



Minutes

NORTH HAMPTON PLANNING BOARD Meeting: February 4, 2003

Page 1 of 7

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) Shep Kroner seated as Laura Simmons.

In attendance: Krystina Arrain, Recording Secretary

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

Mr. Wilson added that Case #03-01 and Case #03-03 were completed during the January 2003 meeting.

Items Considered

Case #03-06 -- Map/Lot #019-020-000: 83 Walnut Street

Applicant: Jean Fisher, 83 Walnut Avenue, North Hampton, NH 03862

Application: Public Hearing for 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, North Hampton, NH, representing the applicant, submitted a letter to the Planning Board Chairman requesting a two-month continuance of their application. Because of heavy snow coverage on the applicant's property, the surveyor was not able to conduct the survey. Mr. Wilson indicated that the application would be continued over to the April 1, 2003 meeting.

Map/Lot #017-087-000: 186-A Lafayette Road, Rivers & Sheehan Construction Company

Application: Change of Use Application for an Office/Custom Cabinetry Shop/Residence. Tabled from December 3, 2002 meeting.

Mr. Wilson commented that the applicant had withdrawn their application from consideration for the change of use request.

Map #014-129-001: 24 Walnut Ave, Crown Atlantic Co. LLC/Shawn G. Berry Trust

Application: Updated Site Plan Review for 24 Walnut Avenue Structures in reference to Telecommunications Tower. Continued from the December 3, 2002 Meeting.

In attendance for the presentation were Shaun G. Berry, Shaun J. Berry, Atty. Roger F. Murray, III; Atty. Lorne Fienberg and John Chagnon, Ambit Engineering. Mr. Chagnon opened the presentation by pointing out on an existing conditions site plan layout the sequential progress of activities conducted at 24 Walnut Avenue beginning in 1954 and commencing on the current date. This information is listed in detail on the affidavit submitted by Shaun G. Berry on January 13, 2003.

Mr. Gould reviewed with Shaun G. Berry and Attorney Murray the uses conducted on the site, referencing the aforementioned affidavit. Mr. Gould inquired if used car sales or a “hot top/asphalt” business were or are conducted on premises. Shaun G. Berry he did not conduct used car sales or a “hot top” business but indicated that he had a private collection of antique cars that he sold. Shaun J. Berry also stated that he sold his own personal vehicles as well. Shaun G. Berry commented that since the 1950’s the lot has been a complete vehicle maintenance facility, adding that the town has approved and permitted all uses conducted on site.

Mr. Arena questioned the various vehicles and materials located on the Berry site. Mr. Todd asked if John Krebs/RPC had submitted any comments on the site plan. Ms. Arrain commented that Mr. Krebs had indicated to her that from the materials and information submitted to the Board, he found everything appropriate and had no further questions or comments.

When questioned about sufficient boundary markers along the southern edge of the site, Mr. Chagnon responded that a stone wall delineates the boundary and is sufficient for that purpose, not needing iron pipes every 200 feet. When asked about a cleanup of the site, both Atty. Fienberg and Shaun G. Berry added that the area would be “spruced up” to enable construction vehicles and materials to safely pass over the site.

Mr. Wilson commented that Shaun G. Berry’s appearance and the information he provided fulfills the requirement of the condition for the cell tower approval. Mr. Gould inquired if the Board can ask for other site review regulations be applied to the Berry property. Atty. Murray emphasized that Shaun G. Berry had come before the Board for existing conditions on the site and not a site review and Mr. Berry had met that requirement.

Mr. Hines moved, and Dr. Arena seconded the motion, to accept the submitted plan and documents as a representation of current condition and uses at the Berry site.

Mr. Wilson added that the plan represents the “grandfathered/legal non-conforming use” of the plan submitted. He commented that any expansion of use on the site would require an appearance before the Zoning Board of Adjustment. Mr. Gould added that motor vehicle repair

and storage as well as inspection station functions are the only permitted activities on site as substantiated by the activities specified on the affidavit.
Dr. Arena called the question.

The motion passed 6-0 with 1 abstention by Ms. Day.

Case #03-09 -- Map/Lot #003-096-000: 14 Lafayette Road

Applicant: 14 Lafayette Realty, LLC/Mr. Richard Sylvester and Ms. Tina Montgomery

Application: Review of “As-Built” Plan for 14 Lafayette Road Complex/Times Square

Ms. Montgomery displayed a copy of the as-built plan adding that this information had been reviewed during the January 21, 2003 meeting and questioned the need for her appearance at this meeting. Mr. Wilson displayed an ‘as-built’ plan that showed the difference between pervious and impervious surfaces from the original site plan. He further added that Mr. Krebs was concerned about the 100-year storm drain calculations. With more area paved on the property, he questioned if a stormwater drainage study should be conducted.

