



Minutes

NORTH HAMPTON PLANNING BOARD Regular Meeting on March 2, 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) Shep Kroner, (6) Judy Day.

In attendance: (1) Jill Robinson, Circuit Rider/RPC and (2) Krystina Deren Arrain, Recording Secretary/Planning and Zoning Administrator.

Absent: (1) Don Gould, (2) Beth Church, Alternate; (3) Richard Place, Alternate; and (4) Laurel Pohl, Alternate.

Mr. Wilson convened the meeting at 7:03 PM

Old Business

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 session is a postponement from the February 3, 2004 meeting.

Mr. Wilson noted that he received a letter from the applicant stating that their case was tabled on February 18, 2004 by the ZBA. As a result, the applicant requested a continuance.

The request was granted without objection by the Board.

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. This session is a postponement from the February 3, 2004 meeting.

Mr. Wilson stated that he received a fax from Atty. Pelech, who represented the applicants, in which Atty. Pelech requested a continuance.

The request was granted without objection by the Board.

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. This session is a postponement from the February 3, 2004 meeting.

Mr. McWilliams requested a postponement. He stated that he recently changed representatives and engaged Doucet Survey. They are in the process of generating new site plans. He remarked that he needed to regroup and get additional information before re-appearing before the Board. Mr. Wilson stated that under these conditions the Board could not continue the case.

Ms. Day moved and Ms. Landman seconded the motion to deny the application and to look favorably on a request to waive re-application fees, with the exception of abutters' fees on the condition that the applicant re-applies for a subdivision review within six months. The vote was unanimous (6-0).

Selectperson's Representative Retired from Board

Ms. Landman remarked that since her tenure with the Board of Selectmen would end on the following week, she requested to be excused from further Board participation because she would not be available to be seated for any continued applications. Mr. Wilson commented that it had been a pleasure working with Ms. Landman and he thanked her for her valuable contributions to the Board and to the Town of North Hampton. Ms. Landman received a round of applause. Ms. Landman closed by stating that it had been her pleasure to serve.

New Business

Case #04-06 -- Map/Lot #007-161-000: 201 Atlantic Avenue, SAU 21/North Hampton School, 201 Atlantic Avenue, North Hampton, NH 03862. Application for Site Plan Review for Athletic Field Expansion. Waiver request for application and notification fees.

In attendance for the applicant:

Eric D. Weinrieb, Engineer, Altus Engineering, Inc.
Charlie Briandamour, North Hampton School Custodian

Mr. Weinrieb of Altus Engineering represented the applicant. The plan included constructing a 180-foot by 330-foot playing/sport field and a gravel parking lot to include 18 parking spaces. The school hoped to pave the parking area eventually. Lack of funds prevented the school from paving it at the present time.

Mr. Todd noted the Police Department's concern about safety issue regarding traffic flow. He read a letter from Chief Page regarding the Chief's concerns about the access to the proposed field. Mr. Weinrieb stated that they have addressed some of these concerns with the re-design of the parking area and drop-off area at the school entrance. The field is to be utilized for weekend, after school and evening activities and should not be a problem for traffic and children's safety during the school day. Mr. Weinrieb commented that the gravel parking area is for overflow parking for teachers who arrive before and after the children leave. Mr. Todd suggested a gate across the driveway. Mr. Weinrieb remarked that the gate is a possibility.

Mr. Wilson commented that from his experience the drop off and pick up process at the school has improved but is still a problem. He remarked that the problem he saw with the proposed

field and parking area was that the access (driveway) to the gravel area intersected the crosswalk that the children use. Mr. Wilson observed that a gate across the access way should be closed during specific times, especially when police staff the crosswalk area. Mr. Todd suggested erecting a sign specifying that the gravel parking is for staff use only. Mr. Weinrieb agreed to that suggestion. Mr. Weinrieb noted that the original purpose of the access to the gravel lot was to accommodate emergency vehicles. Mr. Wilson reiterated that the problem is that the children would have to cross the access way on their way to and from the school entrance. Mr. Weinrieb commented that he would take the Board's concerns and suggestion to the School Board.

Ms. Robinson stated that the plan appeared complete and noted there appeared to be a simple remedy, such as a barrier, that would address the safety issue of the driveway access crossing the children's walkway.

Mr. Wilson opened the public hearing at 7:38 PM.

Harley Seaton suggested that the driveway issue could be addressed with a gate or some other device, possibly sawhorses across the driveway. Mr. Wilson commented that the Board's review is strictly advisory.

Mr. Wilson closed the public hearing at 7:40 PM.

Dr. Arena moved and Mr. Kroner seconded the motion that the Board approve the plan as submitted and suggested that measures be taken to provide a safe solution to the driveway access issue.

The vote was unanimous (5-0).

Case #04-07 -- Map/Lot #007-059-000: 51 Lafayette Road, Al's Seafood, 51 Lafayette Road, North Hampton, NH 03862. Application for Site Plan Review to enclose existing gazebo. Multiple Waiver requests for information requirements that would not affect proposed work on premises.

In attendance for the applicant:

Al Courchene, Applicant

David Courchene

Atty. Michael Ricker

Michael Iafolla

Atty. Ricker represented the applicant and introduced the applicant and his son. He commented that the applicant had been a long-time member of the community. Atty. Ricker remarked that the applicant had been operating in a modest fashion and wanted to expand his business into a year-round operation. The applicant wanted to enclose the gazebo area, which serves as a dining area, so that he can extend his business into the cooler months. He noted that the enclosed dining area would be air-conditioned which would be a convenience to his customers.

Dr. Arena asked what would be the total number of seats for the expansion. Atty Ricker stated it would be 55 in total. Mr. Todd observed that the Board required other applicants to submit an approved site plan with their application. He noted that the applicant had not submitted an

approved site plan. Mr. Todd commented that the septic plan appeared to be a proposed plan, not a completed plan. He questioned the parking spaces relative to the seating capacity. Mr. Courchene noted that the gazebo area is 24' by 40'. He stated that the septic system is 2 yrs. old and was built for a capacity of 55 customers.

Mr. Iafolia noted that there were very few changes to the site beyond enclosing the gazebo. He observed that a building permit would sufficiently address that requirement. Mr. Todd observed that the Board is upgrading site plans along the I-B/R District. He remarked that there are architecture standards that should be applied and presented as part of his application.

Ms. Robinson said she agreed in principal with Mr. Todd's statement but she believed that waivers could sufficiently address many of the missing items. She perceived the applicant's plan as a small-scale development. Ms. Robinson noted that architectural details that meet the site review regulations architectural standards should be provided. She suggested that a DES permit should be supplied to the Board that would prove compliance with the septic requirements. The application could be improved with a little more detail. Ms. Robinson remarked that a ZBA variance granted to the applicant required a conservation study be completed. She noted that this information should be provided.

Mr. Kroner remarked that there was an abutter in the audience who had concerns regarding the application. Harley Seaton, Slumber Manor Hotel/53 Lafayette Road, indicated that a lot of little things have been done to the site that concerned him. He observed that although no impervious surface was to be placed on the property because of the water runoff problems, an impervious surface was applied. Mr. Seaton noted that there would not be sufficient customer parking and he anticipated overflow parking on Lafayette Road itself. He remarked that frequently there were fish odors emanating from the dumpster and food cooking smells. Mr. Seaton noted that the original leach field was under the canopy/gazebo. The applicant said the leach field was no longer in that location.

Mr. Seaton addressed the issue of drainage and water runoff. Mr. Seaton showed the Board photos of drainage problems. Mr. Courchene said that the redesign of Route 1 and the expansion of the Mall caused the runoff, not his surrounding building and site. After viewing the photos, Mr. Courchene stated that the photos showed no runoff from his property.

Mr. Wilson stated that he was wrestling with the requirements that the Board imposes on all applicants regarding a full site plan review and how the Board could address providing waivers for the multiple requests. He also referenced the architectural standards. He noted that the current gazebo would become a building. Mr. Wilson questioned whether the applicant had to provide ADA-compliant bathrooms and parking space/s. He questioned whether it is a simple issue of enclosing a gazebo or whether it was a more involved project.

Ms. Day suggested a site walk to review the location. She did express her concerns with increased traffic and any potential safety risks. Mr. Courchene added that the existing building is 28 feet by 20 feet. It was determined that one parking space was needed for the takeout operation and 8-9 for the retail sales. Mr. Wilson estimated that 30 parking spaces were needed in total. They noted the difficulty in delineating the parking spaces appropriately.

Mr. Todd expressed his continued concern about abutter's concerns and the need for an approved site plan. Ms. Robinson said that parking spaces could be denoted with signage and concrete curbing. She advised a permeable surface rather than a paved surface because it would address any drainage/water runoff issues.

Mr. Wilson referenced Joe's Meat Shoppe expansion and recalled that the Board did not require a full site plan review, but an abbreviated one. Mr. Wilson perceived the applicant's proposed plan as an improvement to the community from a valuable business. He stated that the Board could not accept this application as complete but wanted to suggest a less strict plan submission. Mr. Wilson said a new submission should demonstrate how the drainage does not flow to the north, but rather, elsewhere. He wanted an overlay of the parking area and a more detailed drawing of the building, adhering to architectural standards. Also, Mr. Wilson remarked that the Board requested that the applicant address the odor problem.

Mr. Todd noted that the conservation study must be completed as well as the DES permit and state permit for a 55-seat restaurant. Mr. Courchene commented that he could not apply for a state license for a 55-seat restaurant until the structure was completed. Mr. Todd noted that the applicant needed to provide a recordable mylar, trash pickup schedule, ADA-compliant bathrooms and screening around the dumpster.

Attorney Ricker questioned whether his existing bathrooms need to be upgraded ADA-compliant when his 55-seating capacity exists in summer hours. Mr. Wilson asked Ms. Robinson to research this issue.

Dr. Arena believed the year-round business constituted a reasonable change and felt the applicant should comply regarding ADA-compliance for the existing bathrooms. Ms. Day agreed with both Dr. Arena's and Mr. Todd's comments. Mr. Kroner expressed concern about the merging of the two-lane roadway in front of Mr. Courchene's property and was concerned about traffic flow. Mr. Kroner suggested a wider driveway apron to counter the merging traffic issue.

Mr. Wilson noted the following requirements that the applicant must meet:

1. *Completed site walk by Planning Board,*
2. *Mitigation of drainage,*
3. *Parking overlay plan,*
4. *Solid waste disposal schedule to remedy odor,*
5. *Enclosed dumpster area,*
6. *Submittal of required conservation study (from ZBA variance conditional approval),*
7. *DES septic approval,*
8. *Recordable mylar with surveyor seal,*
9. *Architectural drawings with floor plan specifics including windows and color scheme,*
10. *ADA-compliant bathroom, if applicable,*
11. *Geometry of driveway cuts to address traffic safety issues.*

Mr. Todd moved and Dr. Arena seconded the motion to deny the application because it was incomplete for the above reasons.

The vote was unanimous (5-0).

Mr. Wilson noted that the Board would schedule a site walk after the applicant had re-applied with the updated information.

Meeting recessed at 8:55 PM.

Meeting reconvened at 9:00 PM.

Case #04-08 -- Map/Lot #007-057-000: 27 Lafayette Road, PCI Realty North LLC, 3 Meadowcroft Road, Burlington, MA 01803. Application for Site Plan Review for Midas Muffler, Retail and Office Space Construction.

In attendance for the applicant:

Joe Pandolfo, Applicant

Bruce Hodsdon, Midas Muffler Representative

Dennis Moulton, Engineer, Millette, Sprague & Colwell

Dave Baxter, Baxter Real Estate

Mr. Pandolfo provided a quick review of the history of the site and the Transaction Associates approval. On October 7, 2003, Mr. Pandolfo received approval from the Board to build a Jiffy Lube on the site. He explained that the ProWash Company at 22 Lafayette Road and his company entered into an agreement not to compete in car wash operations. Mr. Pandolfo was granted a Special Exception by the ZBA on February 18, 2003 to conduct a muffler shop as well as retail and office space. He remarked that he attempted, to the best of his ability, to maintain the footprint of the Transaction Associates project.

Mr. Pandolfo listed the improvements he has made on his site plan in comparison to the Transaction Associates approved plan:

1. *Changed the structure from a 2-story building to a 1-story building,*
2. *Reduced the number of auto bays to 6 from 8 bays facing Lafayette Road,*
3. *Reduced the total number of vehicle bays to 9 from the 16 originally approved; new plan has 3 bays for Jiffy Lube and 6 for Midas Muffler,*
4. *Reduced vehicular traffic to 175 cars per day,*
5. *Closed the second entrance at Seacoast Village and relocated the Cedar Road entrance that would decrease through traffic between the Seacoast Village site and Cedar Road,*
6. *Relocated Cedar Road entrance closer to Lafayette Road/Route 1,*
7. *Reduced business operating hours, now averaging 9 hours as opposed to the previous 24-hour car wash operation,*
8. *Reduced water consumption by eliminating car wash and detailing centers,*
9. *Eliminated water runoff from wet vehicles dropping water on roadways that would freeze in wintertime,*
10. *Redesigned structure adhered to site plan review regulation architectural standards.*

Mr. Todd asked for verification of the 175-vehicle per day figure. Mr. Pandolfo responded stating that operations at Jiffy Lube would generate 95 vehicles per day, 50 vehicles for Midas and 20 vehicles per day for any office/retail customers. Mr. Wilson asked which day generates the greatest activity. Mr. Pandolfo responded that Saturday is the busiest day.

Dr. Arena questioned the yellow color for the Midas sign. Mr. Hodsdon responded that the yellow color is closer to a gold hue rather than a lemon yellow color. Mr. Kroner questioned the appropriateness of locating 3 or 4 businesses on a 2-acre lot. Mr. Pandolfo said that Cingular Phone Company had expressed interest in locating their regional offices in the remaining office/retail space.

Mr. Todd commented on the abundance of ADA-compliant parking spaces. Mr. Moulton responded that they tried to make accommodations for handicap spaces close to every business location on the site.

Roger Roy, Town Engineer report

Mr. Moulton addressed Roger's comments to the Board's satisfaction.

Jill Robinson/RPC Circuit Rider report

Mr. Pandolfo and Mr. Moulton addressed Ms. Robinson comments to the Board's satisfaction.

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

Mr. Wilson commented that the applicant stated he would comply with the comments and recommendations listed in the Town Engineer's and the Circuit Rider's reports. Mr. Todd asked if there are any changes to the drainage from the Transaction Associates project. Mr. Moulton responded that there were minor changes and they should be more than adequate for the current project. Mr. Todd asked if the state required additional space on Route 1/Lafayette Road, how would that impact the project. Mr. Moulton said that the project included 55 parking spaces of which only 50 are required. He remarked that they could create parallel parking spaces on that location and still meet the parking space requirement.

Ms. Day questioned the color schemes as presented by the applicant. Ms. Robinson said that most corporations have numerous color and style options depending on urban, suburban and rural locations and architecture requirements. Mr. Wilson related to the applicant that the Board appreciated his efforts at meeting the Board's site review requirements.

Ms. Day moved and Mr. Kroner seconded the motion to approve the application with the following conditions:

1. *Add locus map to plan,*
2. *Provide a recordable mylar,*
3. *Affix the seal of a licensed surveyor on the mylar,*
4. *Locate easements on plan,*
5. *Locate HVAC units on plan,*

6. *Include notes on plan showing location of fire protection devices,*
7. *List variances for signs,*
8. *Include note on plan displaying septic approval numbers,*
9. *Submit documentation for town driveway permit,*
10. *Convert the 3 handicap spaces to 2 handicap spaces in the south with a 8-foot van accessible loading area in between,*
11. *Confirm for impervious surface,*
12. *Add calculations for plan demonstrating that at least 10% of remaining upland, excluding the landscape buffer, has no impervious surface,*
13. *Denote salt-tolerant plantings,*
14. *Apply dark sky standard for luminaries,*
15. *Specify color for Midas sign that is a muted shade of yellow rather than canary yellow as show on architectural rendering,*
16. *Denote that painted handicap symbols on parking spaces will be 4-foot by 4-foot and verbiage "optional" shall be replaced with "required" as referenced in Roger Roy's memo,*
17. *Denote on mylar that NH DOT curbing requirements are met as referenced in Roger Roy's memo,*
18. *Provide an as-built recordable mylar.*

The vote was unanimous (5-0).

Adjournment

Dr Arena moved and Mr. Kroner seconded the motion to adjourn.

The motion passed unanimously (5-0) to adjourn.

The meeting adjourned at 10:33 PM.

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary/Planning & Zoning Administrator