



Minutes

NORTH HAMPTON PLANNING BOARD Meeting: May 6, 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) Judy Day, (5) Shep Kroner (6) Joseph Arena (7) Beth Church seated for Don Gould

Absent: None

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

Present, not Seated: Richard Place, Alternate

Mr. Wilson called the meeting to order at 7:00 PM.

Items Considered

Nominations and Recommendation for Open Seat on the Rockingham Planning Commission/RPC

Mr. Wilson explained the procedure for the appointment of an RPC Commissioner. The Planning Board provides a recommendation of an appointment for the position of North Hampton Commissioner to the RPC to the Board of Selectmen. The Board of Selectmen acts on the nomination and appoint a commissioner. Bob Landman whose term expires May 22, 2003 currently holds the position.

Dr. Arena moved, and Mr. Todd seconded the motion, to nominate Bob Landman for appointment as North Hampton Commissioner to the Rockingham Planning Commission (RPC).

Mr. Hines moved, and Mr. Kroner seconded the motion, to nominate Charles Gordon for appointment as North Hampton Commissioner to the Rockingham Planning Commission (RPC).

Mr. Wilson indicated that he had not received a letter of interest from Mr. Gordon, but had received a letter of interest from Mr. Landman listing his qualifications and accomplishments. In

addition, the Board had received numerous letters recommending his re-appointment to the RPC. In these letters of support, it was cited that Mr. Landman had attended all the meetings during his 8-year tenure as well as being fully prepared to address issues considered by the RPC. Mr. Wilson added that Mr. Landman had volunteered his time and efforts willingly to the Town of North Hampton and had proved to be an effective advocate for North Hampton. He added that Mr. Landman had advocated walking/biking paths, improved internet access and championed the upcoming Rte 1 study. Mr. Wilson further added that on a less positive note, Mr. Landman is assertive/talkative and firm on his opinions, but his overall contributions have been positive. Many of the letters of recommendation also cited Mr. Landman's outspokenness, but also said that he was the kind of advocate a Town should want on the RPC.

Mr. Wilson added that the following letters would be included in the meeting minutes:

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| 1. Cliff Sinnott, Executive Director | Rockingham Planning Commission |
| 2. Michael Behrendt, Chief of Planning | City of Rochester, NH |
| 3. Stephen T. Pesci, Transportation Service Dept | UNH/Campus Planning |
| 4. James D. Steffen, TAC Representative | City of Somersworth, NH |
| 5. James B. Campbell, Dir. Of Planning | Town of Durham, NH |
| 6. James Roby Day, former RPC Commissioner | Town of East Kingston, NH |
| 7. Kenneth L. Weyler, State Rep. District 79 | NH House of Representatives |
| 8. Warren T. Bambury, RPC Commissioner | Town of Hampton |

Dr. Arena and Mr. Todd expressed support for Mr. Landman's nomination. Mr. Kroner, who currently serves as a North Hampton commissioner to the RPC stated that if Mr. Landman were not re-appointed to the RPC, it would be a loss to both the RPC as well as to the Town of North Hampton.

Mr. Hines stated that Mr. Landman had served for eight (8) years, which is a long time. He added that Mr. Gordon had expressed his interest in a letter to the Board of Selectmen to serve as an RPC commissioner. Mr. Hines commented that the Board of Selectmen wants to encourage other citizens to participate in town government and believed a change in commissioners would bring a new perspective to the position and to the Town. Dr. Arena asked what would the Board of Selectmen do if no one else were nominated. Mr. Hines responded that he couldn't speak for what the Board of Selectmen would do in such a situation.

Mr. Wilson opened the floor to the nominees, noting that Mr. Gordon was not in attendance. Mr. Landman addressed the Board stating that his tenure on the Board had been an advantage for the Town. During that time, Mr. Landman learned how to get things done at the local, regional and state level and that this type of knowledge and expertise is only reached through consistent years of volunteer service. He served four (4) years on the Executive Board as well as the Transportation Commission and is now in position for the Vice-Chairmanship of the RPC. In closing, Mr. Landman reiterated if re-appointed his experience would be beneficial to the Town; it would not be a disadvantage.

