



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD

Regular Meeting

Tuesday, July 3, 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: Wendy Chase, Recording Secretary.

Alternates present: None

Mr. Wilson called the meeting to order at 6:32pm and noted for the record that the meeting was properly posted in the newspaper, at the Library, Town Clerk's office and Town Office. He also noted that there was a full quorum.

07:12 – Robert A. Milliken, Jr., 39 Chapel Road, North Hampton. Lot line adjustment application. Property owners: Robert & Laura Milliken (lots 128 & 129) and The Dowd Family Revocable Living Trust of 1995 (lot 130). Property location: 9 & 15 Maple Road, North Hampton, 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) Section VIII.B.18 – location of public utilities, (3) Section VIII.B.20 – stormwater drainage control plan, (4) Section VIII.B.21 – location of hydrants, street lights and fencing and (5) Section VIII.B.25 – location and results of test pits. This case is continued from the June 5, 2007 meeting.

In attendance for this application:

Attorney Bernard Pelech, Law Offices of Wholey and Pelech

Corey Coldwell, Ames MSC

Steve Oles, Ames MSC

Robert Milliken, Owner/applicant

Mr. Oles submitted copies of new plans to the Board members to review. Mr. Oles explained that the newly submitted plans no longer included the Dowd's property M/L 006-130, which was originally part of the proposed lot line adjustment plan. The current proposed plan includes map and lots 006-128 and 006-129.

Mr. Oles explained the following details of the new proposed lot line relocation:

- Added a forty-foot wide entrance/access way to the rear lot

- 175 feet of frontage on map 006, lot 129
- Provided topo, HIS mapping and test pit information on the revised plan for lots 128 and 129
- Provided a drainage analysis on the lots
- Increase in acreage on M/L 006-128 from 4.27 acres to 5.79 acres
- Decrease in acreage on M/L 006-129 from 3.7 acres down to 2 acres

Mr. Wilson explained that the first order of business was to decide whether or not to take jurisdiction of the application.

Mr. Wilson went over the checklist of requests made by the Board at the June 5th meeting.

Ms. Pohl moved and Mr. McManus seconded the motion to take jurisdiction of the lot line adjustment application, case# 07:12.

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

Ms. Pohl questioned the width of the 40-foot entrance/access way. Mr. Oles explained that the access way narrows down to 25-feet after the required 200-foot zoning requirement.

Mr. Kroner raised concerns stating that the original plan that was submitted to, voted on and granted a variance to is not the same plan submitted to the Planning Board for approval. He questioned if there were any significant changes to the current plan that would affect the Zoning Board's variance approval.

Attorney Pelech explained that he met with the Building Inspector, Richard Mabey to review the new plan. He said that in Mr. Mabey's opinion the applicant would not need to go back to the Zoning Board of Adjustment because the new plan meets the Zoning Ordinance requirements.

Dr. Arena questioned why lot 6-130 was involved in the plan originally and Mr. Milliken answered that it was included as part of the original plan mainly to protect a row of trees.

Mr. Milliken pointed out to the Board where he thought the new house would be located and explained that there would be one breach in the stonewall and one breach in the row of trees (that he was originally trying to preserve) for the proposed driveway.

John Dowd, 15 Maple Road (M/L 006-130) explained to the Board that he was first approached by the Millikens with the original plan that included a land swap. Mr. Dowd had the following concerns:

- Make certain that the newly built home would not be built directly behind his house.
- Make certain that a buffer be installed between the Milliken property and his own.
- Make certain that the proposed development of lots 128 and 129 would not result in the diminution of value to his property.

Mr. Dowd is now concerned with the new plan because of the fact that because his property is no longer factored into the plan he will not be able protect his original concerns and asked the Board “if the Zoning Board approved “plan A” and the applicant presents a new and different plan to the Planning Board, “plan B”, how can the Planning Board approve a dramatically different plan?”

Mr. Salomon said that it is the Zoning Board that deals with diminution of property values not the Planning Board and since that is one of Mr. Dowd’s concerns then the applicant should probably go back before the ZBA with the new plan.

Dr. Arena opined that the Planning Board should be deliberating over the original plan that the Zoning Board granted a variance on and not on a plan that is so totally different.

Mr. Coldwell pointed out that the ZBA granted a variance to the original plan with two conditions, (1) the frontage to the back lot, Tax Map 006 Lot 128 shall be 40-feet as depicted on the plan and (2) that there shall be a 40-foot vegetation buffer as depicted on the plan and that the two ZBA conditions have been met on the new revised plan therefore it was the opinion of the Building Inspector that the new plan did not have to get Zoning Board approval.

Mr. Wilson stated for the record that the Board has respect for the Building Inspector, Richard Mabey’s opinion, but it is just an opinion and that it is the Planning Board that makes the final decision on an application brought before them.

Mr. Wilson closed the public hearing at 7:16pm.

Mr. Salomon suggested the Board reconsider the acceptance of jurisdiction.

Mr. Salomon moved and Mr. Kroner seconded the motion to reconsider the acceptance of jurisdiction. (Mr. Salomon and Mr. Kroner voted in favor of the original motion to take jurisdiction). Ms. Kohl called the question. The vote was unanimous in favor of the motion (7-0).

Attorney Pelech stated that Mr. Milliken would probably go back before the Zoning Board with a new variance request and asked that the Planning Board grant them a continuance to the September 4, 2007 meeting.

Mr. Wilson commented that Mr. Milliken would need to put the continuance request in writing and submit it to the Recording Secretary.

Mr. Salomon moved and Dr. Arena seconded the motion to continue case 07:12 to the September 4, 2007 Planning Board meeting upon receipt of a written request from the applicant. The vote was unanimous in favor of the motion (7-0).

07:14 – Sylvia Cheever, 22 Ocean Blvd., North Hampton. Change of Use application. Property owner: Glemco Realty Corp., PO Box 626, North Hampton. Property location: 136 Lafayette Road, North Hampton, zoning district I-B/R, M/L 017-028. The applicant proposes to change the existing use from storage to retail/storage.

In attendance for this application:

Sylvia Cheever, Applicant

Ms. Cheever explained her application as follows:

- Intends to change the existing use of *storage* at 136 Lafayette Road to *retail/storage* of used furniture.
- The furniture sold will not be antiques but rather than used furniture from overstocks or exchanges from Hotels/Motels.
- There will be no structural changes to the building
- The intention is to use a portion of the space as a show room and a portion as an office.
- Hours of operation will start out at one day a week and max out at Mon-Sat 9am to 4pm.
- No more than two employees including herself would be employed
- She anticipates holding up to two tent sales per year

Dr. Arena questioned whether or not there would be a woodshop on the premises to repair the furniture if needed. Ms. Cheever answered, “no.”

Mr. Wilson said that the proposed retail business would require four or five parking spaces and asked what the other buildings were being used for to try and figure out how many parking spaces those businesses would need.

Ms. Cheever thought that the building out back housed a tractor trailer repair shop and believes the other side tunes high performance engines one car at a time

Mr. Wilson directed Ms. Chase to request from the Building Inspector a report of activities at that location. He further stated that auto repair shops need approval by the Planning Board with a conditional use permit and there has been no approval of one at that site for auto repair.

Mr. Kroner stated that although the other questionable activities going on at the site don't have anything to do with Ms. Cheever's application he feels that her proposed business is “tied into” the site in general. Mr. Kroner said that he would like more information on the other businesses operating at that site. Mr. Kroner also stated that the site in question is adjacent to the second most important waterway in North Hampton, Little River, and so many aquifers have been put into place to protect it.

Mr. Salomon moved and Dr. Arena seconded the motion to take jurisdiction of case #07:14.

The motion passed (6 in favor, 1 opposed and 0 abstentions). Mr. Kroner opposed.

Salomon left the meeting at 7:44pm.

Bob Landman, 34 Post Road asked that the Board make sure that the applicant is aware of the new sign ordinance.

Mr. Wilson closed the public hearing at 7:47pm.

Ms. Cheever stated that she plans to “clean up” the appearance of the outside grounds. She also stated that she would do most of her advertising on-line.

Dr. Arena suggested that if she receives a lot of packaging/cardboard to please use the North Hampton recycling center. Ms. Cheever agreed that she would.

Ms. Kohl voiced concerns regarding the potential volume of traffic the new business would create and also with traffic entering and exiting the site. Ms. Cheever said she doesn’t expect the business to draw in huge crowds

Mr. Kroner voiced concerns that since a recorded plan is not required in this instance there is no “paper trail” to follow when a new retail business occupies the premises. A new business that required the use of more square footage could go in without the Planning Board knowing it because a change of tenant would not require Planning Board approval. Mr. Wilson said that one of the change of use requirements is that if there is going to be a substantial change in the parking requirements the Building would need to direct the applicant to go before the Planning Board with a change of use application.

Dr. Arena moved to approve the application with the following conditions:

- 1. The applicant to provide a detailed plan of proposed use of the building.**
- 2. Provide information regarding the routing of utilities to the buildings**

Mr. Wilson stated that the proposed conditions Dr. Arena suggested would result in the Applicant coming back before the Board with information the Board would need to evaluate.

Dr. Arena stated that he did not want to be an obstacle to the applicant but feels that a site plan of the entire property should be completed before approving the application.

Mr. Wilson stated that it is not Ms. Cheever’s responsibility to do a site plan but rather the owner’s responsibility. He suggested that the Building Inspector be invited to attend the next work session and provide any information on the site, M/L 017-028 to the Board and then the Board could decide what action to take.

Ben Gerkin, 23 Mill Road, said that Ms. Cheever meets the criteria for a change of use and everything else the Board is discussing is secondary.

Dr. Arena stated that he is not against the proposed change of use but the Board wants to make sure the applicant is protected.

Mr. Kroner said that the owner of the property is going to make money off of the applicant with rental fees and that if the Board approves the application they are essentially allowing the owner to make money without living up to the laws of the Town.

Dr. Arena withdrew his motion.

Mr. McManus moved and Ms. Pohl seconded the motion to approve the change of use application for case #07:14 with the following conditions:

- 1. The applicant shall submit a dimensioned floor plan depicting the showroom space and warehouse space of the area under lease.**
- 2. The applicant shall provide a written statement of hours of operation.**
- 3. The applicant shall provide a written statement of the number of employees.**
- 4. The applicant shall submit a letter stating that all signs shall comply with the current sign ordinance, Section 506.**

Dr. Arena made a friendly amendment to eliminate number three of the conditions.

Mr. McManus and Ms. Pohl accepted Dr. Arena's friendly amendment.

The motion carried (4 in favor, 2 opposed and 0 abstentions). Ms. Kohl and Mr. Kroner opposed.

07:15 – GEOSPHERE Environmental Management, Inc., 51 Portsmouth Ave, Exeter, NH 03833. Conditional Use application. Owner: Town of North Hampton. Property location: Pine Road, North Hampton. The applicant proposes to replace water mains on Mill Road – Pine Road for Aquarion Water Co. of NH and seeks approval from the Planning Board under essential services of the zoning ordinance.

In attendance for this application:

Adam Torrey, Aquarion Water Company

Corey Prescott, Geosphere Environmental Management, Inc.

Jenna Rasman, Tata & Howard Engineering

Ms. Prescott explained that her part in the project was to delineated the wetland boundaries along Pine Road and Mill Road. She stated that 480 linear feet would be in the wetlands buffer. Mr. Wilson calculated it out to be less than 3,000 square feet.

Ms. Rasman explained that the Road will be restored to current conditions after completion of the water main replacement and they will work with the North Hampton Public Works Department on the Town's paving requirements. She further explained that the intention is to replace the existing water main and improve the carrying capacity of the main, which will allow more flow to go through the pipe.

Mr. Kroner asked if there would be any interruption in water service, and if so for how long?

Ms. Rasman explained that the existing water main is on one side of the Road and the new water main will go on the opposite side of the Road so that the existing main will

remain active during construction and once the new main is installed and testing is complete the services will be tied over. She further stated that for any reason there is a shut down in services the residents have to be notified at least 48 hours in advance. Ms. Rasman said that there would be a resident observer on site during construction.

Mr. Wilson questioned whether or not the hydrants that will be replaced meet the recommended 5 ¼ inch diameter.

Mr. Landman, North Hampton Water Commissioner said that the new hydrants would meet the recommended 5 ¼ inch diameter requirement.

Mr. Wilson opened the public hearing at 8:35pm.

Arthur Nato, 34 Pine Road stated that Pine Road was paved a couple of years ago and voiced concerns as to who would be responsible for repaving Pine Road if after a couple of years after completion of the project something happens to the Road because the compaction wasn't done correctly.

Ms. Rasman said that the contractor is required to meet compaction specifications. There will be a pre-construction video taken and everything will be restored to the original state.

Ben Gerkin, 23 Mill Road said that he was not notified previously when Aquarion was doing work in Hampton and if affected his water. He stated that he would like to be informed of any changes to his water or disruption in service. Mr. Torrey said that residents would be notified 48 hours prior to any disruptions in service.

Dennis Williams asked when the project was scheduled to begin? Ms. Rasman said that it is scheduled to begin in September and completed in the fall.

Mr. Landman stated that beyond the meter is the homeowner's responsibility and recommended that residents purchase the insurance offered by Aquarion.

Mr. McManus left the meeting at 8:50pm.

Mr. Landman also stated that the North Hampton Water Commission supports the proposed projects to replace the mains.

Mr. Wilson thanked the public for their input but reminded everyone what the Planning Board's role was, and that was to (1) review where the mains would be impacting the wetlands and (2) what the applicant proposes to do to protect the wetlands, then the Board either approves or disapproves the Conditional Use Permit application.

Mr. Wilson read note 11 from the plan that states *The Contractor at his expense shall brace utility poles if required, and repair any damage to existing sidewalks, curbs, paving, shrubs, trees, stone walls, lawns, etc. All excavated areas shall be returned to equal or better than prior conditions by the Contractor.*

Ms. Prescott stated that there would be no construction debris in the wetlands.

Ms. Pohl asked what the duration of the project would be?

Ms. Rasman estimated that they would put in 200-feet of pipe per day with an estimated 90-day completion date.

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

Ms. Pohl moved and Dr. Arena seconded the motion to approve the Conditional Use Permit application for case #07:15.

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

07-16 – GEOSPHERE Environmental Management, Inc., 51 Portsmouth Ave, Exeter, NH 03833. Conditional Use application. Owner: Town of North Hampton. Property location: Winnicut Road, North Hampton. The applicant proposes to replace water mains on Winnicut Road for Aquarion Water Co. of NH and seeks Planning Board approval under essential services of the zoning ordinance.

In attendance for this application:

Adam Torrey, Aquarion Water Company

Corey Prescott, Geosphere Environmental Management, Inc.

Jenna Rasman, Tata & Howard Engineering.

Ms. Prescott stated that this project would consist of replacing a water main mainly in the wetlands buffer and that siltation would have to be placed all along the Road where the pipe would be replaced.

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

Mr. Landman stated that the North Hampton Water Commission is in support of this project.

Mr. Wilson closed the public hearing at 9:20pm.

Mr. Kroner moved and Dr. Arena seconded the motion to approve the Conditional Use Permit application for case #07:16.

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

Other business

Ms. Chase informed the Board that there are no conference rooms available to meet the second week in July for the Work Session Meeting. The Board unanimously decided to skip the month of July for a Work Session Meeting. The next Work Session meeting will be August 9, 2007.

Ms. Pohl updated the Board on the Long Range Planning Committee and said that the fiscal requests would be going out tomorrow, July 4th. The next Long Range Planning Committee meeting will be held on Friday, July 06, 2007.

A motion was made and seconded to adjourn at 9:25pm with all in favor of the motion (5-0).

Respectfully submitted,

Wendy V. Chase
Recording Secretary