



**MEETING MINUTES**  
**Public Hearing**  
**NORTH HAMPTON PLANNING BOARD**  
**Saturday, November 10, 2007 at 8:00am**  
**Mary Herbert Conference Room**

---

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

The Recording Secretary was not present. These minutes were typed from the tape recording of the Public Hearing.

**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:**

**Alternates present:** None

Mr. Wilson convened the meeting at 8:01am and noted for the record that this public hearing is a continuation from the October 11, 2007 public hearing to consider revocation of the site plan at 70 Lafayette Road, M/L 007-123-000. He further noted that the meeting was properly posted and that because there was question on the proper notification of abutters for the first public hearing the abutters were re-notified. Mr. Wilson explained that the Recording Secretary received a legal opinion from the Local Government Center regarding the question on proper notification and was advised that the first public hearing was legally noticed, and that it was the proper procedure to reference the tax records for proper mailing addresses and that it is the property owner's responsibility to update the town records with any address changes.

Mr. Wilson explained that the site plan was approved for dry storage and there was sufficient evidence of certain operations being conducted that are not consistent with the site plan.

Mr. Wilson read a memo from Mr. Mabey stating that upon review and inspection of the inside of the building, Mr. Mabey stated that the property is in compliance with the site plan (D-28840).

Mr. Wilson asked if Mr. Peter Simmons would be speaking on behalf of the owner of the property. Mr. Simmons did not respond.

Mr. Wilson stated for the record that Mr. Simmons was present but was not speaking.

Mr. Wilson asked for comments from the Board.

Mr. Kroner said that he noticed that the site was "cleaned up".

Ms. Kohl said that the site was slightly “cleaned up” and questioned the boundary lines on the site.

Mr. McManus said that he did witness that the site is “cleaned up” but questioned how the Board would be assured that it would remain “cleaned up”.

Dr. Arena commented that there is no animosity toward anyone at this meeting and suggested that Mr. Simmons participate in the discussion regarding this matter.

Ms. Pohl said that she echoed Mr. McManus’ comments.

Mr. Wilson stated that it appears that the material moved off the site at 70 Lafayette Road was moved to the adjacent property owned by Mr. Simmons. He further stated that the dispatching of dumpsters is not permitted in town and opined that moving the dumpsters from the subject property over to the next property is not a solution to the problem.

Mr. Wilson said that he is not convinced that the subject property is in full compliance and suggested that process of revocation of the site plan continue until the Board is convinced that the site is in full compliance of the site plan and that the problem has been remedied, meaning that the use has stopped altogether and not just moved next door.

Mr. Wilson suggested that the Board schedule a site walk of the property.

Mr. Henry Fuller, 86 North Road, spoke as Co-Chair of the Water Commissioners and reported that he followed an ABC truck on November 9, 2007 from Exeter, NH and witnessed the truck entering 70 Lafayette Road off of Atlantic Avenue and preceded to drive across that property and around back to the adjacent property. The truck was hauling a full dumpster container and as a Water Commissioner, Mr. Fuller voiced concerns of what was being dumped back there.

Mr. Horace Rommelman, 242 Atlantic Ave. said that he witnessed 15 dumpsters on the property in back of the yellow building and two are filled with garbage and others filled with construction debris. He said that he and Mr. Mabey walked the property 6 to 8 months ago and that Mr. Mabey has pictures of shingles and garbage being buried there and said that Mr. Mabey told Mr. Simmons at that time to clean the lot up. He said there has been a lot of fill brought into the property.

Dr. Arena suggested that the Board do a site walk this morning. Mr. Wilson said that there was no one at the meeting to give the Board permission to walk on the property. Mr. Rommelman granted the Board permission to go on his property at 242 Atlantic Avenue and observe the site from there.

Dr. Arena asked Mr. Simmons if he would grant permission to the Board to walk on the property in question, and Mr. Simmons stated that he did not have the authority to grant

the Board permission because he did not own it. Mr. Simmons also stated that the Public Hearing was to discuss the yellow building site and not the adjacent property.

Ms. Kohl questioned the legality of the site walk because it was not posted. Mr. Wilson said that the site walk would be part of the meeting so there should be no problem with that.

Mr. Kroner voiced concerns with where the boundary lines are. He also voiced concern of why the Building Inspector who walked the site and observed the operation never reported such activities to the Planning Board.

Mr. Salomon recused himself.

**Ms. Pohl moved and Mr. McManus seconded the motion to take a recess and conduct a site walk on 242 Atlantic Avenue, (Mr. Horace Rommelman's property). The vote passed (5 in favor, 1 opposed and 0 abstentions). Mr. Kroner voted against.**

Mr. Wilson recessed the meeting at 8:23am.

Mr. Wilson reconvened the meeting at 8:33am at 242 Atlantic and was escorted by the owner of the property.

Mr. Wilson noted that it looked like there were five to six feet of fill added to the property.

The meeting was recessed at 8:37am.

The meeting was reconvened at 8:44am in the Mary Herbert Conference room.

Ms. Kohl suggested that the Board consider getting law enforcement authorities involved to investigate the site and obtain a search warrant to determine whether or not hazardous materials are being dumped on the property.

Mr. Kroner thought that the more appropriate agencies to contact to investigate the site would be NH DES and NH EPA.

Ms. Pohl said that both sites are related and the Board should address both sites and inform both owners.

Mr. Wilson stated that he observed what the other members observed including:

- Dumpsters with construction debris and plastic refuse bags
- Four or five dumpsters located on the lot
- Appears to have been a lot of fill added to the lot, unnatural elevation from the location of the neighboring lot, 242 Atlantic Ave. and there is no evidence that there was ever a permit issued to add fill to the site and is now creating a drainage problem for his neighbor.
- Junk yard violations

Mr. Wilson stated that he disagrees with the Building Inspector's memo stating that the lot seems to be in compliance with the approved site plan. Mr. Wilson believes that electric service and water service have been added to the plan, neither of which were part of the approval, and the plan shows a 10-foot grassy buffer on the lot but because the Board did not have permission to walk the site the Board can not know if the buffer was ever established along with other characteristics that were approved on the site plan. The Board is not able to determine if the site plan conditions have been satisfied without actually walking the site. Mr. Wilson suggested that the public hearing be continued to the next regular meeting. It is clear that the two sites are connected, and that they are connected by a dirt area used as a driveway between the two sites that was not part of the original site plan.

Mr. Fuller commented that the vehicle he followed to the site on November 9<sup>th</sup> had a license plate that read ABC#3 and that the vehicle turned onto the site at 70 Lafayette Road and used the dirt driveway to the back lot. Mr. Fuller also suggested that the Planning Board look into the "junk yard" issue.

Mr. Simmons asked if the Board was going to act on the issue stated in the public notice.

Mr. Wilson answered, "yes".

Mr. Wilson suggested that Mr. Mabey attend the December 4, 2007 Planning Board meeting to address the concerns mentioned (1) water and electrical service added to the site after the site plan was approved, (2) number of dumpsters located on the back lot, (3) junk yard issues, (4) if a permit was ever issued to add fill to the lot and (5) determine if the 10-foot grassy buffer and other characteristics shown on the site plan were ever implemented.

**Dr. Arena moved and Ms. Pohl seconded the motion to continue the Public Hearing to consider revoking approval of the site plan for Tax Map 007, Lot 123-000 – Lillie-Putz Realty Trust, Peter Eric Simmons, Trustee located at 70 Lafayette Road, North Hampton to the December 4, 2007 meeting.**

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

Larry Miller, 141 Mill Road, suggested that the Board find out if there were ever a permit pulled to add fill to the property and to try and determine how much fill was added to the property and what the fill actually consisted of.

Mr. Wilson said this would be added to the list of concerns for the Building Inspector to review and report back to the Board on.

Respectfully submitted,

Wendy V. Chase

Recording Secretary