



Minutes

NORTH HAMPTON PLANNING BOARD Regular Meeting on November 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.

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

Absent: (1) Beth Church, Alternate; (2) Laurel Pohl, Alternate; (3) Jon Rineman, Selectmen Representative.

Mr. Wilson convened the meeting at 7:04 PM.

Items Considered

Case #04-31-- Map/Lot #007-124-000 – 72 Lafayette Road, Kane Company, Inc./Ken Linseman, 210 Commerce Way, Suite 100, Portsmouth, NH 03801. Site Plan Review for Rite Aid Pharmacy, a retail business. The applicant requested waivers for (a) Section X.D.1. for minimum interior landscape of 5% and (b) Section 406.8 for minimum landscape buffer of 10 feet.

Mr. Wilson stated that the applicant's attorney requested postponement until the December 7, 2004 meeting. There was no objection from the Board.

General Announcement

Mr. Wilson announced to the audience that a balloon test for a proposed telecommunications monopine tower on Chapel Road was scheduled for Monday, November 8, 2004 from 9:30 AM to 2 PM. He asked the Board if they wanted a Verizon representative in attendance to answer questions. The Board indicated a Verizon representative's attendance was not required. Mr. Wilson urged everyone on the Board to drive by Chapel Road and view the balloon.

New Business

Case #04-32 -- Map/Lot #013-026/027-000: 106 Lafayette Road, Luck Enterprises, Inc., 115 Lafayette Road, North Hampton, NH, 03862. Request for Performance Bond Recommendation/Approval.

Mr. Todd moved and Mr. Kroner seconded the motion to accept the recommendation for performance surety in the amount of \$54,340.00.

The vote was unanimous (6-0).

Mr. Luck stated that he would put the performance bond amount into a dedicated checking account with the required two signatures. Mr. Salomon suggested either a cash surety or an irrevocable letter of credit. It was decided that an agreement would be negotiated between Town Attorney Ryan and Mr. Luck.

Old Business

Case #04-27-- Map/Lot #007-063-000 -- 61 Lafayette Road, Peter Meyer, 50 Acadia Avenue, Unit 5, Hampton, NH 03842. Site Plan Review for Office and Retail Space. This meeting is a continuation from the October 5, 2004 meeting.

Atty. Christopher Boldt, of Donahue, Tucker & Ciandella, represented the applicant. He stated that the applicant had relocated the dumpster from rear of lot to near the existing pavement. Atty. Boldt stated there was ample space (25 feet) for vehicle turnaround because only 24 feet was required. He referred to the Building Inspector's memo to the Conservation Commission dated October 25, 2004. In the memo, the Building Inspector explained that the drainage pond was not feasible because the lot was very small, approximately ¼ acre. Atty. Boldt affirmed that the applicant had addressed all the questions raised by the Board. He requested that the Board approve the application.

Mr. Todd restated that it was still the recommendation of the ARC to establish the 10' landscape buffer. As an option he said the Board could waive the buffer requirement. Mr. Salomon noted that requiring the applicant to establish the landscape buffer was unnecessary, further adding that the fire department needed to have access to the rear of the property.

Atty. Boldt stated that the applicant had a variance for the landscape buffer and seriously doubted if a waiver was necessary because it was a pre-existing lot and the applicant was not changing either the building or the lot.

Mr. Salomon moved and Mr. Kroner seconded the motion to waive the 10-foot landscape buffer.

Peter Meyer stated he wanted to maintain motor vehicle access to the rear of his property. Atty. Boldt re-stated there were no changes to the property and the applicant had made every effort to work with the Board. He added that by requiring the 10-foot landscape buffer, the applicant would be denied reasonable access to the rear of his property because installing a 10-foot buffer would necessitate removal of the existing gravel driveway.

Mr. Wilson asked whether any members of the audience were present to comment on the application and there were none.

The vote was 2-3-1 with Messrs. Wilson and Salomon in favor; Messrs. Todd and Arena and Ms. Day opposed and Mr. Kroner abstained.

The motion failed.

Mr. Todd enumerated the recommendations and concerns as detailed in the ARC's October 28, 2004 meeting and resultant report dated November 2, 2004.

At 8:09 PM Mr. Wilson opened the public hearing for comments from the audience.

At 8:10 PM Mr. Wilson, hearing no comments, closed the public hearing.

After extensive discussion, the Board and the applicant agreed to implement a 3-foot arborvitae landscape screening along the chain link fence for the length of the building.

Conditions of Approval

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. Snow storage area shall be removed from site plan and a note shall be added to the plan stating that any excess snow that cannot be stored in the parking lot shall be removed from the site.
4. Lighting for all building exits shall be displayed on the site plan.
5. A row of arborvitae is to be planted along the fence line on the southerly boundary, running the depth of the building, front to rear.

Dr. Arena moved and Mr. Todd seconded the motion to approve the applications with the above referenced conditions.

The vote was 5-0-1. Mr. Salomon abstained because he felt the Board overreached on the landscape issue.

The meeting recessed at 8:30 PM.

The meeting reconvened at 8:38 PM.

Case #04-30 -- Map/Lot #004-030-000 – 38B South Road, PS Marston Associates, 38B 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. This meeting is a continuation from the October 5, 2004 meeting.

