



Meeting Minutes
North Hampton Planning Board
Tuesday, December 4, 2012 at 6:30pm
Town Hall, 231 Atlantic Avenue

8
9 These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a
10 transcription.
11

12 **Members present:** Shep Kroner, Chair; Laurel Pohl, Vice Chair, Joseph Arena, and Tim Harned.
13

14 **Members absent:** Barbara Kohl, Mike Hornsby and Phil Wilson, Select Board Representative.
15

16 **Alternates present:** None
17

18 **Others present:** Brian Groth, RPC Circuit Rider, and Wendy Chase, Recording Secretary.
19

20 Mr. Kroner convened the Meeting at 6:35 p.m. and noted for the record that there was a quorum.
21

22 **I. Old Business**
23

- 24 **1. Case #12:12 – Richard Chorebanian, Ipswich Bay Yacht Sales, 6 Scott Road, Hampton, NH**
25 **03942.** The Applicant received conditional approval from the Planning Board on July 2,
26 2012 for a Change of Use from a School Bus storage/repairs/maintenance facility to Boat
27 Sales. The owner, Christopher Bolton submits an updated Site Plan to meet condition #1 of
28 the approval for review by the Board. Property owner: Christopher Bolton, Woodridge
29 Properties, LLC, 1225 River Road, Weare, NH 03821; property location:
30 6 Lafayette Road, North Hampton; M/L 003-090-000; Zoning District: I-B/R.

31 In attendance for this application:

32 Attorney Peter Saari, Applicant's Counsel
33

34 Mr. Kroner explained that the Board approved a Conditional Change of Use Application for the Applicant
35 on July 2, 2012 to allow a Boat Sales Business with conditions. The first condition of approval was for the
36 Owner to submit an updated Site Plan to be reviewed and approved by the Planning Board by October
37 2, 2012. On October 2, 2012 Mr. Bolton requested an extension to December 4, 2012 to produce the
38 updated Site Plan to the Board and was granted the extension.
39

40 Attorney Saari explained that Mr. Bolton dropped off a proposed Site Plan to the Building Inspector, but
41 it is not finalized. He asked for more time.
42

43 Ms. Chase confirmed that Mr. Bolton did drop off a plan with the Building Inspector and told him he was
44 having a problem with a deed transfer done incorrectly and has to clear it up before finalizing the plan.

45 It was a general consensus of the Board that they are working towards a corrective action and moving in
46 the right direction.

47

48 Mr. Harned said that it was not unreasonable to grant the extension to the next meeting.

49

50 **Dr. Arena moved and Mr. Harned seconded the motion to grant the extension of Condition #1 of the**
51 **Conditionally approved Change of Use, PB Case #12:12, that the Owner submit an updated Site Plan to**
52 **be reviewed and approved by the Planning Board, to the January 8, 2013 Planning Board Meeting.**
53 **The vote was unanimous in favor of the motion (4-0).**

54

55 II. New Business

56 **1. Case #12:17 – 25 Lafayette Road, LLC, Brian Thibeault, 300 Gay Street, Manchester, NH**
57 **03014.** The Applicant, represented by Jones and Beach Engineering, proposes a Site Plan
58 Review for a 4,000 square-foot Bank with three (3) drive-thru lanes. The Applicant
59 requests the following waivers: (1) Site Plan Regulation Section X.G.2 – 100 year
60 stormwater drainage control plan, and (2) Site Plan Regulation Section VIII.B.27 –
61 Architectural renderings. Property Owner: 25 Lafayette Road, LLC, Brian Thibeault;
62 Property location: 25 Lafayette Road, North Hampton; M/L 003-087-000; Zoning District; I-
63 B/R.

64

65 In attendance for this Application:

66 Attorney Saari, Applicant's Counsel

67

68 Attorney Saari explained that Mr. Coronati was not present and asked that the Board move this case to
69 the end of the Agenda.

70

71 The Chair, without objection from the Board, moved Case #12:17 to the end of the Agenda.

72

73 **2. Case #12:18 – Church Alive, Inc., Robert Wing, 112B Lafayette Road, North Hampton, NH**
74 **03862.** The Applicant proposes a Change of Use from a Health Club to a Place of Worship.
75 Property Owner: Stoneleigh Park Plaza, Inc., Peggy Chidester, 18 Lafayette Road, North
76 Hampton, NH 03862; Property location: 18 Lafayette Road, Unit #9, North Hampton, NH;
77 M/L 003-098-001; Zoning District: I-B/R.

78

79 In attendance for this Application:

80

81 There was no one present.

82

83 **Mr. Harned moved and Ms. Pohl seconded the motion to move Case #12:18 to the end of the Agenda**
84 **because there was no one present for this application.**

85 **The vote was unanimous in favor of the motion (4-0).**

86

87 **3. Case #12:19 – Luke and Paul Powell, 28 Winnicut Road, North Hampton, NH and Robert J.**
88 **Hodgson, Jr., Conservator of Eleanor E. Hodgson, 81 Belmont Street, Reading, MA 01857.**
89 The Applicants propose a minor lot line adjustment between lots 22-32 and 22-34,
90 increasing lot 22-32 by 8,223 square-feet, and propose to subdivide lot 22-32 into two (2)
91 lots; proposed lot one (1) 2.3024 acres and 291.94 feet of frontage, and proposed lot two

92 (2) 2.2980 acres and 222 feet of frontage. The Applicants request a waiver to Subdivision
93 Regulation VIII.B.20 – Stormwater Drainage Control Plan. Property Owners: Denise Powell,
94 28 Winnicut Road, North Hampton, NH and Eleanor Hodgson, 81 Belmont Street, Reading,
95 MA 01857; Property location: 28 and 34 Winnicut Road, North Hampton; M/L 022-032-000
96 and 022-034-000; Zoning District: R-2.
97

98 In attendance for this Application:
99 Steve Oles, MSC Engineering
100

101 Mr. Kroner confirmed that the Applicant submitted all the necessary signatures of all Owners of the
102 properties involved.
103

104 Mr. Oles thanked the Application Review Committee (ARC) for their time in reviewing the proposed
105 Application this past Friday. He submitted new plans to the Members reflecting comments/concerns at
106 that ARC meeting. He said the proposal involves a lot line relocation between Denise Powell's property
107 and the Eleanor Hodgson's property adding approximately 8,223 square feet to Denise Powell's lot, and
108 a proposed subdivision of the Hodgdon lot into two (2) lots; razing the house on the Hodgdon lot and
109 constructing two condexes on proposed lot #1 and proposed lot #2. Proposed lots #1 and #2 will share a
110 driveway.
111

112 Mr. Oles went over the revised plan:

- 113 • A shared driveway easement was drafted and a copy submitted into the permanent record. The
114 NH DES reviewed and approved the driveway easement as part of the subdivision approval. The
115 Board noted that the easement language would have to be reviewed by Town Counsel.
- 116 • They plan to move the existing driveway northwesterly along Winnicut Road approximately 100-
117 feet to give separation of the existing driveway on the Tax Map and lot 22-24 and the proposed
118 relocated driveway.
- 119 • NH DOT has given verbal approval of the proposed driveway.
- 120 • They received NH DES Subdivision Approval.
- 121 • They acknowledge that the proposal is in the Aquifer Protection District and have taken care of
122 water runoff by providing a pervious driveway to make sure all the water is mitigated on the
123 property.
- 124 • By providing a pervious driveway they are reducing impervious surface area by approximately
125 2,000 square-feet.
- 126 • A High Intensity Soil Survey (HISS) was completed shown on Sheet 2 of the revised plan.
- 127 • Winnicut Road is a State Road; not a Town Road.

128

129 Mr. Kroner asked if the ARC had any comments. There were no comments.
130

131 Mr. Kroner went over Mr. Groth's comments and noted that a hydrological study is required if a
132 subdivision consists of four (4) or more lots; this proposal does not, but it is in the Aquifer Protection
133 District.
134

135 Mr. Oles explained that they propose to construct four (4) condex units; two on each proposed lot that
136 will have six (6) bedrooms each. There will be a total of four (4) families sharing one driveway.
137

138 Mr. Oles explained that the condo declaration encompasses how the lots will be maintained; it's
139 different than a duplex.

