



Minutes

NORTH HAMPTON PLANNING BOARD Regular Meeting on September 7, 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.

Attendees: (1) Phil Wilson, Chair; (2) Shep Kroner, Vice-Chair; (3) Mr. Rineman, Selectperson Representative; (4) Ron Todd; (5) Joseph Arena; (6) Judy Day; and (7) Beth Church seated for Craig Salomon, (8) Jill Robinson/RPC Circuit Rider and (9) Krystina Deren Arrain, Recording Secretary/Planning & Zoning Administrator.

Absent: (1) Craig Salomon, (2) Laurel Pohl, Alternate.

Mr. Wilson convened the meeting at 7:02 PM.

Ms. Church was seated for Mr. Salomon.

I. Old Business

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 citing Article IV, Section 409.10. This meeting is a continuation of the August 17, 2004 meeting.

In attendance

Elmer Pease, P. D. Associates, Inc., Auburn, NH

Atty. Bernard Pelech, Wholey & Pelech, Portsmouth, NH

John Chagnon, Ambit Engineering, Portsmouth, NH

Adele Fiorillo, NH Soil Consultants, Inc., Newmarket, NH

Mr. Wilson noted that the outcome of the recent meeting with the town attorney resulted in changes in the legal documents associated with this application. Atty. Pelech stated that he was under the impression that the legal documents were mutually agreed upon and was surprised when he received changes from Atty. Peckham at 5:30 PM today. Mr. Pease indicated that they could come to an agreement quickly. The applicant's desire for irrigation wells was discussed. Mr. Wilson stated that the Board was concerned about locating irrigation wells in an area so close to the Coakley Landfill. The Board was concerned about the potential of a plume of pollutants being drawn into the wells and possibly contaminating the wetlands on the property. Mr. Pease stated he would abandon his preference for irrigation wells and use town water for his irrigation needs. Mr. Pease agreed to using the verbiage "home site" rather than "lot."

Mr. Wilson noted that any Board approval would involve Conservation Commission approval or possibly Board of Selectmen approval. He stated there would be a statement in the easement document stating that “no septic systems would be located in the conservation easement.” In addition, Mr. Wilson remarked that a statement would be included stating that telecommunications towers would be prohibited in any easement.

Adele Fiorillo, Surface Water Wetland Scientist/Marine Biologist commented that she devised a sampling and analysis plan for the site’s stormwater system. She added that the Board received the report and she was available to answer any questions. Mr. Todd asked if hers was a 5-year plan. Ms. Fiorillo responded that the plan was set for a full build out of the project and was not restricted to a specific time frame. She indicated that she read the West Engineering report which accompanied the DES wetland permit application and noted that Mr. West’s plan followed the state requirements which included a 5 year follow-up plan and monitoring analysis of the detention pond area. Ms. Fiorillo indicated that NH Soil Consultants would also take part in the monitoring plan.

Mr. Wilson mentioned that Dr. Arena expressed concern about e coli/coliform and hoped the monitoring would include e coli/coliform testing. Ms. Fiorello remarked that e coli/coliform testing was not part of the established standards for a project of this type. Mr. Wilson suggested there should be at least a baseline measurement for future reference, if needed. Mr. Pease suggested a testing area central to the project where there would be no runoff that could contain contaminants. Mr. Pease and Ms. Fiorello identified three (3) locations on the site for the testing. These sites would be specified in the plan.

Mr. Todd inquired what type of fertilizers would be used. Mr. Pease said they would use DES approved/suggested products. Ms. Fiorello indicated that their testing would indicate unacceptable levels of fertilizer components. She indicated slow-release, organic fertilizers were preferred. A note will be added to require that only slow-release organic fertilizers would be used on site. Ms. Robinson questioned whether the pavement would be gravel or paved. Mr. Pease indicated that he preferred pavement because of the safety factor. He stated that the elderly resident population would find walking or driving on gravel surfaces unsteady and unsafe. Ms. Fiorello remarked that compacted gravel was almost the same as pavement and compacted soil on top of a gravel bed surface is prone to runoff, thus depositing soil materials in locations alongside the roadbed.

