



MEETING MINUTES
NORTH HAMPTON PLANNING BOARD
Thursday, June 4, 2009
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, Barbara Kohl, Tom McManus, Laurel Pohl, and Michael Coutu, Select Board Representative.

Others present: David West, RPC Circuit Rider and Wendy Chase, Recording Secretary arrived at 7:20p.m.

Alternates present: None

Mr. Wilson convened the Meeting at 7:02pm and noted for the record that the Agenda was properly posted and there was a full Board in attendance.

Old Business

08:14 – James G. and Karen S. Confalone, PO Box 415, Rye Beach, NH 03871. The applicants propose a 3-lot subdivision on contiguous land located in Rye, NH and North Hampton, NH. Property owners: James and Karen Confalone. Property location: 41 Causeway Road, Rye Beach, NH, M/Lots 005-012, 013, 014, zoning district R-2. This case is continued from the May 7, 2009 meeting.

The Board was in receipt of a letter from Attorney Phoenix requesting a continuance on behalf of his Clients, Mr. & Mrs. Confalone, because he would be out of State and unable to attend this meeting.

Dr. Arena Moved and Ms. Pohl seconded the Motion to grant the request to continue case 08:14 – James and Karen Confalone to the July 2, 2009 Meeting.
The vote was unanimous in favor of the Motion (7-0).

09:02 – Peter Horne, Trustee F.S. 123 Nominee Trust, H.T.L.A.E.H., Nominee Trust. The Applicant proposes a 3-lot subdivision. Property owner: F.S. 123 Nominee Trust, H.T.L.A.E.H. Nominee Trust, Peter Horne Trustee, PO Box 1435, North Hampton. Property location: 110 & 112 Mill Road. M/L 006-147-2 and 006-147-3, zoning district R-2. This case is continued from the May 7, 2009 meeting.

In attendance for this application:

Attorney Bernie Pelech, Law Offices of Wholey & Pelech
Steve Oles, MSC Engineering
Peter Horn, Owner/Applicant

Mr. Wilson explained that a site walk of the property was conducted on May 28, 2009 where most of the Board was present.

It was a consensus of the Board Members who participated in the site walk that there is a substantial amount of usage and development already existing on the property and commented on the ecological sensitivity of the area and the close proximity to the Mill Pond. There is concern of the overall impact of a potential new residence, new lot, more traffic and potential fertilizers and pesticides that may have an impact on the Mill Pond. The subject of requiring an environmental impact study was broached.

Attorney Pelech said that Mr. Horne is very concerned about the environment and he uses no chemical fertilizers or pesticides on his property. He said that Mr. Horne's intention is to beautify the property and enhance the landscaping. He stated that his Client has been willing to do everything the Board has asked and would be willing to conduct an environmental impact study if the Board wanted him to do so. He said that they have already agreed to sign an agreement with the Select Board that the driveway would be a private roadway, have agreed to put in deed restrictions in deeds that all property owners shall share the responsibility of maintenance to the dam in the future, and the drainage analysis has been done. Mr. Pelech commented that he had hoped that the site walk had dispelled the belief that there is a commercial enterprise based upon the fact the Mr. Horne rents out two of his houses. Mr. Pelech referred to the study done on the River by Vanasse Hangen Brustlin, Inc. and noted that there was no case of any problems with regards to the Mill Pond that any algae blooms were reported downstream from the Mill Pond.

Mr. McManus said that Mr. Horne has been very cooperative with the Board.

Mr. Wilson said that he was concerned with getting an answer from an environmental impact study as to what is the impact of the whole site assuming another residence is built there, and how to mitigate it if there is. Mr. Wilson suggested the environmental study be performed by the Rockingham County Conservation District.

Mr. Oles went over the drainage study. He explained the underground storage chamber system. He explained that water runoff from a storm event goes into the first chamber and once that is full the runoff flows into the next chamber, and so on and so on. He said that it is designed to accommodate a 100-year storm event. He said it is about the size of a typical leach field.

He explained the chambers hold the water until it infiltrates into the ground. He said that as a result of the infiltration system there will be a significant reduction in all of the storm events. The drainage study is based on the proposed addition of the new residence and lot 147-2.

Dr. Arena asked how the maintenance would be handled on the infiltration system. Mr. Oles said that someone would have to be hired to clean it out from leaves and debris. He said that the manufacturer recommends that it should be cleaned out annually.

Mr. Pelech said that the system has been implemented in other municipalities and they have required a maintenance schedule be placed on file with the Department of Public Works and that a report is submitted to the Department of Public Works on an annual basis.

Mr. Pelech requested a continuance to the July 2, 2009 Meeting. Mr. Wilson advised him to put the request in writing and deliver it to Ms. Chase for the record.

Mr. McManus Moved and Dr. Arena seconded the Motion that the Planning Board seeks the opinion and advice of the Conservation Commission regarding whether or not an environmental impact analysis should be performed with respect to this application.

The vote passed (6 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained because he was not present for the entire discussion.

Mr. McManus Moved and Dr. Arena seconded the Motion that due to the location of the proposed project and the existing density to the Mill Pond this Board shall deem that an environmental impact analysis appears to be necessary for this subdivision.

Mr. Coutu questioned the word “appears” in the Motion made by Mr. McManus.

Mr. McManus removed the word “appears” from his Motion and Dr. Arena agreed.

The vote passed as amended (6 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained because he was not present for the entire discussion.

**Dr. Arena Moved and Ms. Kohl seconded the Motion to continue case #2009:02 – Peter Horne, Trustee F.S. 123 Nominee Trust to the July 2, 2009 Meeting.
The vote was unanimous in favor of the Motion (7-0).**

New Business

09:07 – Gilbert & Diane Gagne, 139 Walnut Ave., North Hampton, NH. The Applicants propose two-lot subdivision. Property owners: Gilbert & Diane Gagne, Trustees, Gilbert and Diane Gagne Revocable Trust. Property location: 139 Walnut Ave., M/L 019-054, zoning district R-2. The Applicant requests a waiver from subdivision regulation VIII.B.20 – Stormwater drainage control plan.

In attendance for this application:

Gilbert Gagne, Owner/Applicant
Thomas Brouillette, Surveyor

Mr. Brouillette presented an amended plan. He explained that the State requested an additional test pit be done by the existing house. The test pit was done on June 2, 2009. He explained the parcel is over 4 acres and the applicant proposes to subdivide it in half. There is plenty of frontage off of Winterberry Lane and a well radius is shown on the proposed lot but the area is also serviced by Aquarion water. The Stratham/North Hampton Town line is the boundary line. There is no property in Stratham. He said that the driveway would come off of Winterberry Lane

Mr. Wilson said that the waiver request would need to be dealt with first. The Applicant requests a waiver to the stormwater drainage control plan.

Mr. Brouillette said that the existing catch basin has the capacity to handle additional runoff due to the proposed development (one house lot). He said that there is a detention area at the end of Winterberry Lane also.

Mr. Wilson said that a drainage issue on Winterberry Lane back in 2003 was addressed and resolved.

Mr. Wilson opened the Public Hearing to the waiver request to the stormwater drainage control plan, subdivision regulation VIII.B.20 at 7:50 p.m.

Mr. Nathan Batchelder, 2A Winterberry Lane, said that he is concerned that the water that pools on the lot is not directed toward his home.

Mr. Brouillette said that there is a berm on the proposed lot that acts like a detention pond. He said that there are no wetlands on the site.

Mr. Larry Thomas, 9 Winterberry Lane, said that there is a Winterberry Homeowners Association, and they have an easement along Winterberry Lane where trees cannot be cut, and there may be an impact on the drainage if the trees are cut.

Mr. Wilson said that all easements are supposed to be depicted on the plan.

Mr. Brouillette said that he is not aware of any such easement.

Mr. Wilson closed the Public Hearing at 8:01p.m.

The Board agreed that the factual matter regarding the easement needed to be resolved before they could take jurisdiction of the application.

Mr. Coutu Moved and Dr. Arena seconded the Motion to grant the waiver to the stormwater drainage control plan subject to including, but not limited to, the easement question that has been identified with respect to the trees, etc. that this Board would have to review when it's appropriate to do so.

