



Minutes

NORTH HAMPTON PLANNING BOARD Meeting: April 1, 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) Ron Todd, Vice-Chair, (3) Allen Hines, Selectman, (4) Don Gould, (5) Shep Kroner (6) Joseph Arena (7) Judy Day

Absent: (1) Richard Place, Alternate

In attendance: John Krebs, Circuit Rider; Krystina Deren Arrain, Recording Secretary

Present, not Seated: Beth Church, Alternate

Mr. Wilson called the meeting to order at 7:03 PM

Mr. Wilson reviewed the agenda. He noted that Mr. Vincent Czaplyski, Case #03-21, has withdrawn his application. The request was accepted without objection from the Board.

Items Considered

Case #03-11 -- Map/Lot #006-065-000: 19 Maple Road

Applicant: Peter Fuller/Cadillac of Boston, 19 Maple Road, North Hampton, NH

Application: Request for Subdivision

Sandra Woodworth, representing the applicant, noted the recent changes made to the plot plan as specified by Mr. Krebs and the ARC. These changes were reflected on the updated plans that were submitted. She indicated that the lot was a 12.39-acre cow pasture and Mr. Fuller's intent was to subdivide a 2.25-acre lot from the cow pasture. Dr. Arena asked Ms. Woodworth if there would be any further changes to the lot? She responded that she did not know what future actions are anticipated.

Mr. Kroner moved, and Dr. Arena seconded the motion, to accept the application as complete.

The Board approved the motion by unanimous vote (7-0).

Mr. Wilson opened the meeting to the public. Bill Gosselin, 2 Maple Road asked the Board what the subdivision request entailed. Mr. Wilson added that this process began almost a year ago. The Board denied the application stating the applicant needed a variance for the 2.25-acre non-conforming, un-buildable lot to be created. In July the applicant received the variance and re-applied to the Board for this final phase of the subdivision request.

George Lagassa, 26 Maple Road, asked what was the purpose for the original subdivision request. Ms. Woodworth answered that at the time of the application there was a potential buyer for the large lot and the applicant wanted to maintain ownership of a small portion of the lot. Ultimately the potential buyer withdrew.

Mr. Gould moved, and Ms. Day seconded the motion, to approve the application with the condition that the applicant provides a Certificate of Monumentation and a recordable mylar.

The Board approved the motion by unanimous vote (7-0).

Case #03-12 -- Map/Lot #003-061-000: Lafayette Road/Route 1

Applicant: Kim Lussier/CARI Properties, LLC, 377 Meriden Road, Lebanon, NH 03766

Application: Site Plan to construct a new hangar at Hampton Airfield site that will be leased to Classic Aircraft Restoration, Inc. for the restoration of antique aircraft.

Mr. Kim Lussier of CARI Properties, LLC appearance before the Board was a continuation of the March 4, 2003 meeting. Mr. Lussier stated that the changes the Board requested on the plan had been made, test pit data and septic plans were provided and department review was completed.

Mr. Todd commented that Mr. Krebs noted in his memo that approval from the Hampton Planning Board as well as a Hampton Planning Board signature block should be included on the plan. Mr. Todd asked Mr. Hart, owner of Hampton Airfield, if this application request falls within the approval schedule for the approved airport project. Mr. Hart indicated it was within the schedule period.

Mr. Todd moved, and Dr. Arena seconded the motion, to approve the application with the condition of approval from the Hampton Planning Board and that a signature block for the Hampton Planning Board is included on the recordable mylar plan.

The Board approved the motion by unanimous vote (7-0).

Case #03-18 -- Map/Lot #003-080-000: 9 Lafayette Road/Route 1

Applicant: Dick Sylvester/9 Lafayette Realty, P.O. Box 695, North Hampton, NH 03862

Application: Site Plan Review for Retail Development. This application was a postponement upon request of the applicant from the March 4, 2003 meeting.

Jessica Winston of Millette, Colwell & Sprague began the presentation noting that applicant had been before the Board on February 4, 2003 for a pre-application review at which time the concept plan for the development was revealed. She provided an overview of the plan adding that Aquarion has approved providing water services, John Krebs' comments have been incorporated in the submitted plan and that the Town Engineer, Ed Kelly, has reviewed the storm drainage study calculations.