Mr. Wilson added that he believed Mr. Landman's experience is important and his serving as Vice-Chair is a benefit. He added that the upcoming Rte. 1 study is very important to North

Hampton and Mr. Landman's expertise and knowledge of transportation issues would be very helpful and supports his re-appointment to continue serving North Hampton. Mr. Hines commented that he believed that Mr. Landman's 8-year tenure was sufficient. Mr. Todd asked if the Board of Selectmen had received any negative comments in relation to any project/issue in which Mr. Landman was involved. Mr. Hines responded that during his 8-month tenure on the Board of Selectmen, he had not heard negative comments regarding Mr. Landman's participation at the RPC.

The Board voted 6-1 in favor of nominating Bob Landman.

The Board voted 1-5 in favor of nominating Charles Gordon with Ms. Church abstaining.

The nomination for Bob Landman was approved.

Mr. Wilson stated that a letter recommending the appointment of Mr. Landman would be provided to the Board of Selectmen for consideration at the May 12, 2003 meeting.

In closing, Mr. Landman added that a representative to the TAC [Transportation Advisory Committee] and the Rte 1. Study Committee [SSC] must be selected. Mr. Wilson added that this issue would be addressed during the Board's work session on May 19, 2003. Mr. Landman thanked the Board for its attention.

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 is a continuation of the April 1, 2003 meeting.

Jessica Winston of Millette, Colwell & Sprague, representing the applicant, addressed the Board and asked for approval of the project noting the following changes have been made on the site plan and/or comments added:

1. Added 10-foot landscape perimeter
2. Moved the handicap parking location
3. Included details of the dumpster location
4. Removed the silt fence reference
5. Included breakdown of landscape calculations – i.e., percentage of pervious surface in parking area
6. Included landscape buffer near loading dock
7. Changed lighting to dark sky illumination
8. Moved parking spaces at entrance closer to building; parking spaces will be angled at 90°
9. Retained two perpendicular parking spaces in corner parking area for better site design

Dr. Arena argued for the 60° angled parking at the entrance. Ms. Winston commented that the parking spaces were angled at 90° thereby providing more parking spaces. She added that perhaps these spaces could be designated s employee parking. Dr. Arena asked who owned Hampton Airport access road. Michael Iafolla and Tina Montgomery stated the applicant owned the access road. The applicant had provided the Board with a copy of the deed that referenced that ownership.

Robert Martel, Project Architect addressed screening/hiding HVAC unit on the building roof. He commented that possibly three (3) units need to be screened from view on Rte. 1. He added that the building parapets could be raised four (4) feet to accommodate any screening need.

Mr. Hines said that, because there was no requirement that HVAC units be screened, the Board should not require it. Mr. Wilson replied that requirements stated in the Site Plan Review Regulations were minimum conditions, not maximum conditions and therefore that the Board could request the screening if it thought to do so were in the Town's best interests.

Mr. Krebs asked about NH DOT driveway approval and Ms. Winston added that the NH DOT would require an easement before they issue approval for a driveway permit. Mr. Todd noted his concern that the airport sign posed a potential safety hazard. With a higher volume of delivery trucks using the airport access road, he perceived potential entering/turning hazards in the vicinity of the airport sign. Mr. Krebs and Ms. Winston indicated deliveries would not be made using the airport access road. Dr. Arena asked the applicant what are the plans for the airport sign. Mr. Sylvester indicated he could not answer questions regarding the disposition of the airport sign because Mr. Hart of Hampton Airport is the individual responsible for the sign.

Public Comments: None

Mr. Hines moved, and Ms. Church seconded, to approve the application with the following conditions: (a) DES Septic approval, (b) NH DOT driveway permit approval and (c) surety bond approval.

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

Case #03-26 -- Map/Lot #003-096-000: 14 Lafayette Road/Times Square

Applicant: Michael Iafolla, 14 Lafayette Realty LLC, P.O. Box 941, North Hampton 03862

Application: Request for Landscape Bond Release for 14 Lafayette Road/Times Square Project

Michael Iafolla, representing 14 Lafayette Realty LLC, came before the Board requesting release of the \$30,000. landscape bond for the 14 Lafayette Road/Times Square Project. He added that the North Hampton Building Inspector, Richard Mabey inspected the property, determined that landscaping work has been satisfactorily completed, and recommended approval of the landscape bond release. In addition, Mr. Iafolla added that an as-built plan was presented to and

approved by the Board on February 4, 2003. That plan, D-30520, was recorded at the Registry of Deeds on March 17, 2003. Mr. Iafolla commented that all of the conditions of the landscape bond have been met.