Mr. Kroner commented that the Board should keep in mind (if the application is approved) that a condition of approval regarding any proposed runoff from the new development be directed off of Winterberry Lane be added.

Ms. Kohl asked Mr. Brouillette if trees were cut down in the area would there be impact on drainage that would affect the abutters. Mr. Brouillette said that cutting trees does impact drainage.

The vote passed (6 in favor, 1 opposed and 0 abstention). Ms. Kohl opposed.

Mr. Gagne requested a continuance to the July 2, 2009 Meeting.

**Dr. Arena Moved and Mr. Coutu seconded the Motion to continue case #09:07 – Gilbert and Diane Gagne to the July 2, 2009 Meeting.
The vote was unanimous in favor of the Motion (7-0).**

09:08 – Federated Construction, 535 Boylston Street, Boston, MA. The Applicant, Shawn Smith of Site Enhancement Services, 6001 Nimtz Parkway, South Bend, IN, on behalf of the owner, requests a waiver from Article X, Section 10.F.3.b.3 to allow for Dollar Tree

design color for the non-illuminated awnings. Property owner: Federated Companies.
Property location: 26 Lafayette Road. M/L 003-101, zoning district I-B/R.

In attendance for this Application:

Sean Smith, Site Enhancement Services

Mr. Smith apologized on behalf of the Dollar Tree Store that the awnings were installed and were not part of the final approved site plan. The awning had been omitted from the original plans.

Mr. Smith explained that the awning was made of a vinyl material guaranteed not to fade and discolor but if discoloration did occur it would be replaced by the manufacturer. He said that there would be no modification to the existing goose neck downward lighting, and there would be no text added to the awning.

Dr. Arena pointed out that the Dollar Tree Store in Seabrook does not have an awning. Mr. Smith explained that the Stores are changing to include awnings to give customers a little respite in inclement weather.

Mr. Kroner expressed his concerns with the store as it exists currently and said that the Board approved a large wall sign because it was under the impression that a road sign would not be erected. After approval of the large wall sign a road sign was erected. He said that the air conditioning roof top units are not currently screened and are supposed to be.

Mr. Wilson said that the awning is made out of plastic and the shade of green is not the same shade of green on the Dollar Tree sign. He opined that it "cheapens" the look of the Store.

Mr. Wilson opened the Public Hearing 8:40 p.m.

Mr. Fucci said that the awning helps identify the Dollar Tree Store and that is good for business. He said that the vinyl material is a good choice because he has had fabric awnings before and they only last four to five years and are very expensive.

Mr. Wilson closed the Public Hearing at 8:43 p.m.

**Mr. Kroner Moved and Ms. Kohl seconded the Motion to deny the waiver request subdivision regulation X.F.3.b.3 to allow the Dollar Tree design color for the reason that it does not utilize a fabric or fabric-like material.
The vote was unanimous in favor of the Motion (7-0).**

Mr. Smith asked if he could continue his case to the next Planning Board Meeting and ask the Dollar Tree Store Company what they would like to do.

**Mr. Kroner Moved and Dr. Arena seconded the Motion to reconsider his Motion to deny the waiver request for case #09:08.
The vote was unanimous in favor of the Motion (7-0).**

Mr. Kroner Moved and Mr. Coutu seconded the Motion to rescind his Motion to deny the waiver request for case #09:09.

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

Mr. Kroner Moved and Mr. Coutu seconded the Motion to continue case #09:08 to the July 2, 2009 Meeting.

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

Mr. Wilson explained that Mr. Smith would have to come back before the Board even if the Company decided to change the awning to a fabric or fabric-like material for Planning Board approval.

Other Business

Mr. Wilson asked Ms. Chase to forward the information on the RPC hosted workshop for new Planning Board members to Mr. McGilvary. The workshop is Thursday, June 25, 2009 from 7:00p.m. to 9:00p.m.

A Motion was made and seconded to adjourn at 8:55p.m. The vote was unanimous in favor of the Motion (7-0).

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved June 18, 2009