



Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, January 26, 2021 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862

These Minutes were prepared as a reasonable summary of the essential content of the Meeting, not as a transcription. All exhibits mentioned, or incorporated by reference, in these Minutes are a part of the official Case Record and available for inspection at the Town Offices.

In attendance: Mark Janos, Chair; Jonathan Pinette, Vice Chair; Members Robin Reid, Rick Stanton, and Audrey Prior; and Recording Secretary Rick Milner.

I. Preliminary Matters.

Chair Janos called the meeting to order at 6:33pm

All potential witnesses were sworn in.

Mr. Janos presented the minutes of the October 27, 2020 meeting.

Mr. Pinette moved that the ZBA accept the minutes of the October 27, 2020 meeting as written.

Second by Ms. Reid. The vote was unanimous in favor of the motion (5-0).

II. New Business.

1. Case #21:01 – Applicants: Stephen and Nancy Gosselin, 56 South Road, North Hampton, NH 03862; and Justin and Tracy Douglass, 58 South Road, North Hampton, NH 03862. The Applicants request a variance from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow less than the required minimum lot area for lot associated with a proposed lot line adjustment. Property Owners: Stephen and Nancy Gosselin, 56 South Road, North Hampton, NH 03862; and Justin and Tracy Douglass, 58 South Road, North Hampton, NH 03862; Property Locations: 56 and 58 South Road; M/L: 004-025-000 and 004-026-000; Zoning District R-1, High Density District.

In attendance for this application:

Justin and Tracy Douglass, property owners; James Scully, attorney; Henry Boyd, engineer.

Mr. Boyd addressed the Board. Mr. Boyd presented a lot line adjustment plan between the 56 and 58 South Road properties. The lot line adjustment plan proposed to transfer approximately 1.44 acres of land from the 56 South Road property to the 58 South Road property and approximately 0.11 acres from the 58 South Road property to the 56 South Road property.

Mr. Boyd stated that the reduction in size for the 56 South Road lot was reasonable since the proposed lot size of 30,778 square feet is well over the State of NH requirement of 20,000 square feet to install a new septic system. The soils on the 56 South Road lot are adequate to obtain a State of NH septic system approval.

Mr. Stanton asked if the proposed lot line adjustment provided any benefit to the Town.

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Mr. Boyd responded that the owners of 58 South Road property are better able to maintain and protect the natural resources within the large portion of land at the rear of the properties.

Mr. Stanton asked if there would be a diminution of lot values created by the proposed lot line adjustment.

Mr. Boyd responded that there are approximately 60 lots in the surrounding neighborhoods that are smaller than the proposed lot size at 56 South Road. Therefore, the proposed lot line adjustment would not create a negative impact on lot values for the lot owners or neighboring lots. Mr. Boyd presented a copy of the Town tax map which indicated the lots that are smaller in size than the proposed 56 South Road lot.

Mr. Janos asked if there was any consideration given to moving the proposed lot line to increase the size of the 56 South Road lot.

Mr. Boyd responded that moving the proposed lot line location would add wetlands to the essentially dry 56 South Road property. The 58 South Road lot already has wetlands even without a lot line change. The owners of the 58 South Road lot are in a better position to adequately maintain the wetlands. This is a benefit to the Town.

Mr. Scully addressed the five criteria for granting a variance identified in the State of NH RSA's.

1. and 2. Granting the proposed variance would not be contrary to the public interest and would observe the spirit of the ordinance in that the irregular lot shape of 56 South Road property would be brought into conformity with other neighborhood lots. Also, the natural resources would be better maintained.

3. Granting the variance would do substantial justice in that the removal of the narrow strip of land and connecting field from 56 South Road lot and adding the land to the 58 South Road lot would make these lots more dimensionally suitable for reasonable and practical use of the land and eliminate possible land use issues in the future.

4. The proposed variance relief will have no impact on the value of the surrounding properties in that the structures on either of the two lots will not change.

5. There are special conditions of both parcels that distinguish them from other properties. The impractical and narrow strip of land on the 56 South Road lot to the back of the property would likely not be allowed by a land use board in the current day. The proposed lot line adjustment would correct the irregular feature of the lot shape. The zoning ordinance purpose for larger lot sizes is to create adequate spacing between homes. Due to its irregular configuration, the larger lot size of the 56 South Road lot does not support this purpose. The proposed lot line adjustment is reasonable in that it creates a more practical lot shape.

Ms. Reid asked for clarification regarding the reasons for the land transfer and if there was any intention to develop the larger portion of land at the rear of the 58 South Road property.

Ms. Douglass responded that the land is being transferred for the following reasons:

a. correct irregular lot configuration of 56 South Road property,

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b. current access from 56 South Road to large portion of land at the rear of the properties is heavily wooded, and
c. large portion of land being transferred to 58 South Road owners at the rear of the properties is more accessible to the home at 58 South Road.

Ms. Douglass also stated that there is no intention to further develop the 58 South Road property. The property owners enjoy nature/wildlife and intend to preserve the natural resources.

Mr. Janos asked for public comments. No comments were made. Mr. Janos closed the public hearing at 7:09pm.

Mr. Pinette and Ms. Prior stated their opinions that they saw no reason not to approve the proposed variance request.

Ms. Reid stated that she agreed with Mr. Pinette and Ms. Prior. However, she expressed her desire that the property remain undeveloped in the future.

Mr. Stanton stated that he opposes the variance request because he believes that the 58 South Road property is gaining a much larger value than the 56 South Road property with the proposed land transfer. He is not sure that the owners of the 56 South Road property recognize the possible reduction in the value of their land that the proposed lot line adjustment may create.

Mr. Janos stated that he is in favor of the proposed variance request in that the buildable area on 56 South Road property would be increased and the irregular lot shape would be corrected. The value of the large back portion of land being transferred may not inherently add much value to the 56 South Road property.

Mr. Pinette moved that the Zoning Board of Adjustment grant variances from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements for proposed lot line adjustment plan between properties located at 56 and 58 South Road to allow less than the required minimum lot area and less than the required frontages as represented in the application presented to the Board subject to the following conditions:

a. The proposed lot line adjustment plan receives the approval of the Planning Board.

b. The proposed lot line adjustment plan receives all required federal, state, and local permits and approvals.

Second by Ms. Reid. The vote was 4-1 in favor of the motion with Mr. Stanton opposed.

2. Case #21:02 - Applicant: Brent Flemming, Norse Properties, LLC, 331 Exeter Road, Hampton Falls, NH 03844. The Applicant requests a variance from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow a structure (raised leach field) within the side yard structural setback. Property Owner: Norse Properties, LLC, 331 Exeter Road, Hampton Falls, NH 03844; ; Property Location: 60 Lafayette Road M/L: 007-119-000; Zoning District I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Joe Coronati, engineer.

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Mr. Coronati addressed the Board. Mr. Coronati presented a site plan for the 60 Lafayette Road site which indicated the following features:

- a. 1950's era commercial building containing retail and industrial uses and associated parking areas
- b. antiquated septic system with old tanks and piping
- c. wetlands boundaries, wetlands setback boundaries, and lot line structural setback boundaries
- d. proposed new replacement septic system with piping, tanks, pumping station, and leach field within the side yard structural setback and the Wetlands Conservation District buffer areas.

Mr. Coronati explained that Mr. Flemming recently acquired the property and intended to make improvements on the property. During a site review, certain parts of the antiquated septic system could not be found. Roots and other obstructions were found inside the septic system pipes. Also, it could not be determined where wastewater was deposited when it left the building. Mr. Flemming decided that a septic system upgrade was needed to properly service the site and protect against contaminating the wetlands on the property.

Mr. Coronati further explained that the proposed placement of the new septic system within the Wetlands Conservation District buffer area has received a conditional use permit from the Planning Board. Due to soil conditions and high water table on the property, the proposed leach field must be raised above the grade of the land. The proposed leach field with associated mound raised above the existing grade of the land is classified as a structure by the zoning ordinance and requires a variance to be placed within the side yard structural setback as proposed.

Mr. Coronati stated that the leach field will be located approximately 11 feet from the southerly side lot line and approximately 65 to 70 feet from the easterly front lot line. The mound associated with the leach field will extend a few feet beyond the leach field with a 2:1 slope. The leach field location meets the 10 foot lot line setback required by the State of NH but does not meet the Town of North Hampton Zoning Ordinance 35 foot side yard structural setback requirement for the Industrial-Business/Residential District.

Mr. Coronati explained that the proposed location of the leach field was necessary for the following reasons:

- a. Keep the septic system as far away as practical from the wetlands areas on the property.
- b. Ensure that the raised leach field will not be in close proximity to the building foundation potentially creating drainage issues.
- c. Ensure that the raised leach field would not block doors and garages associated with businesses in the rear of the building.
- d. Ensure that natural drainage patterns flowing water towards the wetlands at the back of the property are not disrupted.

Mr. Janos asked Mr. Coronati to describe the characteristics of the raised leach field mound.

Mr. Coronati explained that the mound will rise approximately 18 inches above the existing grade of the land. The mound will be even with the grade of the driveway on the abutting property near the lot line. The low mound will be grassed over and surrounded by boulders or other landscaping features to separate it from traffic lanes on the property.

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Ms. Reid expressed her concern with the visual effect along US Route 1 of a septic system mound close to the front of the property. She asked if the location of the leach field could be moved toward the back of the property.

Mr. Coronati stated that moving the leach field further back on the property will hinder business operations for the businesses in the rear of the commercial building. Also, being further away from the wetlands is a benefit. The site is located in a busy commercial district. The mound will be loamed and seeded and create a better visual effect than the current gravel surface. The property owners intend to add plantings to beautify the site as part of future site improvements.

Mr. Pinette stepped down from the Board at 7:35pm due to illness.

Mr. Stanton asked for clarification regarding the proposed modern septic system technology and impact on the wetlands.

Mr. Coronati explained that the septic system will use standard pumping station chambers to move the wastewater away from the wetlands areas to the leach field within environment-friendly piping wrapped in fabric that allows for a smaller leach field in that some treatment of the wastewater is done within the specially made piping. There will be no impact on the wetlands due to the leach field's location approximately 200 feet away from the wetlands. This is a significant improvement on the current situation where it is not known how the wastewater is being deposited into the environment.

Mr. Janos asked if other locations on the property were considered for placement of the proposed leach field.

Mr. Coronati stated that the front parking lot area was not desirable due to the fact that a large amount of asphalt would need to be ripped up to install the septic system. Also, the proposed raised leach field may create a situation where the grade of the parking lot would be above the front door. A location closer to the side of the building was not desirable due to the fact that the proposed raised leach field may cause water run-off from the roof flow towards the building foundation and also disrupt the natural drainage patterns towards the wetlands on the property.

Mr. Stanton asked how high the proposed leach field will be above the water table.

Mr. Coronati stated that the leach field pipes will be 24 inches above the water table. The abutting 58 Lafayette Road site will be undergoing culvert and drainage improvements that will also help improve protection against flooding on both sites.

Mr. Janos asked for public comments. No comments were made. Mr. Janos closed the public hearing at 7:51pm. Mr. Janos noted that a full board was not currently present at the meeting. Mr. Janos informed the applicant that, per State of NH RSA statutes, three votes in favor of a variance request, not a simple majority of the presiding Board members, was necessary to grant a variance. He asked the applicant if they wished to proceed at this time or continue the case until such time as five Board members could consider the case.

Mr. Coronati stated that the applicant wished to proceed with consideration of the case at this time.

Mr. Stanton stated that he was in favor of the variance request. The improved septic system is a must for the benefit and safety of the Town and the businesses on the property.

Ms. Prior stated that she was in favor of the variance request. The proposed location for the new septic system was far enough away from the front of the property and the proposed landscaping features were adequate to eliminate any site aesthetics concerns in her opinion.

Ms. Reid stated that, even though she had concerns regarding the site aesthetics associated with the project, the proactive nature of the project to improve the conditions on the property lead her to support the variance request.

Mr. Janos asked the applicant to present the five criteria for granting a variance identified in the State of NH RSA's.

Mr. Coronati addressed the five criteria for granting a variance identified in the State of NH RSA's.

1. The variance request is not contrary to the public interest in that a new modern septic system located more than 100 feet from the wetlands will provide significantly improved protection against contamination of the wetlands.

2. The spirit of the ordinance is observed in that the intent of the ordinance requiring raised leach fields to comply with structural setbacks was to protect residential properties from adverse drainage patterns onto abutting properties and maintain aesthetically pleasing environment in neighborhoods. The proposed septic system location on the property within the commercial district is necessary to maintain the existing drainage patterns of the site. Proposed improvements on the site will improve the aesthetics of the commercial area.

3. Substantial justice will be done in that disruption of business operations and natural drainage patterns will be avoided.

4. Surrounding property values will not be diminished in that abutting property to south is developed in the far rear of the property and the property to the north has the 60 Lafayette Road commercial building located between it and the proposed septic system location. The proposed septic system will not be seen from these sites. The area on 58 Lafayette Road property from where the septic system will be seen is currently commercially developed and will be further developed in the future.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship in that alternate locations for the proposed septic system would disrupt business operations. The proposed septic system improvements are a reasonable use which do not conflict with the general public purposes of the ordinance provisions. The narrow configuration and wetlands conditions of the 60 Lafayette Road lot create special conditions which warrant granting the variance request.

Mr. Stanton moved that the Zoning Board of Adjustment grant a variance from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow a structure (raised leach field) within the side yard structural setback on 60 Lafayette Road property as represented in the application presented to the Board subject to the condition that the applicant receives all required federal, state, and local permits and approvals. Second by Ms. Prior. The vote was unanimous in favor of the motion (4-0).

3. Case #21:03 – Applicant: 28 Cedar Road, LLC, P.O. Box 1740, North Hampton, NH 03862. The Applicant requests a variance from Town of North Hampton Zoning Ordinance Section 202.9 Non-Conforming Uses to allow expansion of non-conforming residential use. Property Owner: 28 Cedar Road, LLC, P.O. Box 1740, North Hampton, NH 03862; Property Location: 28 Cedar Road; M/L: 007-050-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Andrew Janiak, facilities manager for the applicant.

Mr. Janos informed the applicant that, per State of NH RSA statutes, three votes in favor of a variance request, not a simple majority of the presiding Board members, was necessary to grant a variance. He asked the applicant if they wished to proceed at this time or continue the case until such time as five Board members could consider the case.

Mr. Janiak stated that the applicant wished to proceed with consideration of the case at this time.

Mr. Janiak addressed the Board. The property at 28 Cedar Road is approximately 3 acres in size. There are two buildings on the commercial property in the Industrial – Business/Residential District. One commercial building toward the rear of the property has no proposed changes. The applicant is requesting that the building at the front of the property which currently has office space unit on first floor and residential unit on second floor be allowed to convert the first floor to a single residence. The applicant was granted a variance to allow the conversion of the second floor office space to a residential use in October, 2020. The property is bounded by a proposed bike and pedestrian trail on the westerly side and Hampton Airfield to the east. The lot is heavily wooded in the front of the lot and along the westerly lot line. There is sufficient parking on the site to accommodate a residential use.

Mr. Janiak presented to the Board a picture of the building and a floor plan which depicted the conversion of the 28 foot wide by 40 foot long first and second floor office spaces into two bedroom apartments with a kitchen/dining room and a living room. Mr. Janiak also presented a site plan for the 28 Cedar Road property which depicted the two existing buildings, septic systems, paved driveways, parking spaces, fencing, and wooded areas. Mr. Janiak further explained that renovations to the building required by fire and building codes for mixed commercial and residential uses on the different floors will be expensive. If both floors were to have the same residential use, the required modifications would be minor and less expensive.

Mr. Janos asked for details regarding the required fire and building code renovations.

Mr. Janiak explained that a fire protection engineer report submitted to the Board in the application materials details the necessity of installing a sprinkler system throughout the building and one hour fire rated construction enclosing the stairs between the two floors.

Mr. Janiak addressed the five criteria for granting a variance identified in the State of NH RSA's.

1. and 2. Granting the variance will not be contrary to the public interest and the spirit of the ordinance will be observed in that the characteristics of the neighborhood will not be substantially altered. There will be no exterior changes to the building. The property is well buffered with existing trees and vegetation that will remain. There are no incompatible or potentially unhealthy commercial uses in close proximity to the proposed residential uses.

3. Substantial justice would be done in that the property owner will be allowed a reasonable use of the property. Other residential uses are allowed in the zoning district and exist on the same road. The commercial use limitation on the property has resulted in persistent vacancy. Residential use will fill vacancy and add needed housing to the community.

4. Surrounding property values will not be diminished by granting the variance. The proposed two bedroom apartment residential use transition will create a very minimal increase to the residential density of the neighborhood. The existing structure will have minimal internal changes and no external changes.

5. There are special conditions associated with the property which prevent the proper enjoyment of the property if the zoning ordinance is adhered to strictly. The property is bounded by a trail on one side and an airfield on the other side. The lot is heavily wooded. The relatively remote location makes it undesirable for potential commercial renters. Renovations to the building required by fire and building codes for mixed commercial and residential uses on the different floors will be expensive. If both floors were to have the same residential use, the required modifications would be minor and less expensive.

Mr. Janos asked for public comments. No comments were made. Mr. Janos closed the public hearing at 8:12pm.

Ms. Reid stated her opinion that she is in favor of the variance request in that housing needs of the community are being improved. The proposed residential use is appropriate for the property.

Mr. Stanton stated that he is in favor of the application. It makes sense for the entire building to be residential, not mixed use.

Ms. Prior and Mr. Janos stated that they had no concerns with the variance request. The need for additional affordable housing in the community is a worthy reason to grant the variance request.

Ms. Reid moved that the Zoning Board of Adjustment grant a variance from Town of North Hampton Zoning Ordinance Section 202.9 Non-Conforming Uses to allow expansion of non-conforming residential use by converting the first floor office space to a residential use for property located at 28 Cedar Road as represented in the application presented to the Board. Second by Mr. Stanton. The vote was unanimous in favor of the motion (4-0).

4. Case #21:04 – Applicant: North Hampton Conservation Commission, 233 Atlantic Avenue, North Hampton, NH 03862. The Applicant requests variances from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow less than the required minimum frontage for rear lot and Section 203.16 Wetlands-Minimum Lot Area to allow more than fifty percent of front lot area to include wetlands for lots associated with a proposed subdivision of property. 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.

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Ms. Prior recused herself. Mr. Janos informed the applicant that, per State of NH RSA statutes, three votes in favor of a variance request, not a simple majority of the presiding Board members, was necessary to grant a variance. He asked the applicant if they wished to proceed at this time or continue the case until such time as five Board members could consider the case.

Ms. Wilson stated that the applicant wished to proceed with consideration of the case at this time.

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 explained that the applicant was seeking variances to allow the following non-conformities to the zoning ordinance:

- a. The proposed 40.91 foot wide frontage for the proposed conservation lot is less than the required minimum frontage of 175 feet.
- b. The proposed 60.6% of wetlands area coverage on the proposed house lot is greater than the allowed 50% of wetlands area coverage for a lot.

Mr. Vorkink stated the following benefits to obtaining a large portion of conservation land in the northern portion of Lot 17-71:

- a. The Conservation Commission has endeavored for a long time to acquire land in the area to mitigate pollution of the Little River and other rivers in the area.
- b. Preserve as much wetlands area as possible.
- c. The 35 acres of uplands in the northern portion of the lot would make a good area for recreational activities such as hiking, cross country skiing, and hunting.

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d. This lot would be part of a plan to provide a pedestrian connection from the future rail trail to the east of Lot 17-71 and conservation land to the west of Lot 17-71.

e. The potential sale of the entire lot to a developer would be avoided.

Mr. Vorkink noted that the proposed plan would be presented to the Planning Board for subdivision approval and the Select Board for purchase approval.

Mr. Vorkink addressed the five criteria for granting a variance identified in the State of NH RSA's.

1. and 2. The variances are not contrary to the public interest and the spirit of the ordinance is observed in that there will be a reduction of impact on the wetlands by utilizing buildable area at front of the property as opposed to construction impacts, tree clearing, and addition of impervious surfaces associated with the buildable area at the rear of the property.

3. Substantial justice would be done by granting the variance in that the potential to conserve a larger amount of land would be greatly reduced.

4. The values of the surrounding properties are not diminished in that it is desirable for homeowners to be close to conservation land. Opportunities to participate in outdoor activities on abutting land enhances property values.

5. Literal enforcement of the zoning ordinance would create an unnecessary hardship due to the special condition of the land in that denying the variance request would create a situation where a 2,000 foot driveway through wetlands would be required to access a buildable area at the rear of the property rather than a shorter driveway through wetlands at the front of the property.

Mr. Stanton expressed his concern that taking such a large portion of land off of the public tax rolls may not be in the public interest. The Town of North Hampton has current and future infrastructure projects that require funding. There is a balance between potential tax revenues generated by a property and protection of conservation land that must be considered.

Mr. Stanton asked for clarification regarding the Southeast Land Trust fee associated with monitoring the proposed conservation parcel.

Mr. Vorkink stated that the monitoring fee could amount to \$10,000.00 or more paid through an endowment or annual fee.

Mr. Janos asked for public comments.

Abutter Frank Alexandropoulos addressed the Board. Mr. Alexandropoulos stated his concern that the proposed large increase in the amount recreation land in the area available for public use may create increased traffic to Highlander Drive and create parking issues in front of his home and other homes on Highlander Drive.

Abutter Gregory Mason addressed the Board. Mr. Mason stated his concern that increased traffic to the Highlander Drive area could create a safety issue for children that live in the area. He was also concerned that vehicles would be parking in front of his home and other homes.

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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.

Mr. Janos closed the public hearing at 9:27pm.

Mr. Stanton expressed his concern that the proposed plan does not take into consideration the possibility of increased parking needs in the Highlander Drive area for the proposed recreational activities on the conservation land. In addition, he is concerned with taking another property off of the tax rolls when the Town faces significant current and future expenses. For these reasons, he is inclined to not approve the variance requests.

Mr. Janos stated his opinion that, when the specific uses presented in the proposal are balanced against the actual current situation of the land, the net result is a greater tax benefit to the Town. He also recognizes the benefits of protecting natural resources and increasing recreational opportunities. In his experience, he has not seen traffic volume or parking issues associated with other conservation land areas in the Town.

Ms. Reid stated that development of Lot 17-71 may not create increase revenues for the Town. Development could create a Town services burden that outweighs the revenue generated. The proposed subdivision plan responds to the Master Plan goals to create open spaces and protect natural resources. The smaller wetlands impact presented in the proposed plan as opposed to possible development and larger wetlands impact in the rear of the property is a benefit to the Town. This is a rare opportunity for the Town to obtain such a large piece of conservation property.

Mr. Vorkink stated his opinion that there would be an immediate tax benefit to the Town with the creation of the proposed house lot. Mr. Vorkink also suggested that a portion of the proposed driveway could be slightly widened to include some parking spaces within the access way on the conservation property.

Mr. Vorkink asked if the Board needed any additional information prior to deciding on the variance requests.

Mr. Janos suggested that the applicant present more specific details regarding the potential tax implications and parking solutions associated with the proposed subdivision plan.

Mr. Vorkink asked for a continuance to the next scheduled ZBA meeting in order to prepare information which addresses the Board's concerns.

Mr. Stanton suggested that the Board consider the applicant's request to waive application fees.

Mr. Stanton moved that the Zoning Board of Adjustment approve waiving the application fee requirement, excluding abutter noticing fees, associated with Case #21:04. Second by Ms. Reid. The vote was unanimous in favor of the motion (3-0).

519 **Mr. Stanton moved that the Zoning Board of Adjustment continue Case #21:04 to the February 23,**
520 **2021 meeting date as requested by the applicant. Second by Ms. Reid. The vote was unanimous in**
521 **favor of the motion (3-0).**

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523 **III. Other Business.**

524 Ms. Prior returned to the Board.

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526 Mr. Stanton noted that some correspondence to the ZBA included in various application materials was
527 being addressed to the Chair. As stated in the ZBA Rules and Procedure, correspondence should be
528 addressed to the Planning and Zoning Administrator. Mr. Stanton suggested that applicants be made
529 more aware of the procedure to avoid any potential conflicts in the future.

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531 **Ms. Reid moved to adjourn the meeting at 10:00pm. Second by Mr. Stanton. The vote was unanimous**
532 **in favor of the motion (4-0).**

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534 Respectfully submitted,

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538 Rick Milner
539 Recording Secretary