



Minutes

NORTH HAMPTON PLANNING BOARD Regular Meeting on October 5, 2004

Page 1 of 6

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. Please note that because of a technical difficulty, taping of the meeting began at 7:34 PM. 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) Craig Salomon; and (7) Beth Church seated for Judy Day, (8) Krystina Deren Arrain, Recording Secretary/Planning & Zoning Administrator.
Absent: (1) Judy Day, (2) Laurel Pohl, Alternate.

Mr. Wilson convened the meeting at 7:03 PM.
Ms. Church was seated for Ms. Day.

I. New Business

Case #04-28-- Map/Lot #020-012-000 -- 227 Lafayette Road, Craig Schreck/Roger Mulloy, P.O. Box 945, North Hampton, NH 03862. *Preliminary Consultation of Pre-Application Site Review for a proposed office/commercial/retail structure.*

Ms. Arrain remarked that Mr. Schreck phoned her on October 4, 2004 and withdrew his application. She noted that she requested a written withdrawal request for the town file. The Board accepted the withdrawal of the application without prejudice.

Case #04-29-- Map/Lot #017-067-000 -- 36 Birch Road, Gordon LaBonté, Seacoast Indoor Tennis Club, 36 Birch Road, North Hampton, NH 03862. *Request for Release of Performance Bond for Seacoast Indoor Tennis Club.*

Mr. Todd moved and Mr. Salomon seconded the motion to approve the bond release. The vote was unanimous (7-0).

Mr. LaBonté asked when he could expect to receive the proceeds of the bond release. Ms. Arrain added that the final processing included an administrative procedure by the Board of Selectmen. Mr. Wilson stated that Board of Selectmen should not be involved in the release of the bond. Ms. Arrain remarked that she would follow-up with the Town Administrator about whether the Board of Selectmen was required to release the bond.

Case #04-27-- Map/Lot #007-063-000 -- 61 Lafayette Road, Peter Meyer, 50 Acadia Avenue, Unit 5, Hampton, NH 03842. Change of Use and Site Plan Review for Office and Retail Space. Waivers requested for (1) 100-year stormwater drainage control plan/study – Section X.C. and G.; (2) Soil erosion and sedimentation control plan – Section IX. A; (3) High intensity soil mapping – Section VIII. D.3.; and (4) Change of Use Application Fee – Section V.B.3.

Atty. Christopher Boldt, representing the applicant, explained that the only changes to the property included installation of an ADA-ramp, dumpster pad and some landscaping. He noted that the applicant was before the Board primarily for a change of use but applied for a site plan review because the Board required an approved, recorded site plan and town records indicated no approval plan was recorded. Atty. Boldt stated that the lot was an existing, legal, non-conforming lot with businesses of a similar nature operating on-site for decades. He noted that the applicant's plan would be an improvement to the site and to the community. Atty. Boldt confirmed that the applicant had a pending purchase and sales agreement on the property and needed approval before the purchase would be completed. He asked the Board to accept the application as complete and approve the plan. Atty. Boldt said November 5, 2004 was the deadline to close on the property.

Dr. Arena asked whether any other business would be located at the site. Atty. Boldt responded that possibly a professional office such as a CPA service could be located in the northern portion of the building. The Board decided to accept the application as a site plan review. Thus the applicant did not need a waiver for a change of use. Discussion ensued about the waiver for the 100-year stormwater drainage control plan/study. Dr. Arena noted that the site photos demonstrated rainwater pooling on the paved area. He suggested either a trench or a drywell to resolve the pooling. The applicant noted that he would have his engineer review the issue. Mr. Salomon said he believed the soil appeared to be well drained and the water pooling was restricted to the paved area. Mr. Todd was concerned about public safety and asked the applicant how he would address the pooling effect during the winter. Discussion ensued about possible solutions for the pooling water on the paved area. Atty. Boldt stated that the applicant would address the issue to maintain public safety.

Note: Voice taping of the meeting began at 7:34 PM [Technical difficulty with recording equipment was resolved.]

Mr. Salomon moved and Mr. Kroner seconded the motion to grant the 100-year stormwater report/study waiver.

