



Minutes

NORTH HAMPTON PLANNING BOARD Regular Meeting on July 6, 2004

Page 1 of 8

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, Chairman; (2) Shep Kroner, Vice Chairman; (3) Ron Todd; (4) Craig Salomon; (5) Judy Day; (6) Laurel Pohl seated for Joseph Arena.

Alternates Present: None.

Members Absent: (1) Beth Church, Alternate; (2) Jon Rineman, Selectperson Representative;

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

Mr. Wilson convened the meeting at 7:02 PM. Ms. Pohl was seated for Dr. Arena.

Case #04-25 -- Map/Lot #013-026/027-000: 106 Lafayette Road, Luck Enterprises, Inc., 115 Lafayette Road, North Hampton, NH, 03862. Site Plan Review for Automotive/Retail/Office Space. Waiver Requested from Site Plan Review Regulation Section X.F. to construct a metal building.

Mr. Wilson announced that Atty. John Colliander, Portsmouth, NH, representing the applicant requested a postponement. The Board agreed to postpone the case until the August 3, 2004 meeting.

Items Considered

I. Old Business

Case #04-17 -- Map/Lot #014-160-000: 46 Walnut Road, Norman & Ruth Donais, 46 Walnut Avenue, North Hampton, NH 03862. Subdivision Request to create 2 lots from the current lot. *This meeting is a continuation of the June 2, 2004 meeting.*

James Verra, Verra Associates/Surveyors represented the applicant and distributed updated plan sets dated June 16, 2004 to the Board. He addressed the items raised on the ARC and RPC reviews answering questions posed by Board members. Mr. Todd inquired how the driveway would be abandoned. Mr. Verra responded that the method of abandonment was not presently determined, but from his experience, the NH-DOT had no preference or requirement.

Mr. Wilson opened the public hearing to comments in either support or opposition to the application at 7:28 PM. No comments were voiced and Mr. Wilson closed the public hearing at 7:29 PM.

Mr. Todd moved and Mr. Kroner seconded the motion to approve with the following conditions:

Conditions of approval:

1. **Recordable Mylar.** The applicant shall submit a recordable Mylar of the approved plan that has a version date of June 4, 2004 with all required signatures and seals affixed.
2. **Underground Utilities.** The applicant shall add a note to the plan stating that all utilities to the newly created Lot 014-160-001 shall be underground and shall indicate on the plan that the "20' Wide Utility Easement" depicted across Lot 014-160-000 is "appurtenant to Lot 014-160-001."
3. **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.
4. **NH DES Septic Approval.** Applicant shall add a note to the plan that provides the number of the NH DES Subsurface Waste Disposal permit for proposed lot #014-160-001 and shall provide a copy of the approval notice for the town records.

The vote was unanimous (6-0).

Case #04-16 -- Map/Lot #020-008/009/011-000 and 021-001-000: 223 Lafayette Road, P. D. Associates, LLC, 5 Dartmouth Drive, Suite #101, Auburn, NH 03032. (a) Subdivision Application to create 68 lots for the creation of a manufactured home retirement community. (b) Applicant requests a waiver to Section XII. O. to permit placement of unit septic systems on the individual unit sites. (c) Voluntary Lot Merger Request to consolidate the aforementioned four (4) lots and (d) Conditional Use Permit to fill in excess of 3,000 square feet for road construction. This meeting is a continuation of the June 23, 2004 meeting.

Mr. Todd asked the applicant if there would be further investigation of soil conditions of the fill materials on site. Mr. Chagnon responded that the soil would be further analyzed during the test pit process. Mr. Todd asked if the applicant had identified/located the leach field for the former hotel that was on the site. Mr. Pease indicated they had not. Mr. Todd asked if the applicant would adhere to and implement the recommendations made in Section 4 regarding chemical substances on the site. Mr. Pease stated he would adhere to the recommendations.

Mr. Chagnon referred to the wetlands impact plan that was submitted. The total impact would be slightly over 3,000 square feet of fill for roadway construction. Mr. West said the site was an excavated gravel pit and because of the previous land use it was difficult to minimize the impact to the wetlands. He said the site would be stabilized through grading and contouring the disturbed areas. Mr. West remarked that through these processes they would improve the site from its current condition.