Addressing ARC report, Mr. Chagnon recommended that Plans C1, C5-13 should be recorded according to the Board’s preference. Atty. Pelech noted that the Registry of Deeds had stringent rules in which detailed plans face rejection and reworking from originally approved plans in order to be recorded, as in the case of Phase 3 of the Lafayette Crossing project on Lafayette Road. Mr. Chagnon addressed the remaining questions/comments of the ARC’s September 2nd report, Ms. Robinson’s August 3rd review as well as the Town Engineer’s review dated August 2nd.

Mr. Wilson opened the meeting for a public hearing at 9:09 PM.
There were no public comments in support of or against the proposal.

Ms. Day asked when the Board would review the as-built plan. She said the as-builts would be used in a different way from the way they are written in the ordinance. Mr. Wilson said that we might want to look at as-builts and modify the requirement to apply better to subdivisions. Mr. Wilson and Mr. Pease stated it would be after the project was completed and after the certificates of occupancy were issued for the housing units. Mr. Todd noted that according to the drawing it appeared that the 25-foot tree line requirement of Subdivision Section XII. H. was not met along the Robinson property line—the cul-de-sac area. Applicant stated that there was primarily scrub brush and not mature trees. Mr. Todd suggested that the Board should waive the requirement or expect that it should be met.

Ms. Day moved and Dr. Arena seconded the motion to waive the requirement from Section XII. H that stated, “Each manufactured home park shall maintain a 25-foot wide raised or planted buffer zone along public highways. If any woody growth exists on the perimeter of the boundaries, 25 feet of this shall be maintained as a buffer zone.”

The vote was unanimous. (7-0)

Mr. Todd moved and Dr. Arena seconded the motion to approve the voluntary lot merger.

The vote was unanimous. (7-0)

Mr. Kroner asked what would be an average home cost within Greystone Village. Mr. Pease stated that he had to review his costs, but anticipated that prices would range from \$219,000. to \$300,000, depending upon options selected. Mr. Todd asked about home site lease costs and Mr. Pease said he would have to review his first estimate of \$395.00 per month. Mr. Todd asked if all site work would be completed before homes were built. Mr. Pease said he anticipated building 20 homes to start stating that infrastructure would be completed over time.

Mr. Todd expressed concern that the Board had not received any documents specifying design of the monitoring system for the individual septic systems and asked for assurance from Mr. Pease that the standard system as proposed would be sufficient. Mr. Pease expressed dismay in that he did not know how he could allay Mr. Todd’s concern when the information he had previously provided addressed the efficiency of the individual septic systems. Specifics of the design would be provided as a condition of approval and the design would include audible alarm per septic system, auto-dialup to a monitoring company that provides 24 x coverage and monitoring of both types of pumps.

Both Mr. Todd and Ms. Day expressed concern that the updated legal documents, received this evening, have not been fully reviewed by the Board and questioned defining the language of a condition of approval. Discussion ensued. Mr. Pease agreed to the legal document as drafted as long as there were no “substantive” changes from what was mutually agreed upon during this meeting.

Ms. Day moved and Dr. Arena seconded the motion that the Board conditionally approve the application with conditions as enumerated by Mr. Wilson.

List of Conditions:

