



Minutes

NORTH HAMPTON PLANNING BOARD Public Hearing and Work Session Monday, April 21, 2003

Page 1 of 9

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) Joseph Arena; (4) Judy Day; (5) Beth Church, Alternate, seated for Don Gould; Krystina Deren Arrain, Recording Secretary

Absent: (1) Don Gould; (2) Allen Hines, Selectmen; (3) Shep Kroner; (4) Richard Place, Alternate

Visitors: It was noted by the Recording Secretary that six (6) community members attended and participated in the meeting at various times and on various topics.

Mr. Wilson called the meeting to order at 7:07 PM.

Items Considered

Organization of Board Committees for 2003-2004

Although a quorum was present, Mr. Wilson thought it best to table the long-range planning appointments until the work session on May 19, 2003. He also added that nominations and recommendation for the Rockingham Planning Commission/RPC representative would be placed on the May 6, 2003 Planning Board meeting agenda.

Minutes from prior meetings

Minutes of the March 17, 2003 Work Session Meeting

Dr. Arena moved and Ms. Church seconded the motion to accept the minutes as amended. The vote was unanimous (5-0).

Minutes of the April 1, 2003 Regular Meeting

Dr. Arena moved and Ms. Day seconded the motion to accept the minutes as amended. The vote was unanimous (5-0).

Review of Rules of Procedure for Reviewing Minutes

Mr. Wilson opened discussion about updating the procedure for reviewing Board minutes. He referred to the initial discussion and his memo on this subject that was first raised at the March 17, 2003 meeting. Discussion ensued among Board members and there was no clear consensus on whether review edits should be conducted solely during meetings or whether edits should be submitted in writing to the Recording Secretary prior to the review session. At the end of the discussion period, Mr. Wilson suggested that Board members who wanted to submit their edits in writing were encouraged to do so, but added that this process was not mandatory. Mr. Todd requested that edited copies of the minutes would be available to Board members by noon of the Friday prior to the work session meeting.

Final Public Hearing

[Addressing Proposed Site Plan Review Regulation Amendments]

Mr. Wilson welcomed the public to the final public hearing for the as-built, greenspace and landscaping amendments to the site plan review regulations. He added that over the course of the public hearings on these issues, the Board received inputs from the public which were taken into consideration when editing the amendments.

As-Built

Discussion ensued about why the Board was instituting an as-built requirement. Mr. Wilson explained that the Board had realized from past experiences that applicants had not always adhered to approved site plans. The Board believed that an as-built requirement would be the tool that would improve applicants' compliance with and reveal any deviations from approved site plans. As an example, Mr. Wilson cited the Irving Oil project on Lafayette Road in which approved recessed lighting fixtures were substituted with non-recessed lighting fixtures. The result of this substitution was excess light pollution in the area of Atlantic Avenue and Lafayette Road. Mr. Wilson explained that some site plans are simple and as a result, do not warrant the added engineering cost of producing an as-built plan. He added that complex plans would usually warrant as-built plans.

Dr. Arena commented that if the Building Inspector inspected construction sites progressively during construction the need for an as-built plan would be unnecessary. He was concerned that there is no feedback to the Board about deviations from approved site plans during construction. Mr. Wilson commented that Dr. Arena is interested in establishing an inspection/feedback standard for project management. He further added that project management standards are not part of the as-built amendment and should be addressed at another time.

Public Comments

Tina Montgomery, CCI Realty, 14 Lafayette Road, commented that as a developer she had found that site plans usually change in varying degrees and circumstances as construction progresses. It was her understanding that the Building Inspector could approve minor/small changes. Ms. Montgomery added that when there is a change during construction, she needs a quick response, such as a decision by the Building Inspector/Town Engineer. She further added that returning to

the Planning Board for additional approval for a change is not an option when construction is underway. Michael Iafolia, 125 Woodland Road, suggested that the Board should define the parameters of what constitutes “acceptable changes.”

Ms. Day indicated that she is interested in a system of coordination with town officials and the Board. She asked Ms. Montgomery if the as-built amendment would help or hinder. Ms. Montgomery responded that she agrees with the value of an as-built plan but emphasized that the Building Inspector is the town’s representative and his/her approval of changes should be acceptable. Mr. Wilson stated that the Board needs progressive updates by the Town Engineer during project construction. He envisioned the Town Engineer would become a “de facto Clerk of the Works” and provide regular updates to the Board.