Mr. West indicated that the applicant had applied for all permits and that he accompanied the DES agent, Frank Richardson, on a site walk of the property. Mr. West remarked that the DES agent indicated approval was imminent. Mr. West stated that he was not certain exactly when the applicant would receive the approved dredge and fill permit document. Ms. Day was interested in receipt of a written statement from Mr. Richardson.. Mr. West indicated he would ask Mr. Richardson for some form of approval document for town records.

At 7:50 PM, Mr. Wilson opened the public hearing about the requested conditional use permit and asked for comments in either support or opposition to the application. Joanne Croteau, a current Hampton resident, formerly of North Hampton, indicated that the area has been a disaster for quite some time. She supported the project and further added that such a project was much needed in North Hampton.

Mr. Wilson closed the public hearing as there were no further comments.

Mr. Salomon moved and Ms. Day seconded the motion to approve the request for a conditional use permit with the following conditions:

Conditions of Approval

- 1. Applicant shall submit an approved NH DES Wetlands bureau Dredge and Fill Permit.**
- 2. Applicant shall adhere to stipulations specified in Note 2 and Note 3 on the Wetlands Impact Site Plan prepared by Ambit Engineering, Inc and dated June 16, 2004.**
- 3. Approval is contingent upon Applicant's receiving Approval or Conditional Approval from the Planning Board with respect to the Subdivision Application for these lots.**

Ms. Day requested a confirmation note regarding approval of the DES Dredge and Fill Permit. Mr. West asked if an e-mail from Mr. Richardson would be adequate. Ms. Day indicated it would.

The vote was unanimous (6-0).

Ms. Day moved and Ms. Pohl seconded the motion to continue the meeting for Case #04-16 until Wednesday, July 21, 2004.

The vote was unanimous (6-0).

II. New Business

Case #04-21 -- Map/Lot #013-074-001: 121 Lafayette Road – Unit #9, Jeff Forman, 42 Bluefish Drive, Fremont, NH 03044, Request for Change of Use from existing Comcast warehouse to a granite fabrication business.

Jeff Forman introduced his party including his partner and David Kolhase, property owner, and Paula K. Perry, Representative, Water Treatment Technologies. Mr. Forman briefly mentioned that the wastewater recovery system he planned to use incorporated the newest technological advancements in the industry. Mr. Forman addressed the issues raised in the ARC report. He explained that he would purchase cut and polished granite with rough edges for counter tops, backsplashes, vanities and fireplace mantels. The proposed business would be a custom design facility typically working with contractors or individually with a homeowner/client.

Mr. Wilson questioned the amount of work orders processed per week. He was concerned whether there would be sufficient parking. Mr. Forman indicated he anticipated having three (3) employees within 1-1/2 years. He stated that the facility would not maintain a showroom or display area. The area would primarily be a work/fabrication area. Mr. Forman remarked that customers might visit the facility for a shop tour only. Mr. Forman explained in detail the workings of the water recovery system process.

Mr. Todd expressed concern about noise and referenced that he believed Mr. Forman's proposed operation would not meet the town's noise ordinance. Mr. Forman said the proposed equipment was not a noisy system. Ms. Day asked who were the abutters. Mr. Kolhase stated it was primarily Ted Turchan and his kennels. Ms. Day observed that from her experience of like businesses the grinding sound was very loud. Mr. Forman indicated that the type of equipment, location and the method of process used determine noise and decibel levels. Mr. Todd indicated that the ordinance said that if the noise were contained with the building, the ordinance standard would be met. Mr. Forman stated that he believed he would meet the noise standard ordinance.

Mr. Wilson noted that the Board required that a mylar be recorded at the Registry of Deeds. Mr. Kolhase said he would provide a recordable mylar. Mr. Salomon stated that he did not think the Board could require a site plan. Mr. Forman said he agreed and understood the requirements as outlined by the Board and would include the notes on the site plan. Mr. Salomon suggested that Mr. Forman submit a letter indicating his understanding and compliance. Mr. Todd remarked that the town desired a recorded site plan. Mr. Salomon indicated that the Board could not require the site plan. Mr. Kolhase said he was agreeable to providing a recordable plan.

Mr. Wilson observed that light manufacturing required a Special Exception and questioned if records indicated that the Kolhase project had received ZBA Approval. Mr. Kolhase said he was granted relief by the ZBA but not for a specific Special Exception.

