnut Avenue, North Hampton, NH 03862; M/L: 014-124-000; Zoning District: R-1, High Density District.

In attendance for this application:

Jeffrey and Kristen Osborne, applicants; Christopher Berry, engineer.

Mr. Berry addressed the Board. Mr. Berry presented a site plan for the 14 Walnut Avenue which included the following:

- a. existing late 1970's era ranch-style single family home on a one half acre lot,
- b. wetlands along lot line at the rear of the property,
- c. former 50 foot and current 100 foot wetlands setback boundaries,
- d. building envelope created by lot line and wetlands structural setbacks,
- e. proposed 18 foot by 14 foot addition to the home within footprint of former deck location at rear of home, and
- f. proposed 20 foot by 14 foot deck adjacent to the addition at the rear of the home.

Mr. Berry explained that the applicants were seeking a conditional use permit to allow construction of the proposed home addition and new deck within the wetlands buffer area. Even though the property was eligible for an exception to allow the former 50 foot wetlands setback rather than the current 100 foot setback, the proposed construction extended further into the wetlands buffer setback than the principal home structure. Therefore, according to zoning ordinance regulations, a conditional use permit needs to be issued to allow the proposed construction.

Mr. Berry further explained that the proposed 252 square foot addition will create space for a new kitchen and allow a more usable flow to the interior floor plan of the home. As part of the construction plan, a 2 foot wide and 2 foot deep crushed stone drip edge will surround the proposed addition and deck construction. The drip edge will capture, treat, and infiltrate the stormwater run-off generated from the existing home and the proposed construction. Crushed stone will also be placed under the deck. The total impact of the proposed construction on the wetlands buffer area will be 559 square feet. The proposed construction will be approximately 88 feet from the wetlands boundary at its closest point. The effective impervious surface impact will be reduced by the proposed drainage features.

Mr. Berry produced a certified wetlands scientist report which stated that the proposed construction will not negatively impact the function or value of the wetlands. A buffer of native wetlands shrubs is proposed to be added along the wetlands boundary to delineate the transition from the yard lawn to the wetlands area and enhance the wildlife habitat function of the wetlands.

Ms. Rowden stated that the application is complete in her opinion. She suggested that a condition of approval be that the site plan on file with the Town associated with the conditional use permit application have an original wetlands scientist stamp and signature.

Mr. Wilson moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #21:04 to allow construction of home addition and deck within the Wetlands Conservation District buffer zone. Second by Ms. Monaghan. The roll call vote was unanimous in favor of the motion (7-0).

Mr. Wilson stated that it appears that the proposed construction only adds 320 square feet of new impact within the wetlands buffer area and other possible location for the addition would impact upon the front yard setback closer to the road.

Mr. Harned opened the public hearing at 6:48pm. No comments were made. Mr. Harned closed the public hearing at 6:51pm.

Mr. Wilson moved that the Planning Board approve the Case #21:04 Conditional Use Permit application to allow construction of home addition and deck within the Wetlands Conservation District buffer zone prohibited by Town of North Hampton Zoning Ordinance Section 501.6.C.3.d as represented in the application presented to the Board subject to the condition that the applicant submits a copy of the approved plan for the 14 Walnut Avenue property with original wetlands scientist stamp and signature affixed. Second by Mr. Kroner. The roll call vote was unanimous in favor of the motion (7-0).

2. Case #21:05 – Applicant: North Hampton Conservation Commission, 233 Atlantic Avenue, North Hampton, NH 03862. The Applicant requests a two (2) lot subdivision of property. The Applicant also requests Conditional Use Permits to allow construction of a driveway through the Wetlands Conservation District and allow less than the required Wetlands Conservation District buffer area on the property. The Applicant also requests several waivers to the Town of North Hampton Subdivision Regulations. Property Owner: Walter E. Nordstrom, 14027 Barnett Place, Fishers, IN 46038. Property Location: North Road in vicinity of Highlander Drive, North Hampton, NH 03862; M/L: 017-071-000; Zoning District: R-1, High Density District.

In attendance for this application:

Lisa Wilson, Conservation Commission Chair; Andrew Vorkink, Conservation Commission member; Brenda Kolbow, engineer.

Mr. Wilson recused himself. Mr. Etela recused himself.

Ms. Wilson addressed the Board. Ms. Wilson explained that the Southeast Land Trust approached the Conservation Commission in the fall to inform the Conservation Commission that Walter E. Nordstrom, owner of Map/Lot 017-071-000 property, wished to conserve the 39 acre northern portion of the 42 acre parcel, retain the southern portion of the lot for a future house lot, and donate the northern portion to the Town of North Hampton. The Conservation Commission is seeking to serve two purposes by subdividing the property:

- a. create a 39 acre conservation lot to conserve uplands and wetlands in the vicinity of the Little River headwaters; thereby protecting present and future groundwater resources and
- b. create a 2.6 acre building lot located in the southern portion of the parcel close to North Road; thereby greatly reducing the negative impact to wetlands on the property by replacing the possible construction of a 2,000 foot driveway through a larger section of wetlands for development within the northern uplands with a shorter driveway through a smaller section of wetlands within the southern portion of the parcel.

Mr. Vorkink addressed the Board. Mr. Vorkink presented a proposed two lot subdivision plan for Map/Lot 017-071-000 off of North Road in the vicinity of Highlander Drive which included the following:

- a. a rectangular 2.589 acre lot with wetlands covering the front of the lot and a 13,523 square foot building envelope for a future home in the back northwest corner of the lot,
- b. a 39 acre lot with a 40 foot wide, 1,931 foot long access corridor from North Road to the back northern section of land and large section of wetlands bisecting the southern and northern portions of the lot,
- c. a 360 foot long driveway through wetlands area, using two wetlands crossings, for the proposed house lot, and
- d. the driveway for the proposed house lot will come off of North Road within the 40 foot wide access point of the proposed conservation lot for a short distance before turning onto the house lot.

Mr. Vorkink provided a history of how the Nordstrom property was previously subdivided to create the Highlander Drive neighborhood and Lot 17-71 in its present configuration. Mr. Vorkink explained how approximately 30 acres of land in the northern section of Lot 17-71 could be further subdivided and developed if the lot were sold to a developer. However, Mr. Nordstrom is not interested in developing the land and understands the Conservation Commission's desire to conserve land in this area of North Hampton. Therefore, Mr. Nordstrom is proposing a transfer of land to benefit the Town and benefit himself with the creation of one house lot.

Mr. Vorkink explained that issuance of the conditional use permit for the wetlands non-conformities and the Subdivision Regulations waiver requests associated with the subdivision plan were justified in that the small wetlands impact of the proposed 360 foot long driveway onto the proposed house lot was significantly less than the larger potential wetlands impact of a 2,000 foot driveway/road to a larger subdivision within the northern portion of the property.

Ms. Rowden stated her opinion that the subdivision and conditional use permit applications were complete. The waiver requests associated with the plan are typical for such a large lot.

Mr. Maggiore asked the Planning and Zoning Administrator for details regarding the Zoning Board of Adjustment (ZBA) discussions of the variance requests associated with the proposed subdivision plan.

Mr. Milner explained that some ZBA members expressed support for the variance requests due to the benefits of conserving natural resources. Also, there was a concern expressed regarding the taking of a large, developable property off of the tax rolls when the Town faces significant current and future expenses. In addition, two residents expressed concerns about possible increased traffic and parking on Highlander Drive. The ZBA continued the case to allow time for the applicant to present more specific details regarding the potential tax implications and parking solutions associated with the proposed subdivision plan.

Mr. Vorkink stated his opinion that there would be an immediate tax benefit to the Town with the creation of the proposed house lot as proposed in the application and that other possible tax revenue scenarios regarding the larger development of the property were speculative at this time. Mr. Vorkink also stated that no additional parking on the property is proposed at this time. However, the Conservation Commission will review parking options and other access points for the property if necessary.

Ms. Monaghan moved that the Planning Board find that the applications are complete and take jurisdiction of the Subdivision application for a two (2) lot subdivision of property and the Conditional Use Permit applications to allow construction of a driveway through the Wetlands Conservation District and allow less than the required Wetlands Conservation District buffer area on the property for Case #21:05. Second by Ms. Gamache.

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

Mr. Harned suggested that the Board consider the waiver requests. In his opinion, the waiver requests are reasonable.

Ms. Monaghan moved that the Planning Board grant the request to waive the requirement of Subdivision Regulations Sections VII and VIII.A.3 regarding submittal of general application fees, excluding abutter noticing and Planning Board expenses. Second by Ms. Gamache.

Mr. Harned opened the public hearing at 7:44pm. No comments were made. Mr. Harned closed the public hearing at 7:45pm.

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

Ms. Monaghan moved that the Planning Board grant the request to waive the requirements of Subdivision Regulations Sections VIII.B.11, VIII.B.15, VIII.B.16, VIII.B.22, and IX.D.2 as presented in the application. Second by Ms. Gamache.

Mr. Harned opened the public hearing at 7:48pm. No comments were made. Mr. Harned closed the public hearing at 7:49pm.

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

Mr. Harned suggested that the Board consider the conditional use permit applications.

Mr. Harned opened the public hearing at 7:53pm.

Mr. Wilson addressed the Board. Mr. Wilson stated his opinion that granting the conditional use permits to allow the smaller driveway through wetlands and allow the decreased wetlands setback for the proposed house lot in the southern section of the property will avoid a potential 21,000 square foot disturbance of very sensitive wetlands in the vicinity of the Little River head waters to access the northern section of the property.

Mr. Harned closed the public hearing at 7:57pm.

Ms. Monaghan moved that the Planning Board approve the Case #21:05 Conditional Use Permit applications to allow, for proposed Lot 1, a 50 foot wetlands buffer where 100 feet is required by Town of North Hampton Zoning Ordinance Section 501.6.B.1 and allow construction of a driveway to access proposed Lot 1 within the Wetlands Conservation District prohibited by Town of North Hampton Zoning Ordinance Section 501 as represented in the application presented to the Board. Second by Ms. Gamache.

Discussion of the motion – Mr. Kroner asked for clarification as to why the creation of the buildable lot with Wetlands Conservation District non-conformities is justified. In his opinion, there is not necessarily any actual trade-off at this time between the proposed plan's smaller wetlands impact and a possible larger wetlands impact in the future. There is no guarantee that the larger subdivision in the northern section of the property with a large wetlands crossing, which the applicant suggests, will happen.

Ms. Kolbow offered to review the applicant's justifications presented in the application materials.

Ms. Gamache withdrew her second. Ms. Monaghan withdrew the motion.

Ms. Kolbow presented the following justifications to the Wetlands Conservation District criteria for issuing a Conditional Use permit:

- a. The proposal will minimize detrimental impact upon the Wetlands Conservation District in that if the request were not granted, then a dwelling would need to be located in the northern portion of the property and create a significant impact on the wetlands with removal of a large amount of trees and addition of a large amount of impervious surfaces. The driveway to the proposed house lot will follow an existing woods road to the southern portion of the property which further reduces wetlands impact.
- b. The proposed activity will result in no diminution of value of abutting properties in that addition of 39 acres of conservation land is a benefit to the Town. It is desirable for homeowners to be adjacent or close to conservation land.
- c. There is no alternative route to access the buildable area on the southern portion of the property.
- d. The site will be restored as nearly as practicable to its original grade and condition after construction. The site has been designed to minimize cut and fill volumes and maintains existing grades. The proposed driveway will be approximately six inches above existing grade in order to prevent a saturated sub-base condition adjacent to the wetlands.
- e. The unique conditions of the property due to its size and location of buildable areas either far removed from the lot frontage or accessed only through wetlands requires a conditional use permit to allow the reasonable use of a single family dwelling.
- f. Proposed cutting of trees will follow Wetlands Conservation District regulations.
- g. The proposal will not appreciably diminish natural resource values in that one purpose of the application is to secure the preservation of 39 acres of forested land.