Ms. Winston then introduced Robert G. Martel, AIA, Architect/Principal of Berard Martel Architecture, Inc. Mr. Martel provided an overview of the design of the proposed development. Board members asked several questions about the design materials and style preferences that Mr. Martel answered promptly.

Dr. Arena moved, and Ms. Day seconded the motion to accept the application as complete.

The Board approved the motion by unanimous vote (7-0).

Mr. Todd added that significant improvements were made from the pre-application plan submission. He questioned the applicant's premise that the site was not abandoned and asked for a confirmation. Mike Iafolla stated that it was a warehouse. Mr. Krebs added that it was a legal non-conforming building and the applicant can remodel the structure. He further added that abandonment was not an issue. The "use" was not non-conforming, the building setbacks are. That is why there is not an "expansion of non-conforming use." Mr. Gould added that a change of use application had been issued within the last 1-1/2 years.

Mr. Todd raised the issue of additional monumentation requirements. Mr. Krebs asked for more survey bounds be added to make sure the building is properly sited. Mr. Krebs further added that he does not consider additional monumentation as necessary. Mr. Krebs explained to Mr. Todd that P.E. and Surveyor seals are required on the recordable mylar.

When Mr. Todd asked about soil erosion and sediment controls, Mr. Iafolla assured him that the controls are temporary during the construction phase and are not needed afterward because the lot drainage is good. Mr. Todd asked about the airport easement. Mike Hart stated that previously the airport property included the applicant's lot. Sometime in the 1940's, the lot was sold, but the airport retained the roadway easement. Mr. Todd asked for a copy of the deed and Attorney Pelech stated he could provide it to the Board. When Dr. Arena suggested that the airport roadway easement should be under the control of the Town, it was stated that the roadway was for private not public use.

Mr. Todd suggested relocating the handicap parking location closer to the building entrance rather than the handicap ramp. Dr. Arena asked the locations of the emergency exits. Mr. Martel responded by explaining that two exits per unit are usually required, but the actual number of emergency exits depends upon the number of tenants in a building. The actual exits are determined at the time of the building permit applications.

Mr. Todd asked for the data that supports Note #5 on the Site Plan that listed the total interior landscaping area as 5.3%. Ms. Winston will provide the calculations. He also inquired about the 8-foot landscaping strips in the parking area. Mr. Krebs responded that as an example, the size of the Home Depot parking area necessitated the landscape strips, whereas in this smaller lot, the requirement does not apply. Dr. Arena noted that at the ingress/egress the location of the parallel parking spaces poses a potential safety hazard. Discussion ensued amongst Mr. Iafolla, Atty. Pelech and Ms. Winston. They decided that the aforementioned parking spaces would be angled rather than parallel and possibly assigned as employee parking to minimize frequent vehicle movement. Mr. Todd asked if calculations were available for the amount of permeable surface. Ms. Winston responded that those calculations were included in the drainage calculations.

Mr. Todd inquired into the kind of screening that is planned for the loading area on Building A. Mr. Todd pointed out a light pole on the lighting and landscaping plan southwest area and Ms. Winston responded it would be removed. Dr. Arena asked where the HVAC units would be located. Mr. Martel responded that the units would be located behind some of the building projections and as a result would be barely visible if at all. Mr. Todd asked Mr. Martel to make every effort to screen the HVAC units.

When Mr. Todd asked about any changes/updates on the Hampton Airfield sign, Mr. Iafolla stated it was a pending issue. Mr. Todd inquired if there would be any above or below ground fuel tanks and Ms. Montgomery indicated there would not be any. Mr. Todd pointed out that in the 10' landscape buffer he noticed that in some locations the type of ground cover is not specified. He further asked if the septic system and driveway permits are pending. Ms. Winston indicated they were pending. She further added that exit directions for right and left turns would be painted on the asphalt surface.