Mr. Hines moved, and Mr. Kroner seconded the motion, to accept the submitted plan as the “As-Built” and required that the recordable mylar include all catch basins on the property.

Mr. Wilson requested handicap spaces and vegetated areas included in the plan. Both Mr. Sylvester and Ms. Montgomery assured the Board that all appropriate vegetation would be planted. Mr. Wilson added that there is an \$80. recording fee. Mr. Sylvester stated they would provide the fee payment with the recordable mylar.

The motion passed unanimously.

Case #03-05 -- Map/Lot #003-096-000: 14 Lafayette Road, Building “B”

Applicant: Melissa Cooley, P. O. Box 336, Raymond, NH 03077

Application: Change of Use Application for Day Care/Preschool Facility [Imprints Day School] to occupy vacant Building “B” which had previously been used as office space for CCI Realty.

The applicant introduced her partner, Wendy Cooley, and proceeded to describe the plans they have for the facility. The applicant commented that there would be six (6) full-time teachers occupying the six (6) classrooms in the facility with part-time aides and substitutes as required. She added that the State of New Hampshire regulations for childcare services mandates strict rules to which they adhere. The State mandates one (1) teacher to every child.

Dr. Arena expressed concern about traffic flow and volume. The applicant responded that peak traffic flow would be between 6:30 to 7:30 AM and 5:30 to 6:00 PM and both these peak times are before and after normal operation hours of surrounding businesses.

Dr. Arena moved, and Ms. Day seconded the motion, to approve the change of use application pending approval from all appropriate state agencies.

The vote was unanimous.

Case #03-08 -- Map/Lot #003-080-000: 9 Lafayette Road

Applicant: 9 Lafayette Road Realty, LLC, 14 Lafayette Road, North Hampton, NH 03862

Application: Pre-application Conceptual Review of Retail Business.

Jessica Winston, Associate Engineer, Millette, Sprague & Colwell, representing the applicant, began the presentation by displaying a plan of the entire project. She introduced the concept plan as a proposed retail site. It is their intent to rehabilitate and reconstruct the current building on site. Additionally they plan to rehabilitate the paved area, reducing its size in the process and constructing another retail building. Ms. Winston commented that they plan to reduce the curb cut to be able to better control traffic flow for safety. She added that they want to reduce pavement along the periphery of the lot to add vegetation.

Tina Montgomery, one of the applicants, displayed a selection of architectural renderings of the proposed buildings. When Mr. Wilson inquired if their design included more greenspace, Ms. Winston responded that there would be more greenspace. Mr. Todd inquired about the airport access road [which is a long-standing right of way] which abuts the current structure. Ms. Winston commented that the footprint of the existing structure would remain unchanged. Mr. Wilson commented that the building had been abandoned. Mr. Iafolla, representing the applicant, stated it was a storage facility.

Mr. Sylvester, the applicant, submitted a letter dated October 2001 from Paul Charron, former Building Inspector, in which the Building Inspector approved re-building on the existing building footprint. Discussion ensued about non-conforming uses and expansion of non-conforming uses. Mr. Gould asked if Mike Hart, President of Hampton Airport is interested in re-routing the airport entrance. Mr. Iafolla responded that the applicant's efforts in negotiating with Mr. Hart on this issue have gone unsatisfied.

Mr. Gould inquired about a failed septic system on site, referring to a large, uncovered hole. Both Mr. Sylvester and Mr. Iafolla responded that they are researching state-of-the art wastewater septic system designs for this project and the Davis system is under consideration. Mr. Sylvester indicated that he is interested in moving this project forward and is interested in feedback from the Board.

Mr. Todd and Ms. Day indicated they have concerns that the project may require variance/s. Mr. Gould, Mr. Kroner and Mr. Hines all agreed it was a good project and a great improvement over the current conditions at the site.

The meeting recessed at 8:55 PM

The meeting reconvened at 9:00 PM

Case #03-07 -- Map/Lot #020-008-000, #020-009-000, #021-001-000 and #021-011-000: 221 Lafayette Road

Applicant: P. D. Associates, LLC, 5 Dartmouth Drive, Suite 101, Auburn, NH 03032.

Application: Pre-application Conceptual Review of Retirement Community.