1. **Recordable Mylar.** The applicant shall submit a recordable Mylar of sheets C1 and C5-C13 of the approved plan with all required signatures and seals affixed.
2. **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.
 - a. Concrete monuments shall be set at the corners of the lot on Lafayette Road.
 - b. Where monuments would otherwise be separated by 400 feet or more, iron pipes shall be set at intervals of 200 feet on all property lines, as required by the Town, except in wetland areas, where such monuments shall be set as close as possible to intervals of 200 feet, but not in standing water.
3. **Deed restrictions.** Applicant shall submit a copy of the relevant deed(s) for the subdivision the includes the age restrictions on the subdivision – that is, that at least one occupant of each unit shall be 55 years of age or older and that no occupant of any unit shall be under 18 years of age.
4. **Tree preservation.**
 - a. Applicant shall delineate on the plan specific areas on the site where trees shall be preserved, including specific trees that may be jeopardized during construction.
 - b. Applicant shall add a note to the plan stating that applicant shall adhere to the tree preservation plan prepared by Mr. Jeff W. Ott, Certified Arborist, of Northeast Shade Tree, as presented in his memorandum to Mr. Jeff Clifford, dated 21 July 2004.
5. **Permits.** Applicant shall provide copies of the following permits, as appropriate, and note their numbers, as appropriate, on the plan:
 - a. NH DOT Driveway
 - b. NH DES Wetlands bureau Dredge and Fill
 - c. NH DES Subdivision
 - d. NH DES Site-Specific Alteration of Terrain
 - e. NH DES Dam
 - f. NH DES Water Main Extension
6. **Compliance hearing.** Applicant agrees to participate in a Compliance Hearing, called by the Planning Board at its sole discretion, in the event that any of the permits listed in Condition 5 (above) is granted with conditions that the Planning Board considers of sufficient significance to justify such a hearing. Agreement to this Condition 6 shall be provided in writing by the applicant.

7. **Erosion and sediment control inspection reports.** Applicant shall add a note to the plan stating that copies of all inspection reports to state and federal agencies with respect to erosion and sediment control shall be provided to the North Hampton Building Inspector.
8. **Surety.** Applicant shall post surety in a form and amount acceptable to the town of North Hampton, as follows:
 - a. Surety shall be specified and sufficient to cover the costs of actual construction, installation and removal of the erosion and sediment control measures as represented in the plan.
 - b. Surety shall be specified and sufficient to cover the costs of construction and installation of improvements, including but not limited to the costs of roads, drainage structures, utilities, and landscaping.
 - c. Estimates of relevant costs shall be provide by the applicant for review by the Town's engineer, who shall recommend an appropriate amount of surety for review and approval by the Planning Board.
 - d. Surety shall not be reduced to an amount less than 10% of the original total surety posted under this Condition 8 for a period of three (3) years following completion of the project to ensure that maintenance and repair costs are adequately covered.
9. **Bond for septic system repair or replacement.** Applicant shall post and maintain in perpetuity a surety bond in an amount sufficient to replace five (5) septic systems of the type approved on the plan (or an equivalent substitute approved by the NH DES and Planning Board).
10. **As-built plan.** Applicant agrees to submit an "As-built Plan" for the site at the completion of construction or installation of roads, excavation and fill on the site; utilities, clubhouse, drainage structures, and landscaping around clubhouse and along streets, and applicant shall provide a written statement to this effect for the record.
11. **Building permits.** Applicant agrees that a building permit shall be secured for each home site before construction commences on that site. Agreement to this Condition 11 shall be provided in writing by the applicant.
12. **Slow-release, organic fertilizer.** Applicant shall add a note to the plan specifying that all fertilizer used on the Project Lot shall be slow-release, organic material.
13. **Declaration of Restrictive Covenants and Open Space/Conservation Easement Deed.**
 - a. Final documents for the Restrictive Covenants and Open Space/Conservation Easement Deed shall be accepted by the Planning Board on or before Friday, 17 September 2004.
 - b. The Open Space/Conservation Easement shall be accepted by the North Hampton Board of Selectmen or the North Hampton Conservation Commission in the name of the Town of North Hampton or the Rockingham Land Trust prior to the commencement of construction.

The vote was unanimous (7-0).

The meeting recessed at 10:10 PM

The meeting reconvened at 10:16 PM

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. Conditional Use Permit requested citing Article IV, Section 409.10 for fill in excess of 3,000 sq. ft.

Mr. Bisplinghoff provided the Board with a report from NH Soil Consultants that indicated that the amount of fill required for the wetland on his property was less than 3,000 sq feet.

Dr. Arena moved and Mr. Todd seconded the motion to approve the application with the following conditions.

List of Conditions:

- 1. Recordable Mylar. The applicant shall submit a recordable Mylar of the approved plan with all required signatures and seals affixed.**
- 2. 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.**
- 3. Wetland crossing fill. Applicant shall add a note to the plan specifying the exact square footage of fill required for the wetland crossing depicted on the plan.**

The vote was unanimous (7-0).