Mr. Wilson indicated that a surety bond needs to be submitted and the Board of Selectmen would act on it. Mr. Krebs recommended that all parking spaces on the plan be angled rather parallel. He especially noted that with angled parking spaces, vehicles entering and exiting at entrances have a safer clearance. Mr. Todd noted that Chief Page made comments about lighting needs during the department review. The applicant needs to specify which lights will remain on for security.

Mr. Krebs reviewed his comments C1 through C10 and believes the items therein have been discussed, but felt that C11 should be discussed. Mr. Krebs noted that according to town ordinance, the proposed dumpster is a "structure" and the applicant should meet all requirements regarding a structure. Mr. Wilson asked if the Board had any opinion/sense on the issue of the structure. Mr. Krebs felt it was a permanent structure whereas Mr. Iafolla noted it was a piece of equipment with a fence around it. Mr. Gould felt the dumpster pad could be viewed under the

same classification as a “sidewalk.” Mr. Krebs noted that the Board has to decide if the dumpster is a structure and uphold the zoning issue. Mr. Wilson stated that if the Board determines it is a structure, then it either has to be moved or a variance must be sought. Mr. Wilson suggested the Board move ahead because there are no residential abutters who would be distressed about the dumpster location. He further added that if the Board votes and sets precedence on this issue, the Board would not be able to make exceptions or change its mind in future applications. Ms. Day shared Mr. Wilson’s precedence setting concern. Mr. Todd commented that the Board should have the discretion and latitude to vote on these types of issues without concern about setting/breaking precedence. Mr. Krebs noted that the Board cannot be inconsistent – either the dumpster/pad/enclosure is a structure or it is not for all applications.

Mr. Todd asked about lighting requirements for light beam casting down rather than casting light upward. Mr. Wilson indicated he preferred downward casting light. He further added that the Board would consider establishing lighting standards, hopefully, in the near future.

Public Hearing comments

Mike Hart, Hampton Airfield, indicated that the right-of-way [ROW] is a main concern for the Hampton Airfield but he fully supports the applicant’s plan because the applicant has done a great job on his other property at 14 Lafayette Road. The public meeting closed at 8:38 PM.

Ms Day requested that discussion regarding the dumpster be included in the minutes.

Mr. Todd moved to approve the application with the following conditions:

1. Realignment of 9 parking space south of the existing building (A) to make them angled parking
2. Handicap spaces relocation
3. Survey seal on site plan
4. Deed that includes the airport ROW easement
5. Calculation details for landscaping area percentage, 5.3% for parking and 25% for the site.
6. Light pole removal on drawing southwest area
7. Salt tolerant ground cover specification
8. HVAC units hidden from all directions
9. DES & driveway permit approvals
10. Exit marking as appropriate painted on asphalt surface
11. Adequate surety bond is submitted
12. Lighting must not cast light upward, identify security light
13. Dumpster fence height at 6 feet

Mr. Gould suggested that we continue the hearing on the application until the next meeting. He noted that there are too many conditions to manage and it would be best to continue and have the applicant return with the changes made and start anew. Mr. Wilson questioned the need to continue. Mr. Krebs agreed a continuance would be appropriate because there are other questions pending especially regarding the NHDOT easement requirement for future widening of Rte. 1.

Mr. Todd, upon reconsideration, withdrew his motion.

Mr. Todd moved and Ms. Day seconded the motion to continue the application until the next meeting of the Board.

The Board approved the motion by unanimous vote (7-0).

Case #03-19 -- Map/Lot #012-030-000: Mill Place Subdivision – Squier Drive

Applicant: Michael Donahue, Donahue, Tucker & Ciandella, Attorneys-At-Law

Application: Request for Bond Release for Mill Place Subdivision/Porter Holdings, Inc., Exeter, NH 03833

Ms. Day recused herself because she is an abutter. Atty. Donahue formally requested the release of the bond commenting that all the conditions have been met as stated by the Town's engineer, Roger Roy of Downeast Engineering in his memos of February 18, 2003 and January 30, 2003.