Mr. Elmer Pease, PD Associates began the presentation by commenting that he realized there are zoning issues regarding this project, but he wanted to go ahead with his presentation and address the zoning issue later. He commented that his organization has developed three (3) developments in NH: (1) Wellington Business Center, Auburn, NH, (2) Candia Road Retirement Community, Manchester, NH and (3) Currently unnamed 125-Single Family Retirement Community in Londonderry, NH.

Mr. Pease emphasized that manufactured housing is affordable and needed in southern NH. The construction is ranch-style, single-floor with 2-3 bedrooms, air-conditioned, with a den and a 1- or 2-car garage. Foundation options include ½ basement w/crawlspace, slab and full basement. Standard homes are 28 feet wide and 44 to 60 feet long. Average price for a home is \$150,000. and higher depending upon options selected. It would be a land-lease community where the residents would rent the land space but own their homes.

Mr. Wilson inquired about the accommodations for a septic system. Mr. Pease responded that the Town of Rye could not accommodate a connection to their sewer system, thus, a community-wide septic system would be maintained onsite. For water service, Mr. Pease indicated that Aquarion has been approached for town water service. He commented that Aquarion has proposed the installation of two new wells that could accommodate this project if the NH DES approves Aquarion's application.

Mr. Pease emphasized they anticipate that 30% of the proposed community would originate from North Hampton's retirement-aged residents. He also added that 20% of these residents would split their time between NH and a warmer climate in winter, i.e. "snowbirds." Mr. Pease commented that this type of resident does not require the full complement of services that the Town of North Hampton provides, hence, savings to the Town.

When Shep Kroner inquired about the zoning issue, referring to Section 503. Mr. Pease responded that he could argue that the I-B/R district should be transferred from the front to back of this proposed development. [Note: Two(2) lots of this project are in the I-B/R and two (2)

lots are in the R-3 Zone. I-B/R Zone allows for “Manufactured Housing Parks,” whereas R-3 Zone does not, either as a “Permitted” or “Special Exception” Use.] Mr. Wilson commented that there is a way to crease the I-B/R to accommodate residential rather than business.

Mr. Wilson also asked how could the age requirement be controlled. Mr. Pease responded that the application process screens such information. Additionally there are restrictions that are placed into the deed, usually that at least one resident must be 55 years old with no resident under the age of 18.

Mr. Wilson polled the Board for feedback on the retirement community proposal/project.

Mr. Gould commented that he liked the idea of living facilities for seniors that protected the school infrastructure. He added it was an attractive project.

Mr. Kroner added that he supports affordable housing. He is concerned about the impact on sewer and septic system designs, wetlands’ impact and the zoning requirements of crossing over zones.

Mr. Hines commented that he did not support this type of development. He added the Town has over 15% of its residents living in manufactured housing. He is interested in manufactured housing located on 2-acre lots only.

Dr. Arena agreed with Mr. Hines. He did not like the expansion of this project from the I-B/R into the R-3 residential zone.

Mr. Todd commented that he though the development is good, but is concerned about other issues that were not mentioned.

Ms. Day commented that although the project was interesting, she would prefer looking into it in more detail. She asked if the project involved dealings with Rye. Mr. Pease responded that he did because just a small corner of the project was located in Rye.

Mr. Wilson added that he is concerned about the zoning hurdle and added that over 16% of town residents live in manufactured housing parks. Yet, he is inclined to view this project favorably because it could be an alternative to River Woods where many of North Hampton’s residents have gone. He prefers a septic system that does not include a sewer system. Mr. Wilson added that this project could meet the Town’s obligation for affordable housing.

Mr. Pease commented that seniors average 2.2 trips per day whereas non-retired individuals generate 10 trips per day. Retirees do not impact traffic during peak hours hence the Route 1/Lafayette Road access to the development would not create additional traffic problems for the Town.

Other Business

Senate Bill/SB-95

Mr. Wilson commented that SB-95 was scheduled for public meeting and he wanted to know if he could speak for the Board at the hearings. The overall response from the Board was in the affirmative.

J. Carl Merrill Letter

Mr. Wilson read Mr. Merrill's letter to the Board regarding a lot line for a property on which he holds the mortgage that was inadvertently eliminated. He asked the Board to remedy the situation. Mr. Wilson said Mr. Ryan should review the letter and advise the Board on appropriate action. The item will be held over to the work session on February 18, 2003.

At 10:10 PM, Dr Arena moved and Mr. Kroner seconded the motion to adjourn.

The motion passed unanimously.

Respectfully submitted,

Krystina Arrain
Recording Secretary