



Meeting Minutes
North Hampton Planning Board
Thursday, October 7, 2010 at 6:30pm
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, Chair; Barbara Kohl, Vice Chair; Shep Kroner, Joseph Arena, Laurel Pohl, and Jim Maggione, Select Board Representative.

Members absent: Mike Hornsby

Alternates present: Michael Coutu

Others present: Brian Groth, RPC Circuit Rider, and Wendy Chase, Recording Secretary

Mr. Wilson convened the meeting at 6:35pm, and noted for the record that the Agenda was properly posted.

Mr. Wilson seated Mr. Coutu for Mr. Hornsby.

#10:14 – Brent & Maria Flemming, 331 Exeter Road, Hampton Falls, NH 03844. The Applicants propose through a Site Plan Review Application to raze the existing house and construct an 8,889 square foot daycare center with outdoor recreation areas and a parking area. The Applicants request waivers from Site Plan Regulations X.B.4 and X.A.4. Property owner: BTG Property #2, LLC, 60 Windsor Blvd., Londonderry, NH 03053; Property location: 1 Post Road; M/L 003-089-000; zoning district I-B/R.

In attendance for this application:
Joseph Coronati, Jones and Beach Engineers
Attorney Timothy Phoenix
Joe LaGrasse, Architect, JD LaGrasse & Associates, Inc.
Brent & Maria Flemming, Applicants

Mr. Coronati presented the proposal and addressed issues and concerns from the Town’s Engineer, Police and Fire Chiefs and RPC Circuit Rider, Brian Groth.

- There will be one-way traffic on the site
- 40 parking spaces allowing for less backup from drivers taking a left to go out
- The aisle way will be 24-feet wide
- There will be a concrete sidewalk
- The dumpster will be located north of the property

- 45 • Drainage will be no problem because of the heavily graveled area; there will be a major
46 impervious surface reduction; from 82% down to 35% because the current site is heavily
47 compacted and has no detention ponds or detention areas
- 48 • Rain gardens will be installed on the north and south side of the lot for stormwater treatment;
49 the parking lot will drain into the rain gardens
- 50 • Snow will be pushed back and stored on the northerly side of the property

51

52 Mr. LaGrasse explained the following:

- 53 • There is one principal entrance for security reasons
- 54 • The infants and toddler rooms have separate doors for egress; all other rooms exit out the front
55 and rear of the building
- 56 • The egresses lead to the play areas, which are fenced-in and tied-in together so teachers can go
57 from one play area to another
- 58 • There are 12 separate rooms for the children categorized by age group

59

60 Dr. Arena commented that the plan submitted by the Architect only showed two elevation sides of the
61 building. He also mentioned that the conceptual plans did not show lighting on the building.

62

63 Mr. LaGrasse said that he would get copies of the elevations on the other sides of the building for the
64 Board and that the lighting plan was submitted to the Board by Jones and Beach as part of the site plan
65 and referred them to Sheet L1.

66

67 Ms. Flemming said that the children will never be outside when it is dark.

68

69 Mr. Coronati presented the waiver requests. He mentioned that the Town's Engineer stated in his
70 review that he is not opposed to the request from Site Plan Regulation X.A.4 – allows 2 driveways **only**
71 when a lot has 300 or more feet of frontage. He said that although they find it desirable to limit the
72 number of driveway entrances at Lafayette Road, they also find it desirable for the proposed one-way
73 access provision given the intended use of the site in question as a day school. He stated that he is not
74 opposed to request X.B.4 to permit the construction of 90-degree parking spaces accessed by a one-way
75 parking aisle because the site has been designed to properly enforce the one-way circulation pattern
76 planned through pavement marking and signage.

77

78 Police Chief Brian Page reviewed the plans and sent a letter to the Planning Board with his concerns on
79 the proposal. He is concerned with the proposed traffic flow through the front parking lot of the facility.
80 He stated that the flow of traffic during drop off/pick times of the children may result in backup of traffic
81 into the southbound lane of Lafayette Road.

82

83 Mr. Coronati said that they have met with NH DOT and by their codes the Applicant would be allowed to
84 have two curb cuts off of Lafayette Road and two off of Post Road. DOT suggested that they widen the
85 shoulder to allow for a de-acceleration lane heading south helping alleviate traffic backup. Mr. Coronati
86 also mentioned that unlike a traditional grammar/high school, drop off/pick up times for the children
87 vary throughout the day, and the when dropping the children off, the car is parked and the child is
88 walked into the facility. Mr. Coronati submitted an excel spreadsheet with traffic data for the current
89 location of Imprints daycare located just down the Road. It showed that the most cars at that location
90 at one time were 10. Ms. Flemming said that she picked two current weeks of data, but could get the

91 Board data for any other week over the past year. Mr. Coronati said that six cars can be stacked at the
 92 throat of the exit and 10 vehicles can be stacked on the proposed site. He said that they will also have
 93 ample signage and striping on the roadway for direction.

