



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD Regular Meeting Monday, April 2, 2007 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, Laurel Pohl, Joseph Arena, Barbara Kohl, Tom McManus and Craig Salomon, Selectman's Representative.

Absent:

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

Alternates present: None

Mr. Wilson convened the meeting at 6:31pm, noting for the record that there was a full quorum.

Old Business

Greystone Village re-phasing plan request, continued from the February 5, 2007 meeting.

In attendance for the discussion:

John Chagnon, Ambit Engineering

Joe Cataldo, GFI Partners

Mr. Chagnon referred to the February 5, 2007 Planning Board minutes where the Board determined that they would need the Town's Engineer's report on the proposed re-phasing plan. The Board received the report from Jeffrey Clifford of Altus Engineering just prior to the meeting and had not been able to thoroughly review it. Mr. Wilson suggested that Mr. Chagnon and the members review each item of Mr. Clifford's review together.

Mr. Chagnon did a brief overview of recent events:

- Greystone Village is a 68-lot manufactured retirement community
- The club house was constructed in the spring of 2006
- There are a couple of loop roads and a dead end that has an emergency connection to the park in the pines project behind the AMD storage facility
- Most of all the infrastructure has been constructed in Phase I

- An onsite meeting with NHDES and the Town engineer was done on January 5, 2007
- An updated bond amount was sent to the Board last week. (Mr. Wilson did not recall receiving it and instructed Mr. Chagnon to send all future information to Ms. Chase and she will distribute it to the members)

Mr. Chagnon explained that the sales of the homes have not sold as quickly as they had hoped so they were before the Board to propose a re-phasing plan by breaking the project down from three phases to four phases. He further explained that through a series of temporary sedimentation basins all of the “run off” from each phase is going to be collected and infiltrated back into the ground except in phase IV where a large pond will be constructed and service the entire park and will treat all the “run off” and be removed from the site, but until that is completed all the “run off” will be contained on the site.

Mr. Chagnon replied to the different comments made by Mr. Clifford in the Engineering review.

Regarding the drainage easement Altus has no objections that the 30’ side drainage easement between lots 49 and 50 is relocated between lots 50 and 51 but the developer should secure authorization from the abutter allowing access onto the property.

Mr. Chagnon said that the same applicant has placed fill over the property line onto the Greystone property without permission. Mr. Cataldo informed the Board that GFI has sent the abutter a letter requesting the fill be removed from their property to no avail. Mr. Wilson stated that Mr. Cataldo would need to obtain authorization from the abutter prior to re-grading phase IV.

Regarding the construction phasing Mr. Cataldo commented that they have not problem with the recommended approach made by Altus.

Regarding the bonding, Altus states that \$87,846 is currently remaining in the bond under the “Storm Water Controls” item and they recommend the entire \$87,856 be retained through completion of phase IV.

Altus recommended that the bond be periodically updated.

Mr. McManus asked if the seeding and turfing will be done as they go along or do they wait until the project is complete and seed all at once? Mr. Chagnon explained that they do a little of both.

Mr. Salomon asked what the \$87,846 bond actually covers. If the developer is not in a financial position to drain the detention pond and the Town had to do it would the Town be able to use the bond for that purpose?

Mr. Cataldo explained that there might have been confusion as to what Mr. Cataldo asked for and what Altus provided. Mr. Cataldo said that he had sent Altus a breakdown of

each phase and asked that they verify the values of each phase and prove out that the \$750,000 is enough to get to a certain point in the project. Mr. Cataldo opined that they have enough money to get through the balance of the project. He said phase I is complete with the exception of paving, loaming and seeding, which would occur as each lot is developed. Mr. Cataldo stated that they intend to come back before the Board when they are ready to begin phase II.

Mr. Wilson suggested that a condition of approval might be added stating that the Town may draw down from the \$87,846 to pump ponds if the owner fails to pump as necessary. Mr. Cataldo agreed with the suggestion.

Mr. Wilson opened the floor for public comment at 7:12pm.

Mr. Wilson closed the floor without public comment at 7:13pm.

