



**Meeting Minutes
North Hampton Planning Board
Monday, July 2, 2012 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: Shep Kroner, Chair; Laurel Pohl, Vice Chair, Joseph Arena, Tim Harned, and Phil Wilson, Select Board Representative.

Members absent: Barbara Kohl and Michael Hornsby

Alternates present: Nancy Monaghan

Others present: Wendy Chase, Recording Secretary

Mr. Kroner convened the Meeting at 6:30pm.

Mr. Kroner seated Ms. Monaghan for Ms. Kohl.

I. Old Business

- Case #12:09 – Glenn A. Martin, 11 Evergreen Drive, North Hampton, NH and Arthur Nadeau, 34 Pine Road, North Hampton, NH represented by James Verra and Associates, 101 Shattuck Way, Suite 8, Newington, NH 03801,** The Applicants submit a Lot Line Adjustment Application to add 20,329 square feet to a non-conforming lot (13-10) making it less non-conforming. Property location: 2 and 4 Elm Road - Property owners: Arthur Nadeau, Trustee, Arthur Nadeau Revocable Trust; M/L: 013-010; Zoning district: I-B/R, and Hobbs Farm, LLC, 11 Evergreen Drive; M/L 013-009; Zoning district: I-B/R.
This portion of the original application is continued from the June 5, 2012 meeting.

In Attendance for this Application:
Glenn Martin, Owner/Applicant
Attorney Bernard Pelech, Applicant’s Counsel

Mr. Martin confirmed that the Hobbs Farm was auctioned, but the “papers” have not passed, so he is still the owner of the property.

Ms. Pohl recused herself based on the fact that Mr. Martin still owns the property, and Ms. Pohl works with Mr. Martin’s wife.

45 Mr. Pelech said that Mr. Martin received two Variances at the June 26, 2012 ZBA Meeting. The
46 Applicant was referred to the Zoning Board by the Planning Board to apply for Variances to Article IV,
47 Section 406 – setback requirements and Article V, Section 501.2 – change of use of a non-conforming
48 lot. The Planning Board could not take jurisdiction of the lot line adjustment portion of the application
49 without relief from those two Sections.

50

51 **Mr. Wilson moved and Dr. Arena seconded the motion to take jurisdiction of the lot line adjustment**
52 **portion of Case #12:09.**

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

54

55 Mr. Kroner opened the Public Hearing at 6:38pm for anyone “for” or “against” the application.

56

57 Mr. Martin asked if the Board was in receipt of a letter of support from Arthur Nadeau. The Board
58 confirmed that they did receive a copy of Mr. Nadeau’s letter.

59

60 Mr. Pelech commented that no one appeared in opposition of the proposal at the Zoning Board
61 Meeting.

62

63 Mr. Kroner closed the Public Hearing at 6:39pm.

64

65 **Mr. Wilson Moved and Dr. Arena seconded the motion to approve the lot line adjustment application,**
66 **Case #12:09 with the following conditions: (1) Recordable Mylar; (2) Certificate of Monumentation**
67 **completed in accordance to Subdivision Regulation IX.D – Monumentation Requirements; (3) Final**
68 **approval of the requests for Variances be received pending the 30-day appeal period and the approval**
69 **shall be noted on the Recordable Mylar.**

70 **The Vote was unanimous in favor of the motion (5-0).**

71

72 Mr. Wilson suggested that Board take a look at Section 501.2 – changes or expansions of a non-
73 conforming use, and work on clarifying that section. The Board agreed.

74

75 **II. New Business**

76

- 77 1. **Case #12:11 - Glenn A. Martin, 11 Evergreen Drive, North Hampton, NH and Arthur Nadeau, 34**
78 **Pine Road, North Hampton, NH represented by James Verra and Associates, 101 Shattuck**
79 **Way, Suite 8, Newington, NH 03801.** The Applicants submit an application for a one-lot
80 subdivision. The Applicants requests a waiver to Subdivision Regulation VIII.D.3 – HISS Mapping.
81 Property locations: [2 Elm Road - Property owner: Hobbs Farm LLC; M/L: 013-009, Zoning
82 district: I-B/R], [4 Elm Road - Property owner: Arthur Nadeau, Trustee, Arthur Nadeau Revocable
83 Trust; M/L: 013-010; Zoning district: I-B/R] and [Birch Road - Property owner: Thirteen Acres
84 LLC; 013-015; Zoning district: R-1].