Dr. Arena moved, and Mr. Kroner seconded, to recommend to the Board of Selectmen to release the landscape bond for 14 Lafayette Road/Times Square.

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

Case #03-22 -- Map/Lot #001-136-000: Willow Avenue and Chapel Road

Applicant: Stephen and Nancy Wood, 277 Gulf Road, Dover, NH 03820

Application: Request for Subdivision

Mr. Wilson opened discussion on this application commenting that he had reviewed the plan and had discussed both with Charles Gordon, Little Boars' Head Board of Commissioners and John Krebs of the Rockingham Planning Commission/RPC, the following observations:

1. According to Article IV, Section 406.1, the frontage requirement for this application has not been met; it is 13 feet short on Willow Avenue of the 175' required frontage.
2. He does not believe it is a prudent process to review this application in advance of the Little Boars' Head Planning Board's review and action.

Mr. Todd noted that he and the members of the Application Review Committee/ARC agreed and supported Mr. Wilson's observations. Ms. Church noted that Robert Southworth, Co-Chair of the Little Boars' Head Planning Board/LBH-PB had no objections to the North Hampton Planning Board hearing the Woods' application first. Mr. Wilson responded that he did not accept Mr. Southworth's judgement feeling that it circumvented the interests of the residents of Little Boars' Head in having the opportunity to comment on the application in Little Boar's Head Planning Board public hearings without prejudgment by the North Hampton Planning Board.

Rusty Lovell, the Woods' representative, indicated that abutters are notified twice and no one is left out of the process. Mr. Krebs commented that every time a subdivision request is submitted, the issue of jurisdiction is re-addressed and remains unsolved. Mr. Lovell indicated that the frontage requirement could be easily moved and thus, remedied. Mr. Wilson stated that he understood that the problem could be remedied, but that, nevertheless, the application as it stands proposes a non-conforming lot and the Board cannot act until the issue is resolved. He commented that the New Hampshire Municipal Association/NHMA had advised the Board that it could not accept jurisdiction for and act on an application presenting an issue over which the Board did not have jurisdiction. As long as the issue of meeting the required frontage dimension remains, the Little Boar's Head and North Hampton ZBA's must act before the North Hampton Planning Board can accept jurisdiction.

Mr. Todd moved and Ms. Day seconded, not to accept the application because it is incomplete referencing two reasons: (1) One of the proposed lots does not meet the 175-foot frontage requirement on Willow Avenue, and (2) the applicant had not received approval from Little Boars' Head Planning Board.

**The Board voted 5-0 with 2 abstentions from Mr. Hines and Ms. Church.
The motion was approved.**

The Board recessed at 8:22 PM

The Board reconvened at 8:28 PM

Case #03-23 -- Map/Lot #022-014-001/002: 223 and 229 Post Road

Applicant: Nick and Emmanouella Birmbas of 223 Post Road and Francis and Karen McWilliams of 229 Post Road, North Hampton, NH 03862

Application: Request for Subdivision

Bill Doucet, representing the applicants, came before the Board noting that the recent 100-foot wetland buffer ordinance adopted by the Town affected these two lots. He noted that the impact of this ordinance required that the applicants secure a variance for a driveway to cross the wetlands. To apply to the Zoning Board of Adjustment/ZBA, the Planning Board must deny their application. Mr. Doucet stated their appearance before the Board was to begin the process.

Mr. Wilson added that the applicants would need a conditional use permit to fill the wetland. Ms. Church asked whether the area would still be considered wetland if fill were added. Mr. Wilson commented that, even if the fill were not considered wetlands, the fill would still be within the 100-foot setback. He also noted that a pervious driveway might be possible.

Mr. Krebs noted that the building envelope is small, less than 16,000 square feet. He and Mr. Wilson discussed their opposing opinions about whether the new wetlands setback amendment implied that a newly created lot that had less than 16,000 square feet for building would be a non-conforming lot. Mr. Wilson said that he did not believe that had been the intention of the Board in writing the amendment; Mr. Krebs said that he and other planners he had consulted believed that was the most reasonable interpretation of the amendment.