94
 95 The Board discussed the waiver request from Site Plan Review Regulation X.A.4.

96
 97 Mr. Groth said that the proposal to have two access points to serve the parking area would be more
 98 efficient by encouraging a one-way flow of traffic. He mentioned that the site has over 250-feet of
 99 frontage; not far off from the 300-foot requirement. He said it would be safer to have two access
 100 points.

101
 102 Mr. Kroner commented that the Board should be conscious of future development of the property north
 103 of this site.

104
 105 Mr. Wilson asked Mr. Groth to contact Teresa Walker to look at the Brownfields, regarding possible
 106 contamination of the bus site to use for a future point of reference.

107
 108 Ms. Kohl said that she would like left turns to be prohibited when exiting and entering the site. She said
 109 that it is a very busy and dangerous traveling area, and not everyone obeys the traffic laws.

110
 111 Mr. Coronati explained that the people entering the site are repeat clients that become familiar very
 112 quickly of the traffic pattern.

113
 114 Ms. Pohl said that she would like to see more markings at the entrance and exit. She suggested painting
 115 markings on the pavement.

116
 117 Dr. Arena said that the de-acceleration lane is helpful, and the proposed plan is very good.

118
 119 Mr. Maggiore said that most of the families are travelling from the south heading north. He said that
 120 the plan alleviates possible accidents and he would be in favor of it. He said that the waiver is
 121 applicable.

122
 123 Mr. Wilson opened the Public Hearing to waiver request X.4.A at 7:31pm.

124
 125 A Real Estate Agent from the Masiello group said that there have been no major accidents at the current
 126 day care site just down the road.

127
 128 Mr. Wilson closed the Public Hearing at 7:32pm.

129
 130 **Ms. Pohl moved and Dr. Arena seconded the Motion to grant the Waiver Request from Section X.A.4**
 131 **of the Site Plan Regulations.**

132 **The vote passed in favor of the motion (6 in favor, 1 opposed and 0 abstention). Ms. Kohl opposed.**
 133

134 **Mr. Wilson opened the Public Hearing for waiver request X.B.4 at 7:34pm.**

135 **Mr. Wilson closed the Public Hearing at 7:34.05 without public comment.**

136

137 Mr. Groth said that the waiver is not needed in regards to traffic flow because it requires one-way traffic
138 in the event of angled parking and the Applicant is proposing perpendicular parking with an aisle width
139 of 24-feet where 22-feet is required.

140 **Ms. Kohl moved and Mr. Coutu seconded the motion that the waiver request to Section X.B.4 is not**
141 **required.**

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

143

144 Mr. Groth commented that the application is not complete because Section X.F.2.d of the architectural
145 standards requires elevations for all sides of the proposed structure and only two sides were submitted.

146

147 **Dr. Arena moved and Mr. Kroner seconded the motion to accept jurisdiction of the application for**
148 **case #10:14 – Brent & Maria Flemming (imprints Day Care).**

149

150 Ms. Kohl would like to have copies of all four elevations of the building.

151

152 **The vote passed in favor of the motion (6-1-0). Ms. Kohl opposed.**

153

154 The Board discussed whether or not to proceed with the case, due to the late hour, or continue it to
155 next month.

156

157 Dr. Arena suggested reviewing the landscaping plan to make sure the plan is adequate. He said that
158 plantings should be low to the ground so they don't interfere with the sight line.

159

160 Mr. Wilson mentioned that the plants on the east side of the parking lot should be salt-tolerant because
161 the snow storage will kill plants that are not.

162

163 The Board discussed concerns that there was no exit door on the north elevation of the building. Mr.
164 Coronati said that if there is a door that does not lead to a fenced-in play area it could lead to a potential
165 safety hazard with children escaping and wondering outside.

166

167 It was suggested that they add a crash bar high enough so that it is out of children's reach or to install an
168 alarm on the door.

169

170 Mr. Coutu commented on the proposed use of wood chips in the playground areas and explained that a
171 lot of investigation was done by the North Hampton Elementary School on ground materials used in
172 playground areas. He said that wood chips are not preferred because of insects.

173

174 Mr. Maggiore told the Applicants that he would try and get a copy of the study, done by the School, and
175 forward a copy to them.

176

177 Ms. Flemming said that the New Hampshire Bureau of Child Care Licensing has to approve everything
178 inside and out of the Day Care facility. Wood chips are allowed and she uses them in the preschool
179 area; she does not use them in the toddler area because they put everything in their mouths. She said
180 that she has tried to grow grass, but it ends up being mud.