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.

In attendance

Ed Luck, Luck Enterprises, North Hampton, NH

Tobin Farwell, Altus Engineering, Portsmouth, NH

Anne Bialobrzeski, Stockton Services, Hampton, NH

Tobin Farwell, Altus, reviewed the project details and plans and said that applicant had provided updated plans that addressed comments from the ARC, Town Engineer and RPC Circuit Rider.

Mr. Todd inquired about which plans would be recorded. Mr. Farwell said that typically only site plans are recorded, not landscape or architecture plans. Ms. Bialobrzeski said the prime focus of the Registry of Deeds was for land use transactions and not for the town's repository of documents. She further noted that she sent Atty. Colliander 's easement document for a

deceleration lane and easement for road widening to Alan Garland at NH-DOT. Ms. Bialobrzewski confirmed that Mr. Garland remarked to her that the submittal was verbally acceptable to the NH-DOT. Applicant also agreed to close off the southern driveway access, which would only be used for emergency vehicle access.

Mr. Farwell distributed a sign layout sketch to the Board. Dr. Arena asked for additional information about the architectural and construction details of the building that Mr. Flewelling provided. Mr. Wilson reminded the applicant that the building exterior color must be a muted, conservative New England color. Mr. Todd inquired if the applicant met the greenspace requirement. Ms. Bialobrzewski said she did not determine the exact square footage, but knew there was adequate greenspace. She agreed to re-check calculations to insure that the greenspace requirement did not include the 10 foot perimeter landscaped area and the greenspace within the parking area. She indicated that if a granite monument could not fit in the northwest area, she would place an iron pipe. Mr. Todd inquired if the proposed 6 foot dumpster enclosure would completely camouflage a dumpster. Mr. Farwell confirmed that the 6-foot height would be sufficient. The Board agreed to the applicant filing a voluntary lot merger for the applicant's two lots. The applicant agreed to a bond for a surety performance.

Mr. Todd moved and Dr. Arena seconded the motion to approve the application subject to the following conditions:

List of Conditions:

- 1. Recordable Mylar.** The applicant shall submit a recordable Mylar of the approved plan with all required signatures and seals affixed.
- 2. 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 with NW corner placed by surveyor's judgment.
- 3. NH DOT easement.** Applicant shall provide documentation that an easement has been granted to NH DOT for the possible future expansion of Lafayette Road.
- 4. Building exterior colors.** On the plan, applicant shall specify that colors for exterior building materials shall be consistent with the Site Plan Review Regulations (Section X.F.3.b.10).
- 5. Landscape buffer.** On the site plan applicant shall depict a 10-foot landscape buffer around the entire perimeter of the lot.
- 6. Landscaped area calculation.** On the plan, applicant shall revise the calculation of the landscaped area on the site, removing from that calculation the area of the landscape buffer around the perimeter of the site and the greenspace within the parking area.

7. **Underground utilities.** Applicant shall add a note to the plan specifying that all utilities shall be underground and shall depict all utilities as underground on the plan.
8. **Performance guarantee.** The applicant shall provide a performance guarantee in an amount and kind acceptable by the Town of North Hampton that includes a landscaping component for seasonal inspection and replacement, if necessary, for two years after a Certificate of Occupancy is issued.
9. **Voluntary Lot Merger.** Applicant shall execute a voluntary lot merger for Lot# 013-026-000 and Lot #013-027-000.
10. **Dumpster enclosure.** A 6-feet-high cedar-fence dumpster enclosure shall be specified on the plan.

Mr. Wilson opened the meeting for a public hearing at 11:11 PM.

There were no comments either in support or opposition from the public.

The vote was unanimous (7-0).

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. This hearing is a postponement from the July 6, 2004 meeting.

Neither the applicant nor any representative was in attendance. No action was taken on the application. Ms. Arrain would follow-up with applicant to determine the status of the application.

Dr. Arena moved and Ms. Church seconded the motion to adjourn.

The vote was unanimous (7-0).

The meeting adjourned at 11:15 PM.

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary/Planning & Zoning Administrator