



## **MEETING MINUTES**

### **NORTH HAMPTON PLANNING BOARD**

#### **Regular Meeting**

**Monday, December 4, 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, Laurel Pohl, Joseph Arena, Vince Vettraino and Henry Marsh, Selectman's Representative.

**Absent:** None

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

**Alternates present:** None

Mr. Wilson called the meeting to order at 6:30pm.

### **Old Business**

### **New Business**

**06:31 – W/S North Hampton Properties, LLC, 1300 Boylston Street, Chestnut Hill, MA 02167.** Site plan review application. Applicant proposes the construction of approximately 18,276 s.f. of retail space (Staples Office Supplies) on the existing Safelite Auto Glass site. Property location: 35 Lafayette Road, zoning district I-B/R, M/L 007-052-000.

**In attendance for this application:**

Ed Vydra, W/S Development Corp.

William Haskell, Gorrill & Palmer

Attorney Bernard Pelech, Wholey & Pelech Law Offices

Patrick Finn, Landry Architects

Mr. Finn distributed copies of sketches, SK-1 through SK-6 of the proposed Staples building to each of the Board members.

SK-1 - sketch of a proposed sixty (60) square foot Staples monument sign.

SK-2 – sketch showing the north elevation of the proposed Staples building facing main driveway.

SK-3 – sketch showing the east elevation of the proposed Staples building.

SK-4 – sketch showing the south elevation of the proposed Staples building.

SK-5 – sketch showing the west elevation of the proposed Staples building.

SK-6 – sketch showing the north elevation looking south from driveway.

Mr. Finn explained that the proposed building was designed to have a New England look and that the elevations were broken up so that the building would not have a “boxed” look. He further explained that the color of the building would be in earth tones and the red shown on the sketches would be the standard “Staples” red. The shutters on the sketch are black but are supposed to be red. The Board agreed however with Dr. Arena that they would like the shutters to remain black. Mr. Finn agreed to specify black.

Mr. Salomon questioned notification of the abutters regarding this application. Attorney Pelech said that the abutters were notified according to RSA 672:3 which states in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. The Presidents of both Fern Crossing Condo Association and Seacoast Village Condo Association were notified by certified mail.

Mr. Marsh requested that a visual record of the proposed Staples building as it would appear in the Mall be submitted to the Board for review. Ms. Robinson remarked that it would be useful to the Board. Mr. Finn said that he would create a visual image.

**Dr. Arena moved and Ms. Pohl seconded the motion to take jurisdiction of the site plan review application for case #06:31.**

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

Mr. Haskell reviewed each plan with the Board and remarked on the following:

- There will be a total of sixty-one (61) parking spaces
- Snow will be removed within forty-eight (48) hours following a snow storm
- A landscaping plan has been done and was reviewed along with the previous Phase IV (TGIFriday’s Restaurant). Salt tolerant trees and other plants will be planted.
- The curb-line runs along the property line and the trees will be planted fifteen (15) feet away from the curb-line.
- Impervious surface remains the same as what was approved on November 7, 2005, but the building size has increased from 16,000 square ft. to 18,300 square ft.
- The Site Specific Permit and approval for construction from NH DES have been granted.
- The applicant is still waiting for a response from the utility companies.

Dr. Arena commented that snow removal has not occurred within the 48 hours requirement in the past at the Lafayette Crossing mall and that the mountains of snow make it hazardous for vehicles and pedestrians. Mr. Vydra said he would address that issue.

Mr. Kroner requested that a speed bump and other traffic calming devices be placed on the access road located in the back of the proposed Staples building. He said that there is a pine tree on an abutting property that obstructs the sight line.

Dr. Arena suggested that the two proposed sidewalks to the east of the proposed building, adjacent to the access road be removed and a middle sidewalk be installed to direct pedestrians right to the front door of the building. Mr. Haskell reminded the Board that they initially suggested not including sidewalks at that location, but the Board voted to have them put the two sidewalks in when approving Phase IV. The Board decided to leave the two sidewalks in the proposal as depicted on the plan.

Mr. Wilson questioned whether or not the outside lights would meet the “dark sky” requirement. Mr. Haskell confirmed that the lights are “dark sky” compliant. Mr. Wilson reminded both Mr. Haskell and Mr. Vydra that the TGIFriday Restaurant’s front lights point upward, which does not meet the “dark sky” requirement. Mr. Vydra said he would take care of that and make sure the lights are changed to point downward.

