



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD

Regular Meeting

Monday, July 3, 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; Craig Salomon, Laurel Pohl, Paul Fennell and Henry Marsh, Selectmen Representative.

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

Absent: Shep Kroner and Joseph Arena

Alternates present: None

Mr. Wilson convened the meeting at 6:34pm and noted for the record that there was a quorum.

New Business

06:14 Claire Larrabee, 152 Candia Road, Chester, NH 03036 & Janet O'Keefe, 10 Appledore Ave, North Hampton. Applicants propose a lot line adjustment. Property location: 8 & 10 Appledore Ave., North Hampton, zone district R2, M/L 002-026 & 027. This case is continued from the May 1, 2006 meeting.

In attendance for this application:

William Gregsak, Gregsak Engineering, Inc.

Mr. & Mrs. Larrabee, owners of 10 Appledore Ave.

Mr. Gregsak explained that the applicants went before the Little Boars Head Planning Board and the North Hampton Zoning Board of Adjustment. The Little Boars Head Planning Board determined that the applicants did not need to go before the Little Boars Head Zoning Board of Adjustment. The application was approved by the Little Boars Head Planning Board and a Variance was granted to Article V, Section 501.2 by the North Hampton ZBA.

Mr. Gregsak stated that the two owners, Claire Larrabee and Janet O'Keefe, came to an agreement on a lot line adjustment. The proposed lot line would increase the Larrabee

lot, 002-027 by 18,388 square feet. This would create an area for a possible leach field in the instance the current septic system fails.

The two lots are non-conforming and will remain non-conforming even after the proposed lot line adjustment.

Mr. Salomon moved and Ms. Pohl seconded the motion to take jurisdiction of the application for Case# 06:14.

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

Mr. Salomon remarked that he would like to see the updated plan to include the North Hampton ZBA and Little Boars Head decisions and dates of decisions. He also suggested as a condition of approval that the applicant wait out the 30-day appeal period from the ZBA before the issuance of a certificate of occupancy.

Mr. Wilson opened the public hearing at 6:42pm.

Mr. Wilson closed the public hearing at 6:43pm without public comment.

Ms. Pohl moved and Mr. Fennell seconded the motion to approve the application for Case# 06:14 with the following conditions:

- **Recordable Mylar**
- **Certificate of Monumentation**
- **The final plan to show the test pits to show the alternative leach field on lot 002-027.**
- **Add a note to the plan with the decisions and decision dates of Little Boars Head Planning Board and the North Hampton Zoning Board of Adjustment.**
- **The board has directed the Planning Board Chairman not to sign the Mylar before the 30-day appeal period of the North Hampton ZBA decision, which was made on June 27, 2006.**

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 R1, M/L 007-031. This case is continued from the June 5, 2006 meeting.

In attendance for this application:

Attorney Michael Donahue, Donahue, Tucker and Ciandella
Russell Jeppesen, owner

Attorney Donahue reviewed the revisions to the plan of the proposed 2-lot subdivision. An alternative driveway access was included on the plan in case the access did not involve Little Road.

Mr. Wilson opened the public hearing at 6:54pm.

Barbara Kohl, 164 Atlantic Avenue voiced concerns regarding whether or not the wetlands would be affected by the project. She stated that she is concerned with water run-off due to the proposed subdivision and asked if the Planning Board would put some guidelines in place to prevent affecting the wetlands and to oversee the construction of the project.

Mr. Wilson explained that it is a large lot that would be subdivided and the amount of impervious surface would be fairly minimal resulting in minimal run-off due to the subdivision.

Mr. Wilson also explained that it is one of the Building Inspector's responsibilities to make sure nothing is done that would negatively affect other properties.

Mr. Salomon stated that requests for variances from the strict provisions of the Zoning Ordinance with respect to wetlands are regulated by the Zoning Board through the variance process. He added that part of the wetlands' function is to act like a sponge and to help with run-off. The size of the property is the best protection the neighbors have against water run-off.

