



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD

Regular Meeting

Monday, June 5, 2006

Mary Herbert Conference Room

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, Laurel Pohl, Joseph Arena, Paul Fennell and Henry Marsh, Selectmen Representative.

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

Alternates present: None

Mr. Wilson convened the meeting at 6:37pm.

OLD BUSINESS

06:10 Cabot M. & Marva W. Carabott, 37 Chapel Road, North Hampton, NH.

Applicant proposes a lot line adjustment. Property location: 35 & 37 Chapel Road, zone district M/L 005-064-003 and 005-067. The applicant requests the following waivers:

- VIII.B.15 Topographic contour boundaries
- VIII.B.20 Stormwater drainage control plan
- VIII.B.25 Location and results of test pits

This case is a continuation of the May 1, 2006 meeting.

In attendance for this application:

J. Corey Colwell

Richard Southwick

Mr. Colwell informed the Board that the Little Boars Head Village District Planning Board approved the lot line adjustment on May 18, 2006.

Mr. Colwell explained that the reason for the above waiver requests were that since the applicant is not proposing new lots that these three requirements are not necessary to adjust a common boundary line between two lots.

Mr. Salomon moved and Mr. Kroner seconded the motion to approve all three waivers conditional upon granting approval of the lot line adjustment.

Mr. Wilson opened the public hearing at 6:48pm.

Mr. Wilson closed the public hearing at 6:49pm without public comment.

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

Mr. Colwell stated the following:

- There will be an added curb cut to Chapel road for a proposed driveway.
- The lot will be serviced by town water.
- A complete septic system design was approved by NH DES on March 30, 2006 (a copy was presented to the board).

Dr. Arena questioned the fate of the existing stonewall. He explained to Mr. Colwell that it is the board's preference to allow only minimal disturbance to the "old" stonewalls in town.

Mr. Colwell explained that there may be one alteration to the stonewall by the property line.

Mr. Salomon moved and Mr. Kroner seconded the motion to accept jurisdiction of the lot line adjustment application.

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

Mr. Salomon moved and Dr. Arena seconded the motion to approve the application subject to a Certificate of Monumentation, Recordable Mylar and that the wall area of the lot line adjustment be preserved to the extent possible.

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

06:11 Michael and Stacy Whittier, 15 Chapel Road, North Hampton, NH. Applicant proposes a lot line adjustment. Property location: 15 Chapel Road & 7 Old Locke Road, zone district R2, M/L 005-026 & 005-023. This case is a continuation of the May 1, 2006 meeting.

In attendance for this application:

Michael Whittier

Michael and Stacy Whittier own both parcels pertaining to the application, which are located in the Little Boars Head Village District. The Little Boars Head Village District Planning Board approved the above application on May 18, 2006 with the condition that receipt of documentation evidencing that Lot 23 would, after the transfer, remain with at least one acre of contiguous upland.

Dr. Arena moved to accept jurisdiction.

Dr. Arena withdrew his motion.

Mr. Wilson explained that the applicant did not request waivers but the board had the authority to waive certain requirements.

Mr. Salomon moved and Mr. Kroner seconded the motion to waive the following provisions of the subdivision regulations:

- **VIII. B. 15 – Topographic contour boundaries**
- **VIII. B. 16 – Natural Features**
- **VIII. B. 18 – Size and Location of all public and private utilities**
- **VIII. B. 20 – Stormwater drainage control plan**
- **VIII. B. 25 – Location and results of test pits**
- **IX. F. 2. – Base flood elevation data**

Mr. Wilson opened the public hearing at 7:04pm.

Mr. Wilson closed the public hearing at 7:04pm without public comment.

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

Mr. Salomon moved and Dr. Arena seconded the motion to accept jurisdiction of the lot line application.

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

Mr. Wilson opened the public hearing at 7:07pm.

Mr. Wilson closed the public hearing at 7:08pm without public comment.

Mr. Salomon moved and Mr. Kroner seconded the motion to approve the lot line adjustment conditioned on a recordable Mylar, Certificate of Monumentation and receipt of correspondence, in the form of a letter from the LBH District and Mr. Cote's correspondence to the district, that the one acre of contiguous uplands remains.

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

06:15 Russell Jeppesen, PO Box 990, North Hampton, NH. Subdivision application: Applicant proposes a two-lot subdivision. Property location: 152 Atlantic Ave., North Hampton, zone district R-1, M/L 007-031. This case is a continuation of the May 1, 2006 meeting.

In attendance for this application:

John Chagnon, Ambit Engineering

Attorney Michael Donahue, Donahue, Tucker & Ciandella

Russell Jeppesen

Mr. Chagnon explained that the original plan was revised as a result of the recommendations made by the board at the May 1, 2006 meeting.

The revised plans were submitted to the board on May 15, 2006. Mr. Chagnon went over the changes with the board.

Mr. Chagnon passed out copies of the State approval for subdivision document to the board members.

The access to the proposed lots was discussed. Mr. Chagnon explained that the driveway at 152 Atlantic Avenue will be closed and “Little Road” will be widened to 24 feet. There will be two way traffic up to the proposed driveway of 152 Atlantic Ave. and then become one way traffic exiting out onto Mill Road.

Mr. Chagnon explained that he met with Deputy Fire Chief Corey Landry and he was okay with the proposed one way as long as there is no more than 600 feet between hydrants. Mr. Landry has not yet submitted a confirmation letter.

Ms. Robinson questioned how the one-way driveway was going to be put into effect.

Attorney Donahue stated that there would have to be a regime to ensure not only how the roadway is properly used in a one-way direction but also the maintenance of the Road.

Attorney Donahue passed out copies of a memo describing the history of Marston Avenue and Little Road resulting in their discontinuation, and also a copy of a proposed easement deed to Mr. Jeppesen confirming access from Atlantic Avenue.

Dr. Arena stated that he feels that this proposed subdivision, case #06:15 and proposed subdivision, case 06:16 should be melded into one application.

Mr. Wilson asked how residents from the back lot would exit if this application gets approval but case 06:16 does not get approval.

Attorney Donahue explained that there is a legal easement for the back lot residents to exit on the proposed one-way road.

Mr. Salomon moved and Mr. Kroner seconded the motion to accept jurisdiction.

Mr. Kroner asked why the two proposed subdivisions, cases 06:15 and 06:16 were not submitted as one application.

Mr. Chagnon explained that there was no hidden agenda. It started out when the lot line adjustment was applied for a few years ago.

The vote passed (4 yes, 2 no and 1 abstention). Mr. Wilson abstained.

Mr. Kroner moved and Mr. Salomon seconded the motion to schedule a site walk on the proposed subdivision property on June 19, 2006 at 4:00pm.

The vote passed (6 yes 0 no and 1 abstention). Mr. Wilson abstained.

Mr. Salomon moved and Mr. Kroner seconded the motion to continue case #06:15 to the July 3, 2006 meeting.

The vote passed (6 yes 0 no and 1 abstention). Mr. Wilson abstained.

06:16 Russell Jeppesen, PO Box 990, North Hampton, NH. Subdivision application: Applicant proposes a seven-lot subdivision. Property location: Mill Road, North Hampton, NH, zone district R1, M/L 007-002-001 & 007-027. This case is a continuation of the May 1, 2006 meeting.

In attendance for this application:

John Chagnon, Ambit Engineering
Attorney Michael Donahue, Donahue, Tucker and Ciandella
Russell Jeppesen

Mr. Chagnon discussed the changes made to the original seven-lot subdivision application, case #06:16.

He explained that the revised plan shows a lot line relocation between Map/Lot 007-002-001 and Map/Lot 007-031-002 and the consolidation of two lots into one making proposed lot 007-021-007 larger. Revisions were also made to proposed lot six by adding the following language to the plan:

Not currently a building lot: Lot 6 is shown on this plan to reserve applicant's right, pursuant to RSA 674:41, II to obtain an exception from the North Hampton Board of Adjustment for a building lot from the balance of the former Tax Map 7, lot 27, which was a preexisting lot of record prior to the adoption of zoning regulations in the Town which lost its frontage when Little Road was discontinued. If the application for such exception is not made within two (2) years and thence subsequently granted, the lot shall voluntarily merge with Lot 007-031-002 on Plan entitled "Subdivision Plan, Map 7 – Lot #31 Jeppesen Subdivision for Russell W. Jeppesen, 152 Atlantic Avenue, North Hampton, County of Rockingham, State of New Hampshire, April 2006", pursuant to RSA 674:39-a without further action by the Applicant or the Planning Board, Applicant will provide Planning Board with a Certificate of Merger duly executed to be held by the Board as a condition of Plan execution. Recording by the Applicant or its successor in interest, of a Notice of Decision from the North Hampton Zoning Board granting Applicant's appeal under RSA 674:41, II shall be conclusive evidence that the Lot has been lawfully subdivided.