Mr. Wilson opened the public hearing at 7:44pm.

Mr. Wilson closed the public hearing at 7:45pm without public comment.

Mr. Salomon questioned whether or not the monuments were set. Mr. Haskell explained that the corners are set with iron pins. The Board decided that the iron pins were sufficient and would not need to be replaced with concrete or granite as stated in the subdivision regulations, Section IX.D.2.

**Dr. Arena moved and Mr. Salomon seconded the motion to approve the Site Plan for case #06:31 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. The parapet height as depicted on the plan shall be no greater than six (6) inches above what is represented on the architectural elevations submitted for review at the 4 December 2006 meeting of the Planning Board.**
- 4. The Applicant shall present written evidence that all companies providing utilities required for the proper operation of the proposed building have agreed to provide service.**
- 5. The Applicant agrees to post surety in an appropriate amount and in an acceptable form for landscaping, erosion and sediment control and other site work, as appropriate.**

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

**06:32 – W/S North Hampton Properties, LLC, 1300 Boylston Street, Chestnut Hill, MA 02167.** Conditional Use Permit application. Applicant proposes the placement of two wall-mounted signs on the proposed Staples building and placement of one monument sign along the site frontage on Lafayette Road. Property location: 35 Lafayette Road, zoning district I-B/R, M/L 007-052-000.

When the sense of the Board was that two wall signs and a monument sign would not be permitted, Mr. Vydra volunteered that they would withdraw the application for a monument sign.

**W/S North Hampton Properties, LLC, 1300 Boylston Street, Chestnut Hill, MA 02167.** Applicant requests a waiver from Article V, Section 506.6.K to allow two wall signs as shown on the architectural elevations.

Mr. Wilson went over the conditional use permit requirements to grant a waiver. (1) The applicant has to demonstrate that it is an unreasonable hardship for them to comply with the requirements and (2) what the applicant proposes to do is consistent with the spirit and intent of the ordinance.

Attorney Pelech explained that the site does have special conditions that would constitute a hardship because the proposed building is exposed on all four sides with parking lots on all four sides. The applicant feels that it is critical to have two wall signs, one on the north side and one on the west side for identification purposes. Attorney Pelech further explained that the applicant does not feel that having two signs violates the spirit and intent of the ordinance. It is a very large building with a number of different sides.

Mr. Wilson suggested that downward lighting instead of internal lighting be used on the proposed signs. Mr. Vydra said that lessee (Staples) would prefer the main Staples sign in the front of the building to be internally lit and downward lighting on the other sign.

Ms. Robinson opined that the proposed signs far exceed what is in the ordinance. She said that the proposed monument sign meets the letter of the ordinance and that the building is going to be one of the largest buildings in town at a very prominent location and she doesn't think the signs need to be as big as they are.

Ms. Pohl concurred with Ms. Robinson and added that the downward lighting would be far superior to the internally lit sign.

Mr. Kroner said that two wall signs would be applicable and that there is a huge variance between what is in the ordinance and what is being requested.

Dr. Arena commented on the size of the signs on the existing buildings, ie Marshalls and Home Depot and that the requested Staples sign would be appropriate considering the surroundings.

Mr. Salomon said that because the building will be located in an existing mall where other businesses have large signs, the signs requested are appropriate. Mr. Salomon stated that approving the waiver to this provision of the ordinance is appropriate in this case.

Mr. Vettraino said that the proposed wall signs exceed the ordinance. The applicant is exceeding the size, amount and the lighting. It was in his opinion that by waiving the requested requirement the Board would be setting a precedent.

Dr. Arena said that each case that comes before the Board must be treated individually.

Mr. Wilson opened the public hearing at 8:22pm.

Mr. Wilson closed the public hearing at 8:23pm without public comment.

Mr. Marsh commented that the rendering of the signs are “clean” and that they don’t have big arches or list what they sell, they just show the name of the business.

Mr. Salomon remarked that waivers are put in place for unique cases.

