



MEETING MINUTES
NORTH HAMPTON PLANNING BOARD
Regular Meeting
Tuesday, January 3, 2006

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

Members present: Phil Wilson, Chairman; Shep Kroner, Vice Chairman; Craig Salomon, and Judy Day.

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

Alternates present: Rich Goeselt

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

Noting Ms. Pohl and Dr. Arena's absence, Mr. Wilson seated Mr. Goeselt for Dr. Arena. Mr. Wilson also noted that Selectman Representative, Jon Rineman had resigned and that no alternate was present to serve as Selectmen's Representative.

OLD BUSINESS

Case #05:22 – Map/lot 003-099-000, Location: 22 Lafayette Road, (I-B/R Zone District) 22 Lafayette Road LLC, 22 Lafayette Road, North Hampton, NH 03862.

A request for a waiver on Section VIII.B.20 – Stormwater Drainage Control Plan, regarding a site plan application to construct a 67' x 30' addition to the carwash building to be used for vacuuming and window cleaning.

Mr. Wilson stated that jurisdiction was taken for Case #05:22 at the December 5, 2005 meeting. The applicant's request for a waiver from Section VIII B.20, Stormwater Drainage Control Plan was discussed.

Mr. George Chobian from Civil Consultants was present on behalf of Prowash.

Mr. Salomon stated that he was working with Civil Consultants on another matter and asked if any abutters had any objections to his remaining seated for this case. There were no abutters present regarding this application.

Mr. Chobian addressed each Planning Board request from the December 5, 2005 meeting.

- A lighting plan was provided.
- A note (#10) was added to the plan addressing any future concerns or problems with surface drainage.
- A note was added to the plan addressing snow removal stating, “any excess snow on-site shall be removed and disposed of properly”.
- A note (#12) was added to the plan stating, “an area will be reserved for a 12’ wide NHDOT easement” the area has been delineated on the site plan.
- A note (#11) was added to the plan stating that the owner relinquishes the variances, special exceptions, and conditional use permits as approved on the last approved plan.
- The site plan has been revised to show the new location of the dumpster screened by a stockade fence.
- An estimate of \$1,000.00 was included for landscaping.

Mr. Wilson asked the Board if they were prepared to waive the stormwater drainage plan requirement.

Mr. Kroner stated that he didn’t see that there were any drainage problems and that there were no abutters present to confirm that there was a drainage problem.

Mr. Wilson opened the public hearing at 7:10pm.

Mr. Wilson closed the public hearing at 7:11pm with no comment from the public.

Mr. Kroner moved and Mr. Salomon seconded the motion to waive the requirement of the stormwater drainage plan, section VIII.B.20 of the site plan review regulations.

The vote was unanimous in favor of the motion (5-0).

Mr. Chobian explained to the Board that the State of New Hampshire DOT is not accepting easements at this time so an easement was never executed.

Mr. Kelly requested that the 12’ easement be dedicated.

Mr. Salomon explained that for an easement to be accepted in the future dedication for it must be shown on the plan and if the State is not accepting easements, this is all we can do at this time.

Ms. Robinson asked if any new signs were within the dedicated area.

Mr. Chobian stated that there are no new signs. All the signs shown on the plan are existing.

Mr. Chobian explained that a floor plan for an 11' x 17' closet was added to the lower right corner of the plan. Mr. Wilson asked if this would change the square footage of the project. Mr. Chobian stated that it did not.

Mr. Wilson asked if there were going to be new monuments set. Mr. Chobian answered that there were not.

Mr. Salomon asked if there were any State permits associated with this project. Mr. Chobian stated that there were not.

Mr. Wilson opened the public hearing for comments on the application at 7:21pm. Mr. Wilson closed the public hearing at 7:22pm with no comment from the public.

Mr. Kroner moved and Ms. Day seconded the motion to accept the site plan review application with the condition that the applicant submit a recordable Mylar with all required signatures and seals affixed.

The vote was unanimous in favor of the motion (5-0).

Mr. Chobian presented the Mylar with all required signatures and proper seals, and Mr. Wilson signed it as Chairman of the North Hampton Planning Board.

Ms. Chase was directed to record the Prowash Mylar at the Rockingham Registry of Deeds.

NEW BUSINESS

Case #05:23 – Map/lot 007-120-000, Location: 62 Lafayette Road (R-1 and I-B/R Zones), Russell Jeppesen, 152 Atlantic Ave., North Hampton, NH 03862.

Subdivision application to convert existing buildings into three condominium units.

Mr. Salomon recused himself from this application.