Mr. Wilson opened the floor for public comment, although he noted that no public hearing was required because the Board had not yet accepted jurisdiction over the application.

Public hearing comments

Christopher Ganotis, 18 Deer Run Road, North Hampton, an abutter commented that the applicants should go before the Conservation Commission regarding the environmental impact of a driveway in the wetlands. He further stated that subdividing the land would necessitate cutting down the existing trees that act as a visual and noise screen for Interstate 95, which is

located behind the two lots. Mr. Ganotis also added that he perceived a potential for future problems with owners who would share the proposed driveway.

Robert Durant, 26 Deer Run Road, North Hampton, an abutter agreed with Mr. Ganotis' observation that cutting down the trees would have a negative impact on the neighbor. Road noise from Interstate 95 would not be screened/filtered as well once the trees were removed.

Mr. Hines commented that the new ordinance requires 16,000 square foot building envelope, which basically allows for a small house without a garage. Mr. Todd questioned whether the driveway is too narrow for two-way access and whether it would impede access by emergency vehicles. Mr. Krebs disagreed stating that a 15-foot driveway is adequate; further adding that a 12- or 14- foot driveway could accommodate emergency vehicles.

Ms. Day moved, and Dr. Arena seconded, to deny the application because (1) the building envelope is less than 16,000 square feet and (2) an impermeable surface is located within 100 feet of an inland wetland.

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

Case #03-24 -- Map/Lot #003-101-000: 26-30 Lafayette Road

Applicant: KNC Investments, LLC, 282 River Road, Manchester, NH 03104

Application: Site Review for Retail Development

Joe Coronati, Jones & Beach Engineering, Inc., representing the applicant began the presentation stating that the applicant is returning to the Board for consideration of a modified retail development. Six months earlier the applicants appeared before the Board with a proposal for a Wendy's restaurant that was denied. This updated plan included a retail development that would encompass the area now occupied by the former antique shop, Wilbur's Restaurant, barbershop and a single-family house.

Mr. Coronati added that the proposed plans address a 12-foot highway easement, received approval for water service through Aquarion, include a septic and storm drain system, and a front property drainage swale. He further indicated that Steve Pernaw had conducted a traffic/impact study for the site and was prepared to make his presentation.

Mr. Todd commented that the application is incomplete. He referenced the numerous comments received from Ed Kelly/KNA, the Town's Engineer, and from John Krebs/RPC. He noted that the applicant should address these comments and return when those issues have been addressed. Mr. Coronati commented that he just received the comments and had not reviewed them. He added that the applicant plans to develop the remaining parcel in the future, at which time engineering will be completed. Currently the applicant anticipates a restaurant will be located on the site and would accommodate 66 parking spaces.

Mr. Hines left the meeting at 9 PM. Because the Selectmen's ex officio member's alternate was not present, no alternate could be seated.

Mr. Kroner expressed concern about driving safety in the vicinity of the proposed entrance. He cited a high volume of turning/exiting traffic near Cedar Road.

Mr. Pernaw, Traffic Engineer, presented an overview of the traffic/impact study he conducted. After preliminary observations, he determined that peak traffic/travel time in the area were between 4-5 PM on weeknights and midday on Saturdays. In summary, Mr. Pernaw noted that the area experienced 158 trips on weekdays between 4-5 PM and 241 trips on Saturdays at midday. He further noted that the increase in traffic equated to a 5% increase at Cedar Road and a 10% increase at South Road.

Mr. Todd asked if relocating the proposed development entrance further south than its current location would be a safer/better solution. Mr. Pernaw commented that locating the current entrance accommodates cross traffic going to Cedar Road. Dr. Arena voiced his concern about large trucks turning, especially onto South Road. Mr. Wilson asked what assumptions were used for Mr. Pernaw's Year 2013 projections. Mr. Pernaw responded that standard assumptions of growth were used for this area; these assumptions were not site specific. He suggested that it is very important to have two (2) exit lanes for the site. He further added that in the future, the entrance should perhaps be signaled. In closing Mr. Pernaw noted that for traffic flow resolution he attempted to (a) minimize curb cuts, (b) determine the best entrance/exit location, (c) provide adequate sight distance and (d) use correct traffic control devices.