85

86 The Board was in receipt of a letter of withdrawal for Case #12:11 signed by Attorney Bernard Pelech on
87 behalf of his Clients Mr. Glenn Martin and Mr. Arthur Nadeau.

88

89 The Board took no Action.

90

91 Ms. Pohl was reseated.

92

93 2. **Case #12:12 – Richard Chorebanian, Ipswich Bay Yacht Sales, 6 Scott Road, Hampton, NH**
94 **03942.** The Applicant proposes a Change of Use Application from a School Bus
95 storage/repairs/maintenance facility to Boat Sales. The Applicant requests two Waivers from
96 Site Plan Regulations (1) XIII.B.3 – 1,200 square-feet of inside storage requirement and (2) XIII.
97 B.5 – Landscape buffer strip requirement. Property owner: Christopher Bolton, Woodridge
98 Properties, LLC, 1225 River Road, Weare, NH 03821; property location: 6 Lafayette Road, North
99 Hampton; M/L 003-090-000; Zoning district: I-B/R.

100

101 In Attendance for this Application:

102 Rick Chorebanian, Applicant

103 Peter Saari, Applicant's Counsel

104

105 Mr. Saari explained that Mr. Chorebanian has run a "Mom and Pop" boat business for many years. His
106 business carries the Eastern line out of Milton NH. He may sell thirty (30) boats in one year and
107 currently operates his business in Hampton, NH (behind Hannaford's Grocery Store) and would like to
108 move to North Hampton on Route 1 for better exposure. His main business is derived from internet
109 sales and they have been experiencing a lack in sales; he hopes better exposure will help improve sales.

110

111 Mr. Saari said that they requested a waiver to Section XIII.B.3 – 1,200 square feet of storage area
112 required, because they were not sure if the space is strictly dedicated to boat storage. He said there are
113 electronics on the boats that need to be stored in the building for security reasons. He said that the
114 building has two bathrooms and two offices.

115

116 It was a consensus of the Board that the aerial photos and parcel plans submitted were confusing
117 because there have been so many changes to the site over the years.

118

119 Mr. Kroner said that he did a "drive-by" and noticed that it looked as though the Cape-style home on the
120 property is being lived in as a home residence. He referred to Article IV, Section 406.5 – *A lot in the*
121 *I-B/R District that is presently utilized for business purposes shall not be used for residential purposes.*
122 *Any existing undeveloped lot may be used for either a business or residential purpose, but not both.* Ms.
123 Chase pulled the Assessment cards and it was determined that the house Mr. Kroner referred to is on a
124 separate lot.

125

126 Mr. Chorebanian said that he will have 20 to 25 boats on trailers on the lot; they will be brand new or
127 just 1 to 2 years old; they range between 13-feet and 20-feet.

128

129 The Board tried to figure out the amount of square-footage Mr. Chorebanian's business would occupy.
130 He said that it was 26,000 square-feet. Mr. Harned said that it looked as though the front half the parcel
131 will be utilized.

132

133 Ms. Monaghan asked where the parking area would be. Mr. Wilson explained that under the "dealer's
134 license" the Site Plan Regulations require 25 parking spaces above and beyond the 1 parking space per
135 300 square-feet.

136

137 Mr. Chorebanian said the he has never had more than four (4) customers at one time. He said that the
138 parking would be very structured. He said that he is applying for a dealer license to get a dealer plate,
139 and the State requires the applicant to obtain approval from the Town prior to State licensing approval.
140

141 Mr. Kroner said that he is concerned with the adequacy of the proposal and said that at some point the
142 owner should provide the Town with a formalized site plan because it is getting impossible to figure out
143 what's what on the site.
144

145 Mr. Wilson agreed and said that the Board can determine whether or not they want a site plan when
146 deliberating over a Change of Use Application if there isn't one on file. He said that there is no real site
147 plan of the subject area. He suggested the Board require a site plan within 60 days if approved.
148

149 The Board addressed the waiver requests submitted by the Applicant as part of the Application.
150

151 **Site Plan Regulation XIII.B.3. – Each site shall have one building that shall maintain a minimum of**
152 **1,200 of inside storage devoted to vehicle use only....**
153

154 Mr. Wilson said that this regulation is meant for storage of vehicles for sale. He said he had no problem
155 granting this waiver as long as the Applicant affirms that he is not selling automobiles or other
156 motorized vehicles other than boats. Mr. Chorebanian said there are 1,485 square-feet including the
157 offices and bathrooms and there may be enough room to store one (1) boat. He said there is
158 approximately 400 square feet of open area.
159

160 Mr. Kroner opened the Public Hearing at 7:13pm.

161 Mr. Kroner closed the Public Hearing at 7:14pm without public comment.
162

163 **Mr. Wilson moved and Dr. Arena seconded the motion to approve the waiver request from Site Plan**
164 **Regulation XIII.B.3 with the understanding that it's not the Applicant's intention to sell automobiles or**
165 **other motorized vehicles and for the reason that this regulation is not applicable to this use.**
166 **The vote passed in favor of the motion (5 in favor, 1 opposed and 0 abstention). Ms. Monaghan**
167 **opposed.**
168

169 **Site Plan Regulation XIII.B.5. – Each site shall conform to current landscaped buffer strip requirements**
170 **as defined in Zoning Ordinance 406.8....**
171

172 Mr. Kroner explained that there is a structure very close to the property lot line and it would be almost
173 impossible to provide a 10-foot buffer on that side.
174

175 Mr. Kroner opened the Public Hearing at 7:16pm.

176 Mr. Kroner closed the Public Hearing at 7:17pm without public comment.
177

178 Ms. Monaghan questioned the Applicant's intentions for the buffer strips. She explained that he is
179 required to install 10-foot landscaped buffers around the perimeter of the property.
180

181 Mr. Wilson said that typically this is an issue of the Property Owner; not the Tenant. He said that if the
182 Board requires a Recordable Mylar then a note can be added to the Site Plan requiring a 10-foot
183 landscaped buffer.

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Mr. Wilson moved and Ms. Monaghan seconded the motion to grant the waiver only to the extent that existing structures on the property preclude the installation of the required 10-foot landscaped buffer. To the extent that it's possible to install the landscaped buffer, as a condition of the approval of this waiver, the Owner shall install the landscaped buffer within 90-days.

Mr. Harned made a friendly amendment that if the building is less than 10-feet between the property line and the existing structure, a landscaped buffer should be installed.

**Mr. Wilson and Ms. Monaghan accepted the friendly amendment.
The vote passed in favor of the motion (4 in favor, 1 opposed and 1 abstention). Mr. Kroner opposed and Dr. Arena abstained.**

Mr. Wilson said that if the application was more of an extensive change of use he would be in favor of requiring a site plan before accepting jurisdiction of the application. He said the proposed change of use will not entail extensive changes such as additional buildings and large paved parking lots, but he does believe a site plan should be submitted and a landscaped buffer installed.

Dr. Arena commented that without a site plan the Board is wasting its time. He said the Board needs to know what is existing on the site before approving any changes.

Mr. Harned agreed that a site plan is necessary but did not want to hold the Applicant "up"; he should be allowed to move forward.

Mr. Kroner commented that the Applicant may want to protect his own interests; he may want to move forward with the change of use, but if the owner doesn't live up to the requirements, he could be out 90-days from now.

Mr. Wilson moved and Ms. Monaghan seconded the motion to take jurisdiction of this application and note that the Board sees serious problems with the documentation submitted and the Board will take that into consideration in any final action of the application.

Mr. Harned offered a friendly amendment to the motion that it is the Board's intention to rectify as many problems with the lack of appropriate documentation as the Board can in the action of approval.

**Mr. Wilson and Ms. Monaghan accepted the friendly amendment.
The vote passed in favor of the motion (5 in favor, 0 opposed and 1 abstention). Dr. Arena abstained.**

Mr. Kroner mentioned the comments made by the Circuit Rider, Brian Groth, concerning parking and the waiver requests. Mr. Groth commented, in his report to the Board, that this site has undergone many changes since an engineered plat was submitted. He recommends that the Board ask the parcel owner to provide an updated, complete parcel map prior to another application for this site. Mr. Kroner said that the site plan will have to show how the rest of the building is used and the parking spaces, as well as, the landscaped buffer.

Mr. Kroner opened the Public Hearing at 7:38pm.

231
232 **Mederic Bernier, 6 Post Road, North Hampton** – said that he has lived in Town since 1959 and he has
233 seen a lot of changes. He said that when the bus company was occupying the site there was a fence on
234 the property that fell down and exposed old junk buses with expired Vermont license plates. He said
235 that it was once legal to use oil to spray down on the ground to keep the dust down and now the lot has
236 contaminated soil. He told the Board that they were welcome to take soil samples of this property
237 because he feels it has been contaminated from that site. He complimented the Board on their approval
238 of the School on the site, he said it looks very nice and he would like to see the rest of the site look as
239 good.

240
241 Mr. Bernier voiced concern over allowing the business to access out onto Post Road. He was told it is a
242 State Road and they would not allow access onto it.

243
244 Mr. Wilson said that the conditions have to be set in a way that the Building Inspector/Code
245 Enforcement Officer can go out and be able to confirm if they have been met or not.

246
247 Ms. Pohl asked whether or not the Board should do a site walk of the property. Mr. Kroner said that the
248 Board needs a site plan first to know what they are looking at.

249
250 Mr. Wilson said that the Board can approve the application with the condition that a site plan be
251 submitted for review and approval by the Board on a certain date, and if it is not, then the Board can
252 begin the legal procedures of rescinding the approval.

253
254 Mr. Chorebanian said that he is comfortable with that and is sure the owner will be too. He said that he
255 is confident that the owner will meet any requirements the board sets forth.

256
257 Mr. Harned commented that the owner should be made aware that the Board will not change their
258 mind on the next proposal that comes before the Board if this proposal doesn't work out.

259
260 **Mr. Wilson moved and Ms. Pohl seconded the motion to approve the change of use application with**
261 **the following conditions:**

- 262 **1. The Owner of the property shall submit a Site Plan for the entire site, including all parcels of**
263 **the site on or before the October 2, 2012 Planning Board Meeting for review and Board**
264 **approval.**
265 **2. Between now and October 2, 2012 a landscaped buffer shall be installed on all parts of the**
266 **property to the extent possible, except where structures prevent it. To the extent that the**
267 **existing structures allow any landscaped buffer, that it shall be installed.**
268 **3. The Owner shall designate, by painted stripes, five (5) parking spaces immediately in front of**
269 **the building designated as the "office".**

270
271 Mr. Wilson noted for the record that there have been expectations set by the Board of the Applicant for
272 site plan review approval on or before the October 2, 2012 meeting and that the owner of the property
273 should note those expectations; the landscaped buffer; the "clean-up" of the property, including junk,
274 like abandoned vehicles, and there should be a look taken at the potential contamination of the soils,
275 and if there is contamination of the soils there, then the Town will have to look at the neighboring
276 properties.

277

278 Mr. Kroner mentioned that through the Rockingham Planning Commission there are programs available
279 and assistance to property owners to help them remediate "Brown Fields".

280

281 Mr. Wilson agreed and said that the owner should contact Theresa Walker of the Rockingham Planning
282 Commission; one of her charges is to help property owners redevelop "Brown Fields". He said that he
283 recalled the Theresa Walker designated this site as a potential "Brown Field".

284

285 The question was called.

286

287 **The vote passed in favor of the motion (4 in favor, 1 opposed and 1 abstention). Ms. Monaghan**
288 **opposed and Dr. Arena abstained.**

289

290 **III. Other Business**

291

292 Mr. Kroner suggested taking the "items laid on the table" off of the regular agenda. He said that Ms.
293 Pohl can determine what needs to be added to the Work Session Agenda each month.

294

295 **Ms. Monaghan moved and Ms. Pohl seconded the motion to remove "items laid on the table" from**
296 **the Agenda.**

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

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299 **The meeting adjourned at 8:20pm.**

300

301 Respectfully submitted,

302

303 Wendy V. Chase

304 Recording Secretary

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306 Approved July 17, 2012

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