Mr. John Chagnon from Ambit Engineering represented the applicant Russell Jeppesen, as well as Attorney Michael Donahue of Donahue, Tucker & Ciandella, PLLC.

Mr. Chagnon explained each sheet of the plan to the Board. He explained that sheet one showed the standard boundary of the entire parcel Map/Lot 007-120-000; sheet two detailed the developed portion of the property and showed the limited common area which would mainly be used for parking; sheet three showed the floor plan for the units.

Mr. Chagnon presented a copy of a variance granted in 1998 to Ron Cipullu for a sign for a pizza restaurant that occupied a building on this site. He will have this variance added to the plan.

He explained to the Board that they would be able to comply with the Board's request for monumentation.

Mr. Chagnon explained that they would have to apply to NHDES for septic approval. Once they receive the approval permit, they will add the approval number to the plan.

Mr. Goeselt asked the difference between a residential and commercial condominium. Attorney Donahue explained that “condominium” is a type of ownership.

Mr. Wilson stated that the Board would first have to accept jurisdiction of the subdivision application. The applicant requested that the Board approve the application also.

Mr. Wilson explained that it would not be possible to accept the application. The Town’s Attorney must first review the proposed Bylaws and Condominium Declaration regarding this application.

Attorney Donahue explained that the Condominium Statute allows the creation of different land areas that are convertible, withdraw-able or expandable. An area of the plan presented is depicted as convertible/withdraw-able. The owner would have a time limit of seven years on which to act.

Mr. Wilson asked if there were any plans on withdrawing or converting. Attorney Donahue answered that there are no plans of which he is aware.

Mr. Wilson voiced concerns over the parking area, which would be commonly owned. Due to his concerns, he would like Town Counsel to review the by-laws of the association. Attorney Donahue asked to be kept privy to any information Town Counsel has to offer.

Mr. Kroner moved and Ms. Day seconded the motion to accept jurisdiction of this application.

Abutter Gregg Taylor informed the Board that there were boundary discrepancies and that he would like them cleared up before the Board accepted the application.

Mr. Wilson explained to Mr. Taylor that the Board would require a Certificate of Monumentation as a condition of approval if approval were eventually granted, and that would require that any boundary discrepancies be resolved before monuments could be set.

Ms. Day asked if it were possible for the Board to accept jurisdiction with known boundary discrepancies. Mr. Wilson replied, “yes”, as long as the required monumentation is done before the Mylar is recorded.

The applicant plans to have the boundary discrepancies resolved before the February Planning Board meeting.

The vote was unanimous in favor of the motion (4-0).

Mr. Kroner moved and Ms. Day seconded the motion to continue case #05:23 to the February 6, 2006 Planning Board meeting.

The vote was unanimous in favor of the motion (4-0).

**Case #05:24 – Map/lot 017-028-000, Location: 136 Lafayette Road (I-B/R Zone)
Kristen Lowry, 60 Lafayette Road, North Hampton, NH 03862. Site plan review to
revert to prior industrial/manufacturing use in the I-B/R District.**

Public Hearings on the following waiver requests pertaining to Case #05:24:

- Town Departments have reviewed and commented on site plan (Building Inspector, Highways, Fire, Police, Conservation, School Board (Sub-div Sec V.F.2) (Sec IV.E.3)
- Concrete or granite monuments area at least 4 feet in length and 4 inches in diameter with drill hole at the center point (Sub-div Sec IX D.2)
- Iron pipes at least 4 feet in length shall be set at all other lot corners (Sub-div Sec IX D.2)
- In existing stone walls or ledge, a 1 inch deep drill hole may be set instead of required monument (Sub-div Sec IX D.2)
- If distance between monuments is less than 400 feet, iron pipes are to be set at 200 feet intervals (Sub-div Sec IX D.3)
- Certificate of Monumentation must be signed with seal of licensed land surveyor and submitted to PB before site plan is signed off by PB Chairman (Sub-div Sec IX D.4b&c)
- Name, license #, signature and seal of surveyor (required) and engineer if applicable (Sec VIII.B.7)
- Surveyed property lines of entire parcel including bearing and distances (Sec VIII.B.11)
- Licensed Surveyor attestment (Sec VIII.B.11)
- Existing and proposed topographic map at 2 foot intervals (Sec VIII.B.15)
- Water courses and ponds (Sec VIII.B.16)
- Wetlands and wetland setback lines (Sec VIII.B.16) (see also Sec 409.9)

Mr. Wilson stated that the requested waivers needed to be addressed prior to any decision to accept jurisdiction.

Tom True from True Engineering on behalf of the applicant explained that the applicant would like to withdraw all waiver requests except for two: The request for a partial waiver of the topographic map (Section VIII.B.15) to include just the site on which development is proposed and the request for a waiver of the requirement to depict Wetlands setback lines on the parcel (Section VIII.B.16).

The applicant wishes to change back to a use that was permitted at that site at one time. The only addition to the site would be an 8' x 10' concrete pad to be used for housing a dust collector.

Mr. True explained that there is a boundary of record. He stated that the owner of the lot intends to provide a full boundary plan for the lot that is in full compliance with the Town of North Hampton's regulations and to set monuments, as well as to provide a Certificate of Monumentation.

Mr. Wilson stated that the Board typically requires a full site plan for any parcel on which development is proposed and for which a site plan is not on record. He also said the ARC recommends that the Board also do a site walk of both the site proposed for use and the applicant's current site of operation, both of which would be considered public meetings, and to invite any abutters to attend.

Mr. Salomon stated that the westerly boundary is not depicted on the survey plan #D15489. Mr. Salomon stated that a lot of information was missing from the plan. The boundaries were not clear and clear indication of the abutters to this parcel was not present. The plan did not show meets and bounds.

Mr. Salomon does not think it unreasonable to request a new plan. Mr. True reiterated that a new boundary plan is in the process of being completed.

Mr. Wilson explained that in recent years the Planning Board has requested a full site plan be completed when a site plan for a parcel on which development is proposed is not recorded at the Registry of Deeds or, at least, on file with the Town.

Mr. True explained that the reason they requested all the waivers was because they just wanted to get on the agenda.

Mr. Salomon felt that the applicant was prepared only for a preliminary review. Mr. Salomon stated that in order to continue procedurally the Board would either have to grant all the requested waivers or to determine the application incomplete. The Board agreed.

Mr. Salomon questioned whether or not this proposed use was the same as the previous use for which a special exception was granted.

Mr. Salomon suggested that the Planning Board and Zoning Board hold a joint meeting where Mr. Wilson would Chair.

Attorney Marshall asked for the record, whether or not the special exception ran with the land? He feels RSA 674 proves it does. He was under the impression from the last meeting regarding this application that the Board agreed with his opinion that a special exception ran with the land. Attorney Marshall stated that if the Board determined that the special exception did not run with the land, then he would have to go back to his client and take another approach.

Mr. Wilson stated that the question of whether or not a special exception ran with the land had come up, but was not yet resolved.

Mr. Salomon stated, if the use is granted and ownership changes, the special exception runs with the land; but if the use changes, then the previous special exception is abandoned.

It was the Board's consensus that there was not enough information presented to accept jurisdiction.

Mr. Kroner asked if there were any administrative actions the Board could take regarding application fees already paid by the applicant.

Mr. Wilson confirmed that the Board could waive all application fees except for abutter notification fees if the applicant resubmits an application to the Board.

Attorney Marshall asked the Planning Board members if anywhere in the Zoning Ordinance/Town Regulations does it specifically state whether or not a special exception shall be abandoned after a certain number of years. Mr. Salomon answered that there is not.

Ms. Day moved and Mr. Salomon seconded the motion to deny jurisdiction for Case #05:24 for the following reasons:

- **An adequate boundary plan for the entire lot was not presented.**
- **No adequate site plan is on record for this lot.**
- **The following requirements for a completed site plan, as cited by the Application Review Committee (ARC), were not submitted with the application:**
 - a. locations of existing lighting and landscaping,**
 - b. locations of utilities, water courses and ponds,**
 - c. sign locations,**
 - d. history of variances and special exceptions that may have been granted by the ZBA,**
 - e. wetlands setback lines, and**
 - f. location of waste disposal receptacles.**

The vote was unanimous in favor of the motion (5-0).

Mr. Kroner moved and Ms. Day seconded the motion to waive fees for resubmission of a site plan for review except for abutter notification fees.

The vote was unanimous in favor of the motion (5-0).

Other Business

Mr. Wilson informed the Board that the Library has an ad hoc group for long range planning and they would like a representative of the Planning Board to attend two meetings held on two Saturday mornings from 10am to 12pm. If anyone could volunteer to attend, please let Ms. Hilliard and Mr. Wilson know.

**Mr. Salomon moved and Ms. Day seconded the motion to adjourn at 8:58pm.
The vote was unanimous in favor of the motion (5-0).**

Respectfully submitted,

Wendy V. Chase
Recording Secretary