**Dr. Arena moved and Mr. Salomon seconded the motion to continue case #06:32, conditional use application and a waiver request from Section 506.6.k to the January 2, 2007 Planning Board meeting.**

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

**06:33 -Paul McInnis, 155 Lafayette Road, North Hampton, NH 03862.** Site Plan Review Application. The applicant proposes to construct commercial offices. Property Owner: Hiltunen Revocable Trust. Property location: Juniper Road, zoning district I-B/R, M/L 017-026-000

In attendance for this application:

Paul McInnis, Applicant

Gail Hiltunen, Owner

Ritchie Ladd, Surveyor

Roger Malloy,

It was brought to the Board’s attention that a copy of the plans was not submitted to Ms. Robinson for her review. The Board discussed whether or not to continue the case to the January 2, 2007 meeting in order to give Ms. Robinson a chance to review the application and plans. The Board decided to proceed.

**Mr. Kroner moved and Dr. Arena seconded the motion to take jurisdiction of case #06:33.**

**The motion passed (6 yes, 0 no and 1 abstention). Mr. Salomon abstained.**

Mr. Ladd distributed new plans to the members and one to Ms. Chase for the record. The applicant also submitted a waiver request from Section X of the site plan review regulations – Design & Construction Standards. Mr. Wilson explained that all waivers

must be properly noticed prior to the meeting. He also informed the applicant that signage must be applied for with a conditional use permit application and must be properly noticed.

Mr. Wilson suggested that the case be continued to January 2, 2007 and that the waiver be noticed and the conditional use application if submitted by the deadline date.

Mr. Ladd will send copies of the revised plan to Ms. Chase prior to the next meeting.

**Dr. Arena moved and Mr. Marsh seconded the motion to continue case #06:33 to the January 2, 2007 Planning Board meeting.**

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

## **Other Business**

### Greystone Village Rental Agreement

The revised rental agreement was reviewed. Ms. Pohl asked that there be lighting added to the mailbox units. Mr. Cataldo said that could be done. The conditions were met.

**Mr. Salomon moved and Mr. Marsh seconded the motion to accept the Greystone Village Rental Agreement.**

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

### Greystone Village Engineering update.

#### In attendance for this discussion:

Joseph Cataldo, Project Manager

Attorney Bernard Pelech, Wholey & Pelech Law Offices

John Chagnon, Ambit Engineering

Mr. Chagnon distributed copies of the updated NH DES site specific permits for Greystone Village Retirement Community. The new permit number is WPS-6984A and expires November 8, 2008.

Mr. Chagnon addressed each of the issues included in Jeff Clifford's review of the Greystone site.

Mr. Chagnon informed the Board that Mr. Clifford sent over a fax addressing the proposal and other concerns in the November 20, 2006 letter. Ms. Chase went upstairs and retrieved the fax and made copies for the Board.

Mr. Clifford's fax included the following suggestions to the Board:

1. The applicant's engineer should submit calculations for sizing the temporary sedimentation basins.

2. An on-site meeting should be held with the NHDES Site Specific inspector, the applicant and Altus to review the current site conditions, permit compliance, and specifics of proposed Phase I and build-out stormwater management plans.
3. As the original contractor is no longer involved with the project, the applicant should provide an updated bond estimate for stormwater management, the detention basin, wetland plantings, and soil remediation. To assure adequate bond funds for an extended build-out, we recommend that the bond be periodically updated, (such as prior to issuing occupancy permits for the 20<sup>th</sup>, 30<sup>th</sup> and 48<sup>th</sup> units constructed). Altus believes these items could be addressed as conditions of approval.

Mr. Cataldo requested the allowance of occupancy permits for units 2 and 4 and stated that there is sufficient money left in the bond in the amount of \$751,840.71.

**Mr. Salomon moved and Dr. Arena seconded the motion to authorize the issuance of occupancy permits for units two (2) and four (4).**

**The motion passed (5 yes, 1 no and 1 abstention). Mr. Kroner voted against and Mr. Vettraino abstained.**

**Mr. Salomon moved and Mr. Marsh seconded the motion that the applicant complete the three recommendations made by Altus Engineering stated in their letter to the Board dated December 4, 2006, no later than April 1, 2007.**

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

**Mr. Salomon moved and Ms. Pohl seconded the motion that the applicant provide an updated bond estimate for stormwater management, the detention basin, wetlands plantings and soil remediation and temporary sedimentation basin to the Board and our Engineer by February 1, 2007.**

**Ms. Pohl made a friendly amendment to only include that the applicant provide an updated bond estimate to the Board and Town Engineer by February 1, 2007.**

**Mr. Salomon accepted the friendly amendment.**

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

**Dr. Arena moved and Mr. Marsh seconded the motion to adjourn at 10:15pm.**

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

Respectfully submitted,

Wendy V. Chase  
Recording Secretary