



Minutes

NORTH HAMPTON PLANNING BOARD Regular Meeting on April 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) Shep Kroner, Vice Chair; (3) Ron Todd; (4) Joseph Arena; (5) Craig Salomon, (6) Judy Day.

Alternates Present: (1) Beth Church, (2) Laurel Pohl.

Members Absent: (1) Jon Rineman, Selectman

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

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 the applicant asked for another postponement because he needed a variance but the Zoning Board of Adjustment/ZBA had not decided the case. Mr. Todd remarked that since the case had been postponed so many times, he suggested that the applicant notify abutters again.

Ms. Day moved and Mr. Todd seconded the motion that (1) the applicant is required to notify abutters and (2) the case would be continued until May 4, 2004.

The vote was unanimous (6-0).

Case #04-09 -- Map/Lot #007-119-000: 60 Lafayette Road, Glenn's Automotive Plus, 60 Lafayette Road, North Hampton, NH 03862. Application for Site Plan Review for Auto Service, Auto Parts Sales and Auto Sales. Applicant has requested waivers for the following: (1) NH Wetlands Permit, (2) Traffic Impact Analysis, (3) Water courses and ponds, (4) Wetlands and buffers, (5) 100-year flood elevations, (6) Rock ledges, (7) Existing and proposed culvert piping, (8) 100-year storm drainage control plan, (9) Existing and proposed street lighting, (10) Existing and proposed loading docks, (11) NH WSPCD septic system design permit, (12) Soil erosion and sedimentation plan, (13) Review by Town Engineer.

Mr. Wilson commented that the Board received a fax from the applicant requesting a postponement until May 4, 2004.

Mr. Todd moved and Dr. Arena seconded the motion to postpone the case until May 4, 2004.

The vote was 5-0 with Mr. Salomon abstaining.

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 was a postponement from the March 2, 2004 meeting.

Atty. Bernard Pelech represented the applicant and introduced Christopher Dane of Doucet Survey. He noted that the applicant received NH DES subdivision approval and he expected to address all the comments from the ARC and RPC. In 2002, the applicant had partnered with the McWilliams and their application was denied. Atty. Pelech added that the applicant was granted a variance from ZBA that provided relief from Item #1 of the decision letter as a reason for denial. He further added that the applicant has agreed to install a permeable rather than impermeable driveway that would satisfy Item #2 as a reason for denial.

Atty. Pelech stated there has been a site walk. Abutters objected to cutting down trees and the applicant had agreed to a no-cut or strictly limited cutting to meet the objectives of building a home site. He provided an updated site plan to the Board. Mr. Todd remarked that the Board preferred receiving information well in advance of meetings that would provide sufficient time for review. Atty. Pelech said that after receiving the ARC and RPC comments, the site plan updates were only completed that day. He confirmed that he would provide sufficient copies for the Board later. Discussion ensued regarding a letter from Christopher Ganotis, an abutter, in which he noted that a condition existed that limited paving the driveway at the Birmbas property. These conditions were noted in the May 2, 1994 and June 6, 1994 Planning Board minutes. Mr. Salomon indicated that there is a statute which might make representations made to the Board as binding if not specified.

Atty. Pelech read into the record the April 2, 2004 letter from NH Soil Consultants, wetland scientists in which it is stated, "On February 19, 2003, the time of re-examination, it was the best professional judgment of three qualified individuals that the delineation was accurate and acceptable". Mr. Pelech was provided a copy of the January 26, 2004 Conservation Commission letter. He commented that the applicant could address and meet the issues raised, but he questioned the issue of re-grading the existing lots as feasible. Atty. Pelech remarked that the applicant could accept the Conservation Commission's issues as conditions of approval.

Mr. Todd raised the issue of whether the Board could require remediation/mitigation of conditions that the developer/builder did not originally meet. . Extensive discussion ensued about the re-direction of roof drains that have caused water runoff onto abutters' property. Mr. Kroner remarked that a culvert under the applicant's driveway directs water to the Post Road culvert. He noted that the original 1994 approval prohibited such a culvert on the applicant's driveway.

Ms. Robinson commented that a note should be added to the plan that stipulated that the driveway on the new lot would be pervious. Mr. Salomon suggested adding a deed restriction for a pervious surface only. Mr. Salomon commented that the letter from the wetland scientists sufficiently addressed the wetland issue. He further added that concerns raised by the abutter's May 1994 letter could be added as conditions of approval.

At 7:48 PM, Mr. Wilson opened the meeting to public comments in support of the application. No comments were made.

At 7:49 PM, Mr. Wilson opened the meeting to public comments in opposition to the application. No comments were made.

At 7:50 PM, Mr. Wilson closed the public meeting. Mr. Todd suggested that the Board continue the application to the next meeting to enable the Board and RPC rep to review the new information that was submitted.

Dr. Arena moved and Ms. Day seconded the motion to continue the application until the May 4, 2004 meeting.

The vote was unanimous (6-0).

New Business

Case #04-12 -- Map/Lot #017-084-001: 178-A Lafayette Road, Kevin Paul Slover, 101 Gosport Road, Portsmouth, NH 03801. Change of Use Application to operate a Furniture/Spa Sales at a facility that was formerly occupied by Hyundai car dealership.

Kevin Slover/Universal Furniture of Portsmouth remarked that he wanted to open a store in North Hampton at the location cited to sell furniture, pool tables and spas. He noted that it would be a showroom only and he would not warehouse any merchandise. Dr. Arena asked if the portable spas would be permanently displayed outside on the parking area or on the greenspace in the front of the building. Mr. Slover indicated that he intends to display them on the front of the building permanently. However, he agreed to display them for a short period only for one time a year.

Mr. Todd noted there had been an approved site plan for the lot, but an updated plan had recently been submitted. He noted corrections have been made addressing issues raised by the ARC comments. Mr. Todd observed that the proposed usage would be a less intensive use of the property than the former approved use as a restaurant. The applicant would need to do the following on the final mylar: (1) four customer parking spaces in the front of the building plus one van accessible handicap parking (2) four employee parking spaces at rear of building, (3) no parking spaces on southside (4) drawing revision date to be specified in change control block,, (5) Lally columns around propne tanks. Mr. Wilson opened the floor to comments from the public and none came forth.

Mr. Kroner moved and Dr. Arena seconded the motion to approve the change of use application.

The vote was unanimous (6-0).

The minutes reflected that the newly submitted plans will be recorded and a mylar provided. Ms. Arrain noted that a recording fee is required.

Case #04-10 -- Map/Lot #017-096-000: 179 Lafayette Road, 179 Lafayette Realty LLC/Philbrick's Sales and Service, 179 Lafayette Road, North Hampton, NH 03862. Pre-Application Review for site renovation plan intent to demolish specific existing buildings and construct 11,250 square foot warehouse building.

Mr. Salomon recused and Ms. Pohl was seated.

In attendance for the applicant:

David Philbrick, Philbrick's Sales and Service

Tom Smith, Philbrick's Sales and Service

Kevin McEneaney, McEneaney Survey Associates

Mr. Philbrick stated that he wanted to construct a cold storage warehouse building behind their business during their slow season that included July, August and September. He noted that the proposed building would replace smaller storage buildings and storage trailers and removal of storage trailers. Mr. McEneaney provided a review of their intended plan. He added that there are two buildings on the site. One building is a retail business housing The Herbal Path and the other is the Philbrick's Sales and Service. Currently there are two small storage buildings and numerous storage trailers that the applicant wanted to replace with a large cold storage warehouse building. Mr. McEneaney noted there are no wetlands on site.

Mr. Smith, Special Projects Manager for Philbrick's distributed architectural sketches of the proposed warehouse. He displayed two aerial photos that showed the current status of the site with the multiple trailers and storage buildings. He said the applicant has been considering building the warehouse building since 1999. He remarked that the applicant is considering requesting a waiver from the architectural standard that prohibited corrugated steel buildings. Mr. Smith added that they proposed a cold storage building with a single downward-pitched roof. He remarked that with the sloped roof design, water runoff and snow will slide to the back of the building eliminating the current problem of rain and snow runoff. The runoff would flow into a detention pond. Mr. Smith emphasized that the single cold (i.e., dead) storage building would improve inventory security with a windowless building. The need for large quantity storage is a business need. The applicant was hesitant to put down a large deposit fee on a building if Board approval is questionable.

Dr. Arena noted that the building would be located in the rear of the property and not visible from the road. Mr. Todd asked if a full drainage study would be completed. Mr. McEneaney remarked that a drainage study would be provided with an application. Mr. Todd noted that he

would not be opposed to the project because of its location. Mr. Kroner indicated that he was concerned about the impermeable surface and water runoff at the site.

Ms. Robinson expressed concern that although the building would be concealed, the logic of allowing an exception may set a precedent. She asked about the type of lighting on site. Ms. Robinson noted that the dark sky standard should be applied. She suggested that the applicant consider other roofing materials. Ms. Robinson suggested incorporating windows that are secured by other methods. For signage she suggested an externally lit sign that would uphold the dark sky standard rather than an internally lit sign.

Mr. Wilson understood the need for security in a warehouse building. He suggested that the applicant should investigate a faux roof or gables over windows as well as other materials or combination of materials as options. Mr. Todd requested a Lafayette Road perspective view of the warehouse building as proposed, particularly from the west side of Lafayette Road.

Mr. Wilson opened the meeting to public comments at 8:47 PM. No comments were forthcoming. Mr. Wilson closed the public comments at 8:50 PM. Greg Taylor remarked that the Philbrick's have been members of the town and business community for years and he hoped that the Board looked favorably on what they wanted to accomplish in upgrading their business and property.

Ms. Pohl retired from the Board and Mr. Salomon was re-seated.

Case #04-11 -- Map/Lot #020-080/009/011-000 and 021-001-000: 223 Lafayette Road, PD Associates, LLC for The Village of North Hampton Retirement Community, 5 Dartmouth Drive, Auburn, NH 03032. Pre-Application Review for additional clarification on questions that arose from the February Design Review.

John Chagnon, Ambit Engineering-Portsmouth, NH
Elmer Pease, PD Associates – Auburn, NH
Atty. Bernard Pelech, Counsel – Portsmouth, NH
Mark West, West Environmental – Newmarket, NH
Harold Davis, Wastewater Solutions, Groton, MA

Mr. Chagnon, representing the applicant remarked that at the applicant's design review presentation on February 3, 2004 questions arose regarding septic system design and wetland issues.

Mr. West noted that the majority of the wetlands were man-made and were created by excavation with the exception of an area called Wetland #6 that is 5.9 acres. He explained the seven (7) wetland functional assessment components and data gathered at the site: (1) groundwater recharge/discharge, (2) floodflow alteration, (3) sediment/toxicant/pathogen retention, (4) nutrient removal/retention transformation, (5) production export, (6) sediment/shoreline stabilization and (7) wildlife habitat. Mr. West remarked that one wetland

area is acting somewhat as a detention basin. He described in detail the wetland property issues. He emphasized that the grouping of small pockets of wetlands are created or excavated wetlands and occasionally are wet but rarely have standing water located within them.

Mr. Chagnon addressed stormwater runoff management site issues. He noted that the Board had questions on the septic system design. He said the applicant is planning on requesting a waiver for the standing requirement. He introduced the March 2, 2004 letter from the NH DES that stated that individual septic system on 10,000 square foot lots is an acceptable alternative to standard leaching systems.

Mr. Davis explained how his septic tank design is comparable to the aerobic septic system used in a standard leach field septic system. It worked on the same principal with the same results. Currently there are three (3) systems in North Hampton and six (6) in Rye. His systems have been around for many years. There are two similarly sized projects with his systems located in Stratham as cluster systems. He stated that the land is better able to process the effluents in these smaller-sized septic systems than larger systems.

Mr. Kroner asked what happened when the compressors in the tanks fail because of electrical power failure. Mr. Davis said nothing would happen if the compressor did not work for three (3) weeks. After this amount of time, the system could fail, experience problems or require expensive repair.

Mr. Pease remarked that he believed it was better to have individual house site systems rather than six (6) home sites sharing a single septic system. Mr. Wilson suggested that sharing septic systems was less expensive and Mr. Pease agreed, but Mr. Pease stated he felt the individual systems were a better choice. Mr. Pease said that as the developer he would be responsible for maintaining the biennial maintenance of the septic systems. Mr. Chagnon said that the site review regulation for a leach field required 2-acre lots, not the 10,000 square foot lots that are proposed. He indicated that the applicant would request a waiver of that requirement to allow for individual septic systems or to develop another option. Mr. Kroner noted that the Rye Planning Board chairman indicated that the water from this site drains into Rye and Mr. Kroner expressed some concern. Mr. Davis said that the natural flow of water drains through Rye and ultimately to the ocean. Dr. Arena asked if Mr. Pease had used the alternative system in his other developments. Mr. Pease responded that his other developments had only municipal (sewer) services.

Mr. Wilson asked if the homeowners would pay for septic services. Mr. Pease responded that the homeowners would contract with him to provide services and he would include deed restrictions and covenants as a method for protecting the rights of the manufactured home owners. Mr. Pease cited that the land on which the manufactured home was located could become more valuable than the home and he believed this method would protect homeowners' rights.

Board Questions and Comments

Mr. Salomon requested information on the covenants. Mr. Wilson thanked Mr. West for his information and all the information presented. Mr. Wilson commented that he had learned much from the information presented and had much to think about, but was keeping an open mind. Dr. Arena commented that he preferred individual septic systems and asked about the Robinson property. Mr. Pease noted he had tried to acquire additional acreage and had not been successful to date. Ms. Day said that she was open to this information and asked about a site walk. Mr. Wilson polled the Board about a site walk.

Mr. Salomon asked that stakes be added delineating the centerline of the road to provide a perspective to the project scope. Mr. Todd commented that he was open to considering the septic system options as presented and requested applicant to provide drawings showing a cluster septic system approach that meets existing regulations as an alternative for the Board to consider. Mr. Kroner remarked that he agreed with Mr. Todd. Mr. Salomon commented that he liked the technology and agreed with Dr. Arena's preference for individual systems because he was concerned about interference to drainage which might be caused by all the pipes needed for a collective system. Mr. Salomon wanted to preserve the wetland area.

Ms. Robinson said that the plan had moved from the pre-application phase to the design review phase in which abutters would be notified. She remarked that she has seen this system referenced on applications in other communities in the area.

Mr. Wilson set April 21, 2004 at 4 PM as the date for the sitewalk. He remarked that a notice would be posted.

Adjournment

Dr Arena moved and Ms. Day seconded the motion to adjourn.
The motion passed unanimously (6-0) to adjourn.

The meeting adjourned at 10:15 PM.

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary/Planning & Zoning Administrator