Mr. Wilson opened the public hearing for comments at 7:36 PM. There were no comments. Mr. Wilson closed the public hearing at 7:37 PM.

The vote was unanimous (7-0) to grant the 100-year stormwater study waiver.

Mr. Salomon moved and Dr. Arena seconded the motion to grant the waiver for the soil erosion and sedimentation control plan.

Mr. Wilson opened the public hearing for comments at 7:40 PM. There were no comments.
Mr. Wilson closed the public hearing at 7:41 PM.

The vote was unanimous (7-0) to grant the soil erosion and sedimentation control plan waiver.

Mr. Kroner moved and Mr. Todd seconded the motion to grant the high-intensity soil-mapping waiver.

Mr. Wilson opened the public hearing for comments at 7:42 PM. There were no comments.
Mr. Wilson closed the public hearing at 7:42 PM.

The vote was unanimous (7-0) to grant the high-intensity soil-mapping waiver.

Mr. Salomon moved and Dr. Arena seconded the motion to accept the site photographs as acceptable alternatives to architectural renderings.

The vote was unanimous (7-0).

Dr. Arena moved and Mr. Salomon seconded the motion to accept jurisdiction for the application.

The vote was unanimous (7-0).

Mr. Todd raised items included in the ARC report. Specifically he questioned whether the gravel driveway should be moved to the north side rather than at its current south-side location. Atty. Boldt displayed the septic plan drawing that demonstrated that the posts on the north side were placed there for protection of the septic system. Atty. Boldt referenced Zoning Ordinance Section 406.8 as the overriding ordinance regarding the landscape buffer. Mr. Salomon remarked that the gravel driveway was an existing driveway and since the applicant received a variance it overrode the site plan regulation regarding the landscape buffer. Board members did not concur.

Mr. Wilson stated that the verbiage “proposed” needed to be changed to “existing” on the site plan in reference to the current gravel driveway. Mr. Todd made suggestions to change the parking configuration and questioned whether NH-DOT installed the driveway entrance abutments. Atty. Boldt reinforced that the lot in discussion was an existing, “grandfathered” lot and the applicant planned to make two minor changes to improve it. Mr. Todd queried whether the Board had the authority to require changes that would make the site adhere to the current site plans regulations. Mr. Wilson remarked that the lot was an anomaly because it comprised ¼ acre and any structure or business on the site created its own set of problems.

Mr. Salomon commented that from a common sense and safety perspective a dump truck could access the dumpster. He added there was sufficient space in the back of the property for a safe turnaround. He felt these provided a good solution to the dumpster access issue. Mr. Salomon believed the applicant’s plan would be a significant improvement. He suggested putting flower boxes along the south boundary as a landscaping improvement. Atty. Boldt asked if removing

the dumpster would satisfy the Board. Mr. Wilson stated that he believed the Board wanted a landscape buffer located at the site of the current gravel driveway. Mr. Rineman stated that he believed the applicant's plan for landscaping along the building was satisfactory.

Mr. Salomon moved and Mr. Todd seconded the motion to continue the meeting until November 2, 2004.

The vote was 6-0-1 with Dr. Arena abstaining.

The meeting recessed at 8:46 PM.

The meeting reconvened at 8:50 PM.

Case #04-30-- Map/Lot #004-030-000 – 38B South Road, PS Marston Associates, 38-B South Road, North Hampton, NH 03862. *Site Plan Review for one (1) service bay and storage area that equates to a 5,200-square foot addition. Applicant requests a waiver to Section VIII B.20. to forego submission of a detail stormwater analysis.*

Paul Marston, PS Marston Associates--Applicant
John Chagnon, Ambit Engineering, Portsmouth, NH.

Mr. Chagnon reviewed the plan by referencing the proposed site plan displayed on the easel. He also displayed large photographs of the existing site with structures. Mr. Chagnon explained that the applicant planned to pave the area around the proposed addition. The surrounding area is packed gravel and noted that since it is an existing condition, the applicant had requested a waiver of the 100-year stormwater analysis because the proposed increase in impermeable would not change the overall condition of the site that would necessitate the 100-year stormwater analysis.