Other revisions included:

- Proposed lot line was adjusted on lot four to provide required frontage.
- Met with Fire Department (have not yet received a letter).
- Revised plan includes upland area calculations and stamped by a soil scientist.

Attorney Donahue explained the history regarding the discontinuation of Marston Avenue and Little Road. He presented copies of minutes of Annual Town Meetings when it was voted on to discontinue the roads. A portion of Little Road was discontinued by town vote in 1949 and the remainder of the road was discontinued by town vote in 1952.

Mr. Kroner voiced concerns on the note on the plan pertaining to lot six.

Ms. Robinson also had concerns with lot six. She stated that lot six as shown on the plan creates an unbuildable lot and nothing in the Zoning Ordinances provides for a creation of an unbuildable lot.

Mr. Wilson corrected the term from unbuildable lot to non-conforming lot.

Mr. Wilson voiced concerns of the proposed five shared driveways increasing the possibility of disputes between neighbors.

Mr. Salomon stated that shared driveways work but must have provisions documented very carefully.

Mr. Salomon moved and Mr. Marsh seconded the motion to accept jurisdiction.

Mr. Marsh questioned whether there were any provisions on subdivisions in Mr. Lerner's deed.

Attorney Donahue stated that Mr. Lerner did have a provision to prohibit further subdivisions on that land when he deeded it over to Mr. Keil and when Mr. Jeppesen acquired it from Mr. Keil it was in that deed also. Mr. Jeppesen approached Mr. Lerner who signed a release to that provision. The release is recorded at the Registry of Deeds.

Mr. Marsh requested a copy of the release from Mr. Donahue to be added to the file.

Ms. Robinson stated that she agreed with Mr. Kroner that the plan does not meet Zoning Ordinance requirements.

The motion failed (1 yes, 4 no and 2 abstentions). Mr. Wilson and Mr. Kroner abstained.

The board agreed that they would like to do a site walk for denied application case #06:16 along with the scheduled site walk for case 06:15 on the presumption that the applicant will reapply denied case 06:16.

Attorney Donahue, on behalf of his client Mr. Jeppesen, gave the board permission to do a site walk on the previous application, case #06:16.

06:17 Park Avenue Development Corp., 255 North Road #135, Chelmsford, MA 01824. Subdivision application: On behalf of owners Cedric Dustin and Frances Winch, the applicant proposes a five-lot subdivision. Property location: 29 Winnicut Road, North Hampton, zone district R3, M/L 022-024.

The applicant requests the following waiver:

- VIII.B.20 Stormwater drainage control plan

This case is a continuation of the May 1, 2006 meeting.

In attendance for this application:
Steven Oles, Ames MSC

Mr. Oles explained that they are working with NH DOT on the proposed driveways. NH DOT has requested that they put an easement across lots four and five for line of sight on those proposed driveways.

Mr. Oles explained that the existing buildings on the property would be removed.

Mr. Kroner moved and Dr. Arena seconded the motion to approve the request to waive VIII. B. 20.

Mr. Wilson opened the public hearing at 8:44pm.

Shirley Carter asked Mr. Oles if there were any intentions of filling in the water way on that property.

Mr. Oles answered, "No, it will not be filled in".

Mr. Wilson closed the public hearing at 8:46pm

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

**Mr. Kroner moved and Mr. Fennell seconded the motion to accept jurisdiction.
The vote was unanimous in favor of the motion (7-0).**

The board agreed that a site walk was not necessary.

Mr. Oles presented a copy of a statement from Aquarion Water Company stating that they would be able to provide water service to the proposed five-lot subdivision.

Mr. Wilson opened the public hearing at 8:56pm.

Mr. Wilson closed the public hearing at 8:57pm without public comment.

Mr. Kroner moved and Mr. Salomon seconded the motion to approve the application, case 06:27, with the following conditions:

1. Recordable Mylar. *The applicant shall submit a recordable Mylar of the plan with required signatures and seals affixed of all licensed professionals whose names appear on the plan.*
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. *Seal and signature of the NH Soil Scientist who delineated the wetlands on the plan shall be affixed to the plan.*
4. *A note shall be added to the plan stating that all stonewalls shall remain undisturbed and breached only for proposed driveways.*

5. *Applicant shall depict proposed driveways on the plan (shared driveways for lots 1 & 2 and lots 3 & 4; separate driveway for lot 5).*
6. *Permits. Applicant shall submit copies of all required permits (NH DES Subdivision Permit and NH DOT Driveway Permits (for lots 1 & 2 and 3 & 4 with shared driveways and for lot 5 with a separate driveway) and shall note permit numbers, as appropriate, on the plan.*

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

NEW BUSINESS

1. Joseph Cataldo – Greystone Village request for bond reduction.
Mr. Cataldo was not present. The request was not acted upon.

06:18 Brad Woods, 16 Smith Farm Road, Stratham, NH. Applicant proposes a lot line adjustment. Property location: Deer Run Road, North Hampton, zone district R-3, M/L 022-022-007 & 022-022-005, property owner: William Woods.

In attendance for this application:

Brad Woods

Mr. Woods on behalf of his Father, William Woods, proposes a simple lot line adjustment.

Mr. Kroner moved and Mr. Salomon seconded the motion to waive the following subdivision requirements.

- **VIII. B. 15**
- **VIII. B. 16**
- **VIII. B. 20**
- **VIII. B. 25**

Mr. Wilson opened the public hearing at 9:08pm.

Mr. Wilson closed the public hearing at 9:09pm without public comment.

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

06:19 Pea Patch Properties, LLC, 20 Mill Road, North Hampton, NH. Site Plan Review: Applicant proposes to construct (6) 60' x 60' aircraft hangers adjacent to existing hangers #1 - #6. Property location: 9A Lafayette Road, North Hampton, zone district I-B/R, M/L 003-061. The applicant requests the following waiver:
VII.A. Application fees

In attendance for this application:

W. Michael Hart

Mr. Salomon moved and Mr. Marsh seconded the motion to waive the application fees except for notification fees.

Mr. Wilson opened the public hearing at 9:12pm.

A member of the public asked why a waiver of fees would be granted?

Mr. Wilson explained that it is common practice for the board to waive the application fees with the exception of notification fees for a resubmission of an application if it is reapplied for in a short period of time. The application fees include recording fees and other fees the board does not incur if jurisdiction is denied.

Mr. Wilson closed the public hearing at 9:13pm.

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

Mr. Salomon stated that he has represented Mr. Hart in the past and does not intend to recuse himself because he feels that there is no conflict of interest.

Regional impact was discussed, both the Town of Hampton and the Rockingham Planning Commission were notified of the proposed site plan. There was no reply from the Town of Hampton.

Ms. Robinson explained that the Rockingham Planning Commission cancelled the scheduled meeting regarding this application on regional impact because the application is not an active application. The board would have to reconsider regional impact on this new application.

Mr. Hart went over the following changes to the previous plan:

- Added a large catch basin
- Knox box has been purchased and will be installed
- The museum that was approved seven years ago has been removed from the plan
- The proposed hanger building was added to the plan
- Leach areas between 1 & 2 and 3 & 4 with approve numbers were added to the plan

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

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

Dr. Arena left the meeting at 9:30pm.

Mr. Wilson opened the public hearing at 9:32pm.

Mr. Jeff Hillier presented a petition with twenty signatures opposed to the approval of the application.

Mr. Hillier feels if there are more hangers there will be more planes and more noise. This would take away from the rural character.

Harold Mailhot stated that he has made numerous complaints about the noise to the Harts and has contacted the North Hampton Police, the Federal Aviation Office in Burlington M.A., and the Regional Aviation Office in Maine.

Jeffrey Brown of Kensington, a full time flight instructor at the airfield, explained that the airplane noise is a transient noise and is out of the ordinary that is why it is more noticeable. He supports the airfield expansion.

Shirley Carter lives next to the airfield and is in support of the airfield expansion.

Edward Stead spoke in support of the airfield expansion. The airport provides assistance for health issues by use of the helicopter.

Mr. Hart explained that he takes the noise complaints seriously and addresses issues of pilots that do not follow the flight plan by banning them from the airport.

Mr. Hart presented a petition with over 200 signatures in support of the expansion of the airfield.

Mr. Wilson closed the public hearing at 10:14pm.

Mr. Kroner moved and Ms. Pohl seconded the motion to continue the application to the July 3, 2006 meeting.

Ms. Pohl voiced concerns over the value of properties near the airport.

Ms. Robinson reminded the board that at the last meeting it was determined by the board that there was regional impact and that there is a regional impact committee made up of Planning Commissioners that look at the application.

The vote was tied (3-3). The motion failed.

Mr. Salomon moved and Mr. Fennell seconded the motion to approve the site plan review application with the following conditions:

1. *Recordable Mylar. The applicant shall submit a recordable Mylar of the plan with required signatures and seals affixed of all licensed professionals whose names appear on the plan, including the seal and signature of the licensed surveyor who prepared the plan.*
2. *Applicant shall add to the plan the seal and signature of the professional engineer(s) who prepared drainage calculations for the proposed development and designed the proposed infiltration basins depicted on the plan.*
3. *Applicant shall provide written documentation of installation of a Knox Box at the gate on Cedar Road as required by the Fire Department.*
4. *Applicant shall revise the hazardous waste note on the plan to include hazardous materials and gasoline.*

5. *Applicant shall add a note to plan stating that no Certificate of Occupancy shall be issued for any of the proposed hangars until construction of the proposed infiltration basins for stormwater management is complete.*

The vote passed in favor of the motion (5-0-1). Mr. Wilson abstained.

Ms. Pohl moved to find this application has a regional impact. The motion was not seconded.

Mr. Kroner moved and Ms. Pohl seconded to waive the rules of procedure for the time requirement and will continue the meeting after the 9:30pm provision.

The vote was unanimous in favor of the motion (6-0).

06:20 Peter & Judith Hanley, 15 Willow Ave, North Hampton, NH. The applicant proposes a lot line adjustment. Property location: 17 Willow Ave., North Hampton, NH, zone district R-2, M/L 001-134.

In attendance for this application:

James Verra

Mr. Wilson asked if the property owners signed a letter of authorization allowing Mr. Verra to present the application on their behalf.

Mr. Verra did not have a letter.

Mr. Wilson stated that the letter could be a condition of approval.

Mr. Verra stated that the Little Boars Head Village District Planning Board approved the application.

Mr. Kroner moved and Mr. Salomon seconded the motion to waive the following subdivision requirements:

- **VIII. B. 15**
- **VIII. B. 16**
- **VIII. B. 20**
- **VIII. B. 25**
- **IX. F. 2**

Mr. Wilson opened the public hearing at 10:44pm.

Mr. Wilson closed the public hearing at 10:45pm without public comment.

Mr. Kroner moved and Mr. Fennell seconded the motion to accept jurisdiction. The vote was unanimous (6-0).

Mr. Salomon moved and Mr. Fennell seconded the motion to approve the lot line adjustment with the following conditions:

1. Recordable Mylar. The applicant shall submit a recordable Mylar of the plan with required signatures and seals affixed of all licensed professionals whose names appear on the plan.
2. Applicant shall depict on the plan required boundary markers at 200 feet intervals for all lot lines that exceed 400 feet in length.
3. 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.
4. Applicant shall add test pits and results on the plan.

Mr. Wilson opened the public hearing at 10:46pm.

Mr. Wilson closed the public hearing at 10:46pm without public comment.

The vote was unanimous in favor of the motion (6-0).

06:21Jennifer Njuyen, 185 Ricci Ave #5, Portsmouth NH. The applicant proposes a change of use from a Health Club Spa to a Nail Salon Spa. Property location: 64 Lafayette Road unit #1, North Hampton, NH, zone district I-B/R, M/L 007-121-001. Property owner: Sojourn Property Management, LLC.

In attendance for this application:

Jennifer Njuyen

The board questioned whether a change of use application was, in fact, necessary for a change from a health spa to a nail spa.

Ms. Njuyen stated that she would use the same footprint of the existing sign.

Mr. Kroner moved and Ms. Pohl seconded the motion to approve the change of use. The vote was unanimous in favor of the motion (6-0).

A motion was made and seconded to adjourn at 10:50pm and all were in favor of the motion.

Respectfully submitted,

Wendy V. Chase
Recording Secretary