Mr. Iafolia inquired would there be a need for an as-built if an applicant followed the approved site plan? Mr. Todd responded that if the Building Inspector determined that the plans had been followed accurately, then the Building Inspector could decide that an as-built plan was not necessary.

Robert Gross, 148 Lafayette Road, indicated he was uncertain if the as-built requirement was a carrot-or-stick approach. He perceived the Building Inspector as the town’s reconnaissance on approved site plan projects. Mr. Wilson indicated that the as-built amendment specifies the Town Engineer as the designee to monitor applicant’s project construction. He indicated that the Town’s Building Inspector already has a full schedule and the Town Engineer would be the inspecting/monitoring designee. Mr. Gross asked what was the trigger that activated the Town Engineer’s actions. Mr. Todd responded that in the general course of construction inspection, the Town Engineer should be aware of activities that require his intervention. Mr. Wilson added that on smaller projects, the Town’s Building Inspector would probably oversee construction and issue appropriate permits or communicate to the Board any significant deviations.

Ms. Day moved and Ms. Church seconded to adopt the proposed amendment to Site Plan Review Regulation Article X. IV. B. to add as-built drawings requirements, as amended, to our Site Plan Review Regulations.

The vote was unanimous (5-0).

Adopted on 4/21/2003 – Article X.IV.B. (renumber old section)

AS-BUILT DRAWINGS

After completing an approved project, the applicant shall submit as-built drawings suitable for recording at the Registry of Deeds, and after review and approval, the Town shall record those drawings. The applicant shall be responsible for all costs associated with this article.

The Board may determine that the scope of a proposed Site Plan does not warrant as-built drawings. At its sole discretion, the Board may waive this requirement prior to

granting approval of a proposed site plan, or the Board may waive this requirement on the request of the applicant in the normal course of the site plan review process. In either event, the decision to waive this requirement will depend on the Board's judgement of the need for as-built drawings in relation to the scope and nature of the proposed project.

In inspecting a completed project and prior to issuing a Certificate of Occupancy, the Town Engineer may determine that deviations from approved plans were not sufficiently material to require separate as-built drawings. In such cases, upon written recommendation by the Town Engineer, the Board may elect to waive the requirement for as-built drawings and authorize the issuance of a Certificate of Occupancy.

*Unless the requirement for as-built drawings is waived or pre-empted by the issuance of a Certificate of Occupancy as provided above, **prior** to the issuance of a Certificate of Occupancy, the applicant shall have prepared by a licensed surveyor and/or engineer as-built drawings.*

As-built drawings shall show the accurate location, invert and top grade of all drainage structures, all sewer structures, water mains and appurtenances and ties thereto, utilities, and profiles, centerline street and ditch grades on 100-foot stations to the nearest 0.1 (one-tenth) foot. Three prints of this information shall be submitted to the Planning Board, or its agent, for approval. The Board's approval must be obtained prior to the issuance of a Certificate of Occupancy.

In the event that the Town Engineer determines that as-built drawings differ in any material respect from plans previously approved by the Planning Board, the Board shall review the Town Engineer's findings and decide whether such differences are sufficiently material as to require a resubmission of portions or all of the project plans to the Planning Board under these Regulations or any part thereof.

Greenspace

Mr. Wilson opened discussion on the greenspace amendment adding that changes had been made as a result of audience inputs during the March 19, 2003 work session. These included that in addition to the required 10-foot wide landscaped buffer area around the perimeter and the 5% minimum landscaped area in parking lots, 10% of the remaining buildable area of a lot shall have no impervious surface and shall be landscaped according to the Landscaping and Screening standards.

Public Comments

Mr. Iafolia indicated he was not completely sure that he understood the math behind the greenspace amendment beyond the 2-acre lot. For a 4-, 6- or 8-acre lot, he perceived the 25% figure as a larger amount of land assigned to greenspace. Mr. Wilson explained how the amendment was applied. Mr. Iafolia was satisfied with Mr. Wilson's explanation.

Mr. Todd commented that the word “buildable” should be excluded. He indicated that the business community was very concerned that the term was perceived as more restrictive. Mr. Iafolia heartily agreed with Mr. Todd’s assessment.

Mr. Todd moved and Ms. Day seconded to remove “buildable” from the proposed amendment.

Mr. Wilson expressed his opposition to the motion. Mr. Todd reiterated that the word “buildable” is too restrictive. Mr. Iafolia commented that the word “buildable” is punitive and inappropriate. Mr. Wilson suggested replacing “buildable” with “upland.”

Mr. Todd modified the motion and Ms. Day seconded to change “buildable” with “upland” in the proposed greenspace amendment.