Mr. Wilson noted that the town engineer remarked in his report that a 100-year stormwater analysis was justified. Mr. Chagnon stated that the increase of the impermeable surface was only 1-1/2% of the entire lot. Mr. Todd noted that the ARC reviewed the compacted gravel area and were interested in historical data and any resultant concerns that would assist them in determining if a waiver were feasible.

Mr. Wilson opened the public hearing for comments regarding drainage issues at 9:20 PM.

Pauline St. Amand, 44 South Road, commented that when it rained hard, water collected and pooled in the rear of the area, the greenspace. She was concerned about the proposed construction possibly increasing the amount of water pooling in the area. Marilyn Marsch, 19 Post Road, expressed concern about the impervious area adding to the water pooling.

Mr. Todd suggested that the Building Inspector review the site regarding the stormwater drainage issue. Charles Brindamour, 23 Post Road, noted that he did not have any knowledge of or issue regarding drainage.

Mr. Salomon moved and Dr. Arena seconded the motion to grant the waiver request with the condition that the Building Inspector verify that there are no drainage problems on the site.

The vote was unanimous (7-0).

Mr. Todd reviewed comments from the ARC report. He noted that the landscaping and noise are perhaps the major concern regarding this site and the application. Mr. Todd stated that the current site conditions do not adhere to the 1985 approved landscaping plan for the site.

Mr. Salomon moved and Dr. Arena seconded the motion that the photo submitted is an acceptable alternative to the required architectural renderings.

Ms. St. Amand asked which of the three doors would be used for storage and which would be for the service bay. Mr. Marston indicated that the final decision had not been made. She asked if the bays would be constructed for Abenaqui or for other businesses. Mr. Marston indicated that the construction would be for Abenaqui. She emphasized that on-site businesses worked at all hours in the evening and informed the Board that she had a log detailing and specifying, for a month-period, the activities on site that she would gladly share with the Board.

Shelly Anderson, 40 South Road, noted that the noise emanating from the site was very bad, emphasizing that she could hear actual conversations including profanity in the middle of the night. She added that her young children were exposed to this activity seven days a week. Barry McParland, 50 South Road, asked if lighting was part of the architectural standard. There was an excessive amount of lighting on site and it flowed onto his property. He found the light pollution offensive and invasive. Mr. Chagnon noted that the current application did not include any additional lighting with the exception of lighting placed on the proposed addition.

Mr. Wilson closed the public hearing at 9:45 PM.

The vote was unanimous (7-0) to accept the photos into the permanent town file for the application.

Mr. Wilson suggested that the applicant work with the abutters to find resolution for the landscaping, lighting and other issues.

Mr. Todd moved and Dr. Arena seconded the motion to accept Site Plan Sheet #3 of the submitted plan as the beginning of the fulfillment of the landscaping plan requirement with input from the abutters.

Mr. Wilson opened the public hearing for comments at 9:52 PM.

Andy Couillard, 52 South Road, emphasized that white pine was never planted on the site noting that spruce was planted instead. He remarked that a similar meeting with abutters/neighbors was suggested in 1985 but it never came to fruition. He was hopeful that the suggestion would be followed this time.

Mr. Chagnon suggested scheduling a site walk. Mr. McParland asked whether abutters would be notified. Mr. Wilson remarked that adequate postings were available including website posting and distribution of notices. Ms. Anderson was concerned that a scheduled site walk would cause a lower activity level on the Marston site. Ms. St. Armand expressed concern that the hours of operation are excessive. Ms. Anderson expressed her frustration that lights and loud, annoying sounds are beyond what is reasonable.

Mr. Wilson closed the public hearing at 10:01 PM.

The vote was unanimous (7-0) to accept Site Plan Sheet #3.

Mr. Salomon moved and Dr. Arena seconded the motion to accept jurisdiction.

The vote was unanimous (7-0).

Mr. Wilson scheduled the site walk for Tuesday, October 12, 2004, at 1:00 PM at 38-B South Road.

Mr. Kroner moved and Mr. Todd seconded the motion to continue the case until November 2, 2004.

The vote was unanimous (7-0).

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

The vote was unanimous (7-0).

The meeting adjourned at 10:10 PM.

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary/Planning & Zoning Administrator