Mr. Todd suggested an approval of the Change of Use with the condition that the applicant be granted a Special Exception from the ZBA. Ms. Robinson indicated that a prior Board approval

allowing light manufacturing might have been a mistake and she was uncertain if there were remedy for the error. Mr. Forman said they are not “manufacturing” as defined in the zoning ordinance. He stated that they are not involved in mass production; rather they operate in the mode of customized, one-time production. Mr. Wilson suggested that the Board could approach the ZBA and ask if they wanted to take jurisdiction. He said light manufacturing had been carried on at the site since the October 1997 Planning Board approval. Mr. Salomon commented that, in all likelihood, the October 1997 Board approved the site for light manufacturing expecting that a tenant would seek relief from the ZBA for each Special Exception when one was required by the zoning ordinance for a prospective tenant on the site.

Mr. Todd moved and Ms. Day seconded the motion to approve the change of use subject to the following conditions:

List of Conditions:

- 1. Special Exception.** Applicant shall submit a Decision Letter that grants a Special Exception from the Zoning Board of Adjustment for light manufacturing activities at 121 Lafayette Road – Unit #9.
- 2. Recordable Mylar.** The property owner shall submit a recordable mylar of the approved plan dated September 22, 1997 with all required signatures and seals affixed. (Mr. D. Kolhase, property owner, voluntarily agreed to this condition.)
- 3. Applicant shall submit a letter stating that he 1) understands the requirements of Section IV.E.2.f of the North Hampton Site Plan Review Regulations, 2) shall comply with those requirements, and 3) understands that approval of this Change of Use application will be revoked if his operation violates Section IV.E.2.f.**

The vote was unanimous (6-0).

Case #04-22 -- Map/Lot #005-043/044/059/060/061/062-000: Chapel Road, Jacqueline S. Cahill Revocable Trust of 1991, 101 Woodland Road, North Hampton, NH 03862. Voluntary Lot Merger to consolidate seven (6) lots into one (1) lot.

James Verra represented the applicant and stated that Lot #53 does not exist. He remarked that Lot#53 had been listed on the agenda and published in the legal notice. He called the application a lot line elimination. Mr. Verra explained that the applicant wanted to merge six (6) lots. NH RSA’s required the signature of the Board and Building Inspector for a lot line elimination/voluntary lot merger. The merger would not violate any town ordinances and he requested that the Board sign the voluntary lot merger form.

Mr. Todd asked if there were any changes to the plan that was originally submitted. Mr. Verra said that the original plan submission was for a conservation easement plan. The plan submitted that evening for the lot line elimination. The plan included two sheets: (1) a northerly view and (2) a southerly view. Mr. Wilson asked about information on the anticipated Verizon cell tower request. Jacqueline Cahill stated that an easement was included in the deed that allowed the

Lampreys development rights. She further stated that she had no knowledge, involvement or control of that issue and could not make any further comment.

Mr. Wilson noted that if consolidation of these lots created the possibility of further development, then the Board could require a site plan. Discussion ensued about this issue. Mr. Verra affirmed that NH RSA 674:39-a applied to the Cahill application and requested that the Board approve the application as submitted.

Mr. Todd moved and Mr. Kroner approved the lot merger as submitted.

Vote was 5-0-1 with Mr. Salomon abstaining.

Case #04-23 -- 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 Sales/NH Dealer License. Applicant has requested waivers for the following: (1) Review by Town Engineer, (2) Architectural renderings – Section VIII. 27., and (3) Traffic Impact Analysis – Section VIII. D.1.*

Mr. Salomon recused himself. The Board consisted of five (5) seated members.

Atty. Karyn Forbes, representing the applicant, indicated that this was the applicant's second attempt at receiving approval. She indicated that the site plan was not sufficiently complete at this time. Atty. Forbes indicated that rather than asking the Board to accept jurisdiction she preferred to discuss with the Board the application's outstanding issues. She knew there were problems with the plan and sought guidance on how to proceed with the application before the applicant invested any more money and effort into the application.

Atty Forbes remarked that the property had been used for retail sales in the past. Mr. Taylor stated that his father built the building expressly for his truck sales business. Atty. Forbes noted that the parking requirement was problematic. She stated that 47 parking spaces were needed to accommodate parking for display vehicles and for automotive repair requirements. She indicated that the applicant might request a waiver from the display parking area. Atty. Forbes noted that landscaping was problematic, as well. She asked for guidance from the Board on how to address this landscape and buffer issue. She also raised the issue of the two driveway permits. She asked how they could address the Board's site plan review requirements.

Mr. Kroner was amenable to a relaxation of the parking requirement for display vehicles. Mr. Todd expressed concern that driving volumes have increased over the years and he was concerned with appropriate driving safety issues being addressed. Mr. Wilson said the Board tends to look favorably on waiver requests for long-time business properties if applicants make a sincere effort to improve the current location. Mr. Taylor noted that he had landscaped the Rte. 1 and south side of the property. Ms. Robinson suggested that the applicant review the site plan regulations and ordinance and evaluate what they could meet and ask for waivers for areas they cannot. She suggested that the applicant rethink the driveway entrances and address the waivers with reasons why they cannot comply with specific regulations and what regulations they can meet with modifications.

Mr. Todd suggested relocating the parking on the south side along the building rather than near the Taylor driveway. Ms. Robinson suggested that the applicant review the regulations and present to the Board the best possible solution and submit waiver requests as appropriate. Mr. Wilson remarked that he thought the Board was in agreement with Ms. Robinson's approach.

Ms. Day moved and Mr. Todd seconded the motion to postpone the application, upon the applicant's request, until September 7, 2004.

The vote was unanimous (5-0).

Mr. Salomon was reelected. The Board consisted of six (6) seated members.

Mr. Todd moved and Mr. Salomon seconded the motion to continue business and adjourn no later than 10:15 PM.

The vote was unanimous (6-0).

Case #04-24 -- Map/Lot #012-056-000 & 012-061-000: 180 Mill Road, Ross L. Bisplinghoff, 139 Atlantic Avenue, North Hampton, NH 03862. Lot Line Revision. Waiver Requested from Subdivision Regulation Section VIII. B.15. for existing and proposed topographical contour boundaries at (2) foot intervals.

In attendance for the case hearing

Ross & Ginger Bisplinghoff, 139 Atlantic

Ron Bisplinghoff, 180 Mill Road, Owner

Christopher Dane, Doucet Survey, Newmarket, NH

Ross Bisplinghoff explained that he wanted to reconfigure the two existing lots with the hope of building a house for his wife and himself. He addressed the waiver request noting that he provided the required topographic contours on the upland portion of the lots. The remaining sections are wetlands area where topographic contours are not required. Mr. Bisplinghoff added that he planned on using 2,000 sq. ft of fill for a driveway and, as such, a conditional use permit was not required. He addressed the issues raised in the ARC review memo. Mr. Bisplinghoff addressed the Circuit Rider's concern about the one-acre contiguous upland requirement. He commented that there was sufficient upland. Mr. Wilson explained to Ms. Robinson the interpretation and intent of the one-acre contiguous upland, noting as well, that the applicant met the upland acreage requirement.

Mr. Wilson queried the issue of whether the request addressed the issue of a backlot creation referencing Section 406.9. Discussion ensued on how the applicant's request could be applied to Section 406.9. Mr. Todd stated that he felt the larger lot as a standalone proposal met the backlot requirement; yet with the addition of the landlocked lot, it created a larger backlot configuration.

Mr. Kroner requested additional information on the wetland crossing asking how (1) wetlands would be impacted by the proposed fill and (2) how it would impact the overall watershed area.

The Board determined that the application needed to be reviewed by the Conservation Commission.

Mr. Wilson opened the meeting the public hearing on the waiver request for comments either in support or opposition at 10 PM. No comments were voiced and the public hearing ended at 10:01 PM.

Mr. Todd moved and Mr. Kroner seconded the motion to grant the waiver requested.

The vote was unanimous (6-0).

Mr. Salomon moved and Mr. Todd seconded the motion to accept jurisdiction.

The vote was unanimous (6-0).

Mr. Todd moved and Ms. Pohl seconded the motion to continue the hearing until August 3, 2004.

The vote was unanimous (6-0).

III. Other Business

There was no other business to consider.

IV. Adjournment

Mr. Kroner moved and Mr. Todd seconded the motion to adjourn.

The vote was unanimous (6-0).

The meeting adjourned at 10:06 PM

Respectfully Submitted,

Krystina Deren Arrain
Recording Secretary/Planning and Zoning Administrator