



## **Minutes**

### **NORTH HAMPTON PLANNING BOARD Regular Meeting on January 6, 2004**

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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.*

**Present:** (1) Phil Wilson, Chair; (2) Ron Todd, Vice Chair; (3) Jenifer Landman, Selectperson; (4) Joseph Arena; (5) Don Gould; (6) Shep Kroner, (7) Beth Church seated for Judy Day.

**In attendance:** (1) Laurel Pohl, Alternate; (2) Jill Robinson, Circuit Rider/RPC; (3) Krystina Deren Arrain, Recording Secretary/Planning & Zoning Administrator.

**Absent:** (1) Judy Day, (2) Richard Place, Alternate.

Mr. Wilson called the meeting to order at 7:05 PM.

**Case #03-50 -- Map/Lot #006-131-000: 19 Maple Road**, Cadillac Auto Company of Boston, 19 Maple Road, North Hampton, Request for Subdivision to create five (5) lots. This is a continuation of the December 2, 2003 meeting.

Mr. Wilson noted that the applicant has requested a continuance until the February 3, 2004 meeting. They have applied to the ZBA for a variance for allowance to create a backlot in their subdivision request.

The request was granted without objection.

**Case #04-01 -- Map/Lot #008-121-000: 10 Exeter Road**, Dave Whalley, 27 Hobbs Road, North Hampton, Conceptual Review for a non-profit sports arena for basketball, flag football, volleyball, etc.

Mr. Wilson explained that the Town, through North Hampton Forever, had purchased the 12-acre lot at 10 Exeter Road for permanent conservation, noting that the property will probably become the first community garden. He added that under these circumstances, the case was abandoned and noted that no representative was present.

**Case #04-02 -- Map/Lot #022-014-002: 229 Post Road**, Francis & Karen McWilliams, 229 Post Road, North Hampton, Request for Subdivision to create two (2) lots from one (1) lot.

Mr. Wilson reported that the applicants have requested postponement of their application request until the February 3, 2004 meeting.

**Bond Release Request for Evergreen Drive**, Glenn Martin, Evergreen Drive of the Seacoast, LLC, P.O. Box 1020, North Hampton, NH 03862 requests the final road bond release for Evergreen Drive.

Mr. Martin explained that he believed all the conditions of the Hobbs Farm/Evergreen Drive subdivision approval had been met. He explained that the updated hydrant grading as desired by the Fire Department and Town Engineer defeat the purpose of the swale located in the same area for drainage. Mr. Martin emphasized that he is awaiting a final design or a decision on how to proceed with the hydrant issue. Regarding the issue of wells capping, he stated there are two monitoring wells and he has provided the Board with the appropriate easement documentation. Mr. Martin said he does not have any documentation that verifies that the third well, which is abandoned, is certifiably abandoned.

**Mr. Todd moved and Dr. Arena seconded to reduce the bond to \$2,660.00 per the recommendation of the Town Engineer.**

***The vote was unanimous (7-0). The motion carried to reduce the bond to \$2,660.00.***

**Case #04-03 -- Map/Lot #022-014-001: 223 Post Road**, Nicholas & Emmanouella Birmbas, 223 Post Road, North Hampton, Request for Subdivision to create two (2) lots from one (1) lot.

Attorney Bernard Pelech introduced himself to the Board representing the applicants. He remarked that this application is a similar subdivision request that came before the Board last winter. After the application was denied, the Birmbases appealed the decision to the ZBA that determined that the Planning Board erred in applying a 16,000 sq ft standard in its interpretation of 409.9 A.1. As a result of the ZBA decision, the Birmbases have re-applied and asked the Board for approval of the subdivision.

Mr. Todd explained that during the original application hearing, the soil scientist stated than an evaluation of the property for the wetland delineation was performed in the winter under extreme conditions. The soil scientist added that wetland delineation issue should be re-evaluated under more favorable weather conditions. Mr. Todd asked for an easement deed for the driveway.

Mr. Todd noted that the Board did not have any information on the Conservation Commission approval. There was also a question about the leach field. He also mentioned iron pipes for property line demarcation and the requisite DES septic system approval. Atty. Pelech stated he could provide the required materials to satisfy most of these technical matters.

Mr. Todd commented that he believed the Board was most concerned with wetland delineation. Larry Morse, NH Soil Scientist stated they could conduct wetland delineation if there were no additional snow cover.

Atty. Pelech requested that the Board accept jurisdiction on the application and stated further that the applicant would return next month with the required information. Ms. Robinson questioned the issue of a shared driveway. Ms. Landman commented that from her knowledge,

it was very important that provisions are established between landowners addressing appropriate and necessary care and maintenance of a shared driveway.

Mr. Todd expressed concern that once the application was accepted, the 120-day application-processing rule would apply. Mr. Pelech indicated that the applicant would waive the time requirement and that the applicant would attempt to conduct wetland delineation.