Ms. Monaghan moved that the Planning Board approve the Case #21:05 Conditional Use Permit applications to allow, for proposed Lot 1, a 50 foot wetlands buffer where 100 feet is required by Town of North Hampton Zoning Ordinance Section 501.6.B.1 and allow construction of a driveway to access proposed Lot 1 within the Wetlands Conservation District prohibited by Town of North Hampton Zoning Ordinance Section 501 as represented in the application presented to the Board. Second by Ms. Gamache. The roll call vote was unanimous in favor of the motion (5-0).

Mr. Harned suggested that the Board consider the subdivision application. Mr. Harned opened the public hearing at 8:13pm.

Abutter Greg Mason addressed the Board. Mr. Mason stated his concern that the proposed conservation land will be open to the public for recreational use. The proposed 39 acres will be in addition to another 84 acres of conservation land at the end of Highlander Drive. Increased traffic to the area will create a safety concern for children that live in the neighborhood and may negatively impact the value of his home. Mr. Mason also suggested that a drainage study be performed prior to construction of the proposed home in the southern portion of the property to ensure water does not drain onto his property.

Mr. Harned closed the public hearing at 7:57pm.

Mr. Vorkink responded that he has not seen a large volume of traffic on Highlander Drive in his visits to use the conservation land in that area; maybe one or two cars. The majority of the people that use the conservation land in the area are local residents that generally walk to the recreation areas. The Conservation Commission is not aware of any complaints about traffic volume or parking associated with the many parcels of conservation land along several roads throughout North Hampton. He does not anticipate increased traffic along Highlander Drive as a result of the proposed conservation land public activities.

Ms. Monaghan moved that the Planning Board approve the Case #21:05 two lot Subdivision application for Map/Lot 017-071-000 as represented in the application presented to the Board subject to the following conditions:

- 1. The proposed subdivision will receive approval of variance requests from the Zoning Board of Adjustment.**
- 2. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan. All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.**
- 3. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed Land Surveyor, certifying that all monuments depicted on the plan have been properly set for the proposed Lot 1 with a notation indicating the waiver granted for monumentation of the proposed remaining land lot.**
- 4. Applicant shall submit evidence of receipt of all required federal, state, and local permits.**
- 5. Applicant shall submit a check made payable to the Rockingham County Registry of Deeds in the amount of \$25.00 for mandatory state fee to fund the Land and Community Heritage Investment Program (LCHIP).**
- 6. All fees incurred by the Planning Board including, but not limited to, consulting, engineering, and legal fees, have been paid by the applicant.**

7. There shall be no changes to the approved site plan on the recordable mylar except to meet these conditions of approval.

Second by Mr. Kroner. The roll call vote was unanimous in favor of the motion (5-0).

III. Other Business

Mr. Wilson and Mr. Etela returned to the Board.

1. Minutes.

Mr. Harned presented the minutes of the January 5, 2021 meeting.

Ms. Monaghan moved that the Planning Board accept the minutes of the January 5, 2021 meeting as written. Second by Mr. Maggiore. The roll call vote was unanimous in favor of the motion (7-0).

2. Climate Adaptation Grant.

Ms. Rowden informed the Board about a grant being offered by the Piscataqua Regional Estuaries Partnership for municipalities to do work, such as regulations updates and planning strategies, on projects related to climate adaptation and water resource protections. Ms. Rowden suggested that the grant could be used by the Planning Board to start work on regulations regarding shoreland protection, surface water protection, and delineating prime, highest value wetlands from other types of wetlands.

3. State Legislature land use bills.

Mr. Maggiore informed the Board about land use bills being considered by the State Legislature and an on-line method for the public to submit comments to the state legislators.

The meeting was adjourned at 8:39pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary