



**NORTH HAMPTON PLANNING BOARD**  
**Work Session Meeting Minutes**  
**Tuesday, February 17, 2009**  
**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; Joseph Arena, Laurel Pohl arrived at 7:25pm, Tom McManus and Emily Creighton, Select Board's Alternate Representative.

**Others present:** David West, RPC Circuit Rider and Wendy Chase, Recording Secretary

**Absent:** Barbara Kohl

**Alternates present:** None

Mr. Wilson convened the meeting at 7:06pm and noted for the record that the meeting was properly posted and there was a quorum.

### **Old Business**

**#08:15 – Richard Skowronski and Leila Hanna, 142 Mill Road, North Hampton.** The Applicants propose a five lot (three new lots and two existing approved lots) Conservation Subdivision under Section 417 of the North Hampton Zoning Ordinances. The Applicants request the following waivers: (1) Section 417.F.1 – Road Frontage and minimum lot width, (2) Subdivision Regulation Section VIII.B.15 – Topography Documentation, (3) Subdivision Regulation Section IX.A.2 – Underground Utilities, (4) Subdivision Regulation VIII.B.16 – Identification of natural features, (5) Subdivision Regulation VIII.B.20 – Stormwater calculations & drainage control. The Applicants request a Conditional Use Permit under Article IV, Section 409.10 for the purpose of relocating a Private Road/Driveway within the 100-foot wetlands buffer zone. Property owners: Richard Skowronski and Leila Hanna. Property location: 142 Mill Road. Tax Map & Lots 012-47, 48-2, 63, 64, 65, 67, 68, 69, 70, 71, 73, 74, 76, 77, and 78. Zoning district R-2. This case is continued from the February 5, 2009 meeting.

In attendance for this application:

Richard Skowronski & Leila Hanna, Owners/Applicants  
Attorney Robert Field, Jr., Representative to the Applicants

Mr. Field updated the Board, and said that they had met with the Conservation Commission along with John Chagnon who presented the Skowronski case to the Commission.

Mr. Wilson said that the Conservation Commission wrote a letter to the Board with its recommendations:

- The Conservation Commission is in agreement with the Applicant's placing the stewardship of the proposed conservation land with the Rockingham County Conservation District (RCCD).
- The Commission voted unanimously to authorize the Chair of the Conservation Commission to sign the Applicant's minimum impact expedited wetlands permit application to submit to the New Hampshire Department of Environmental Services (NH DES). The application is due to a small section of the proposed private road that would cross a wetland area.
- The Commission expressed a strong preference for the use of gravel or a similar pervious surface material because of the proximity of the private road to wetlands.
- The Commission agreed unanimously that it had no objection to the fact that the private road would pass through a high ground portion of the 100-foot wetlands setback, provided that the road have a permeable surface and remain unpaved. They suggested that if the plan is approved that it be made a condition of approval.

Mr. Field distributed copies of an email from Mary Currier, Executive Director of RCCD to the Skowronskis informing them that the RCCD Board of Supervisors voted to accept holding the conservation easement with the condition that they come to a mutual agreement on the easement language. He also distributed draft I of the conservation easement deed and a draft of the Rocky Ledge Subdivision Protective Covenants.

Mr. Wilson commented on section 3.I of the Conservation Easement Deed that reads: *This easement shall only become effective if and when at such time as the Town of North Hampton through its appropriate governmental and/or administrative agencies agrees with and grants to the Grantor, Building permits for the construction, reconstruction, or improvement of five (5) residential dwellings and appurtenances thereto, to be issued as and when requested by the Grantor, provided that such building plans for such dwellings and appurtenances conform with applicable town regulations.* He said that the way the conservation subdivision ordinance is written the Board can't grant approval because a requirement to the conservation subdivision is the land will be permanently protected and with the above contingency it would not be permanently protected.

Mr. Field commented that the process does not become final until the plan is approved and the issues would be worked out by then.

Mr. Field said that he received the minutes from the Select Board meeting that stated that the Select Board would approve 5 building permits in the Skowronski conservation subdivision if approved by the Planning Board.

Mr. Field said that Mr. Chagnon explained to him that the private road would not be paved with asphalt but that there may be, at each end of the culvert, something more permanent (some kind of a compact substance) to prevent erosion.