John Chagnon, Ambit Engineering, Inc., representing the applicant referred to the updated site plan dated October 28, 2004. He recently re-surveyed the site. The apparent encroachment of a fence and shed by the Richardson's was eliminated when the lot was re-surveyed. Mr. Chagnon commented that the revised plans included the corrected survey information. He added that the

need to re-survey the property was the reason for delay in submission of the updated plan, and noted that Mr. Marston had elected not to dispute the new survey although it revised the lot line to his detriment.

Mr. Chagnon addressed the comments and recommendations that were raised during the October 5, 2004 meeting. Mr. Chagnon and Mr. Todd discussed the optimal selection and location of tree screening plantings with additional comments by Paul Marston, Jr., the applicant's son and Donna Richardson, an abutter who resides at 48 South Road.

At 9:00 PM Mr. Wilson opened the public hearing for comments from the audience.

Mr. Marston noted that their arborist would plant the trees in the appropriate locations and conditions. Barry McParland, 50 South Road, an abutter, asked that the performance bond for the trees should be held in perpetuity. He remarked that of the 7 trees planted in 1985 between his property and his neighbors, 3 had died within 7 years. Mr. McParland stated emphatically that when the Marston received their original Board approval they did not adhere to the plan in relation to their landscaping requirements. He wanted the issue resolved by having the application meet the previous site plan requirements.

Mr. Salomon suggested that the Board implement a landscaping plan followed up by a maintenance plan. Mr. Marston noted that he wanted to plant the trees now, in autumn, rather than in the spring because it would facilitate more successful tree planting.

Pauline St. Amand, 44 South Road, noted that there was only one tree behind her house and it appeared from the proposed landscape plans, no trees were to be planted. The current bushes in her yard will lose their leaves shortly and there will be no vegetation screening between her property and the applicants. She commented that her property is completely exposed and she asked why no screening coverage was considered.

Mr. Salomon suggested that the town arborist, at the applicant's expense, review the applicant's site and suggest a landscaping plan as well as suggestions for bonding issues. Mr. Todd asked for the arborist to identify a site at different stages of screening growth. He noted there are such examples around the town. Mr. Todd suggested a long-term maintenance plan.

Mr. Salomon moved and Ms. Day seconded the motion that the town engage an independent arborist at the applicant's expense to consult with the applicant's arborist to provide an adequate screen along the north and west property line, for the purpose of identifying species, placement, and provide a cost estimate of implementation, ongoing maintenance bond and a management plan.

Mrs. Richardson stated that it was a good idea to get an independent arborist's opinion on an optimal landscape plan.

Mr. Wilson closed the public hearing and the question was called.

The vote was 5-1-0 with Dr. Arena opposed.

Mr. Wilson remarked that the drainage requirement was met. He noted that all lighting requirements should meet the dark-sky standard. Since the landscaping issue has been addressed, the Board would consider discussion on any noise issues.

At 10:13 PM Mr. Wilson opened the public hearing for comments from the audience.

John Richardson, 48 South Road, an abutter, asked how much of an increase in business would there be with the proposed addition in relation to the amount of noise in the early morning. Mr. Marston stated that the first mechanic arrived at 3 AM. He noted there should not be an increase in the number of trucks entering and exiting. Mr. Marston emphasized that their goal with this expansion was to improve the efficiency of their current system. Mr. Richardson remarked that the applicant used an outside public address system which was very disruptive to his family and the neighborhood. Mr. Wilson indicated that a public address system was not allowed under current site plans regulations.

Michelle Anderson, 40 South Road, an abutter, commented about the noise issue. She noted that the bay doors are open frequently and the sounds within the bay are heard throughout the neighborhood. Mr. Todd emphasized that the town's Site Plan Regulations prohibit noise, dust, odors and light pollution that extend beyond the property lines. Specifically, he said neighbors have said that noise is a problem on the applicant's site.

Neighbors present complained that in the past, business operations were from 7 AM to 7 PM. Yet they noted that within the last ten years, hours of operation had increased dramatically and they were very unhappy. The noise had increased significantly, specifically in the early morning hours.

Mr. Wilson closed the public hearing and the question was called.

Mr. Salomon moved and Mr. Kroner seconded the motion to continue the application until December 7, 2004.

The vote was unanimous (6-0).

Other Business

Greystone Village Project

John Chagnon, Ambit Engineering and Elmer Pease, PD Associates appeared before the Board regarding the Greystone Village project.

- 1) Mr. Chagnon stated that part of site approval process required a Compliance Hearing and he noted that he submitted drawings dated October 14, 2004 for the Board's review. He requested that the compliance hearing be included on the December 7, 2004 agenda.
- 2) Mr. Chagnon commented that although granite markers are required as monumentation, he had identified one location that was a rock ledge. He placed a drill hole instead of a granite marker. He requested that the Board accept this deviation from the monumentation standard, under this special condition.

Ms. Robinson suggested that the town engineer review this information. Both Mr. Pease and Mr. Chagnon felt the town engineer's involvement was not necessary, in their opinion. The Board determined that the Town Engineer should review the updated drawings and Agency approval documentation and provide input on the need for a compliance hearing.

Heritage Commission

Ms. Day moved and Dr. Arena seconded the motion to accept Barbara Hobby's resignation from the Heritage Commission as noted by Ms. Landman.

The vote was unanimous (6-0).

Adjournment

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

The vote was unanimous (6-0).

The meeting adjourned at 11 PM.

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary/Planning & Zoning Administrator