Mr. Hines asked if the subdivision required a topcoat. He commented that it doesn't look finished. Atty Donahue responded by reading Item #6 on the January 30, 2003 Downeast Engineering memo, Item #6: *"Continental Paving, Inc. constructed the wearing course pavement on October 2, 2002. It appears that the settlement areas adjacent to the fire cisterns have been addressed. Downeast Engineering verified the wearing course pavement yield calculations provided by Jones & Beach Engineering and agrees that the wearing course pavement was constructed to the required thickness."*

Judy Day, 141 Mill Road, inquired if abutters were notified. Mr. Wilson responded that notifying abutters was not a requirement for a bond release/completion.

Dr. Arena questioned the engineer's ability to review the requirements for the bond release. Atty. Donahue commented that the Town engineer should be competent to conduct the review. Dr. Arena stated that he believes road shoulders are missing. Mr. Gould noted that the Town has no legal right to challenge its own engineer's review. Dr. Arena challenged Mr. Gould's statement and said the Town has the right to challenge any paid consultant. Mr. Wilson suggested that the Board recommend to the Board of Selectmen that the Building Inspector inspect the shoulders.

Dr. Arena moved and Mr. Todd seconded the motion to recommend to the Board of Selectmen to release the bond for Mill Place Subdivision subject to a review by the Building Inspector.

The Board approved the motion by unanimous vote (6-0).

Atty. Donahue requested that the Board of Selectmen release the bond without any further action on his part. Mr. Wilson indicated that the Planning Board would make a recommendation to the Board of Selectmen after the Building Inspector's inspection. After action by the Board of Selectmen, they will formally notify Atty. Donahue of the bond release.

Ms. Day was re-seated.

Case #03-20 -- Map/Lot #003-061-000: Lafayette Road/Hampton Airfield

Applicant: Mr. Dana Thurston, P.O. Box 6796, Portsmouth, NH 03802-6796

Application: Change of Use Application from Proposed Maintenance Building to Courier Service Facility/Aircraft Hangar.

Mr. Dana Thurston introduced himself and his partner, Eileen, stating that he operates a 24-hour courier business and has been in business for 10 years. His intent is to store his airplane in the hangar and to operate a business office in the loft area of the hangar. Mr. Thurston indicated he would use his airplane in his business, but only occasionally. His primary form of transportation for the courier business is automotive and he does not anticipate that to change. He also indicated that only he and his partner are involved in the business having no current or future plans to add employees.

Mr. Todd asked what type of vehicle maintenance would be conducted on site. Mr. Thurston responded that only his vehicle would be serviced on site. Mr. Krebs asked about water facilities at the site. Mr. Thurston answered that he anticipates being in the office for a maximum of 3 hours per day and as such does not need water services; yet he added, that may be a future interest. Dr. Arena asked if Mr. Thurston had an office anywhere. Mr. Thurston responded to Dr. Arena's question by stating that he currently maintains a home office.

Public hearing comments

Mr. Bud O'Connor, 10 Mill Road, expressed initial concern about the commercial use of Hampton Airfield rather than use as a rural airport. Mr. Thurston indicated that he plans to integrate aviation service into his courier business, but on a very small scale. In closing, Mr. O'Connor stated that his original concerns were unfounded.

Dr. Arena asked if the applicant would engage in night flying. Mr. Thurston indicated that only day flights would be scheduled and further added that flight service would be incidental to his courier business. Mr. Todd asked how many vehicles would be located at the site and Mr. Thurston responded only two vehicles – his and his partners.

John Cade, 5 Cessna Way, expressed concern over hours of operation and the direction or increase of the commercial operation. Mr. Thurston assured Mr. Cave that he has no plans for increasing the size of his business. Since there is no distribution activity at his site, Mr. Thurston stated that he hoped Mr. Cave would be less concerned about an increase in commercial activity.

Mr. Gould moved and Mr. Hines seconded the motion to grant the change of use application.

The Board approved the motion by unanimous vote (7-0).

At 9:25 PM Dr. Arena moved, and Ms. Day seconded the motion, to adjourn.

The Board approved the motion by unanimous vote (7-0).

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary