



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD

Regular Meeting

Monday, December 5, 2005

Members present: Phil Wilson, Chairman; Shep Kroner, Vice Chairman; Craig Solomon, Laurel Pohl, Joseph Arena, Judy Day and Jon Rineman; Selectmen's Representative.

Others present: Jill Robinson, Circuit Rider/RPC and Wendy Chase, Recording Secretary.

Alternates present: Rich Goeselt

Mr. Wilson convened the meeting at 6:33pm.

OLD BUSINESS

Case #05:20 Map/Lot #012-48-000 & 012-66-000, located at 144 Mill Road (R-2 Zone District Leonard and Mary Saunders, 144 Mill Road North Hampton, NH 03862 to consolidate Tax Map 12 Lots 48 and 66, then to subdivide into 4 lots.

Mr. Wilson stated that there is an appeal to the Planning Board decision regarding the acceptance of Jurisdiction on the Saunders subdivision plan currently filed with the Zoning Board of Adjustment. The Zoning Board meeting to hear this appeal is scheduled for January 24, 2006. Mr. Wilson offered three different options to discuss:

- There will be no further action by the Planning Board on case 05:20 until after the ZBA decision.
- The Planning Board may reconsider accepting Jurisdiction.
- Proceed with the understanding that the Board would unlikely come to a conclusion before the ZBA decision.

Ms. Day recused herself.

Mr. Goeselt was seated for Ms. Day.

Dr. Arena suggested the Board reconsider their decision on accepting jurisdiction not only on the information Mr. Skowronski provided in his appeal to the ZBA but also other information the Board needs to consider.

Mr. Kroner would like to wait for the ZBA decision.

Mr. Salomon agreed with both Dr. Arena and Mr. Kroner. He suggested the case be tabled until after the ZBA decision.

Ms. Pohl would like a better understanding of the tax bill situation. If the Town combines two lots owned by the same owners onto one tax bill, does that make it one lot?

Mr. Kroner agreed with Ms. Pohl. He would like to know which governs: the Town's combining the lots on to one bill or the deed recorded at the Registry of Deeds. He also stated that the Board should do a site walk and is concerned about the decision to table the case due to snow covering the ground through the winter months.

Dr. Arena feels a site walk is very important especially after reviewing Mr. Skowronki's information.

Mr. Rineman feels that there are many unanswered questions and the Board should not continue without more information.

Mr. Salomon stated that if the Zoning Board determined that the Planning Board was incorrect in interpreting the ordinance the Saunders would have to apply for a variance. If the Zoning Board determined that the Planning Board was correct, they would have to meet all the subdivision regulation requirements.

Mr. Wilson asked whether the Saunders had applied for a voluntary lot merger in 2004 as stated in Mr. Skowronski's appeal.

Mr. Saunders explained that the two lots were not merged in 2004. The two properties were transferred in to the Mary Saunders revocable trust in 2004. The Saunders have one deed with two separate descriptions. The lots were not merged and recorded at the Registry of Deeds.

Mr. Wilson asked if the applicant wished to waive the requirement, that the Board either accept or deny Jurisdiction for the application within 30 days of receipt. Mr. Ring stated on behalf of the Saunders that they would agree to extend the period during which the Board could act on the question of jurisdiction to include the February 6, 2005 meeting.

Mr. Salomon moved and Mr. Kroner seconded the motion to table the Saunders case 05:20 until the February 6, 2006 meeting, contingent on receipt from the applicant written agreement to the postponement of the decision about the question of jurisdiction to the February 6, 2006 meeting.

The vote was unanimous in favor of the motion (7-0).

Ms. Robinson agreed with Mr. Salomon that procedurally the Planning Board should wait for the ZBA to hear the case and decide whether or not the Planning Board properly took jurisdiction of the application and that there are outstanding questions on whether or not the lots were properly merged.

Mr. Ring asked if the Board would like to have a site walk on the Saunders property. Mr. Wilson stated the Board would not do anything until after the ZBA decision.

Mr. Skowronski gave permission to the Planning Board members to drive down his driveway if they would like to observe the abutting Saunders property.

NEW BUSINESS

Case #05:22 – Map/Lot 003-099: 22 Lafayette Road, (I-B/R Zone District) 22 Lafayette Road LLC, 22 Lafayette Road, North Hampton, NH 03862 to construct a 67' x 30' addition to carwash building to be used for vacuuming and window cleaning.

Ms. Day returned to the table.

Mr. Goeselt stepped down.

George Chobanian, Civil Consultants and Brian Macina, Manager of Prowash were in attendance for the applicant regarding this application.

Mr. Wilson questioned whether or not the applicant would need to seek a variance since the lot was less than two acres.

Mr. Salomon recited Article V, Section 501.5, which states Structures on a lot that is non-conforming because it does not meet the existing dimensional requirements for frontage and/or lot size can be expanded if the expansion meets current zoning.

It was determined that the applicant would not need a variance.

Mr. Chobanian explained that the applicant proposes to add a 67' x 30' addition to the existing carwash building, which would remain architecturally the same as the existing building. The hot top in the existing vacuum area and the vacuums would be eliminated, and the area would be planted with grass. Vacuum and window cleaning patrons will be able to have their vehicles vacuumed and windows cleaned for them for a fee. The attendant may also drive their car through the carwash if they prefer.

The applicant applied for a waiver to Section VIII B.20, Stormwater drainage control plan. They have received no complaints from surrounding neighbors concerning drainage. The waiver was not properly noticed. Wendy was instructed to notice the drainage waiver and send notice to each abutter.

Mr. Chobanian informed the Board that the applicant was granted approval in 2001 to construct a lube center and a drainage waiver was obtained at that time. The lube center was never constructed. A drainage study was never done on the property.

Mr. Chobanian went over the following engineering review comments by Ed Kelly of Keach and Nordstrom.

1. **An approved (software) lighting plan should be provided for the exterior fixtures with the lighting intensity shown at the property lines, and also list the height and type of fixtures existing and proposed.** Mr. Chobanian will provide a lighting plan and send a copy to Ed Kelly, Jill Robinson and Wendy Chase before next month's meeting. Mr. Wilson reminded Mr. Chobanian that all new luminaire must comply with the dark sky standards.
2. **A recommended condition of approval should include a statement effectively stating that should there be a concern in the future with the drainage runoff that the owner, or the successor will be responsible for correcting a drainage concern or problem to the satisfaction of the then current Building Official.** Mr. Chobanian agreed that this should be added to the conditions of approval. Mr. Wilson asked what kind of soil is there. Mr. Macina stated that it is very sandy. Ms. Robinson suggested that they do not add curbing to help with drainage. There is no plan to add curbing.
3. **Excess snow removal from site should be added to the plan.** A statement will be added to the plan addressing excess snow removal.
4. **Applicant to provide a copy of the NH DOT recorded easement for the 12-foot dedication on the west right-of-way line of Lafayette Road (NH Route 1).** Mr. Chobanian explained that he spoke with Doug DePorter from NH DOT and was informed that the State does not require an easement. A note on the plan will state area to be reserved for a 12' wide NHDOT easement.
5. **List all existing variances, special exceptions, and conditional use permits for this tract.** Mr. Chobanian stated that there was conditions on the last approved plan and believed the approvals to be lapsed because the project was never done. Mr. Salomon suggested the applicant reference the previous approved site plan C1 dated August 5, 2003 and note that the special exception and conditional use permit are relinquish by the applicant. The applicant submitted a copy of the 2001 plan. Mr. Wilson asked if a septic plan was completed. Mr. Chobanian stated that a septic plan was done for the proposed lube center. Mr. Wilson asked if the capacity of the existing septic system was adequate for three more employees. Mr. Chobanian answered yes. They are operating under their present capacity as required by NH DES. They recycle their water, which has been very effective. The septic system has been working very well. It was installed in 1993 and expanded in 1996. They have six inspection ports that are inspected twice a year.

Mr. Chobanian went over Jill Robinson's comments.

1. **The dumpster is located in the 10' buffer area, the applicant should demonstrate that the dumpster will be appropriately screened. The plan notes an existing crushed stone area along the south border. The Planning Board should discuss whether this area should remain as is or should be landscaped.** Mr. Chobanian stated that the applicant would like to see the dumpster stay where it is presently. Mr. Kroner pulled into the site and said there is a clear path from the road and the dumpster. Mr. Wilson is

concerned that it is in the landscape buffer. Mr. Rineman stated that if it were screened outside of the landscape buffer it would stay in that environment. Mr. Salomon agreed with Mr. Rineman. Mr. Wilson asked that it be placed on the plan. Ms. Robinson stated they should disregard the crushed stone concern she stated. The crushed stone is there for drainage purposes.

2. **Drainage calculation. Existing drainage structures and engineer's review indicating support for waiver of drainage study. Description of existing structures and whether post development runoff will exceed pre-development runoff may be necessary.** The stormwater drainage waiver will be addressed at next month's meeting.
3. **Landscaping bond. Site plan regulations require a bond equal to 25 percent of the installed cost of the plantings to be held by the town for two growing seasons.** Mr. Wilson would like the applicant to estimate the cost of landscaping so that the Board may determine whether or not a surety bond needs to be posted.
4. **Floor plan and as-built drawings. These items are required per X.F. and XIV.B. of the site plan regulations.** Mr. Chobanian stated that it is an open concept with no additions or bathrooms. Mr. Wilson stated that the as-built plans re not a requirement that must be waived. Rather, the Board may, at its discretion, require as-built plans for complex projects.

Mr. Salomon moved and Ms. Day seconded to accept the architectural drawings as presented as sufficient to meet the requirement of X.F. and XIV.B. of the site plan regulations.

The vote was unanimous in favor of the motion (7-0).

Ms. Robinson asked about the as-built drawings requirement. The Board determined that the project was not large enough to require as-built drawings.

Mr. Wilson asked that the applicant have the revised plans in by December 20, 2005.

Mr. Macina signed a request to waive the 30-days deadline for the Board to decide the question of jurisdiction and thus to allow the Board to continue this application until the January 3, 2006 Planning Board meeting.

Dr. Arena moved and Ms. Pohl seconded the motion to table this application with the question whether or not to accept jurisdiction for this application to the January 3, 2006 meeting and to waive the fees for re-notification of abutters.

The vote was unanimous in favor of the motion (7-0).

OTHER BUSINESS

Edward Luck was present to request the release of surety he had deposited in an escrow account in the amount of \$54,340.00. The commercial building on 106 Lafayette Road is complete along with the landscaping and placement of the sign.

The Board discussed the matter and concluded that the project had been completed according to the approved site plan.

Dr. Arena moved and Mr. Rineman seconded the motion to recommend to the Board of Selectmen to release the bond in the amount of \$54,340.00. The vote was unanimous in favor of the motion (7-0).

Ms. Chase was directed to write a letter to the Board of Selectmen regarding this decision.

Attorney Allen representing GFI North Hampton, LLC requested from the Board a bond reduction regarding the Greystone Village project. Attorney Allen explained that GFI North needs to free up some capital in order to keep the project going.

Mr. Wilson explained the current procedure.

- The Town engineer inspects the project and comes up with a value
- The bond reduction request is heard before the Planning Board who first reviews comments/recommendations from the Engineer and the Building Inspector then makes recommendations to the Board of Selectmen.
- The Board of Selectmen reviews the Planning Board recommendations and makes the final decision.

Attorney Allen thought this to be an unnecessarily cumbersome process. He made several suggestions to the Board on how to simplify this procedure. He presented literature on a Supreme Court case, *Richard D. Levasseur v. Board of Selectmen of Hudson*. He feels that the Planning Board has the authority to decide on bond reductions citing RSA 674:36. Attorney Allen informed the Planning Board members that his client is willing to pay for legal fees if they wish to change the bond reduction requirements and have it reviewed by an Attorney.

Mr. Wilson read from the regulations that the security shall be held by the Selectmen of the Town and shall not be drawn upon or released until they are in receipt of a resolution passed by a majority of the Planning Board.

Mr. Cataldo, project manager for Greystone Village informed the Board that the actual amount of the draw down on the surety has not yet been determined. He will get a copy of the actual amount being requested from Bank North and give a copy to Ms. Chase. Ms. Chase was directed to make copies and distribute to each member.

Attorney Allen asked if the Planning Board could decide on the bond reduction at their Work Session meeting. Mr. Wilson informed him that if the applicant receives the reports from the Engineer and the Building Inspector prior to the Work Session it could be heard at the Work Session.

Mr. Kroner will add the bond reduction request for phase one of the Greystone Village project on the December 19, 2005 Works Session agenda.

Mr. Salomon would like to discuss the bond reduction procedures at the Work Session meeting. He would like to get a legal opinion on whether or not the Board is proceeding correctly under RSA 674:36.

The applicant asked when the Selectmen would meet next. Mr. Rineman thought maybe December 27th because of the Holiday on December 26th where they would normally meet.

Mr. Kroner reminded the Board that there are quite a few sets of minutes to be reviewed and approved. Mr. Wilson suggested that each member review and send Ms. Chase by email any minor changes to the minutes. For major changes to please have them written out on a piece of paper ready for the meeting on December 19th.

Ms. Robinson discussed available money regarding the Coastal Program. She asked the Board if they were interested in pursuing a matching grant contract.

Mr. Wilson sent an email to Mike Pardue informing him of this opportunity.

Ms. Robinson explained that there is \$2,500. available but the town would have to match this amount. The money could be used for the Route 1 Corridor Study, Master Plan or CIP Plan.

Ms. Day moved and Dr. Arena seconded the motion to recommend to the Board of Selectmen that they make every effort to find in the budget \$2,500.00 in order to fund a matching grant contract for the Coastal Program to enable RPC Circuit Rider Jill Robinson to work on the Master Plan, CIP or to research the zoning on Route 1 regarding the Route 1 Corridor Plan.
The vote was unanimous (7-0).

Ms. Pohl asked if the money requested would come out of the current budget.

Ms. Day asked if there is any money left in the Planning Board budget. Mr. Wilson thought that after all the bills are paid by the end of the year there would not be money left in the Planning Board line items.

Ms. Pohl reminded the Board that Wendy Chase was hired a few months after the beginning of the budget year so there may be extra money in the payroll.

Ms. Day wanted it stated for the record that it is very important to do this funding because the impact of development that potentially could happen along Route 1 would be very costly to the Town.

Mr. Rineman didn't think anyone was against this.

Ms. Robinson informed the Board that she is contracted to attend 18 meetings and she only has a couple left. She suggested she attend the December 19th Work Session due to the sign ordinance public hearing. The Board agreed. Ms. Robinson will attend the Work Session on December 19th.

**Ms. Day moved and Mr. Salomon seconded the motion to adjourn at 8:37pm.
The vote was unanimous in favor of the motion (7-0).**

Respectfully submitted,

Wendy V. Chase
Recording Secretary