



## **MEETING MINUTES**

### **NORTH HAMPTON PLANNING BOARD**

#### **Regular Meeting**

**Monday, April 3, 2006**

**Mary Herbert Conference Room**

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*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, Paul Fennell, and Joseph Arena.

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

**Alternates present:** None

**Members absent:** Laurel Pohl and Henry Marsh, Selectmen's Representative

Mr. Wilson convened the meeting at 6:32pm.

Mr. Wilson noted for the record that there was a quorum and that Selectmen Representative Henry Marsh was absent.

### **New Business**

**06:06 Prowash, 22 Lafayette Road LLC, North Hampton, NH.** Site Plan Review application: Applicant proposes to add a propane filling station to the existing car wash site located at 22 Lafayette Road, zoning district I-B/R, M/L 003-099.

In attendance for this application:

George Chobian, Civil Consultants Engineering

Brian Messina, Prowash Carwash General Manager

Mr. Salomon noted for the record that he is working on another similar project unrelated to this case with Civil Consultants and asked if there were any objections to him participating in this case. There were no objections.

Mr. Chobian spoke on behalf of the applicant. He passed out pictures of the current carwash site with a superimposed picture of the proposed 18 ft. high propane tank. He explained that Prowash intended on purchasing the propane set up service from Aubuchons. He further explained that the proposed tank is 1,150 gallons; 18 ft. high and 4 ft. in diameter.

Mr. Wilson voiced concerns that it is a non-conforming lot with a proposed expansion of use and may need a Variance from the ZBA.

Dr. Arena mentioned safety issues and the proposed location of the tank.

Mr. Messina stated that the tank does have “crash protection”. There is a rail around it that is anchored into the pavement. He pointed out the many propane tanks on Route 1 with no protection. They are providing additional protection on their proposed tank.

Ms. Robinson asked if the Fire Chief suggested the location of the tank.

The Fire Chief did not suggest a particular area. The location was fine as long as the distance requirements were fulfilled. The tank needs to be 25 ft. from the building and just less than 20 ft. from the overhead wires.

Mr. Wilson stated and Mr. Salomon agreed that because the Prowash lot is 400<sup>th</sup> of an acre short of the lot requirement that it is going to require a Variance.

**Mr. Salomon moved and Mr. Kroner seconded to deny the application as incomplete because it's a change of use on a non-conforming lot.**

**Dr. Arena amended the motion to read additional use instead of change of use.**

**Mr. Salomon accepted Dr. Arena's friendly amendment.**

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

**Mr. Salomon moved and Dr. Arena seconded the motion that in the event the applicant is granted a variance and reapplies for a site plan review that the application fees are waived with the exception of the notification fees.**

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

06:07 North Hill Nursery, 206 Lafayette Road, North Hampton, NH. **Applicant proposes to erect a temporary building for up to twelve months to house the garden center sales business. Zoning district I-B/R, M/L 021-027.**

In attendance for this application:

Pat Mitchell

Ms. Mitchell presented a picture of an example of the type of temporary structure the applicant proposes to erect. She explained that the 16' x 20' temporary building would house the nursery business items.

Ms. Mitchell further explained that construction on the new structure, which will replace the burned building, would begin mid to late summer. She estimates that the temporary building will be erect for twelve months.

Ms. Robinson stated that the application falls within the guidelines of Article V, Section 505, Temporary Structures. She also commented that temporary structure permits may be renewed yearly for a maximum of four years.

**Dr. Arena moved and Mr. Fennell seconded the motion to grant the temporary structure permit.**

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

Mr. Wilson instructed Ms. Chase to inform Building Inspector Richard Mabey of this decision so that he may write up the building permit.

**06:08 Dietrich and Kathleen Ebert, 80 Lovering Road, North Hampton, NH.**

Applicant proposes to consolidate lots 37 & 38 into one parcel and subdivide the total into three lots. Zoning district R-3, M/L 019-37 & 38.

In attendance for this application:

Dietrich Ebert, Owner

Douglas Wollmar, Surveyor

Mr. Ebert verbally authorized Mr. Wollmar to speak on this application on behalf of him.

Mr. Wollmar explained that there would be a change on the surveyed plan to increase uplands on the proposed lot 1. The State requires that group III soils meet a minimum of 48,000 sq. ft. of uplands per lot. The original plan shows lot 1 as having 47,000 +. The remaining two proposed lots will have a minimum of 60,000 sq. ft. of uplands.

Mr. Wilson asked how Mr. Wollmar was going to add the additional 750 sq. ft. of uplands to lot 1.

Mr. Wollmar explained that he was going to change the line on the plan to increase the sq. footage of uplands on lot 1.

Ms. Robinson questioned the note on the plan, which read, "Note: This boundary computed using plan reference 1. Boundary line agreement recommended. Deed reconstruction not conclusive to this location".

Mr. Wollmar explained that the 1973 recorded plan and the deeds do not coincide. He added the note to the plan to put everyone on notice that he as a Surveyor may not agree with the boundary line. He also stated that he has not heard of any disputes or objections regarding the boundary line.

The two owners would have to file a boundary line agreement and he is recommending they do so.

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

Mr. Wilson opened the public hearing at 7:24pm.

An abutter stated that subdivision would be a good use of the land.

Mr. Wilson closed the public hearing at 7:25pm.

Mr. Wilson stated that the application should be continued and the applicant should provide a copy of the updated plan.

**Mr. Kroner moved and Dr. Arena seconded the motion to continue case #06:08 to the May 1, 2006 Planning Board meeting.**

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

The board discussed the site surety and landscaping surety for W/S Development Properties (TGIFridays). There were no representatives present for this discussion.

The 8% engineering amount recommended by KNA was reviewed and discussed.

**Mr. Salomon moved and Dr. Arena seconded the motion to establish the site surety in the amount of \$917,243.00 subject to an explanation of the engineering component from Keach & Nordstrom and that the form of the surety be a bond issued by a guarantee company authorized to do business in the State of New Hampshire.**

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

**Mr. Kroner moved and Dr. Arena seconded the motion to retain a \$50,000.00 landscaping bond and retain \$12,500.00 for two years after installation.**

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

Mr. Wilson explained to the board that a vote needed to be taken to authorize a member of the board the ability to sign Mylars on behalf of the Planning Board.

**Mr. Salomon moved and Mr. Kroner seconded the motion that the Chairman or the Vice Chairman in the absence of the Chairman are authorized to sign approved Mylars unless the Chairman and/or the Vice Chairman chooses not to or the board requires signatures of the majority of the board.**

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

The Town Hall Renovations Committee was discussed. Reporter Dan Pierce covered a Selectmen's meeting which discussed the Committee. He informed the board that it is a Committee the Selectmen approved to provide recommendations for possible renovations to the old town hall and to come up with an estimate of the costs of the project.

The Selectmen wanted a Planning Board representative on the Committee. Mr. Salomon was asked and accepted.

Mr. Wilson was concerned that the Board of Selectmen designated a member of the Planning Board without first approaching the board as a whole and asking the Planning Board's opinion as to who should be appointed to the Committee.

Dr. Arena agreed with Mr. Wilson but stated that the methodology was wrong, made but the correct person was chosen.

**Mr. Kroner moved and Mr. Salomon seconded the motion to ratify the nomination of Craig Salomon to the Town Hall Renovations Committee as created by the Board of Selectmen.**

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

**Mr. Kroner moved and Mr. Salomon seconded the motion to direct the Chairman by letter to write to the Board of Selectmen to remind them when appointments of the Planning Board are requested that the Board of Selectmen request them in writing to the Planning Board.**

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

Dr. Arena commented on the infractions of the town ordinances in town, the obvious being the illegally parked cars in the buffer zone at area dealerships.

Dr. Arena proposed to the board that a fine structure should be implemented and enforced.

Pursuant to RSA 676:17 there is a provision where the town may recover legal fees for court cases regarding fines implemented by the town.

Mr. Salomon suggested the topic be placed on the Work Session agenda.

Mr. Wilson directed Mr. Kroner to place it on the agenda.

**Dr. Arena moved and Mr. Salomon seconded the motion to adjourn at 8:15pm.**

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

Respectfully submitted,

Wendy V. Chase  
Recording Secretary