Mr. Kroner moved and Ms. Pohl seconded the motion to accept the re-phasing plan for Greystone Village Retirement Community with the following conditions:

- 1. Prior to re-grading as proposed in area in Phase IV that encroaches on the abutter's property (M/L 021-005), the applicant shall present a letter to the Board from the abutter authorizing access to that property for that purpose.**
- 2. Information regarding the sequence of structure modifications for the construction of the retention basins shall be clarified on the drawings, either by means of notes or by other appropriate methods to be determined by the engineers.**
- 3. Applicant shall add a note to the plan stating that the applicant agrees to retain the design engineer to inspect modifications of the drainage structures and embankments as they are constructed to assure they are stable and the design intent is being properly implemented.**
- 4. Applicant shall add a note to the plan stating that temporary ponds shall be manually drained and/or pumped if the water level does not lower to within six (6) inches of the basin bottom within 72 hours after a storm event.**
- 5. Pond three (3) shall be constructed no later than September 2009 or three months prior to the expiration date of the then current NHDES Wetland Permit, whichever occurs last.**
- 6. The amount of \$87,846 remaining in the surety under the line item "Storm Water Controls" shall be retained through the completion of Phase IV, and it is understood that that portion of the surety may be drawn down by the Town to pump ponds if the owner fails to pump them as necessary.**
- 7. Applicant shall submit a letter stating that the applicant agrees to return to the Board to review the surety structure prior to the issuance of the building permit for the 21st unit.**

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

Ms. Pohl moved and Dr. Arena seconded the motion to release the building permits in Phase I as modified.

Mr. Salomon requested a friendly amendment to the motion to include the release of Certificates of Occupancy in Phase I.

Ms. Pohl and Dr. Arena accepted the friendly amendment.

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

New Business

1. 07:04 – Robert and Laura Milliken, 39 Chapel Road, PO Box 977, North Hampton. Lot line adjustment application. Property location: 9 & 15 Maple Road, zoning district R-2, M/L 006-128, 129 and 130. The applicants request the following waivers to the subdivision regulations: (1) Section VIII.B.15 – topographic boundaries, (2) VIII.B.18 – location of public utilities, (3) VIII.B.20 – stormwater drainage control plan, (4) VIII.B.21 – location of hydrants, street lights and fencing and (5) VIII.B.25 – location and results of test pits.

A letter from Ames MSC was submitted requesting to withdraw Case 07:04 and reapply after ZBA approval.

2. 07:05 – 29 Winnicut Road Development, 255 North Road #135, Chelmsford, MA 01824. Subdivision application. The applicant proposes to subdivide lot 5 into two lots. Property location: 29 Winnicut Road, zoning district R-3, M/L 022-024. The applicant requests the following waivers: Section VIII.B.20 stormwater drainage control plan.

Mr. Wilson recused himself.

Mr. Kroner assumed the Chair.

In attendance for this application:

Steve Oles, Ames MSC

Mr. Oles delivered a synopsis of the past year's events regarding 29 Winnicut Road.

- June 5, 2006 the Planning Board approved a five-lot subdivision for M/L 022-024.
- December 18, 2006 the Planning Board approved a two-lot subdivision, splitting lot five in half, creating lot six.
- December 29, 2006 sold lot six (51 acres) to the Town of North Hampton.
- February 20, 2007 received approval of the subdivision as presented to them in the application for proposed lot five and proposed lot seven.

Mr. Oles explained that the applicant proposes to split lot five into two lots creating a backlot (proposed lot seven).

Ms. Pohl noticed that note #10 on the plan identified lot five and seven as proposed backlots. Mr. Oles explained that the note was incorrect and that lot seven is the only proposed backlot and said that he will correct note #10 to reflect that.

Mr. Oles stated they have contacted NHDOT for driveway permits and informed them of the proposed shared driveways for lots five and seven and they informed Mr. Oles that it was not up to the State but rather up to the Town to determine if a shared driveway would be allowed for those lots.

Dr. Arena moved and Mr. Salomon seconded the motion to take jurisdiction of the 29 Winnicut Road Development two-lot subdivision application, case #07:05. The vote was unanimous in favor of the motion (6-0).

Mr. Kroner opened the public hearing at 7:26pm.

Mr. Kroner closed the public hearing at 7:27pm without public comment.

Mr. Salomon suggested that the applicant provide the Board with the easement language regarding the shared driveway for review by the Board and the Town Attorney.

Mr. Kroner went over the comments made by Keach and Nordstrom and Jill Robinson.