Mr. Wilson closed the public hearing at 7:03pm.

Mr. Salomon clarified that the applicant will not be locked into using the alternate driveway location as shown on the plan.

Mr. Wilson confirmed by stating that the applicant has shown two means of access and it is up to the applicant which one to use.

Mr. Salomon moved and Mr. Fennell seconded the motion to approve the subdivision application for Case #06:15 with the following conditions:

- 1. Recordable Mylar**
- 2. Certificate of Monumentation**

The vote passed in favor of the motion (4 yes 0 no 1 abstention). Mr. Wilson abstained.

Mr. Wilson discussed the board's general practice regarding voting *not to take jurisdiction* on an application and considering the application denied.

He explained that in April of 2002 the board received advice from the NH Municipal Association (now known as the Local Government Center) regarding whether or not the board could continue an application that the board did not vote to take jurisdiction of. The opinion the board received was that the only thing that could be continued was a public hearing. If the applicant has not requested that the deadline be extended to take jurisdiction and the board acts not to take jurisdiction the application is considered denied.

Attorney Donahue wrote a letter to the board arguing that point. Attorney Donahue states that a vote not to accept jurisdiction over an application does not constitute a denial. Failure of a plan to be accepted leaves the Applicant with the option of pursuing changes to the Plan that will allow it to be accepted or taking a certiorari court appeal regarding the decision not to accept.

Attorney Donahue stated that the board did not take a separate step to deny application 06:16.

Ms. Robinson gave an opinion similar to Attorney Donahue's.

Mr. Wilson stated that the board had two opinions that the application can be kept alive even when the board votes not to take jurisdiction.

The board agreed to take a separate step and vote to either deny or continue an application that they do not take jurisdiction of.

Mr. Wilson stated that neither a denial nor continuation was voted on for case 06:16, Russell Jeppesen's 7-lot subdivision application at the June 5, 2006 meeting.

It was determined since the application was not continued at the public hearing that the abutters would need to be re-notified if the case were to be heard at the August 7, 2006 meeting.

Attorney Donahue agreed to pay for re-notification fees of the abutters.

Mr. Fennell moved and Mr. Salomon seconded the motion to continue Russell Jeppesen's 7-lot subdivision application, Case #06:16 to the August 7, 2006 meeting with the condition that the Applicant pays for re-notifying the abutters. The vote passed in favor of the motion (4 yes 0 no and 1 abstention). Mr. Wilson abstained.

06:22 22 Lafayette Road, LLC (Prowash Carwash), 22 Lafayette Road, North Hampton, NH. Site Plan Review application: Applicant proposes to add a propane filling station to the existing site. Property location: 22 Lafayette Road, North Hampton, zone district I-B/R, M/L 003-099. The applicant requests the following waiver:

- VIII.B.20 – Stormwater Drainage Control Plan

In attendance for this application:

A representative from Civil Consultants

Brian Messina, Manager of Prowash Carwash

The representative from Civil Consultants explained that the proposed propane tank site was moved from the original plan and that they reduced the parking spots from 49 to 48.

Mr. Wilson asked whether or not they intended on building the addition they were previously granted to do. Mr. Messina answered, “Yes”.

Mr. Messina explained that there would be three employees trained to work the propane station. The training guidelines are from Amerigas, maker of the propane tank. Mr. Messina produced a copy of the training manual for the record.

Ms. Robinson had the following questions:

1. Did the Fire Department review the plan?
2. Regarding State and Federal laws, are there any permits they must obtain to operate?
3. Is there any type of emergency plan in place?

The Fire Department did review the plan and have no objections to it.

The Engineer from Civil Consultants said the carriers delivering the propane are the only ones who need permits.

Mr. Messina informed the board that he met with Deputy Fire Chief Corey Landry and discussed safety issues. He also explained that there is a shut off valve on the propane tank that shuts the whole system down.

Mr. Fennell questioned if there were any signs that need to be erected.

