



Minutes

NORTH HAMPTON PLANNING BOARD Regular Meeting March 1, 2005

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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) Jon Rineman, Selectperson Representative, (7) Laurel Pohl seated for Judy Day.

Alternates Present: Beth Church

Members Absent: (1) Judy Day

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

Chairman Wilson convened the meeting at 7:10 PM and outlined old business.

Old Business

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. This meeting is a continuation of the February 1, 2005 session.

Atty. Francis Xavier Bruton III, McNeill, Taylor & Gallo, Dover, NH.

John Schmitz, Civil Engineer, B& L Companies, Meriden, CT

John Mancini, Director of Engineering, B& L Companies, Meriden, CT

Atty. Bruton, representing the applicant, remarked that Atty. John McNeil would not be present at the meeting. He commented that the applicant had complied with the Board's requests and requested that the Board conditionally approve the application. Mr. Schmitz explained and detailed the upgraded driveway configuration on Lafayette Road/Rte. 1. To deter left-hand turns in the northbound direction on Lafayette Road, the driveway was designated only as a right-turn entrance from the southbound direction and a right-turn exit out of the site. The redesign of the driveway would deter left-hand turns. A sign would also indicate that left-hand turns were not allowed.

Mr. Mancini stated that the shape and geometry of the traffic island, "No Left Turn" signs plus a "Do Not Enter" sign would direct motorists away from turning left onto Lafayette Road. He added that by adding the rumble strips they designed the island as restrictive as was possible. Mr. Mancini displayed and explained the details on Plan SK-3, which was a new plan. He also displayed an updated version of the Plan SP-1. In order to meet the 12-foot NH DOT right of

way requirement as well as the 10-foot landscape buffer, three parking spaces would become substandard at the time of expansion of Lafayette Road. He added that the total landscape buffer area would still meet the site plan regulation requirements. Mr. Kroner noted that the idea of a raised median on Lafayette Road was highly unlikely according to the Chase-Kimball study and a current study that was underway. He stated that the town engineer had not seen the updated plans. Mr. Schmitz indicated that he had been in contact with Mr. Kelly regarding these updated plan changes. They decided on a right-in and right-out approach as the safest solution to the Lafayette Road driveway.

Dr. Arena questioned whether an individual outside the US conducted the traffic study. Mr. Linseman responded that his father, a Canadian like himself, performed the initial study. He thought it was a good idea for the senior Mr. Linseman to conduct the study since he was knowledgeable and had conducted numerous traffic studies. Mr. Linseman remarked that traffic study processes and information are universal in theory and thought. Mr. Wilson asked if a licensed safety engineer would stamp the study. Mr. Mancini noted that a B & L engineer who was knowledgeable in NH traffic safety rules and regulations would affix his seal and stamp to the traffic study. He emphasized that the report would be a qualified traffic study report issued by B & L.

Mr. Rineman asked whether a crosswalk would be included in this project. Mr. Mancini remarked that the property owner and Rite Aid were amenable to installing a crosswalk. He noted that NH-DOT would be the entity that would be responsible for the ultimate approval and installation of a crosswalk.

Mr. Wilson, addressing Atty. Bruton, expressed concern about the draft traffic study. He commented that the Board needs ample time to review the final traffic study. Mr. Wilson asked how B&L would address the proposed bike lane on Atlantic Avenue. Mr. Mancini stated there was ample space in the right of way to accommodate between a five (5) to six (6)-foot bike lane. He stated that because there was a major change on the Lafayette Road driveway, the traffic study must be revised and he could not, at this time, answer the Board's question regarding whether the intersection would/could fail. Mr. Wilson asked whether the driveway easement was completed. Mr. Linseman stated it was not completed. Mr. Wilson inquired if the easement was only for Rite Aid's use. Mr. Linseman stated it was only for Rite Aid.

Mr. Wilson expressed concern about future development of the Hendry lot. Since it was a non-conforming lot, how would the non-conformity be affected by the Rite Aid development? Mr. Mancini suggested that future development of the Hendry lot should include placement of a driveway as far from the Rite Aid driveway as possible. Mr. Wilson said that best access management practices would suggest that the Rite Aid and Hendry lots should share the same driveway. Ms. Robinson agreed.

Mr. Mancini detailed the specifics of truck deliveries. He demonstrated and stated that there were ample spaces for loading and unloading as well as for multiple vehicles to pass by and access the pharmacy drive-thru area. Dr. Arena suggested a site walk for this area to better

understand the entrances, footprint and observe the traffic flow. Mr. Kroner referenced a drainage issue on the catch basins near the Irving station. Mr. Mancini indicated that Rite Aid would be willing to clean the catch basin and line one time only.

Mr. Wilson opened the public hearing at 8:15 PM.

With no comments heard, Mr. Wilson closed the public hearing at 8:16 PM.

Mr. Wilson stated that the 65-day application consideration limit was over. Atty. Bruton verbally requested a 40-day extension.