Ms. Montgomery agreed with Mr. Todd’s change of verbiage.

The vote was unanimous (5-0).

Ms. Day moved and Mr. Todd seconded to accept the amendment of Article X. D. of the Site Plan Review Regulations.

The vote was unanimous (5-0).

Adopted on 4/21/2003 – Article X.D.

GREENSPACE

DEFINITION: A permeable area of vegetated ground surface.

In addition to the required 10-foot wide landscaped buffer area around the perimeter and the 5% minimum landscaped area in parking lots, 10% of the remaining upland area of a lot shall have no impervious surface and shall be landscaped according to the Landscaping and Screening standards below (Section X.D).

The meeting recessed at 9:10 PM

The meeting reconvened at 9:15 PM

Landscaping and Screening

Mr. Wilson opened discussion on the amendment commenting that he and Ms. Day edited the current version of the amendment incorporating suggestions received. He added that the opening sentence now reflects the purpose of the amendment. Mr. Wilson noted that Michael Sheffield of the North Hampton Business Association provided additional useful information as well as website resources. He and Ms. Day located valuable information from the Sustainable Landscape Group, Office of Sustainability Programs, University of New Hampshire website.

Public Comments

Mr. Wilson read the preamble to the amendment, opening public comments on the proposed amendment. He commented that the A.J. Dupere of the Urban Forestry Center/UFC preferred that the UFC not be referenced in the amendment. Mr. Dupere indicated that the UFC provides consulting services. It is not involved in setting regulatory practices or establishing standards. Mr. Wilson noted that reference to the UFC would be deleted. Mr. Todd noted that another recommendation from the UFC was to change “control” to “limit” in Item #1.(a) which the Board accepted.

Mr. Wilson commented that the updated changes have made the amendment clearer. Ms. Arrain added that reference to “sight triangles” are included in the amendment, but she is unclear where a definition exists of the term. Mr. Wilson agreed that a definition is lacking and indicated that a definition will be included in the Site Plan Review Regulations definitions section. Ms. Montgomery made the comment that as a developer she generally follows similar guidelines and added that she was satisfied with the current amendment.

Mr. Todd moved and Ms. Day seconded to accept the amendment as presented of Article X. D. of the Site Plan Review Regulations.

The vote was unanimous (5-0).

Adopted on 4/21/2003 – Article X.D. (replaces existing §X.D.1)

LANDSCAPING AND SCREENING

1. The purpose of this Article is to establish regulations that will, over time, help maintain and restore the rural New Hampshire seacoast character of the Town. Encouraging the planting of sustainable vegetation.- including ground cover, shrubs, and trees - that are native to the region will achieve this objective. In addition, plantings of varying species and degrees of maturity will have immediate and long-term benefits that are not only aesthetic, and economically viable, but also ecologically important for wildlife, water protection. Landscape plans submitted with applications shall be created using best management practices according to standards established by the New Hampshire Landscape Association or the Sustainable Landscape Group, Office of Sustainability Programs, University of New Hampshire.

(a) Landscaping and screening must be provided with proper regard to adjacent properties, the public highway and within the site, including interior landscaping of parking areas. The proposed landscape design must be compatible with any well-executed and maintained adjoining property landscape design. The landscape design, as submitted to the Planning Board, shall indicate prominent landscape elements on adjoining properties within 25 feet abutting the subject site.

Where the site abuts residential property, activity on the subject property shall be screened from the residential property by appropriate landscaping, including berming, mounding, the use of plant materials, and/or existing natural vegetation so as to limit the visual and aural impact of the commercial development. Fencing alone will not be considered an acceptable method of screening.

- (b) Vegetated buffer strips of at least twenty-five (25) feet minimum width from the property line shall be provided where a proposed non-residential development abuts a residential zone. Where appropriate, existing growth must be incorporated into the buffer strips or landscaping design. Buffer strips must contain vegetation which will screen the view from adjacent residential property during all seasons.*
- (c) A landscaping plan must be submitted and approved, showing locations and types of vegetation to be retained or established. Configuration and vegetation (including height) will be reviewed by the Board on a case by case basis to ensure reasonable visual and noise screening and to contribute aesthetic natural quality to the development.*
- (d) Vegetation. Mature trees and existing natural vegetation shall be maintained whenever possible. New development shall incorporate plants characteristic of the region and in natural masses. An adequate percentage of vegetation that retains its foliage shall be used to provide screening in winter months. Salt tolerant species shall be used where appropriate.*
- (e) Trees. All Commercial and Industrial development shall plant new trees in accordance with the following:*
 - 1. Salt Tolerance. Trees planted within 25 feet of a street right-of-way shall be salt tolerant and appropriate documentation shall be presented with the landscaping plan.*
 - 2. Overhead clearance. Tree size and planting locations shall be selected so that the tree, upon reaching its mature size, shall not interfere with existing overhead utility lines, unless, as part of the application, the overhead lines are to be relocated.*
 - 3. Planting zones. Planting trees in zones is encouraged along lateral and rear boundaries, as follows:*