Mr. Messina explained that Amerigas provides the caution signs and all signs relating to the tank.

The board discussed the Applicant’s waiver request for the stormwater drainage control plan.

Mr. Salomon moved and Ms. Pohl seconded the motion to grant the Applicant’s waiver request for the stormwater drainage control plan, Section VIII. B. 20.

Mr. Wilson stated that the project would not add any impervious surface.

Mr. Wilson opened the public hearing at 7:29pm.

Rick Fucci stated that he has dealt with Amerigas and feels it is a good Company.

Mr. Wilson closed the public hearing at 7:31pm.

Mr. Salomon stated for the record that he is working on another project with Civil Consultants and does not feel there is a conflict.

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

Ms. Pohl moved and Mr. Fennell seconded the motion to take jurisdiction of Case #06:22.

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

Mr. Salomon suggested that the names of the three trained employees be kept on file with the North Hampton Fire Department.

Mr. Wilson asked whether or not the propane tank could be camouflaged. Mr. Messina answered that the tank cannot be near anything flammable.

Mr. Wilson opened the public hearing at 7:35pm.

Mr. Wilson closed the public hearing at 7:36pm without public comment.

Mr. Salomon moved and Ms. Pohl seconded the motion to accept the site plan review application with the following conditions:

- **Recordable Mylar**
- **A note added to the plan that a written record would be maintained by the North Hampton Fire Department of the employees trained and Applicant agrees to update the list regularly.**

06:23 Rick Fucci 180 Lafayette Road, North Hampton, NH. Site Plan Review application: Applicant proposes to expand the existing warehouse distribution facility. Property location: 180 Lafayette Road, North Hampton, zone district I-B/R, M/L 017-086. The applicant requests the following waivers:

- VIII. B. 27 – Architectural rendering
- XIV – Surety bond
- VIII. B. 20 – Stormwater drainage control plan
- X. C. 2
- X. G. 2
- VIII. C. 1 – NH septic system design

In attendance for this application:

Eric Weinrieb, Altus Engineering

Rick Fucci, owner

Mr. Marsh questioned why this application was before the Planning Board.

Mr. Wilson answered that the application was before the board because of the detention pond changes.

Mr. Fucci presented pictures of the property taken after the recent floods for the record.

Mr. Weinrieb explained that the proposals consist of a 1,500 square foot building addition and three additional parking spaces.

He also explained that there would be a slight change of grades in the detention pond.

The purpose of the detention pond is to reduce the rate of flow off the site. By adding this facility in 2001 it significantly reduced the rate of flow off the site by 2.9 cfs. With this proposal it reduces the rate of flow by .7 cfs. There will be no increase.

Mr. Weinrieb remarked that on the engineer review from Keach & Nordstrom they suggested the Applicant complete a summary of how well the septic systems were working.

Mr. Weinrieb had the Applicant write a letter confirming that each system was working well and acknowledgement of when they were pumped out. The letter was added to the record.

Mr. Weinrieb explained that the plan is not an as-built plan nor a stamped survey plan but a composite plan. They did not re-survey it but provided a certificate of monumentation.

Mr. Fucci explained that the addition is going to be exactly the same architecturally as what exists.

The following waiver requests were discussed and voted on:

Waiver request #1 – VII.B.27 – Architectural rendering

Mr. Salomon moved and Mr. Fennell seconded the motion to grant the waiver request for architectural rendering.

Mr. Wilson opened the public hearing at 7:53pm.

Mr. Wilson closed the public hearing at 7:54pm without public comment.

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

Waiver request #2 – XIV - Surety bond

Mr. Salomon moved and Mr. Fennell seconded the motion to grant the waiver request for surety bond.

Mr. Wilson opened the public hearing at 7:55pm.

Mr. Wilson closed the public hearing at 7:56pm without public comment.

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

Waiver requests #3, 4 & 5 – VIII. B. 20, X. C. 2, X. g. 2 – Stormwater drainage control

Mr. Fucci withdrew his waiver request for X. g. 2.