Dr. Arena moved and Mr. Todd seconded the motion to continue the meeting until April 5, 2005.

The vote was unanimous (7-0).

Mr. Salomon moved and Dr. Arena seconded the motion to schedule a site walk at 72 Lafayette Road.

The vote was unanimous (7-0).

A site walk was scheduled for March 15 at 1 PM.

The meeting recessed at 8:25 PM

The meeting reconvened at 8:32 PM

New Business

Case #05-03 -- Map/Lot #016-012-000/021-007-000/017-088,089,090,091-000: 203 Lafayette Road, Crown Properties & Home Sales, LLC/Joseph Roy, P.O. Box 1627, North Hampton, NH 03862. Proposal for a subdivision to develop a six (6)-lot Adult Manufactured Housing Park adjacent to an existing housing park. This is a re-application from a recent submission.

Atty. John Bosen, Bosen & Springler PLLC, Portsmouth, NH

John Chagnon, Ambit Engineering, Portsmouth, NH

Joe Roy, Crown Properties and Home Sales, Principal, North Hampton, NH

Mr. Wilson opened by noting that this case was a re-application. At the February 1, 2005 meeting, Mr. Roy's application was denied without prejudice. The current application included eight (8) lots whereas a request for six (6) lots was submitted in the original application. Mr. Bosen stated that the February 1, 2005 Board action was a wrongful dismissal of the application. He remarked that he had been in discussion with Mr. Mabey, the Building Inspector, who agreed with Atty. Bosen that it was prudent to request a tabling of the application until the March 1, 2005 meeting. Atty. Bosen requested reimbursement of the \$730.00 fee. Mr. Todd noted that Atty. Bosen's fax, requesting tabling, arrived almost an hour after the town offices closed on February 1, 2005, the date of the meeting. Mr. Mabey, according to Atty. Bosen, requested the

tabling at 4:15 PM. Mr. Todd commented that Mr. Mabey did not represent the Board and felt that the Board acted prudently by denying the application without prejudice.

Dr. Arena moved and Mr. Todd seconded the motion to return the \$730.00 fee to the applicant.

The vote was unanimous (7-0).

Ms. Arrain returned the check to the applicant's representative, Mr. Chagnon. Atty. Bosen and Mr. Chagnon displayed an existing site plan that included all the multiple uses engaged on the site. The plan was dated January 28, 2005 and was distributed to the Board on January 31, 2005. Atty. Bosen detailed the March 1, 2005 memo from Richard Mabey to the Planning Board with the title: "Crown Properties Housing Park Proposal." Mr. Todd questioned whether the two additional lots could be added within the ZBA's variance definition. Mr. Salomon stated that the former owner was granted a use variance. Mr. Salomon thought it would be acceptable. Ms. Robinson questioned the applicant's interpretation of the use variance that they received on May 19, 2004. Atty. Bosen said that he had extensive discussions with the Building Inspector and he agreed with the applicant's interpretation.

Mr. Kroner asked the applicant whether there was a road treatment facility on the proposed facility that stored sand and the applicant acknowledged to the Board that such a facility existed on the site. Mr. Roy explained the sequence and significance of the seasonal units because they were not placed on individual parcels. He commented that the seasonal units were not 400 sq feet structures. Mr. Wilson stated that he believed the May 19, 2004 variance was applicable to the applicant's proposal.

Mr. Chagnon commented that the four seasonal units were attached to a single system. He indicated that the current four seasonal units would be placed on their own septic system and two of those units would become Unit #7 and Unit #8 of the adult manufactured park proposal. Mr. Todd was concerned about the septic load of the total number of the seasonal units. Mr. Chagnon noted that on Page 3 of his January 28, 2005 memo, he addressed the septic load issue. Mr. Chagnon stated that the proposed six (6) units were originally part of a recreation area. The recreation area had been relocated. Mr. Roy noted that because the area was far from the housing units, it was decided that the area was not a good location for a recreation area.

Mr. Salomon moved and Ms. Pohl seconded the motion to accept jurisdiction.

The vote was unanimous (7-0).

Mr. Wilson opened the public hearing at 9:30 PM.

Jackie Bann, 203 Lafayette Road, park resident, wondered how residents would enter the park and how it would overall affect park access. Mr. Wilson stated that the Board would consider this issue as well as all other issues during the application review process. The public would have an opportunity to make comments and ask questions. Ms. Church asked whether Units 120 and 121 would become part of the retirement park. Mr. Chagnon indicated they would.

Mr. Wilson closed the public hearing at 9:38 PM.

Mr. Rineman asked if the applicant had met the dimensional requirements of 720 sq feet. Mr. Roy stated he would have to verify that fact; stating that he currently did not know.

Mr. Todd moved and Dr. Arena seconded the motion to continue the case until the April 5, 2005 meeting.

The vote was unanimous (7-0).

Adjournment

Mr. Kroner moved and Dr. Arena seconded the motion to adjourn at 9:42 PM.

The vote was unanimous (7-0).

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary / Planning & Zoning Administrator