



Meeting Minutes
North Hampton Planning Board
Thursday, January 7, 2010
Mary Herbert Conference Room

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription; they were transcribed from a video recording of the meeting; a Recording Secretary was not present.

Members present: Phil Wilson, Chair; Shep Kroner Vice Chair; Joseph Arena, Tom McManus, and Michael Coutu, Selectmen's Representative.

Members absent: Laurel Pohl and Barbara Kohl

Alternates present: None

Others present: Brian Groth, RPC Circuit Rider

Mr. Wilson convened the meeting at 7:00pm and noted that the agenda was properly posted and that there was a quorum.

I. New Business

09:12 – Thomas & Cheryl Nowak, 64 South Road. The Applicants have applied for a Conditional Use Permit under Article IV, Section 409.10 to construct a roadway to access their backland. Property owners: Thomas & Cheryl Nowak; property location: 64 South Road, M/L 008-145-001, zoning district R-1. This case is continued from the December 3, 2009 meeting.

Mr. Wilson remarked that the first agenda item, regarding case #09:12 – Thomas and Cheryl Nowak was to be continued from the December 3, 2009 meeting to the February 4, 2010 meeting and was mistakenly added to the January 7, 2010 agenda; therefore the Board would not be taking any action on the case this evening.

10:01 – Barbara Peterson, 8 Spruce Meadow Drive, North Hampton. The Applicant proposes a change of use from office space to a commercial non-accredited school – NHASA. Property owner: Rhone Properties, LLC, 11 Court Street, Suite 100, Exeter, NH 03833. Property location: 65 Lafayette Road, M/L 007-064-000; zoning district: I-B/R.

In attendance for this application:

Barbara Peterson and Scott Alexander, Applicants

Ms. Peterson explained that the subject building is located in the I-B/R district where accredited commercial schools are permitted; her school is not accredited. She said that in order to become accredited, the school would have to be occupying an approved facility. She said that all of the paperwork to become accredited has been completed, but they have been unable to formally apply because they need to be occupying an approved facility.

Ms. Peterson said that she is the executive director of the school, and is an accredited and certified teacher since 1992. She said that the school is registered with the State as a nonprofit organization.

Mr. Wilson said that the Planning Board would not be allowed to approve the change of use, because the zoning ordinance states that only accredited commercial schools are permitted in the I-B/R district. He said that the Applicants would need to seek a variance from the ZBA to allow a non-accredited school in that location. He further stated that the Board could approve the change of use contingent upon the school becoming accredited, but they would not be allowed to occupy the building until they received that accreditation.

Ms. Peterson explained that they can't get accredited unless they have an approved location. She said that they are in a "tough" position because they have been served with a "cease and desist" order from the Code Enforcement Officer, and are unable to continue running their school out of their home.

Mr. Wilson explained that the Planning Board is authorized to review applications that are in compliance with the zoning ordinance, and in compliance with either the site plan, subdivision, and excavation regulations. He said that the Planning Board has no authority to approve the change of use for the non-accredited school where it is not permitted as stated in the zoning ordinances.

Ms. Peterson explained that they have tried to get a variance in other towns and proving hardship is very difficult, and she feels that they don't qualify.

Ms. Peterson said that she was led to believe by Mr. Mabey that going before the Planning Board was the route to go.

Mr. Wilson suggested they ask if the Building Inspector could grant them an occupancy permit contingent on becoming accredited; but they would be running a risk of moving in and failing to obtain accreditation.

Discussion ensued over whether or not the applicants would need to apply for a variance from the ZBA. Ms. Peterson explained that it was her understanding that Mr. Mabey suggested that they apply to the Planning Board for a change of use and the board may approve the change with the condition that they become an accredited school.

Dr. Arena commented on the obligation made to the students already enrolled in Ms. Peterson's school and to their parents, and thought that they would be able to come up with some kind of workable plan so that the students are not just suddenly "dropped".

Ms. Peterson said that Mr. Mabey advised her to apply to the Planning Board for a change of use with approval to be contingent upon the school becoming accredited.

Mr. Wilson said that Ms. Peterson's comment answered his original question; that Mr. Mabey would allow them to occupy the building contingent upon accreditation.

The Board discussed whether or not they had enough information to take jurisdiction of the application.

Dr. Arena moved and Mr. Coutu seconded the motion to take jurisdiction of case #10:01. The vote was unanimous in favor of the motion (5-0).

The Board discussed the criteria dealing with a change of use application:

1. Parking – the requirement for a private school is 2.5 parking spaces per classroom and 1 space per teacher and staff. Ms. Peterson said that she will have 4 classrooms and 6 teachers/staff. It was determined that there would be a sufficient amount of parking.
2. Septic system – Mr. Mabey reviewed the septic plan and stated that the current septic system is more than sufficient to handle the school.
3. Safety – Ms. Peterson said that Mr. Mabey was accompanied by Acting Fire Chief Dennis Cote and they inspected the site, and have given the Applicants a "punch list" of minor adjustments that need to be done prior to occupying the building, i.e. Lighting changes and adding a "crash bar" to the door.

Mr. Groth questioned "drop off" and "pick up" of students. Ms. Peterson said that they pick up the students in a van and drop them off. She said that it's a rare occasion when parents have to come and pick their child up or drop them off.

Mr. McManus questioned security in the building. Ms. Peterson said that there is protocol in place to deal with any emergency situation. She said that they have labs, and a lot of the Science experiments are done on the computer, she said they do not use of chemicals or Bunsen burners. She explained that they also have policy and procedures in place regarding "drop off" and "pick up" of each student.

Ms. Peterson said that the students go elsewhere for music and sports. She explained that they are not required to offer sports and music to become accredited, but they are required to require it from the students. Ms. Peterson said that they do not intend to ever offer these extracurricular activities at their current or future facility.

Mr. Wilson opened the public hearing at 7:55pm.

Mr. Wilson closed the public hearing at 7:56pm without public comment.

Mr. McManus asked how long it would take the Applicants to obtain accreditation. Ms. Peterson estimated it to take up to a year or a little longer.

Mr. McManus moved and Dr. Arena seconded the motion to approve the change of use for case #10:01 contingent upon the Applicant's furnishing the Town with all letters of accreditation as provided by the State of New Hampshire no later than December 31, 2010. The vote was unanimous in favor of the motion (5-0).

10:02 – Joseph Kutt and Jennifer LeClaire, PO Box 294, North Hampton. The Applicants request a change of use from a Flower Shop to a Pilates Studio and office space. Property owners: Joseph Kutt and Jennifer LeClaire, Property location: 225 Atlantic Ave., M/L 007-151, zoning district I-B/R.

In attendance for this application:
Jennifer LeClaire, Owner/Applicant

Ms. LeClaire explained her proposal to change the use of the building at 225 Atlantic Ave. from a flower shop to a Pilates Studio and two office spaces. She explained that the Building Inspector and Acting Fire Chief inspected the building and let her know what improvements needed to be made to the building. They will have to replace all the fire walls, fire doors, and make electrical updates. She said that they have applied to New Hampshire Department of Environmental Services for a septic approval for the building.

Ms. LeClaire said that the Pilates Instructor has four or five clients per day, and may only have one client at a time.

Mr. Kroner moved and Mr. McManus seconded the motion to take jurisdiction of case #10:02. The vote was unanimous in favor of the motion (5-0).

The Board discussed the location of the proposed updated septic system. Ms. LeClaire explained that the Store has its own septic system and the new system will be for the subject building (225 Atlantic Ave) only.

Mr. Kroner moved and Dr. Arena seconded the motion to approve the change of use for case #10:02 contingent upon State septic approval and that the approved septic plan is executed.

Mr. Wilson opened the public hearing at 8:15pm.
Mr. Wilson closed the public hearing at 8:16pm without public comment.

Dr. Arena asked about "lighting". Ms. LeClaire said that there are flood lights on the building that are illuminated until 4:00am.

Mr. Groth questioned whether the board would need a copy of the easement from Ms. Lamprey, because the proposed septic will be within the easement area.

Mr. Wilson said that the land was owned by Guilford Railway and sold to Joanne Lamprey, and that the owners of the building had to be given easements. Ms. LeClaire said that there should be a copy of the easement on file.

The vote was unanimous in favor of the motion (5-0).

08:15 – Richard Skowronski and Leila Hanna, 142 Mill Road, North Hampton. The Applicants request a 1-year extension on the Conditional approval for the "Rocky Ledge" Conservation Subdivision to March 5, 2011.

The Board was in receipt of a request for an extension on the conditional approval for the "Rocky Ledge" Conservation Subdivision from Richard Skowronski and Leila Hanna. The petitioners were not present for the discussion.

Dr. Arena moved and Mr. Kroner seconded the motion to grant the one-year extension on the conditional approval for the “Rocky Ledge” Conservation Subdivision to expire March 2011. The vote was unanimous in favor of the motion (5-0).

Other Business

Dr. Arena brought a couple of his concerns to the Board’s attention.

Dr. Arena said that there is a lot on Woodland Road that has been “clear cut” and has a “for sale” sign on the property. Mr. Coutu explained that the lot in question was not “clear cut”. He said that a house was razed on the property giving the appearance that the lot was “clear cut”.

Dr. Arena said that there may be a violation of Section 505 – Temporary Structures, on a piece of property that houses a large yellow building behind the mobile station off of Lafayette Road. He said that there is a vehicle that has a “stuffed animal” on it, and has been there for over 90 days.

Mr. Wilson read Section 505.2.A into the record:

In an Industrial Business Zone, each lot may have one vehicle as described in Section 505.2 for periods not to exceed a total of 90 days annually. A permit shall be required for each use. The permit will be issued by the Building Inspector’s office only if it feels such use of a vehicle would not be detrimental to the area.

Dr. Arena suggested informing the Code Enforcement Officer of the possible violation. It was noted for the record that there may be a violation of Section 505.2.A on the property in back of the Mobile Station, and that Ms. Chase should forward a copy of this portion of the minutes to Mr. Richard Mabey, the Code Enforcement Officer so that he may investigate the possible violation.

Mr. Wilson said that he received a phone call regarding the sign “stuff for sale” off of Lafayette Road and questioned whether or not that area could be considered a “junk yard”. He suggested Mr. Mabey look at that area to determine whether or not it is a “junk yard”.

The Board decided to add the topic of “junk yards” on the next Work Session Agenda.

A motion was made and seconded to adjourn the meeting at 8:30pm.

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved January 21, 2010