**Mr. Gould moved and Mr. Todd seconded the motion to accept the application as complete.**

***The vote was unanimous. The motion carried. The application was accepted as complete.***

The public hearing opened at 7:46 PM

Christopher Ganotis, 18 Deer Run Road, an abutter, who is also Co-Chair of the Conservation Commission, commented that the Commission did not approve the Birmbas' application because of the wetland crossing issue. Mr. Ganotis further remarked that since the 1995 construction of the Birmbas' home, there has been significant stormwater runoff. He expressed concern that the construction of another home on the proposed lot would further increase the stormwater runoff. It would make his property wetter. Additionally, Mr. Ganotis anticipated an increase in noise pollution from I-95 because the site would be cleared of trees for the location of the house and driveway.

Ms. Landman inquired if any part of the driveway crossed wetland. Atty. Pelech remarked that it did not; the driveway crossed part of the well radius. Mr. Ganotis said that the developer/builder assured the Conservation Commission that he would install a permeable driveway. Originally, the builder installed an impervious/paved driveway.

Bob Durant, 26 Deer Run, an abutter, commented that he does not have the same water runoff issues as his neighbor, but he is very concerned about the anticipated noise pollution when the lot is cleared of the majority of tree cover.

Mr. Wilson closed the public hearing at 7:58 PM.

Ms. Landman asked if the applicant planned to cut down a lot of trees in the wetland. Atty. Pelech indicated the applicant planned to cut down only the trees required for the house site and driveway. Mr. Wilson mentioned that trees can be cut down in wetlands, but the stumps cannot be removed. Mr. Wilson asked for permission to conduct a site walk. Atty. Pelech agreed that a site walk could be arranged.

**Dr. Arena moved and Ms. Church seconded the motion to continue the application until February 3, 2004.**

***The vote was unanimous (7-0). The motion carried to continue the application until February 3, 2004.***

**Mr. Todd moved and Mr. Kroner seconded the motion to conduct a site walk at 223 Post Road on Monday, January 12<sup>th</sup> at noon.**

*The vote was unanimous (7-0). The motion carried to conduct a site walk on January 12, 2004.*

**Case #04-04 -- Map/Lot #017-108-000: Sagamore Golf Center**, 22 North Road, Richard Luff, 101 North Road, North Hampton, NH 03862, Request for Release of Irrevocable Letter of Credit.

Mr. Wilson noted that the Board had received reports from both the Town Engineer and the Building Inspector recommending release of the irrevocable letter of credit.

**Dr. Arena moved and Mr. Gould seconded the motion to release the letter of credit as recommended.**

*The vote was 6-0 with Ms. Landman abstaining. The motion carried to release the letter of credit.*

**Case #03-49 -- Map/Lot #007-052/053/056-000: 33-49 Lafayette Road**, W/S North Hampton Properties, LLC [a.k.a. Lafayette Crossing Mall] Site Plan Review for one (1) retail store and site location preparation. This is a continuation of the December 2, 2003 meeting.

In attendance for applicant:

Atty. Bernie Pelech  
Larry Morse, NH Soil Consultants  
William Haskell, Gorrill-Palmer  
Peter Hedrich, Gorrill-Palmer  
Barry Hosmer, Landscape Architect  
Richard Landry, Architect  
John Corbett, W/S North Hampton Properties

Atty. Pelech remarked that the applicant's team met with Ed Kelly/Town Engineer, Jill Robinson/RPC Circuit Rider, Richard Mabey/Building Inspector and Krystina Deren Arrain/Planning Administrator in an attempt to address the issues rose during the December meeting. He noted the applicant received their DOT site permit. Atty. Pelech stated that upon further investigation, Al's Seafood sign would not be obscured in any manner by the planned changes proposed in Phase III.

Mr. Haskell said there are two sets of review comments. Mr. Haskell reviewed comments included in the Submittal #2 package that were delivered to the town offices on December 23, 2003. Mr. Todd questioned the lack of a demolition plan. Mr. Haskell indicated that a demolition plan is usually a component of a building permit application, rather than a site review application process.

Mr. Todd expressed concern about truck traffic being routed between the Home Depot and proposed Marshall buildings. Mr. Haskell indicated that the truck traffic flow is to demonstrate the ability of emergency vehicle access and successful maneuverability in the area if needed. Regarding the delivery truck route, Mr. Wilson asked Mr. Haskell to place appropriate "Truck Route" signage on the plan.

Mr. Haskell indicated there would be new lighting fixtures on Safelite (Parcel C) site that would comply with the dark sky standard. A new site plan with all abutters listed was submitted. Mr. Todd requested a note on the plan listing the date and section number of variances granted. Mr. Haskell agreed. Mr. Haskell noted that a construction bond estimate was submitted in Submittal#2. He added that the proposed hours of operation would be normal business hours.

Ms. Landman asked about deliveries. Mr. Haskell noted that deliveries are made during normal work hours and/or early morning or possibly late evening. Stump removal is not required because it is all developed property. Underground services are noted on the site plan. Cross easements have been provided to the town.

Mr. Haskell noted that updated drainage improvements were implemented in Phase II. As a result, no additional improvements for drainage are needed for Phase III. Mr. Haskell stated that according to DES requirements, they do not need a dam permit.

Mr. Haskell indicated that the parking area and tenants' structures would be closer to Lafayette Road because the extra space was needed to meet the parking lot requirements. Mr. Wilson asked if the Board were willing to waive some of the parking space requirements in order to preserve a larger greenspace area. Mr. Wilson requested that the applicant review the current tenants parking preferences regarding the possibility of fewer parking spaces.

Mr. Wilson indicated that the purpose of the tree height requirement of less than 20 feet was to address trees interfering with overhead wiring. He noted that since overhead wiring does not exist on the site, keeping the applicant to standard is unnecessary. Mr. Hosmer indicated that the Ivory Silk Lilac trees are not expected to exceed 20 feet in height in this climate and under these conditions.

Atty Pelech addressed the waiver requests. He explained that the Town Engineer required the 150-scale plan to accommodate the listing of all the abutters on the site plan. He remarked that the Town Engineer's request does not meet the town's standards. Atty. Pelech withdrew his waiver requests.

**Mr. Todd moved and Dr. Arena seconded the motion (1) to waive the scale requirement of Sections VIII. B.2 on the overall site plan drawing and (2) to waive the requirement of VIII. B. 3 to list all abutters on other drawings.**

***The vote was unanimous (7-0). The motion carried.***

Mr. Haskell added that the stormwater drainage site walk planned with Mr. Kroner had not been scheduled as of the current date. Mr. Kroner added that the stream crosses into and passes

through the Aquarion site and merges with Nilus Stream and continues on into the town of and drains into the Hampton Marsh.

Mr. Hedrich, Traffic Engineer, indicated that 16 % of traffic entered the site from Cedar Road and the remaining 84% entered the site from Lafayette Road. He indicated that they were surprised there was greater northbound traffic flow rather than southbound. Mr. Kroner expressed concern that there was significantly increased traffic on Cedar Road since the construction of Shaw's. Mr. Hedrich indicated that the Police Chief had not indicated any problem regarding accidents or safety issues. Mr. Kroner indicated that the Cedar Road traffic flow increase was more of a quality of life issue than traffic safety.

The Board expressed continued concern about traffic flow exiting the current Safelite site and taking a left turn, heading towards Lafayette Road. Mr. Hedrich indicated that his modeling scenarios indicated that safety is not compromised at this entrance/exit. Mr. Corbett suggested that the Board table this discussion until a tenant/s are identified for this site. Mr. Todd suggested that the Board not approve the driveway cut at this time. Mr. Wilson remarked that a driveway cut into the Home Depot area would possibly encourage patrons to exit via Cedar Road.

Mr. Gould suggested that the Board require an independent traffic expert's evaluation and report his findings to the Board, after which time the Board could make an informed decision. Mr. Hedrich indicated that the applicant has submitted information to the DOT who was conducting and independent analysis.

**Mr. Gould moved and Mr. Kroner seconded the motion that the Board should (1) retain an independent traffic consult (2) using the available data to (3) review and evaluate the applicant's conclusions and (4) offer any other suggestions.**

***The vote was 6-1 with Dr. Arena opposed. The motion carried to retain an independent traffic consultant.***

Mr. Corbett commented that at the time of the Home Depot lease agreement the applicant did not own the Safelite property and this issue arose from this complication.

Corey Landry, Deputy Fire Chief, remarked that in his November 5, 2003 memo, he confirmed that W/S North Hampton Properties had agreed to provide the Fire Department with ten (10) *Opticon System* units. These units are transmitters installed in fire apparatus vehicles that signal traffic control devices (traffic lights) to clear intersection traffic, thus providing fire department vehicles clear passage through intersections. Deputy Landry reminded Mr. Corbett that these units have not been provided. Mr. Corbett affirmed that he would immediately provide the first five (5) units, but was hesitant to commit to the remaining five (5) units since the Lafayette Crossing project was not nearing completion as this time.

Mr. Gould suggested that with reviews from three sources, the Applications Review Committee/ARC should synthesize the reviews and bring their comments to the Board at the

next meeting. Mr. Todd agreed that the ARC would be willing to conduct the review and consolidate concerns.

**Mr. Gould moved and Mr. Todd seconded the motion to adjourn at 10:15 PM.**

***The vote was unanimous (7-0). The motion carried to adjourn at 10:15 PM.***

Mr. Todd raised the issue that Parcel C was less than the required two (2) acres. Mr. Haskell indicated that the current survey stated it was two (2) acres.

Mr. Corbett asked about the details on the synthesis of the reviews. Mr. Todd noted that he would try to get an answer shortly after January 12<sup>th</sup>. Ms. Robinson indicated a better solution would be to address the latest reviews and determine if there are any new issues.

**Mr. Gould moved and Mr. Todd seconded the motion to continue the application until February 3, 2004.**

***The vote was unanimous (7-0). The motion carried to continue the application until February 3, 2004.***

**Mr. Todd moved and Dr. Arena seconded the motion to adjourn.**

***The vote was unanimous (7-0) to adjourn.***

Meeting adjourned at 10:15 PM.

Respectfully submitted,

Krystina Deren Arrain  
Recording Secretary/Planning & Zoning Administrator