Mr. Salomon moved and Ms. Pohl seconded the motion to grant the waiver requests for A. B. 20 and X. C. 2.

Mr. Wilson opened the public hearing at 7:57pm.

Mr. Wilson closed the public hearing at 7:57pm without public comment.

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

Waiver request #6 – VIII. C. 1. NH Septic System design approval

Mr. Fucci stated that the septic is the original from the 1960s and they have never had a problem with it. He also stated that he is unable to obtain State approval number for the septic because the State did not do State approvals back then. He does have a septic approval number for an alternate location in case the system fails. This State approval has expired but it proves that they can expand the system if the current system fails.

Mr. Pohl moved and Mr. Fennell seconded the motion to grant the waiver request for Section VIII. C. 1.

Mr. Wilson opened the public hearing at 7:59pm

Mr. Wilson closed the public hearing at 8:00pm without public comment.

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

Mr. Salomon moved and Mr. Fennell seconded the motion to take jurisdiction of the application for case #06:23.

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

Ms. Robinson suggested that the Planning Board create requirements for a minor site plan review so that the applicants don't have to abide by the criteria required for a major site plan review.

Mr. Wilson agreed. The same would apply for a minor lot line adjustment.

Mr. Wilson opened the public hearing at 8:04pm.

Mr. Wilson closed the public hearing at 8:05pm without public comment.

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

- **Recordable Mylar**
- **Add a note to the plan that all site improvements will be completed prior to the issuance of a certificate of occupancy.**
- **The architecture will be the same for the addition as the existing building with all materials and specs.**

The vote passed in favor of the motion (4 yes 0 no and 1 abstention). Mr. Salomon abstained.

Tom Fehan of GFI Partners Inc. was in to request a draw down from the surety bond for the Greystone Village project.

The board received a letter from James Kerivan of Altus Engineering recommending a draw down in the amount of \$84,741.64.

The board also received a letter from the North Hampton Fire Department stating that the access road constructed in Greystone Village meets the intent of the purpose for which it is constructed. The Fire Department will continue to monitor the condition of the crossover for stability and access.

The worksheet attached to Mr. Kerivan's recommendation stated that the amount for the access road was \$73,649.71.

The board was unclear as to why Mr. Kerivan recommended more than the \$73,649.71. Mr. Fehan could not explain it.

Mr. Salomon moved and Ms. Pohl seconded the motion to reduce the surety bond in the amount of \$73,649.71 for the construction of the temporary access road. The vote was unanimous in favor of the motion (5-0).

Ms. Pohl updated the board on the Long Range Planning Committee meeting. The topic of discussion was a needs assessment of the Town of North Hampton.

Ms. Pohl discussed a proposal made for a needs assessment prepared by Jeffrey Taylor. She passed out copies of Jeffrey Taylor's credentials. He is a Planner and has his own consulting business in Concord.

Mr. Wilson explained that the board's recommendations after completing the vision statement for the master plan and the CIP that before moving forward to do any construction of a municipal complex a full needs assessment needed to be completed.

Ms. Pohl informed the board that the cost of a complete needs assessment is \$25,000.00 to \$30,000.00.

Ms. Pohl explained to the board that with the Planning Board's permission she would like to go before Board of Selectmen at their July 24, 2006 meeting with Mr. Taylor and request they expend funds for a needs assessment.

Mr. Taylor generally compares four towns that are similar to complete a needs assessment.

Mr. Wilson stated that he feels four towns are not enough.

Mr. Marshall stated that the towns do not have to be in New Hampshire.

Ms. Pohl was directed to have Mr. Kroner add this topic to the Work Session agenda for July 17, 2006 and invite Mr. Taylor to attend.

**Mr. Salomon moved and Mr. Fennell seconded the motion to adjourn at 8:45pm.
The vote was unanimous in favor of the motion (5-0).**

Respectfully submitted,

Wendy V. Chase
Recording Secretary