Mr. Skowronski said that Mr. Chagnon said that they should not “close the door” on the paving idea because sometimes pavement may minimize erosion.

Mr. Wilson suggested as a condition of approval that the road will be maintained as gravel unless paving is demonstratively better for the protection of the environment in certain sections of the private road.

Mr. Wilson commented that the Conservation Commission voted unanimously that they have no problem with the construction of the private road being built within the 100-foot wetland setbacks as long as it remains unpaved.

Mr. Wilson said that in addition to the wetlands impact application the Board also has to formally grant a conditional use permit for the disturbance of the wetlands. Mr. Field said that the applicant’s will request that.

Ms. Pohl arrived at 7:25pm.

Mr. Field discussed the homeowners association. He submitted copies to the Board and to the recording secretary. He explained that the method of allocating private road maintenance expenses will depend upon the amount of lots that will actually be built upon.

Mr. Wilson referred to Section 3.a. of the protective covenants draft document regarding private road. The sentence he questioned reads *Grantor does not intend to make Rocky Ledge Road a public street, but reserves the right to do so if so desired and permitted.*

Mr. Skowronski said that he had no problem removing the part of the sentence that reserved the rights to change the private road into a public road.

Dr. Arena said that from the very beginning the proposal was to include a private road, and in perpetuity it would never become a town road. He further stated that the Applicants would not have been able to proceed as far as they have with their proposal unless they accepted the fact that the proposed private road was never to become a town road.

Mr. Field said that the sentence would be removed.

Dr. Arena said that he was uncomfortable discussing the extensive material submitted at the meeting where he did not have the opportunity to take the time to review it thoroughly.

Mr. Wilson said that the Board will not act on the material presented this evening until the next meeting giving the Board ample time to review it. He said that the Town’s attorney will also have to review the documents presented.

Mr. Field submitted revised plan, and went over the revisions:

- Notes 11 (listing the granted waivers), and 12 (an identification of a problem on lot 1 regarding the vegetated swale).

- The widening of the easement was increased between the private road and the lots 1 & 2 from 40-feet wide to 50-feet wide.
- The private road extends up through the conservation easement area and to the lot line of the other two lots at which point it was discussed as being described as a driveway.

Mr. Field asked Ms. Creighton what the status was on the agreement between the Town and the Applicants regarding maintenance of the private road. Ms. Creighton said that it was being reviewed by Town Counsel and suggested Mr. Field email Steve Fournier and copy the Select Board inquiring about the status of the agreement.

Dr. Arena said that the only function of the Select Board regarding this proposal is that they accept the road as a private road.

Mr. Wilson said that the Select Board has to approve the issuance of building permits off of the private road.

Mr. Field referenced RSA 674:41.1.d.3 *prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought.*

Mr. Field said that it is up to the Applicants to prove to the Planning Board of what they propose to build will enable emergency and safety access to the lots, and that is separate issue from who is going to maintain and be responsible for it.

Mr. Wilson said that it was a standard requirement that the Planning Board has in reviewing a subdivision plan regardless of what type of road it is. He said that the Board has to be satisfied that the private road allows for emergency access.

The Board discussed the Conditional Use Permit Application to allow the private road to go through the wetlands buffer. Mr. Wilson said that there were two separate conditional use permit issues to discuss.

Mr. Wilson asked if there was any public comment on either one of the two conditional use permits. There was no public comment.

**Mr. Kroner Moved and Dr. Arena seconded the Motion to grant the conditional use permit for a wetlands crossing which requires less than 3,000 square feet of fill.**

Mr. Wilson noted for the record that the Conservation Commission advised that they concur with it.

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

The second Conditional Use Permit Application for the construction of the private road in the wetlands buffer as depicted on the plan dated February 17, 2009 was discussed.

**Mr. Kroner Moved and Dr. Arena seconded the Motion to grant the Conditional Use Permit under Section 409.10 to permit a road as depicted on the updated plan dated February 17, 2009 which allow the driveway to cross through the wetland buffer area. The vote was unanimous in favor of the Motion (6-0).**

Dr. Arena commented that the first step that should have been taken is the legal merging of the lots. Mr. Wilson said that the lots have to be merged before the Board can grant approval of the conservation subdivision.

Mr. Wilson said that the Board can't always approve the merger which is necessary prior to the subdivision until it is clear that it's going to be approved because the developer may not buy the lot without that surety.

Mr. Field said that they would be able to provide a copy of the draft deed showing the consolidation of the lots.

Mr. Wilson said that it was his recollection that the Department Heads were satisfied with everything except the Fire Chief raised an issue about the availability of water for fire suppression.

Mr. Field said that he recalled that there were two issues being raised. He said that Police Chief Page suggested very strongly that the driveways not be cut into the back lots until they were actually be under development for security purposes. He said that the second issue was raised by Fire Chief Lambert who said that he would like some type of water suppressant source somewhere in the range of 30,000 gallons.

Mr. Field explained that the wetland area to the south of the present driveway could be a spot for a fire suppression source of water.

Mr. Wilson said that he recalled Mr. Field noted that the detention pond for Mill Place development located at the junction of Squier Drive and Mill Road had an easement that was conveyed to the Town, and that therefore would be acceptable for any fire uses. Mr. Field remembers it being discussed but he didn't want to take credit for saying it.

Mr. Field said that he left each of the Department Heads with a draft letter which would indicate that they reviewed the proposal and considered it was fine. He said that either he or his clients will follow up with the Department Heads and they will try to get something in writing from them.

Mr. Wilson questioned whether or not it would be reasonable to require the construction of a fire pond for five house lots.

Mr. Kroner opined that the Board is adequately educated enough on this point to make a decision on whether or not a fire pond is necessary.

Mr. Wilson said that he agreed with Mr. Kroner, but it would be useful to have something from the Department Heads.

Mr. Wilson suggested the Board take a look at the criteria of the conservation subdivision ordinance to see if the Applicants have met the criteria. He commented on each of the criteria:

- The Master Plan states that the Town needs to work at preserving more open space
- The design of the subdivision places the lots around the conservation area, which makes it accessible to all of the lots
- The conservation land area is one big block of land, and maintains the integrity of the conservation area
- Because it is a large area of land with only 5 houses there is very little disturbance of natural features with the exception of the wetlands crossing the culvert, and the portion of road in the 100-foot buffer
- There are no narrow open space strips except the strip where the private road serving the two lots would go
- It is not fragmented
- The structure that is part of the plan suggested by the Select Board to shelter children waiting for the bus is the only structure that will benefit the inhabitants of the subdivision.

Dr. Arena asked if the proposal, if approved, would put pressure on the Parkhursts who own the lot surrounded by the Skowronski's land.

Mr. Wilson said that the owners have been in contact with Mr. Wilson with the possibility of North Hampton Forever acquiring that lot, and that they understand that their lot would be no better or worse with or without the subdivision.

Mr. Field said that there is a Statute that says that an isolated lot may compel an abutter to provide access to that lot for logging purposes, and an application is made to the Select Board.

Mr. Wilson suggested continuing the case to the March 5, 2009 meeting. The following needs to be done:

- Opinions from the Department Heads
- The final easement language and homeowners association document (Ms. Chase was directed to send copies to Attorney Matt Serge for his review)
- Submittal of the lot merger application – Mr. Field said that the Applicants have a draft deed that transfers all of the lots to Mr. & Mrs. Skowronski and Mr. Verra has provided a plan that shows the proposed consolidation. Mr. Wilson said that the applicant is delivering a voluntary lot merger application.
- Final document from the Select Board or make it a condition of approval.
- Some kind of an agreement from RCCD or make it a condition of approval.

Dr. Arena said that he would like all documentation days prior to the meeting to give the members a chance to review the material. He said that he is uncomfortable discussing material he did not have a chance to thoroughly review.

**Dr. Arena Moved and Ms. Pohl seconded the Motion to continue the Skowronski case # 08:15 to the March 5, 2009 meeting.**

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

Ms. Creighton stepped down.

Mr. Salomon was seated.

**09:01 – Federated Companies, LLC, 535 Boylston Street, Suite 203, Boston, MA 02116.**

The Applicant, Andrew Hobbs, Hobbs Sign Service, 40 Lowell Road, Salem, NH, on behalf of Federated Companies, requests approval of a Conditional Use Sign Application for the “Dollar Tree” Store with the following waiver: Article V, Section 506.6.K to allow a wall sign 88.48 square-feet in size. Property Owner: Federated Companies, LLC. Property location: 26 Lafayette Road, North Hampton, Map and Lot 003-101, zoning district I-B/R. This case is continued from the February 5, 2009 meeting.

In attendance for this application:

Shawn Smith, Representative of Blair Signs

Mr. Smith explained how they arrived at the size of the letters for the proposed sign at the Dollar Tree store.

Mr. Wilson explained to Mr. Smith that there is a zoning ordinance to be voted on in March prohibiting internally lit signs that is now in effect until the March meeting.

Mr. Salomon said that the Board can not approve anything that is pending before the Legislative Body.

The Board reviewed the waiver request from the size of the lettering.

Mr. Kroner said that he is not crazy about the size but can understand it with the proximity of the building to the road.

Mr. Smith explained that 10% of the population is in transit and the size of the letters proposed allows the driver to see and read in a timely manner. He said that the 18 inch letter height would hinder the business.

Mr. Salomon said that signage of the I-B/R zone is the function of the businesses. He said that the signage would indicate that the proposed sign is actually smaller than what the industry standard would be, and the arch on the wall minimizes the appearance of the sign to be overbearing.

Dr. Arena commented that as far as visibility is concerned the color green is the best color to use.

Mr. McManus suggested the Applicant agree to a smaller sign with downward lighting.

Ms. Pohl agreed with Mr. McManus.

Mr. Wilson thanked Mr. Smith for providing scientific information with the application. Mr. Smith said that he got his information from The Sign Source Book written by Attorney Claus.

Mr. Wilson commented that there will be at least two more occupants and two more signs at that location in the future.

Mr. Wilson opened the public hearing at 9:00pm.

Mr. Fucci said that he drives by that area a lot, and the proposed height of the sign would be reasonable for that location.

Mr. Kroner commented that the parking lot at the Dollar Tree store has been full every day since it opened using a 24 square-foot temporary sign.

Mr. Wilson closed the public hearing at 9:02pm

**Mr. McManus Moved and Mr. Salomon seconded the Motion to approve the waiver request to Section 506.6.K, not to exceed 70-square feet with downward lighting.**

**Mr. Salomon made a friendly amendment to add that the color and font style to remain as shown in the application.**

**Mr. McManus accepted Mr. Salomon's friendly amendment.  
The vote was unanimous in favor of the amended Motion (6-0).**

The Applicant was informed of his right to appeal the decision to Superior Court.

### **New Business**

David McGilvary introduced himself to the Board and informed them of his interest to serve as an alternate to the Planning Board. Mr. McGilvary said that he has lived in North Hampton all of his life, and is very concerned with the amount of development that has gone on in Town.

Mr. Kroner informed him of the Citizens Petition to extend the I-B/R district that is on the March Ballot.

Mr. Wilson explained that if the Board were to appoint him now than his term would expire next month, and that it would make more sense to appoint him next month.

Mr. McGilvary was invited to attend the March 5<sup>th</sup> meeting.

### **Update on Greystone Village**



Attorney Allen was in attendance. He said that the pending sale of one of the units fell through. He also informed the Board that a check for the outstanding engineering fees would be mailed out to the Town on Friday, February 20<sup>th</sup>.

Mr. Wilson was in receipt of an email from Altus Engineering with an estimate of \$6,800.00 for future engineering services on the development. Mr. Wilson said that a surety of that amount would need to be set up by GFI.

Attorney Allen informed the Board that Steve Goodman will be attending the March 5, 2009 meeting.

Mr. Wilson stepped down as Chair of the meeting.  
Mr. Kroner took over the work session meeting

Mr. Wilson updated the Board on the meeting with David Walker from the Rockingham Planning Commission regarding the Route 1 Corridor. He said that the number one priority for Route 1 was to put in signals and move the North Road intersection.

Mr. Kroner will invite Mr. David Walker to come to the next Work Session meeting.

**Mr. Wilson Moved and Dr. Arena seconded the Motion to approve the meeting minutes of January 6, 2009, January 20, 2009 and February 5, 2009 as amended.  
The vote was unanimous in favor of the Motion (6-0).**

**The Meeting was adjourned at 9:40pm.**

Respectfully submitted,

Wendy V. Chase  
Recording Secretary

Approved March 26, 2009