



**MEETING MINUTES
NORTH HAMPTON PLANNING BOARD
Tuesday, October 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; Joseph Arena, Laurel Pohl, Barbara Kohl, Tom McManus and Craig Salomon, Selectman's Representative.

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

Alternates present: None

Mr. Wilson convened the meeting at 6:30pm.

Old Business

Discussion on the acceptance of Evergreen Drive as a Town Road.

In attendance for this discussion

Glenn Martin, Developer of Evergreen Drive
Thomas Lambert, North Hampton Fire Chief
Robert Strout, North Hampton Road Agent
Henry Fuller, North Hampton Water Commissioner

Mr. Martin explained that there were three hydrants installed as part of his development on Evergreen Drive and after inspection from the Deputy Fire Chief it was determined that they were installed too low, which would cause difficulty in coupling the hose to the hydrant. Mr. Martin raised the hydrants at his expense.

Chief Lambert explained that the hydrants were placed on the backside of the drainage swale leaving quite a distance from the hydrants to the road's edge and because the hoses must cross a swale to reach the hydrants, the increased height may cause the hoses to kink. Chief Lambert further explained that he met with Mr. Strout to discuss possible solutions. Mr. Strout recommended that a culvert be installed, which he would provide, and then covered with gravel.

Mr. Martin stated that the road is built to town specifications, that the proposed solution will change the flow of water through the swales, which were designed by an engineer, and that he is not responsible for changing the configuration of the hydrants. He suggested that if the Town wishes to alter the hydrants they have every right to do so because they are within the 25-foot right of way.

Mr. Martin presented pictures of hydrants in other neighborhoods around Town, they were submitted into the record.

Mr. Wilson commented that the construction of the Road is not in question and that the developer has met all the conditions of the Planning Board.

Mr. Salomon opined that the proper thing to do would be to recommend to the Board of Selectmen to accept the Road and then request that the Board of Selectmen meet with both Chief Lambert and Road Agent Bob Strout to devise a plan to remedy the situation regarding the elevated hydrants.

Dr. Arena opined that Mr. Strout's suggestion to supply the culvert and have the developer put in the fill would be the best option. Dr. Arena further commented that the road should function well so that the Fire Department is able to do their job safely.

Ms. Pohl stated that she was not an engineer, but she did not believe that it was possible to fill part of a swale with gravel and expect it to remain where it was put, that this solution would impact the residents, and also possibly create an engineering issue with the road. Since there is disagreement between the town department heads and the developer regarding an appropriate solution, Ms. Pohl suggested that the Board designate an independent third-party engineer to take a look at the issue and report back to the Board and suggest an appropriate way to remedy it.

Mr. Kroner commented that the Planning Board should consider requiring as-built plans to eliminate problems such as this.

Mr. McManus moved and Ms. Kohl seconded the motion to recommend to the Board of Selectmen that they accept Evergreen Drive as a Town Road. The motion carried (5 in favor, 2 opposed and 0 abstention). Mr. Kroner and Dr. Arena opposed.

Ms. Pohl moved and Mr. Kroner seconded the motion to authorize Chairman Phil Wilson to write a letter to the Board of Selectmen (1) recommending they accept Evergreen Drive as a Town Road, and (2) advising the selectmen that there are issues with the hydrants, as noted by the Fire Chief and Road Agent regarding the potential problem with the configuration of the fire hydrants with respect to the swales, which need to be resolved.

Mr. Martin requested that the Planning Board release the surety that was posted as a condition of approval for capping the well that sits on the lot directly across from his existing home and asked that instead of capping the well that he be allowed to use it for irrigation purposes only.

Mr. Wilson read a letter from the Water Commissioners pertaining to this issue into the record. The Commission voted unanimously that the abandoned well must be capped

immediately and water from that well shall not be used for any purposes, including, but not limited to, drinking water or irrigation.

Mr. Fuller presented the following documents that were added into the record:

- Letter from the NH Water Supply and Pollution Control Commission dated July 18, 1983 and January 23, 1986.
- A copy of the March 7, 2000 Planning Board decision that included the conditions of approval for Mr. Martin's 16-lot subdivision.
- A copy of a letter from the North Hampton Water Commissioners recommending that the well in question be capped, that no new wells to be installed on any portion of the lots within the Evergreen subdivision, and that the Building Inspector not issue any building permits on the remaining undeveloped lots until the well in question has been capped.

Mr. Fuller said that the applicant was aware of the condition, which he agreed upon, to cap the wells eight months after construction was completed and that the condition is mandated by the State of NH.

Mr. Salomon moved and Ms. Pohl seconded the motion to have the Town retain the balance of the posted surety and seal the well after 60 days unless, prior to that time, the Applicant 1) requests in writing that the Planning Board reconsider the decision not to rescind condition of approval 8.A and 2) presents scientific evidence from a qualified professional that is acceptable to the Planning Board that the original reasons for that condition are no longer sound.

Dr. Arena voiced concerns about rescinding a prior Board's decision and opined that the Board is in no position to change another Board's decision.

The vote passed in favor of the motion (6 in favor, 1 opposed and 0 abstentions). Dr. Arena voted against.

07:19 - Paul & Phyllis Lamb, 129 Atlantic Ave., North Hampton. Subdivision Application and Conditional Use Application. The applicants propose a back lot subdivision. Property location: 129 Atlantic Ave., North Hampton, zoning district R-2, M/L 006-083. The applicants request the following waivers to the subdivision regulations: (1) Section VIII.B.20 – stormwater drainage control plan, (2) Section VIII.D.3 – HISS Map. This case is continued from the September 4, 2007 meeting.

In attendance for this application:

Paul & Phyllis Lamb, Owners/Applicants
John Chagnon, Ambit Engineering

Mr. Chagnon updated the Board on the Lamb case since the last meeting.

- A memo from Town Engineer Ed Kelly stating that Mr. Chagnon responded satisfactorily to the recommendations of his review of the Lamb plan.

- Note 6 was added to plan C1 – existing driveway will be widened to 12-feet and if paved in the future shall use pervious materials.
- Revised and delineated upland area on sheet C2 and put in two driveway sections

Mr. Wilson read the Conservation Commission's comments into the record.

Recommendations made by the Commission included no use of chemicals on driveways or bridge surfaces within the 100-foot buffer zone, driveway to remain pervious and prior approval by the Conservation Commission and NHDES if applicable for any use or fill in the wetlands or wetlands buffer.

Mr. Chagnon responded by stating that the recommendations could be conditions of approval but doesn't think it is appropriate that it would need approval from the Conservation Commission.

Mr. Kroner voiced concerns on the fact that a huge amount of site work would be needed on the islands where the crossings took place on the September 13th site walk. He would also like to see how the entire project would be sequenced and staged while the construction is going on.

Mr. Chagnon said that the applicant is aware of the amount of work that needs to go into the bridges and said that the applicants have hired a reputable bridge engineer. The Lambs are concerned with putting in a great deal of money into the project and then find out in the end that it won't be approved.

Mr. Wilson suggested that the Board focus on all the other aspects of the project other than the driveway and bridges to see if there would be any other impediments the Board would need to address.

Ms. Pohl voiced concerns on blasting and what possible impacts it would have on Little River.

Mr. Chagnon suggested adding a condition that if there were any blasting, a blasting protocol would need to be in place.

Mr. Salomon requested a copy of the easement language for the shared driveway be submitted to the Board for review.

Mr. Wilson reiterated the Board's concerns:

- Driveway and bridge situation – getting from point "A" to point "B"
- Blasting protocol
- Easement language for shared driveway regarding environmental impacts, maintenance, enforcement, etc.
- Conservation Commission comments

Mr. Wilson opened the public hearing at 8:20pm.

Mrs. Lamb said she was in favor of the application.
Mr. Wilson closed the public hearing at 8:21pm.

Dr. Arena moved and Ms. Kohl seconded the motion to continue case #07:19, Paul & Phyllis Lamb, to the November 6, 2007 meeting.
The vote was unanimous in favor of the motion (7-0).

07:20 – Nicholas Birmbas, 830 Atlantic Ave., Hampton. Amended Subdivision Application. The applicant requests an amendment to the 2003 approved two-lot subdivision plan #D32476 to allow access to the buildable area on the lot with a driveway off of Post Road. Property location: 225 Post Road, North Hampton, zoning district R-2, M/L 022-014-003.

In attendance for this application:
Nicholas Birmbas, Owner/Applicant
Scott Frankiewicz, Beals Associates

Mr. Salomon stated that Beals Associates is doing work for him personally but feels that he does not need to recuse himself from the Birmbas case.

Mr. Wilson read the Conservation Commission comments into the record: *To deny the 8/14/07 plan and to revert to the original plan D-22916 which required a shared driveway and provides for minimum wetland impact (5-0).*

Mr. Frankiewicz explained the revised plan, which addressed issues with drainage by reducing the drainage by 38%.

One copy of the drainage study report was submitted to the Board. Mr. Wilson said that he would like to have time to review it.

Mr. Kroner moved and Dr. Arena seconded the motion to take jurisdiction of the Birmbas plan, case #07:20, as presented.
The vote was unanimous in favor of the motion (7-0).

Dr. Arena moved and Ms. Pohl seconded the motion to continue case #07:20, Nicholas Birmbas, to the November 6, 2007 meeting.
The vote was unanimous in favor of the motion (7-0).

Mr. Frankiewicz will send a copy of the drainage analysis study to both Town Engineer Edward Kelly of Keach and Nordstrom and Dr. Jill Robinson for their review.

Mr. Wilson suggested that the original copy be kept at the Town Office and encouraged members of the Board to stop by the Office to review it prior to the meeting on November 6, 2007.

07:22 – Jerome Day, Jr., 153 Atlantic Ave., North Hampton. Subdivision Application. The applicant proposes a two-lot subdivision. Property location: 153 Atlantic Ave., North Hampton, zoning district R-2, M/L 006-144-000.

In attendance for this application:

Jerome Day, Jr. & Jane Currivan, Owners/Applicants
Corey Colwell, Ames MSC Engineering

Ms. Kohl recused herself from case #07:22.

Mr. Colwell explained that the 40-feet of frontage off of Atlantic Ave. shown on the plan would not be used as access to the back lot due to the sight distance. The access will be on the existing driveway.

Mr. Colwell distributed color copies of the plan to each of the members.

Mr. Wilson advised Mr. Colwell to add the name of the soil scientist who witnessed the test pits onto the plan.

Mr. Salomon requested a copy of the easement language to review regarding the shared driveway.

Mr. Salomon moved and Mr. Kroner seconded the motion to take jurisdiction of the application, case #07:22, Jerome Day, Jr.

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

Mr. Wilson opened the public hearing at 9:16pm.

Mr. Wilson closed the public hearing at 9:17pm without public comment.

Dr. Arena moved and Ms. Pohl seconded the motion to continue case #07:22, Jerome Day, Jr. to the November 6, 2007 meeting.

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

07:23 – Simmons Trust, 74 Lafayette Road, North Hampton. Conditional Use Sign Application. The applicant proposes to erect an externally lit pole sign at 74 Lafayette Road, North Hampton, zoning district I-B/R, M/L 013-001-000.

In attendance for this application:

Richard Batchelder, Applicant
Peter Simmons

Mr. Batchelder presented his case to the Board. He explained the following:

- The proposed sign will be no greater than 32 square-feet in size
- The colors will consist of a white background with orange and black lettering
- The sign will be externally lit with downward lighting using low voltage
- The sign will be installed at least 10-feet from Route 1

Mr. Wilson noted that the site plan submitted as part of the application was outdated and that typically the Board requests an updated site plan if there is not one on file.

Mr. Salomon commented that the requirement for the sign application reads *Detailed location; such as a copy of the site plan showing the proposed location*. He further added that the applicant met the requirements of the sign application.

Mr. Wilson stated that the sign application proves that there is an expansion of use on the property, which would require a new site plan.

Mr. Simmons stated that he has given the Building Inspector a full detailed plan of what exits on the property and how long it has been there.

Mr. Kroner moved and Dr. Arena seconded the motion to continue Mr. Batchelder's sign application, case #07:23 to the November 6, 2007 meeting and require that the Building Inspector attend the meeting to give a history of the property.

The vote passed (6 in favor, 0 opposed and 1 abstention). Mr. Salomon abstained due to possible litigation.

Dr. Arena commented that the Board would not be intimidated by threats of litigation.

Other Business

Mr. Wilson referred to the letters he wrote to the Conservation Commission and Zoning Board of Adjustment requesting that they participate in a joint meeting with the Planning Board. Mr. Simmons replied, and stated that the Zoning Board declined the offer to be a part of the joint meeting but would be glad to meet with the Planning Board to discuss the ZBA's process and steps taken when granting variances. The Conservation Commission meets October 16, 2007.

A motion was made and seconded to adjourn at 10:45pm with all in favor.

Respectfully submitted,

Wendy V. Chase
Recording Secretary