Mr. Coronati requested that if the applicant is denied at this session, he requested reasons/clarification for the denial. Mr. Todd responded that there are simple oversights on the plan that need to be addressed; there is a lot of redundancy. Mr. Wilson added that zoning prohibits structures in the buffers. Mr. Wilson added that it would not be a prudent use of the Board's time to clarify every concern that Board members have about the application at this time. He suggested that Mr. Coronati review the comments by the Town Engineer and Mr. Krebs and confer with them on questions or clarifications.

Mr. Coronati asked for clarification on the 10-foot landscape buffer as it relates to the 12-foot highway easement. Mr. Todd responded that there should be a 10-foot landscape buffer after the 12-foot highway easement is applied. Mr. Wilson added that the Board cannot require, in essence a 22-foot buffer, but suggested that it would be prudent for the applicant to consider incorporating an increased buffer area to avoid any future problems. Mr. Coronati inquired about waiving fees for their return to the Board on this project.

Mr. Todd moved, and Ms. Day seconded, to deny the application based on:

- 1. Violation of Article V, Section 406.8: Proposed construction of three (3) drainage structures within the 10' landscape buffer is a zoning ordinance violation. The applicant could seek relief through the Zoning Board of Adjustment for a variance.**

2. **Engineering and RPC Development Review Notations.** The applicant must address issues raised by John Krebs, Circuit Rider/RPC, in his Development Review dated April 30, 2003 and Ed Kelly, Town Engineer, in his revised memo dated April 29, 2003.

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

Mr. Todd moved, and Dr. Arena seconded, to waive re-application fees with the exception of abutters' fees.

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

Mr. Kroner moved, and Dr. Arena seconded, to hear cases until 10:30 PM.

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

Case #03-25 -- Map/Lot #008-121-000: 10 Exeter Road

Applicant: Christian D'Urso, 10 Exeter Road, North Hampton, NH 03862

Application: Request for Subdivision

Mr. Wilson recused himself at 9:55 PM

Mr. Todd assumed the Chair.

Mr. Place was seated as Mr. Wilson.

Christian D'Urso stated that he was been working with the Conservation Commission for sale of his property, but that endeavor had failed pending a final vote by the Commission. Mr. Todd asked if the Board could hear this case. Mr. Krebs stated that the Board could act on this request for subdivision at this time. Mr. D'Urso noted that in a prior application he requested a 3-lot subdivision. He had now applied for a 2-lot subdivision, combining the former proposed Lots 2 and Lots 3 into one lot. Mr. Todd noted that the combined lot is located within two zone districts, R1 and R2 and the zone districts notations must be included on the plan.

Mr. D'Urso questioned comment #A1 on Mr. Krebs' April 30, 2003 memo that included the notation "THIS LOT SHALL NOT BE FURTHER SUBDIVIDED." Mr. D'Urso felt the statement was too restrictive. Responding to comment #A2, Mr. D'Urso said the two septic reserve areas remained on the plan to provide future owners a choice of septic locations. Responding to comment #A3, Mr. D'Urso indicated a new subdivision application to the NH DES will be submitted.

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

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

Public hearing comments. None.

Ms. Day moved, and Dr. Arena seconded, to approve the application with the following conditions:

1. **Certificate of Monumentation.** The applicant shall provide the Board with a **Certificate of Monumentation**, stamped and signed by a NH LLS certifying that all monuments depicted on the plan have been properly set.
2. **NH DES Subdivision Approval.** The applicant shall provide the Board with documentation of approval from the NH DES.
3. **Designation of R-3 zoning district on Subdivision Plan.** The applicant shall add this information to the plan.

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

Dr. Arena commented that the North Hampton Planning Board was elected to represent all of North Hampton and he believes that the Little Boars' Head Planning Board/LBH-PB is unnecessary and should be dissolved. Mr. Krebs added that the LBH-PB has the right to exist and the Board cannot dissolve it, only the LBH-PB can dissolve itself.

Ms. Day commented that she wants the Board's lack of access to NHMA services resolved. Mr. Wilson responded that Susan Slack, NHMA, had confirmed with him that the Town of North Hampton is their client and can set the parameters of access to their services.

Mr. Wilson was re-seated at 10:15 PM

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

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

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary