



## **Minutes**

### **NORTH HAMPTON PLANNING BOARD Meeting: January 21, 2003**

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*These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription. An audio recording of the meeting is available in the Town Office. In the event that a question arises about verbatim comments, it can be answered by listening to the recording.*

### **Attendance**

**Present:** (1) Phil Wilson, Chair; (2) Judy Day, Vice Chair; (3) Joseph Arena, (4) Ron Todd, (5) Allen Hines, Selectman; (6) Don Gould, (7) Laura Simmons.

**In attendance:** John Krebs, RPC Circuit Rider; Krystina Arrain, Recording Secretary; Shep Kroner, Alternate and Beth Church, Alternate.

Mr. Wilson called the meeting to order at 7:04 PM.

### **Items Considered**

#### **Case #03-01 -- Map/Lot #008-121-000: 10 Exeter Road**

Applicant: Mr. Christian D'Urso

**Application:** Subdivision request to subdivide an existing 11.5-acre lot into three (3) lots: (a) 2.0-acre lot, (b) 2.0-acre lot and (c) 7.5 acre lot. This application was tabled and postponed from the November 5, 2002 meeting.

Mr. Ernest Cote, Surveyor for Mr. D'Urso explained the details of what Mr. D'Urso wanted to accomplish on this subdivision. A question arose whether the property was located in R-2. It was determined that it was co-located in R1 and R3 zoning districts.

Mr. Todd questioned the portion of Lot #2 that was 28 feet wide. Mr. Krebs questioned whether Lot #2 could support a structure/house, septic and well. He believes it is a better choice of a two (2) lot subdivision rather than three (3) lots. Mr. Todd commented he did not consider the application complete.

**Ms. Simmons moved, and Ms. Day seconded the motion, to reject the application because it is incomplete: (1) it lacks a high-intensity soil survey, (2) topographic designation of the property on the subdivision plan, (3) department approval in advance of conditional approval and (4) correct zoning information.**

Mr. Gould commented that he did not want to send the applicant away without the Board's opinion on the validity of his subdivision request. Mr. Arena, Mr. Hines, Mr. Todd, Ms. Day and Ms. Simmons suggested that the applicant should reconsider modifying his subdivision into two (2) lots because they could not support the current three (3) lot subdivision. Mr. Gould remained undecided.

**The motion passed unanimously.**

**Ms. Gould moved, and Ms. Day seconded the motion, to waive future application fees [with the exception of abutters' notices] if the applicant re-applies within two (2) months.**

**The motion passed 6 to 1 with Ms. Simmons opposed.**

Following the vote, Thomas Lambert of 8 Exeter Road, whose property abuts that of Mr. D'Urso's expressed concern about the proposed subdivision. He was concerned if there would be enough contiguous upland to support a house and septic system. He further added his concern about the topography of the land and how possible runoff would be controlled, structure built and the movement of surface and subsurface water. Additionally, Mr. Lambert commented that driveway for Lot #2 connects with Lot #3 through easements and he queried that approach. Mr. Todd added that if Mr. D'Urso returns with a three (3) lot subdivision application, these issues will need to be addressed.

Jerry Murphy, 5 Exeter Road and an abutter, indicated he had no issue with the subdivision as proposed by Mr. D'Urso.

**Case #03-02 -- Map/Lot #019-020-000: 83 Walnut Street**

Applicant: Ms. Jean Fisher

**Application:** Pre-application Review of Subdivision Plat of a 5.04-acre lot into (a) house lot of 2.04 acres and (b) 3.0-acre lot for conservation easement.

Dick Wollmar, 109 Walnut Avenue represented Ms. Fisher in this application. Mr. Wollmar indicated that it is Ms. Fisher's intention to put the top 3.0 acres of land on her lot into conservation. The remaining 2.04 acre lot includes her house, well and septic system. Ms. Fisher is moving to River Woods in Exeter and intends to sell the lower property. The intended conservation land is to be used for farming, forestry or passive recreation.

Mr. Todd asked about the difference between placing the land into conservation easement and the "North Hampton Forever" program. Mr. Wollmar commented that the Rockingham Conservation District would probably hold the easement.

The Board indicated by voice and action that it was in full support of Ms. Fisher's intended action regarding the subdivision.

**Case #03-03 -- Map/Lot #003-096-000: 14 Lafayette Road, Building C; Units 7 & 8**

Applicant: Enchanted Parties/Ms. Emma Brand and Ms. Santomaria

**Application:** Change of Use Application for Theme Parties Facility to occupy vacant Unit #7 and the former location of Nitty Gritty Cleaning Company in Unit #8.

Before the applicant began their presentation, Ms. Tina Montgomery, acting on behalf of the property owner, Mr. Richard Sylvester, requested that the Board hear the applicant's case tonight.. Ms. Montgomery indicated that Mr. Sylvester had received a letter from the Planning and Zoning Administrator and Building Inspector recently that indicated there were several deviations from their recorded site plan. She indicated that they were cooperating the Town to submit an "as-built plan" of their site.

**Ms. Simmons moved, and Dr. Arena seconded the motion, to review the "as-built plan" at a later date.**

**The motion passed unanimously.**

Mrs. Brand opened her presentation stating that her company, Enchanted Parties, provides theme and elegant tea parties for children and adults. She and her partner, Mrs. Santomaria, have been conducting their business for the past three years exclusively in private homes. This next step in the growth of their business was to have a public location where they would host these specialty parties. Ms. Brand indicated that the 14 Lafayette Road location was ideal for them because two other children-oriented businesses were located in the same area: Junior Gym and the soon-to-be-opened, Imprints Day School. Because of the nature of their business, she indicated parking and traffic should not be a problem because many of their party functions are on weekends when most businesses in the complex are not in operation.

**Dr. Arena moved, and Ms. Simmons seconded the motion, to approve the change of use.**

**The motion passed unanimously.**

**Case #03-03 -- Map/Lot #003-096-000: 14 Lafayette Road, Building C – Units 7**

Applicant: Mr. Joseph Bradley

**Application:** Change of Use Application for Women's Fitness and Tanning Facility to occupy vacant Unit #7.

Ms. Montgomery, CCI Realty, indicated the applicant had withdrawn their lease application and she informed Mr. Wilson that the application had been withdrawn. The Board took no further action.

The meeting recessed at 8:50 PM

The meeting reconvened at 8:55 PM

**Other Business: Continuation of January 16, 2003 Public Hearing**

Mr. Wilson opened the discussion by reviewing the actions taken on review of the proposed Site Review Regulation amendments that were held on January 16, 2002. He noted that (a) the "Greenspace" amendment had passed as written, (b) Noise emissions amendment needs additional information and rework and (c) As-Built Plans needed to be redrafted. During this meeting, Mr. Wilson indicated that they hoped to review the (a) Landscaping and Screening and (b) Architecture Standards amendments.

Landscaping and Screening

Mr. Wilson read aloud Atty. Michael Donahue's comments on Landscaping and Screening that were attached to Ms. Lamprey's [of the North Hampton Business Association] memo:

*"1. It includes a requirement for the interior landscaping of parking areas which in common experience makes them very difficult to plow and leaves the landscaping liable to damage. The landscaping plan that is required must include landscaped elements on adjoining properties within 25 feet of the property line, which will be an added expense of preparing the plan. Residential property must be screened by berming and mounting, and a fence alone would not be considered an acceptable method of screening. This apparently applies even if the residential property is a nonconforming use in the zone which is dedicated to industrial and commercial activity.*

*2. 25 foot minimum vegetated buffers are required along the width of the property line where any nonresidential development abuts a residential zoning district and the buffer must screen the view from adjacent residential property during all seasons. The landscaping plan is required and the vegetation on the site shall be maintained whenever possible.*

*3. Regarding trees, there is a requirement that all commercial and industrial development shall preserve existing trees and plan trees in accordance with the following formula:*

*One (1) tree for every 1,000 square feet with one (1) tree required to be planted every 40 feet along public rights-of-way in an area located within 10 feet of the right-of-way. The minimum size to be credited required a caliper of 3 inches measured at a point 6 inches above the root ball. Credit is available for only existing trees which are located within 75 feet of the proposed main structures or parking lots. Any existing trees that are 12 inches or more in caliper may be credited as two (2) trees and those with a caliper of 24 inches or more may be credited as four (4) trees.*

*All trees planted within 25 feet of a street right-of-way shall be salt tolerant and the tree size and planting should take into consideration the overhead clearance related to utility*

*lines and the like. There is a diagram of planting zones ranging from low, medium and tall running from the front of the site to the rear included in the regulations. All trees are required to be protected with an 8.5 foot radius around them during construction and permanently.*

*There is a landscape bond requirement of an amount equal to 30% of the installed cost of the plantings which would be held for two growing seasons to ensure proper replacement of dead plantings. In my experience, although this adds to the cost of the projects, it is not unreasonable given that it is set at substantially less than full replacement cost."*

Mr. Wilson read aloud comments from Ted Turchan, Michael Iafolla and Tina Montgomery on As-Built Drawings that were attached to Ms. Lamprey's memo:

*"C-1 The proposed formula for tree placement will be contrary and will impede the safe entrance to state right of ways from private property.*

*C-4 We do not understand the term "salt tolerant" in relationship to the proposed trees.*

*C-6 This is an outrageous number of trees considering the uses for commercial property as it is specified in the 1B zone. These provisions create hardships for the property owner by diminishing the available land to be used for parking, lighting, signage, septic and performance of any commercial activity.*

*The number of trees specified and the placement thereof is totally unreasonable by any recognized and competent authority. The number of trees and their spacing will be detrimental if not totally obliterate the use of the land for snow storage, plowing, parking, septic, landscaping maintenance and building maintenance, to say nothing of the damage to building and roofs."*

Mr. Todd questioned the number of trees that should be planted according to the formula listed in the amendment. Conversation ensued about the number of trees to be planted and the costs involved. Mr. Wilson followed by opening the public hearing.

#### Public Comments — Landscaping and Screening

Michael Iafolla, 114 Woodland Road commented that on a recent project he paid over \$400. for non-deciduous trees. Ted Turchan, 125 Lafayette Road, added that in 10-15 years growth, the tree canopy could block views of businesses.

Mr. Gould questioned why the requirement for trees specifies only deciduous when conifers should be included. He added that tree size details should listed as circumference in inches for deciduous trees and height in feet for conifers. Ed Kelly, Town of North Hampton's Consulting

Engineer, added that a “sight triangle” dimension requirement of 42” would solve the problem of height requirements.

Mr. Hines commented that in 1860, North Hampton contained primarily agricultural fields and currently there is an overabundance of trees compared to 150 years ago. He questioned the necessity of so many trees in the I-B/R.

Mr. Rick Fucci, 160 Lafayette Road, suggested that the Board look at how other communities found solutions to landscaping. Dr. Arena commented that trees are the best CO<sub>2</sub> scrubbers for improving air quality. Ms. Simmons added there are no trees visible on Route 1 through North Hampton and it makes the area look barren. She further commented that we need to develop an appropriate tree canopy rather than a willy-nilly approach of planting trees.

Mr. Kelly commented that a certified landscape architect would design a site with mature tree growth in mind. Mr. Wilson added that the Board wants to develop a balance between aesthetics and business needs.

Mr. Richard Sylvester, 14 Lafayette Road, commented that falling trees is a safety issue. He added that although attractive landscaping is appealing, the costs and maintenance of landscaping could put a negative financial strain on a business. Ms. Tina Montgomery, 14 Lafayette Road, said landscaping requirements on small lots in the I-B/R is excessive. Mr. Turchan further added that in a small lot, planting the required trees is not possible, because of the amount of fallow land necessary to support a septic system.

Mr. Iafolia commented that the amendment as written is subjective and needs to be more specific in details. Ms. Day responded that the descriptive words are meant to set a tone for the amendment and that specifics are included later in the proposed amendment.

Mr. Gould added that references to screening and variations of that term are ambiguous. He suggested rewriting the language of the amendment to be more consistent. As an example he cited a possible statement such as: “you cannot see or hear through the screen.”

Mr. Turchan commented that creating a screen of conifers in the present time will, in years, create an overgrowth that will defeat the purpose of the screen and become unsightly and unmanageable.

Mr. Wilson added that the Board would use standards that are references to established, acceptable professional standards such as the UNH Extension Service as a guideline. Dr. Arena suggested using the term “guidelines” instead of “requirements.” Mr. Krebs, RPC, added that businessmen need specific requirements in able for them to determine the costs of a proposed business building project.

Ms. Montgomery inquired if anyone has complained about the appearance of Route 1. She added that the Master Plan calls for upgrading Route 1 and the business community has responded toward that goal. As businesspeople, they want to continue that improvement but ask

for cooperation and support from the Board and the town to meet those goals. This amendment is not viewed as helpful to meet this goal.

Mr. Sylvester commented that he was initially concerned about the proposed amendment. After listening to the discussion and comments this evening, he is encouraged that the Board is trying to improve the situation, but he cautioned that the Board should not rush into making any hasty decisions or extreme changes.

Summing up the discussion, Mr. Wilson commented that he felt the Board learned a lot from the discussions during this meeting. He added that in regard to the proposed amendment, the Board should investigate further (1) being less subjective, more specific in the language, (2) require fewer trees, (3) adding conifers for mixed vegetation, (4) including “sight triangles” and (5) including best management practices. Ms. Simmons commented that fences that are higher than the dumpster to provide adequate screening should surround dumpsters.

**Ms. Day moved and Dr. Arena seconded the motion to continue public hearing on Architecture Standards at the Planning Board Work Session Meeting on Tuesday, February 18<sup>th</sup> at 7 PM in the Town Hall.**

**The motion passed unanimously.**

**At 10:15 PM, Dr Arena moved and Ms. Simmons seconded the motion to adjourn.**

**The motion passed unanimously.**

Respectfully submitted,

Krystina Deren Arrain  
Recording Secretary