Sight Triangles at Points of Ingress and Egress

Landscaping plans shall delineate sight triangles at all points of access and egress to driveways, rights of way, and public thoroughfares.

Commonly accepted standards for delineating and planting within sights triangles shall be used.

Low Zone (Front and lateral boundaries to a depth of 30' from the edge of the right of way.)

Trees that grow no taller than 20 feet. Low-zone trees may be planted anywhere within this zone, including tree plantings under or near utility lines.

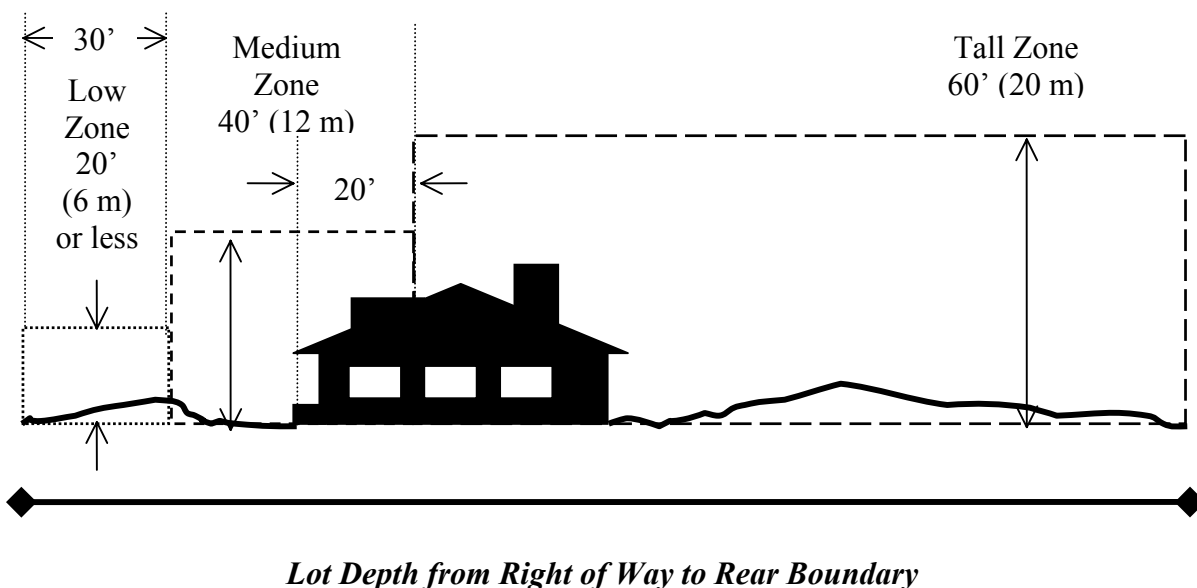
Medium Zone (Lateral boundaries from a depth of 30' from the right of way to a line 20' past the front of the forward most building on the site.)

Trees that grow no taller than 40 feet in height. Appropriate soil spaces are: wide planting areas or medians 4 feet to 8 feet wide, large planting squares eight-feet square or greater and other open areas of similar size or larger.

Tall zone (Rear and lateral boundaries not covered by the above zones.)

Trees that grow 50 feet or more in height. Plant trees at least 35 feet away from buildings to allow for proper root development and minimize damage to buildings. These trees must also have a very large planting area or medians greater than eight feet to allow for root system, trunk diameter and root flare.

Tree Planting Zone Diagram



(f) Landscape Bond. A bond equal to 25% of the installed cost of the plantings will be held by the Town for two (2) growing seasons to ensure prompt replacement of any dead plantings. The Construction Inspector from the Town's engineering consulting firm shall inspect site landscaping annually and recommend reduction of the bond, as appropriate.

Mr. Wilson entertained a motion to adjourn.

**Dr. Arena moved and Ms. Church seconded the motion to adjourn.
The vote was unanimous (5-0).**

Meeting adjourned at 9:30 PM

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary