



Meeting Minutes
North Hampton Planning Board
Tuesday, June 7, 2022 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.

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

Vice Chair Monaghan called the meeting to order at 6:38pm.

Mr. Maggiore moved that the Planning Board allow Mr. Wilson to participate in the meeting by electronic connection. Second by Ms. Gamache. The roll call vote was unanimous in favor of the motion (5-0).

I. New Business

1. Case #22:08 – Applicants: William and Marla Hickey, 95 Post Road, North Hampton, NH 03862. The Applicants request a lot line adjustment between properties located at 91 and 95 Post Road. The Applicants also request waivers from the Town of North Hampton Subdivision Regulations:

- a. Section VIII.B.15 – Plan format topography
- b. Section VIII.B.16 – Plan format natural features
- c. Section IX.D.3 – Monumentation requirements

Property Owners: Homer A. Johnson, Jr., Trustee, Homer A. Johnson, Jr. Revocable Trust, 88 Post Road, North Hampton, NH 03862 and William and Marla Hickey, Trustees, Hickey Family Revocable Trust, 95 Post Road, North Hampton, NH 03862; Property Locations: 91 and 95 Post Road, North Hampton, NH 03862; M/L: 014-041-000 and 014-040-000; Zoning District: R-1, High Density District.

In attendance for this application:

William Hickey, property owner.

Mr. Hickey addressed the Board. Mr. Hickey stated that the applicants were asking for a minor lot line adjustment between the properties located at 91 and 95 Post Road. There is no development proposed. Mr. Hickey presented a plan prepared by a licensed surveyor which proposed to eliminate an angular lot line between the properties and establish a straight lot line between the properties. Approximately 1.47 acres of land is proposed to be transferred from the 91 Post Road property to the 95 Post Road property.

Mr. Hickey presented three waiver requests seeking Board approval to waive the topography, natural features, and monumentation requirements of the Subdivision Regulations. Mr. Hickey stated that the waivers were justified in that there is no development or other changes proposed for either property. Also, compliance with these three requirements would be financially burdensome to the applicants considering the minor nature of the proposed lot line change.

Ms. Rowden stated that the application was complete in her opinion.

Mr. Kroner moved that the Planning Board find that the application is complete and take jurisdiction of the Lot Line Adjustment application for properties located at 91 and 95 Post Road. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (6-0).

Ms. Monaghan stated that a minor lot line adjustment does not require a public hearing. However, if anyone wished to comment on the application, they may do so at this time. No comments were made.

Mr. Wilson asked if it was necessary to not have a monumentation pin in the location along the longer dimension of the lot as required by the Subdivision Regulations.

Mr. Hickey explained that the monumentation would interfere with maintenance of the grounds and grass cutting.

Mr. Wilson stated his opinion that based on his experience the monumentation would not obstruct mowing or other types of grounds maintenance. The only time that the Planning Board has granted a similar waiver request is when wetlands or other property conditions have created an extreme situation in which someone could not reasonably access the area in order to set the monumentation. This type of land condition did not exist in this case.

Mr. Kroner moved that the Planning Board grant the request to waive the requirements of Subdivision Regulations Section VIII.B.15 regarding plan format topography. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (6-0).

Mr. Kroner moved that the Planning Board grant the request to waive the requirements of Subdivision Regulations Section VIII.B.16 regarding plan format natural features. Second by Mr. Maggiore. The roll call vote was unanimous in favor of the motion (6-0).

Mr. Kroner moved that the Planning Board grant the request to waive the requirements of Subdivision Regulations Section IX.D.3 regarding monumentation. Second by Mr. Etela. The roll call vote was 3-3. Mr. Kroner, Mr. Etela, and Mr. Maggiore in favor. Ms. Monaghan, Mr. Wilson, and Ms. Gamache opposed. The motion failed.

Mr. Wilson moved that the Planning Board approve the Lot Line Adjustment application for properties located at 91 and 95 Post Road as represented in the plan presented to the Board subject to the following conditions:

1. All monuments shall be set in compliance with the Town of North Hampton Subdivision Regulations.

2. 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. Second by Ms. Gamache. The roll call vote was unanimous in favor of the motion (6-0).

2. Case #22:09 – Applicant: Deborah Johnson, 776 Post Road, Greenland, NH 03840. The Applicant requests a lot line adjustment between properties located at 776 and 784 Post Road in Greenland, NH for which a portion of both properties extends into the Town of North Hampton, NH. Property Owners: D & D Johnson Family Trust, Revocable Trust of 2003, 776 Post Road, Greenland, NH 03840 and Daniela French, 784 Post Road, Greenland, NH 03840; Property Locations: 776 and 784 Post Road, Greenland, NH 03840 and in North Hampton adjacent to the North Hampton-Greenland town line in the vicinity of

Post Road; M/L: Greenland, R03-012-000 and R03-011-000; North Hampton, 022-045-000; Zoning Districts: Greenland, Residential; North Hampton, R-2, Medium Density District.

In attendance for this application:
Deborah Johnson, property owner.

Ms. Johnson addressed the Board. Ms. Johnson stated that the applicants were asking for a minor lot line adjustment between the properties located at 776 and 784 Post Road in Greenland, NH. A small portion of both properties extends into North Hampton. Ms. Johnson presented a plan prepared by a licensed surveyor which proposed to move the westerly lot line of the 784 Post Road property approximately 53.60 feet to the west and the northerly lot line of the same lot a short distance to the north. The proposed lot line change would transfer approximately 3,709 square feet of land from the 776 Post Road property to the 784 Post Road property of which 200 square feet lies within North Hampton.

Ms. Johnson explained that the reason for the proposed lot line adjustment was to rectify the current situation in which the driveway for the 784 Post Road property lies on the 776 Post Road property and provide more space behind the 784 Post Road home which currently lies two feet from the property line between the two properties.

Ms. Rowden stated that the application was complete in her opinion.

Mr. Kroner moved that the Planning Board find that the application is complete and take jurisdiction of the Lot Line Adjustment application for properties located at 776 and 784 Post Road in Greenland, NH for which a portion of both properties extends into the Town of North Hampton, NH. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (6-0).

Ms. Monaghan stated that a minor lot line adjustment does not require a public hearing. However, if anyone wished to comment on the application, they may do so at this time. No comments were made.

Mr. Wilson asked if the 784 Post Road property needed any of the land in North Hampton to satisfy Greenland structural setback or other zoning dimensional requirements.

Ms. Rowden stated that the applicants did not need any of the land in North Hampton to satisfy Greenland structural setback or other zoning dimensional requirements.

Mr. Wilson moved that the Planning Board approve the Lot Line Adjustment application for properties located at 776 and 784 Post Road in Greenland, NH for which a portion of both properties extends into the Town of North Hampton, NH as represented in the plan presented to the Board. Second by Ms. Gamache. The roll call vote was unanimous in favor of the motion (6-0).

3. Case #22:10 – Applicant: Glenn A. Martin, P.O. Box 281, North Hampton, NH 03862. The Applicant requests a Design Review for a proposed eight (8) lot subdivision with associated roadway and utility improvements through the implementation of Town of North Hampton Zoning Ordinance Section 603 – Conservation Subdivision Design.

Property Owner: Glenn A. Martin, P.O. Box 281, North Hampton, NH 03862; Property Location: Lot 007-168-000 off of Atlantic Avenue east of the school property; M/L: 007-168-000; Zoning District: R-1, High Density District.

In attendance for this application:

Glenn Martin, property owner; Erik Saari, engineer; Tim Phoenix, attorney.

Ms. Monaghan noted that the current discussion will be limited to the general design concepts for the proposed conservation subdivision. Board members will be asking questions that help them understand the design concepts or offer the applicant suggestions as to information that the Board may want to see during formal consideration of the application. The public may be offered the opportunity to speak briefly under the same design review guidelines as used by the Board members. Formal consideration of the entire subdivision application will occur at the July 5, 2022 Planning Board meeting.

Mr. Saari addressed the Board. Mr. Saari presented a plan which indicated the following proposed design concepts:

- a. eight (8) single family home lots ranging from 0.322 acres to 0.410 acres in size on a 14.58 acre lot,
- b. approximately 700 foot long by 22 foot wide roadway off of Atlantic Avenue with cul-de-sac at end,
- c. 12 foot wide driveway off end of the cul-de-sac to access gun club property abutting the rear lot line and applicant's back lot,
- d. approximately 10.31 acres of open space,
- e. topography, wetlands, granite ledge, and other natural features,
- f. grading, drainage, utilities, and other infrastructure features, and
- g. allowed density calculation figures.

Mr. Saari addressed the Four-Step Design process outlined in the conservation subdivision design section of the zoning ordinance.

a. Step One: Mr. Saari showed how the plan identified natural resources areas such as wetlands and ledge that need to be considered during construction. Erosion control and stormwater management features are included in the plan designs. Mr. Saari acknowledged that the site was recently subjected to a large scale tree harvest. As a result, there is not an opportunity to protect existing trees since the trees have already been removed.

b. Step Two: Housing sites are proposed to be located as far forward toward the Atlantic Avenue side of the site to maximize amount of open area and avoid wetlands buffer and ledge areas. All proposed house lots have proposed septic system locations which have passed soil testing.

c. Step Three: A proposed street design has been included on the proposed subdivision plan.

d. Step Four: Lot lines for the eight (8) proposed lots have been included on the proposed subdivision plan.

Ms. Monaghan asked Mr. Saari to explain the allowed density calculations indicated on the subdivision plan.

Mr. Saari explained that there may be some ambiguity regarding how to calculate the allowed density. The applicant proposes that either eight single family lots or four duplex lots could be allowed on the site. The Planning Board has discretion to determine the nature of the house lots.

Mr. Milner noted the Town Engineer's comment in his review letter that the applicant has used the minimum lot area required for a duplex use (100,000 square feet) as the divisor value to calculate the allowed maximum density. In the opinion of the Town Engineer, the correct divisor value as stated in the zoning ordinance is the minimum lot size allowed in the underlying zoning district. In this case, the minimum lot size allowed in the underlying zoning district is two acres (43,560 square feet). Using the correct divisor value of 43,560 square feet would decrease the lot count from eight (8) to four (4).

Mr. Phoenix addressed the Board. He stated his opinion that the intent of the zoning ordinance is that if duplex units are proposed, then the duplex minimum lot area figure is used as the divisor. If single family units are proposed, then the single family minimum lot area figure is used as the divisor.

Mr. Wilson stated his opinion that the intent of the Conservation Subdivision Design section of the zoning ordinance when it was created never envisioned duplexes. The zoning ordinance does not envision the use of duplex dimensional requirements or placement of actual duplex units on the conservation subdivision lots.

Mr. Kroner stated his concerns regarding the following:

- a. large amount of ledge on the property and methods for its removal,
- b. safe traffic access and egress at connection to Atlantic Avenue,
- c. cul-de-sac design at end of proposed roadway,
- d. building setbacks from neighbor lots at the front of the property near Atlantic Avenue, and
- e. conservation open area access rules and validity of access easements over conservation land.

Ms. Rowden stated that the Aquifer Protection District boundary which crosses a small portion of the property near the proposed roadway entrance at Atlantic Avenue should be included on all pages of the plan. Any potential aquifer impacts, even if minor, should be addressed. Ms. Rowden also noted the Public Works Director comment that the project comply with all federal MS4 stormwater management regulations.

Ms. Monaghan noted the Fire Department review letter indicating the need for a fire hydrant and adequate turn radius for emergency response vehicles.

Mr. Maggiore asked if the road is proposed to be a private or a public road.

Mr. Saari stated that the road is proposed to be a public road.

Mr. Wilson stated his concern that it is not clear how the applicant has calculated the amount of conservation open space as required by the zoning ordinance. He suggested a table be added to the application materials and plans which indicates specifically how the amount of conservation open space which must be permanently protected is calculated in order to aid the Board in determining if the requirements of the zoning ordinance are met by the proposed development.

Ms. Monaghan asked for any public questions or comments as they relate to design concepts.

Abutter Sean Doherty asked if the conservation open area will be accessible to the public.

Mr. Saari stated that the applicant is not proposing public access to the conservation open area.

James Irish, Hampton Road and Gun Club Board of Directors member, made the following comments:
a. details concerning the right-of-way access to the gun club and utility details be more clearly indicated on the proposed plan,
b. concerns with public access to conservation open space in close proximity to gun club activities, and
c. ensure that the gun club's interests are protected during implementation of the proposed plan.

Abutter Lindsey Patterson asked why the land was cleared in advance of a subdivision approval.

Mr. Saari stated that the tree cutting was part of a fully permitted timber harvest not associated with the proposed subdivision project. A property owner has the legal right to conduct this type of activity on a property.

Mr. Kroner stated his opinion that during the planning and construction activities preservation of any natural features to the best extent possible would be desirable.

Mr. Saari stated that the proposed layout of the roadway and lot lines takes into consideration preservation of existing natural features.

Abutter Richard Dumont expressed his concern with possible devaluation of neighbor property values associated with certain aspects of development construction activities.

II. Other Business

1. Minutes.

Ms. Monaghan presented the minutes of the May 17, 2022 meeting.

Ms. Gamache requested that her comments regarding scenic roadways at the May 17 meeting be revised as she explained in an email to Mr. Milner. Mr. Milner stated that he would revise Ms. Gamache's scenic roadways comments as written in her email.

Mr. Etela moved that the Planning Board accept the minutes of the May 17, 2022 meeting as revised. Second by Mr. Maggiore. The roll call vote was unanimous in favor of the motion (6-0).

2. Master Plan Housing Chapter.

Ms. Rowden asked the Board for permission to prepare a scope of work contract for the Rockingham Planning Commission to provide the Planning Board with technical assistance in creating an updated housing chapter for the Master Plan. The cost associated with the technical assistance would be approximately \$5,000.00.

The Board came to a consensus without objection to grant Ms. Rowden permission to prepare a housing chapter technical assistance contract for consideration at the June 21 work session.

The meeting was adjourned at 7:51pm without objection.

Respectfully submitted,

Rick Milner, Recording Secretary