



**MEETING MINUTES
NORTH HAMPTON PLANNING BOARD
Thursday, August 6, 2009 at 7:00 p.m.
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; Joseph Arena, Barbara Kohl, Tom McManus, and Laurel Pohl.

Others present: Wendy Chase, Recording Secretary

Alternates present: Vince Vettrai

Members Absent: Shep Kroner, Vice Chair, and Michael Coutu, Select Board Representative.

Mr. Wilson convened the Meeting at 7:02 p.m.

Mr. Wilson seated Mr. Vettrai for Mr. Kroner.

Old Business

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 July 2, 2009 meeting.

There was no one in attendance for this application. Mr. Wilson said that the Applicant has requested, in writing, a continuance of his case to the September Meeting. Mr. Wilson also informed the Board that the Applicant has agreed to pay for the peer review to be done by Dr. Leonard Lord.

**Dr. Arena moved and Ms. Kohl seconded the motion to continue case #09:02 – Peter Horne to the September 3, 2009 Meeting.
The vote was unanimous in favor of the motion (6-0).**

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. This case is continued from the July 2, 2009 meeting.

In attendance for this application:

Shawn Smith, Site Enhancement Services

Mr. Smith showed samples of the awning material. He explained that Dollar Tree usually uses different shades of green on their awnings and signs for the stores, but agreed to match the color of the awning to the color of the sign as the Board suggested at their last Meeting. He further explained that the awning is seamless and the angle of the awning prevents snow accumulation. He said that although the awning itself has a “shelf life” of one year, the Company replaces them before noticeable deterioration.

Mr. Wilson opened the Public Hearing at 7:15 p.m.

Mr. Wilson closed the Public Hearing at 7:16 p.m. without public comment.

Mr. McManus moved and Mr. Vettraino seconded the motion to grant the waiver request from Site Plan Review Regulation X.F.3.b.3 to allow for the design color of a non illuminated awning.

The vote passed (5 in favor, 1 opposed and 0 abstention). Ms. Kohl opposed.

The Board discussed taking jurisdiction of the application.

Mr. McManus moved and Mr. Vettraino seconded the motion to take jurisdiction of the application, case #09:08.

The vote passed (5 in favor, 1 opposed and 0 abstention). Ms. Kohl opposed.

The Board voiced concerns over deterioration of the awning, and agreed that if it were approved, that conditions be implemented to secure a maintenance schedule of the awning.

Mr. Smith said that he could write a letter to the Town stating that the awning would be maintained to the condition that it was approved.

Dr. Arena moved and Mr. McManus seconded the motion to approve the awning with the condition that the Applicant shall submit a letter to the Town of North Hampton stating that the awning will be replaced or repaired, as appropriate, to its approved condition within 90-days of notification by the Code Enforcement Officer that the awning is in need of repair.

Mr. Wilson opened the Public Hearing at 7:24 p.m.

Mr. Wilson closed the Public Hearing at 7:25 p.m. without public comment.

The vote passed (5 in favor, 1 opposed and 0 abstention). Ms. Kohl opposed.

New Business

09:10 – Aquarion Water Company of NH. On behalf of Aquarion Water Company of NH, Geosphere Environmental Management, Inc. is requesting a Conditional Use Permit

per Article IV, Section 409.10, for the purpose of replacing approximately 1.050 linear feet of corroded water main with new high density polyethylene pipe. Approximately 620 linear feet of water main falls within a jurisdictional wetland area in the Towns of Rye and North Hampton. Property owners: Town of Rye and Town of North Hampton. Property location: Pond Path, North Hampton and Fairway Drive, Rye, NH. Zoning district R-2.

In attendance for this application:

Carl McMorran, Aquarion Water Company

Corey Miles, Geosphere Engineering

Jeffrey Murawski, Tata & Howard Inc., Consulting Engineers

Mr. Murawski explained that the pipe they intend to replace was installed in the 1990s and has deteriorated greatly. He went on to explain the replacement procedure, and the method they would take to protect the resource areas, and the abutters. They are proposing to replace the water main with a trenchless method called Pipe Bursting. Pipe Bursting technology was selected over an open cut method to replace the existing water main because it does not require extensive excavation and results in the least amount of impact to the wetland area. The bursting and replacement of the water main with HDPE pipe will require 4 temporary launching/receiving pits. The hydraulic equipment is placed in the launching/receiving pit, and guide rods are assembled and pushed through the host pipe to the next launching/receiving pit. The bursting head, expander and new HDPE pipe are attached to the guide rods. The assembly is then pulled through the host pipe, crushing it into the surrounding soil.

Dr. Arena asked how the abutters would get water during construction. Mr. Murawski said that the abutters would not be without water at any time because there are isolated valves where they are able to shut down without the loss of service to the users.

Mr. McManus questioned the hours of operation during the construction. He voiced concerns over the noise and fumes of the equipment if it was powered by diesel fuel.

Mr. Murawski said that the project should last no more than 15 days, and that the equipment would not be used the entire 15 days.

Mr. Wilson asked Mr. McMorran if Aquarion has ever used this technology. Mr. McMorran said that it has been used, but not in New Hampshire.

Mr. Vettrano was interested in receiving information on potential problems with this type of technology, especially where it concerns the wetlands, and remedies to those potential problems. Mr. Murawski said that he could do some research and provide it to the members.

Mr. McManus said that he would also like a brief history of the technology, and confirmed success stories.

Dr. Arena did not think it was necessary for them to come back to the Board with more information. He said that the technology has been around for decades. He said the technology has been proven.

The Board reviewed the criteria under Article IV, Section 409.10:

- A. The proposed construction is essential to the productive use of land not within the wetlands;
- B. Design and construction methods will be such as to minimize detrimental impact upon the wetland site and will include restoration of the site as nearly as possible to its original grade and condition;
- C. No alternative, which does not cross a wetland or has less detrimental impact on the wetland is feasible;
- D. All other necessary permits have been obtained.

The Applicant has stated in the application that the ground will be returned to equal or better than prior conditions by the contractor if any damage to the ground surface occurs from the construction activities.

Ms. Miles said that they have applied to NHDES for a wetlands application, and that the Conservation Commission would be reviewing it at their August 11, 2009 Meeting.

The Board agreed that the Applicant had satisfied the criteria under 409.10.

Dr. Arena said that it is a rapid and minimally invasive procedure, and is very impressed with the technology. Mr. Wilson agreed.

Mr. Murawski said that after replacing the pipe, the main would be flushed, and the required bacteria tests would be done.

Mr. Wilson opened the Public Hearing at 8:02 p.m.

Mr. Wilson closed the Public Hearing at 8:03 p.m. without public comment.

Mr. McManus moved and Dr. Arena seconded the motion to approve the conditional use permit application for case #09:10 – Aquarion Water Company, as presented with the following conditions: (1) the Applicant shall provide a copy of the requisite NH DES permit prior to beginning construction, and (2) the Applicant shall submit a letter to the Town of North Hampton stating that they agree to a restriction on hours of operation to a period between 8:00am and 6:00pm for the duration of the project.

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

09:11 – Dean Stevens, 273 Atlantic Ave., North Hampton. Applicant, Jon Bowers, 7 Lafayette Road, requests a change of use from an auto rental business to retail auto sales. Property owner: Dean & Cora Stevens Trustees of the Dean & Cora Stevens Trusts. Property location: 172 Lafayette Road. M/L 17-84-1, zoning district I-B/R.

In attendance for this application:

Jon Bowers, Applicant

Gary Stevens, Property Manager

Mr. Bowers explained that his retail auto sales business is currently located 7 Lafayette Road, and he would like to relocate at 172 Lafayette Road. The previous business located at 172 Lafayette Road was a rental car business. He explained that there would be no changes done to the building, and no servicing of vehicles in the building. He said that the cars would be delivered by truck at the front of the building.

Mr. Wilson commented on the fact that when the Planning Board approved Mr. Bower's application for operating his business at 7 Lafayette Road they were assured that the vehicles would not be displayed outside of the show room, and then he did display them outside of the showroom, which has been a bone of contention on the Board. He asked Mr. Bowers where he intended to showcase his vehicles. Mr. Bowers said that he is planning to display the vehicles inside and outside along the front of the building.

Mr. Bowers had a copy of an old site plan as part of his application that showed the buildings as "proposed", and the plan did not show handicapped parking spaces. Dr. Arena voiced concerns on the fact that the presented site plan showed *proposed* buildings. He suggested that the Applicant present a site plan that shows what is actually on the site. He said for reference purposes the Board needs to know what it actually on the site.

Mr. Stevens explained that they plan to do a new site plan of the property once the family decides what they are going to do with it.

Dr. Arena moved and Mr. McManus seconded the motion to take jurisdiction of the Application for case #09:11.

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

Mr. Wilson opened the Public Hearing at 8:52 p.m.

Mr. Wilson closed the Public Hearing at 8:53 p.m. without public comment.

Mr. McManus moved and Dr. Arena seconded the motion to approve the Change of Use Application for case #09:11 – Dean Stevens, with the following condition: The new use must comply with all points under Section XIII.13 – State Dealer's license requirements, and prior to receiving a Certificate of Occupancy, the Applicant shall submit an existing conditions plan to the Code Enforcement Officer. Parking spaces for the handicapped shall be depicted on the plan in a sufficient number to meet the requirements of the law. The Code Enforcement Officer shall verify that the plan represents accurately what is on the site and shall provide a written record that he has verified that the plan does accurately represent what is there. While it is not required, it is expected that the plan will be submitted prior to the Planning Board's 20 August 2009 Work Session.

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

Other Business

- 1. *Preliminary Consultation – Nickolas Lupoli, 56 Lafayette Road, North Hampton to discuss proper course of action for a proposed change of use at 56 Lafayette Road, North Hampton**

In attendance for this consultation:

Christopher Simons, Proposed Applicant

Nickolas Lupoli, Owner

Mr. Simons was before the Board to ask for advice on relocating his business, currently located at 60 Lafayette Road, to 56 Lafayette Road, which was previously occupied by Ameri Pride Linen Service as a distribution storage facility.

The Board discussed on whether or not Mr. Simons would need to apply for a Site Plan Review Application or a Change of Use Application.

Mr. Simons said that he is a “one man” shop and services three to five cars per day. He does oil changes at a very low volume. He also offers machine shop services, but his business is “word of mouth” and he does not advertise.

The last approved application for that building was in 1992 and a condition was added where retail use was not to be allowed.

The Board decided that the Applicant would need to apply for a Change of Use Application.

Any other business to come before the Board.

Mr. Wilson encouraged the Board members to thoroughly read the environmental study performed on Peter Horne’s property so that they would be prepared to ask any questions they had at the September 3, 2009 Meeting. He said that Dr. Lord should have his peer review completed by then.

Mr. McManus moved and Ms. Kohl seconded the motion to adjourn at 10:00pm. The vote was unanimous in favor of the motion (6-0).

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved September 17, 2009