Mr. Salomon moved and Ms. Pohl seconded the motion to approve the subdivision application for 29 Winnicut Road Development, LLC subject to the following conditions:

1. Note #10 to be revised to reflect that only lot (7) seven is a backlot.
2. Note #9 be revised to state that the Planning Board takes no position on the specific easement language.
3. Approval subject to NHDES subdivision approval and the approval number to appear on the final plat.
4. 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.
5. The lots to be designated on the final plan with the lot number assigned by the Assessing Department.
6. Note added to the plan that Winnicut Road is a class V public way.
7. Note #10 to be amended to reflect the specific sections of the Ordinance from which the variance was granted, the ZBA case number and any conditions approved by the ZBA.
8. 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.
9. A note to be added regarding the area of closure.
10. The Board to grant permission for Vice Chair Kroner to sign the decision letter on behalf of the Board.

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

Mr. Kroner discovered that the applicant had requested a waiver from Section VIII.B.20. of the subdivision regulations - stormwater drainage control plan and that the Board would need to act on that.

Mr. Kroner opened the public hearing at 7:43pm.

Mr. Kroner closed the public hearing at 7:44pm without public comment.

Dr. Arena moved and Mr. McManus seconded the motion to grant the waiver from Section VIII.B.20 of the subdivision regulations – stormwater drainage control plan. The vote was unanimous in favor of the motion (6-0).

Mr. Wilson resumed the Chair.

07:06 – MAX BMW Motorcycles, 209 Lafayette Road, North Hampton. Site Plan Review application. The applicant proposes to construct a one story 40’ x 80’ addition to the rear of the existing building. Owner: Berkshire Real Estate, Property location: 209 Lafayette Road, zoning district I-B/R, M/L 021-004. The applicant requests the following waivers: (1) Section VIII.B.20 – stormwater drainage control plan, (2) Section VIII.B.21 – location of hydrants, streetlights and fencing and (3) Section VIII.B.27 – two copies of architectural rendering showing elevations.

In attendance for this application:

Attorney Bob Battles

Dennis Moulton, AMES MSC

Tim Matte, Builder

The Board was in receipt of the engineering review made by Keach and Nordstrom regarding case 07:06. Mr. Wilson directed the Board’s attention to the first comment stating that it would be necessary for the applicant to apply for and receive a Special Exception from the ZBA, pursuant the provisions of Section 405, which cites “motor vehicle service facilities” as a Special Exception use with the I-B/R District.

Attorney Battles explained that the applicant intends to move the existing service area from where it is now to the proposed new addition without increasing any of the service bays or servicing area and opined that because they are not expanding, a Special Exception is not necessary.

The following waiver requests were discussed:

1. **Section VIII.B.20 – Stormwater drainage control plan.** Mr. Moulton explained that they were reducing the impervious surface. The plan shows an increase of 3200 square feet of impervious surface and a reduction of 6300 square feet of impervious surface.

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

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

Dr. Arena moved and Mr. Salomon seconded the motion to grant the waiver to Section VIII.B.20 – Stormwater drainage control plan. The vote was unanimous in favor of the motion (7-0).

2. **Section VIII.B.21 – location of hydrants, streetlights and fencing.** Mr. Moulton explained that the original site plan included a light plan and the applicant was not adding any additional lighting. It was determined by the Board that this request for lighting was incorrect and the applicant should be requesting a waiver from providing a photometric plan. Mr. Moulton withdrew his waiver request from Section VIII.B.21 and will correct the plan and add the requested items to the plan.

Mr. Salomon moved and Mr. Kroner seconded the motion to waive the requirement for a photometric plan.

Mr. Wilson noted for the record that since the applicant is not making any changes to the existing lighting on the site that it appears a photometric plan is not necessary.

Dr. Arena suggested that before considering the waiver request the applicant should provide a sketch of how the proposed addition will look and what the elevations are.

Mr. Moulton said that the existing wall packs would provide lighting for the proposed addition.

Dr. Arena moved and Ms. Kohl seconded the motion to table case 07:06 to the May 1, 2007 meeting.

Dr. Arena opined that there is insufficient information specifically relating to location of hydrants, streetlights and fencing and there were no pictures, sketches or drawings of the proposal presented to the Board to review.

Mr. McManus requested a friendly amendment to Mr. Salomon's motion to waive the requirement for a photometric plan and add that there will be no new lighting added.

Mr. Wilson ruled Dr. Arena's motion out of order.

Mr. Salomon and Mr. Kroner accepted the friendly amendment. The vote passed (4 in favor 3 opposed).

3. **Section VIII.B.27. – Two copies of architectural rendering showing elevations.**

Mr. Salomon opined that it was appropriate to table this waiver request and request the applicant provide a rendering of what the proposed building will look like.

Mr. Wilson informed the applicant of the aquifer protection ordinance and requested that the applicant prove that the property does not encroach in the area where the transmissivity is greater than 2000 feet squared.

Mr. Salomon moved and Mr. McManus seconded the motion to table the waiver request to Section VIII.B.27 to the May 1, 2007 Planning Board meeting. The vote was unanimous in favor of the motion (7-0).

Ms. Robinson went over her review of the submitted plans. She questioned whether or not a new septic approval would be warranted since the last septic approval dated back to 1978. She also requested more information regarding the increased traffic generation.

Ms. Kohl moved and Mr. McManus seconded the motion to table case 07:06 – Max BMW Motorcycles, 209 Lafayette Road to the May 1, 2007 meeting. The vote was unanimous in favor of the motion (7-0).

Mr. Wilson called a recess at 8:30pm.
Mr. Wilson reconvened at 8:40pm.

07:07 – Barlo Signs, 158 Greeley St., Hudson, NH 03051. Conditional Use Permit Sign application. The applicant proposes a 22.5 sq. ft. wall sign for Mattress Giant. Property location: 33-49 Lafayette Road (Seacoast Village Plaza), Owner: W.S North Hampton, LLC., 1330 Boylston St. Chestnut Hill, MA 02467, zoning district I-B/R, M/L 007-053. The applicant requests the following waiver: Section X.F.3.b.7. – Lighting.

In attendance for this application:
Don Reed, Barlo Signs

Mr. Reed explained that the applicant is requesting a 22.5 square-foot wall sign where 24 square-foot is allowed as referred to in Section 506.6.K. He also stated that the proposed sign is internally lit and has requested a waiver from the site plan regulations Section X.F.3.b.7 – Lighting in hope of being granted relief. He further explained that the internally lit sign will be lit with LED lights, which are less intense than neon lighting and there is no exposed bulbs so the light does not emanate as much in terms of broadcasting light either up or down.

Mr. Kroner opined that an internally lit sign at the proposed location would not have an impact due to the existing street lights illuminated at that plaza.

Mr. Salomon agreed with Mr. Kroner and said that the waiver request at this location is a reasonable request.

Ms. Pohl stated that at some point the Planning Board must adhere to the downward lighting standard so as the facilities “turn over”, the plaza would be converted into conformance with the Zoning Ordinances. She further stated that the Ordinance was

written to improve the look of Route 1 and the desires of the townspeople should take precedence over the applicant's wishes.

Ms. Kohl agreed with Ms. Pohl and said that it would only add to an already existing problem with lighting that does not meet the dark sky standards.

Mr. Wilson opened the public hearing at 8:50pm.

Mr. Wilson closed the public hearing at 8:51pm without public comment.

Mr. McManus asked Mr. Reed if there were any control over the intensity of the light. Mr. Reed answered, "no".

Dr. Arena said that LED lighting is becoming increasingly popular because it is cost effective and long lasting. He further stated that because the light is red the amount of light pollution the proposed sign would create in that plaza is zero.

Ms. Robinson opined that the sign should not be internally lit even though the surrounding signs in the plaza are internally lit. She further stated that the intention of the Ordinance is to improve the signage over time especially in that corridor.

Mr. Wilson agreed with Ms. Robinson and in time would like to see all the signs in that plaza changed over to meet the requirements of the Ordinance.

Mr. Salomon moved and Dr. Arena seconded the motion to grant the waiver to Section X.F.3.b.7 – Lighting, based on the proposal for a red LED internally lit sign. The vote passed (4 in favor and 3 opposed). Mr. Wilson, Ms. Pohl and Ms. Kohl opposed.

Other Business

Mr. Wilson signed a voluntary lot merger form for Ruth S. Donais, M/L 014-160-000 and 014-160-001.

**A motion was made and seconded to adjourn at 9:20pm.
The vote was unanimous in favor of the motion (7-0).**

Respectfully submitted,

Wendy V. Chase
Recording Secretary