181

182 Mr. Groth commented that the sight line won't be affected by the proposed landscaping; the plan is a
183 positive thing because it mitigates the view of the parking lot.

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The Board suggested the case be continued to the November 4, 2010 meeting and that the Applicants be prepared to address the following issues:

- More signage for one-way in and out traffic
- Exit door on the north elevation of the building
- Submit all four elevations of the building
- Prepare to address the landscape plan

Mr. LaGrasse said that the building has to meet all building codes, including all safety codes.

Mr. Coutu moved and Mr. Maggiore seconded the motion to continue case #10:14 – Brent & Maria Fleming, Imprints Day Care to the November 4, 2010 meeting. The vote was unanimous in favor of the motion (7-0).

Mr. Wilson called for recess at 8:25pm.
Mr. Wilson reconvened the meeting at 8:28pm.

#10:15 – Russell Jeppesen, PO Box 990, North Hampton. The Applicant proposes a lot line relocation through a Lot Line Adjustment Application reducing 5 lots down to 4 lots. Property owner: Russell Jeppesen; Property location: Atlantic Ave., and Mill Road; M/L 7-31-2, 2-5, 2-6, 7-32 and 6-39; zoning district R-1.

In attendance for this application:
Attorney Michael Donahue, Donahue, Tucker and Ciandella Law Firm
Russell Jeppesen, owner/applicant

Ms. Kohl recused herself because she is an abutter to Mr. Jeppesen’s property.

Mr. Donahue explained that the lot line adjustment, if approved, would result in a reduction of lots; from five lots down to four. Mr. Jeppesen received a subdivision approval from the Planning Board in 2005 for a six lot subdivision. He explained that Mr. Jeppesen plans to sell his house at 92 Mill Road and would like to include the “lobster claw” shaped lot that currently exists with his current house lot; essentially consolidating current lot 7-32-1 with lot 7-32.

Mr. Chagnon explained that he submitted a corrected plan to the Planning and Zoning Administrator for the permanent record, and that the only change was in the owner block on the plan. He said the change was made to satisfy the Registry of Deeds recording requirements; no substantive changes were made of the plan.

Mr. Wilson commented that the new lot line relocation/consolidation plan eliminates the strangeness of the subdivision.

Mr. Groth commented on the monumentation. Mr. Chagnon explained that all of the monuments were done on the 2005 subdivision and that there will be four new monuments to be set based on this plan.

228 Mr. Groth commented on the proposed conservation easement. He said that it eliminates the ability of
 229 lot six to access its street frontage. Mr. Chagnon explained that lot six, as well as other lots, would be
 230 accessed over an easement along the old gravel path (former Little Road). He explained that he made
 231 reference to the easement in note 7 of the proposed plan.

232
 233 Mr. Donahue said that they have not finalized anything with the Conservation Commission, so the
 234 proposed conservation easement should not be taken into consideration by the Planning Board.

235
 236 **Dr. Arena moved and Ms. Pohl seconded the motion to take jurisdiction of the Application for case**
 237 **#10:15 – Russell Jeppesen.**
 238 **The vote was unanimous in favor of the motion (6-0).**

239
 240 Mr. Wilson opened the Public Hearing at 8:52pm.
 241 Mr. Wilson closed the Public Hearing at 8:52:05 without public comment.

242
 243 **Mr. Kroner moved and Dr. Arena seconded the motion to approve the lot line relocation and**
 244 **consolidation plan for case #10:15 – Russell Jeppesen, dated 9/27/2010, with the following conditions:**
 245 **(1) Certificate of Monumentation and (2) Recordable Mylar.**
 246 **The vote was unanimous in favor of the motion (6-0).**

247
 248 Ms. Kohl rejoined the Board.

249
 250 **Other Business**

251
 252 Mr. Kroner said that he would like to send out the 2010 Long Range Planning Committee Survey, and
 253 asked if the Board had any changes to it before its finalized and sent to the printers.

254
 255 Ms. Pohl suggested eliminating a row in the text box on page 2 and adding a row to question 10 – *How*
 256 *satisfied are you with the quality of each of the following Town service*, to include Q. Channel 22 Cable
 257 Access TV. The Board agreed to make that change.

258
 259 **Dr. Arena moved and Ms. Kohl seconded the motion to authorize Mr. Kroner to have the surveys**
 260 **printed, folded and mailed out to the community.**

261
 262 The Board discussed printing 2600 copies and Mr. Kroner will contact the Library to check on the postal
 263 routes for mailing.

264
 265 **The vote was unanimous in favor of the motion (7-0).**

266
 267 Mr. Groth said that the RPC is in the midst of collecting data for the Master Plan updates.

268
 269 Mr. Maggiore reported that Town Counsel is working on the “Junk Yard” guidelines.

270
 271 Dr. Arena said that the Town is due the \$250.00 per “junk yard” regardless of any guidelines. He said
 272 that the Town could be using that money to offset things like the mailing of the Long Range Planning
 273 Surveys.

274

275 The Board was in receipt of a copy of an email from Craig Salomon. Mr. Salomon requested in his email
276 that the Board authorize the Chair to sign his Mylar for his approved subdivision next week when the
277 conditions of approval are met, so that it could be recorded at the Registry of Deeds in time for the
278 closing on the sale of his lot.

279

280 Discussion ensued regarding expiration of conditional approvals from the Planning Board.

281

282 Mr. Wilson recused himself, and sat in the audience.

283 Dr. Arena recused himself, but remained seated with the Board.

284 Ms. Kohl assumed the Chair.

285

286 Section VI.E.2 of the Town's Subdivision Regulations states that the applicant shall have one year to
287 comply with the conditions of approval and to have the plan signed by the Board. If the conditions are
288 not met within one year, the conditional approval shall lapse, unless granted a one year extension by
289 the Board prior to the expiration date.

290

291 It was determined by reviewing the minutes and the decision letter that the approval was made on July
292 16, 2009, and that as of this date, October 7, 2010, the conditions of approval for Mr. Salomon's
293 subdivision have not been met.

294

295 Mr. Coutu said that there may be a bona fide reason why Mr. Salomon did not get the conditions of
296 approval met before the expiration date and that he should be given the benefit of explaining why it
297 lapsed, and then the Board can decide what is appropriate.

298

299 Mr. Groth said that the conditional approval has officially lapsed. Mr. Salomon has four conditions and
300 none of them have been met.

301

302 Ms. Chase explained that Mr. Salomon made the request to ask the Board if the Chair could sign his
303 Mylar on behalf of the entire Board and she said that she would ask the Board at this meeting.

304

305 Mr. Groth said that a waiver request to any regulation has to be properly noticed as a Public Hearing
306 with abutter notification. He recommended against the Board waiving the requirement.

307

308 Mr. Kroner said that it is a "gray" area because VI.E.2 is a regulation not an ordinance and the Board has
309 the power to waive the regulations, but the regulation is clear and strict that the Board can not extend
310 something that has lapsed.

311

312 Mr. Groth said that the appropriate thing for the Board to do is inform Mr. Salomon, by letter that
313 according to Subdivision Regulation VI.E.2 his conditional approval has lapsed as of July 16, 2010.

314

315 Mr. Maggiore said that the Board would not be able to make a motion to allow the Chair to sign the
316 Mylar on the Board's behalf because that is not the Board's normal procedure. Mr. Kroner agreed and
317 said that the Board would need to make a motion to change their Rules of Procedure regarding the
318 signage of Mylars.

319

320 Dr. Arena commented that neither he nor Mr. Wilson has to recuse themselves from this discussion
 321 because the Board is discussing the methodology to either agree or disagree with a procedure. He said
 322 that they have the right to comment on the procedure.

323
 324 Mr. Groth said that the Board is not just discussing a procedure, they are responding to Mr. Salomon's
 325 application that both Dr. Arena and Mr. Wilson recused themselves from initially.

326
 327 Mr. Wilson spoke from the audience and said that he disagreed with Dr. Arena in that those who
 328 recused themselves from the Salomon case should remain recused from any proceedings dealing with it.
 329 Mr. Kroner suggested that if the Board writes Mr. Salomon a letter, it should include a suggestion that
 330 he make a formal waiver request. Mr. Groth disagreed, because the Board would be inviting him to
 331 make a waiver request the Board may not grant.

332
 333 **Ms. Pohl moved and Mr. Coutu seconded the motion to authorize Vice Chair, Barbara Kohl to write a**
 334 **letter to Mr. Salomon informing him that per Section VI.E.2 of the Subdivision Regulations his**
 335 **conditional approval lapsed on July 16, 2010, therefore they cannot act on his request.**
 336 **The vote was unanimous in favor of the motion (5-0).**

337
 338 Mr. Wilson rejoined the Board and resumed the Chair.
 339 Dr. Arena rejoined the Board.

340
 341 Dr. Arena commented on the new Asian Restaurant on Lafayette Road in the old TGIFriday's building.
 342 He questioned whether the septic system, that had failed, was replaced. It was confirmed that the
 343 septic was replaced. Dr. Arena also questioned the awning with the sign on it. Ms. Chase informed him
 344 that the Building Inspector has informed the owners to remove the sign.

345
 346 Dr. Arena moved and Mr. Coutu seconded the motion to adjourn the meeting at 9:38pm
 347 The vote was unanimous in favor of the motion (7-0).

348
 349 Respectfully submitted,

350
 351 Wendy V. Chase
 352 Recording Secretary

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 354 Approved October 21, 2010