140
141 The Board discussed concerns they have about "shared" driveways.

142
143 Ms. Pohl said that there have been problems in the past with disagreements between the owners and
144 the Board has found itself in the middle of disputes. She requested that an agreement be drawn up
145 regarding the maintenance of the driveway and reviewed by the Board and Town Counsel.

146
147 It was determined that the proposed pervious driveway requires vacuuming at least once a year to
148 maintain its effectiveness.

149
150 Mr. Kroner voiced concerns over the proximity to two (2) critical well heads. He said that the slopes are
151 extremely steep and the proposed leaching fields sit on top of that, with a 25-foot drop. He commented
152 that there must be more wetland beyond the property line. He said that he knows there is no
153 requirement to provide a secondary leaching field, but is concerned with degradation of the back side of
154 the land.

155
156 Mr. Oles said that they moved both of the leaching fields. The leaching area has been moved off the
157 steep slope giving a 20-foot separation area of the leaching field to the steep slope and there is no proof
158 of degradation on the steep slope; NH DES requires that they not go over 25% on those slopes.

159
160 Mr. Kroner said that the proposal falls within the Aquifer Protection Overlay District and a critical part of
161 the provisions is that the Applicant has to show that the septic system will meet the needs of the area
162 the project is in.

163
164 Mr. Oles said that he is a licensed septic designer and he typically uses enviro-septic ADS systems and
165 has designed over 100 and none have failed. He said that there are other options; wastewater
166 alternative designs reduce leaching fields up to 75%.

167
168 Mr. Kroner explained that under the Aquifer Protection Ordinance, in a subdivision of three (3) lots or
169 less the Planning Board will determine, on a case by case basis, the need for a hydro geologic study.
170 Particularly sensitive sites may include areas that have septic systems in close proximity to wells,
171 including public supply wells, irrigation wells, residential wells, and monitoring wells, or may contain
172 excessively drained soils or steep slopes. He said that some of the factors show up on the plan indicating
173 that there may be a need to require a hydro study.

174
175 Mr. Harned pointed out that the hydro study is required for subdivisions of four (4) or more lots and up
176 to the Board's discretion if less than four (4). He said that the proposal is for a two (2) lot subdivision,
177 but this proposal includes two (2), two (2) unit condexes, which will probably total twelve (12) bedrooms
178 and a four (4) lot subdivision with four (4) houses would most likely equal twelve (12) bedrooms.

179
180 Mr. Oles said that the NH DES allows 2,000 gallons per day per acre and they would be using
181 approximately 900 gallons. He also mentioned that by putting in a pervious driveway the total impact on
182 the lot would be reduced by over 2,000 square feet and all the stormwater runoff will be mitigated on
183 the property.

184

185 Mr. Kroner referred to Section V.C.1 of the Subdivision regulations – General Provisions – Suitability of
186 land. The Applicant has to present satisfactory evidence or data to the Board, proving the land is
187 suitable for development. Mr. Kroner commented that he was concerned with two (2) single family
188 homes on the site and now he is even more concerned to learn that four (4) homes are being proposed.
189

190 Mr. Oles referred to the HISS Map on Sheet #2, and noted that they received NH DES Subdivision
191 approval. He said that Jamie Long and Mike Cuomo were both on the site looking at the soils and they
192 agree that the site meets all lot loading requirements, all steep slopes and wetlands were removed and
193 all uplands were included in the lot load calculations.
194

195 Waiver request from Subdivision Regulation VIII.B.20 - Stormwater Drainage Control Plan
196

197 Mr. Kroner commented that the requirement for a stormwater drainage control plan is typically
198 required if the subdivision includes building roadways.
199

200 Mr. Groth said that although he has concern over the pervious surface, what is being proposed looks to
201 be less impact on what exists there today. His concerns are that the pervious surface areas and
202 agreements between neighbors is added maintenance and advised the Board to factor in that there will
203 be an easement agreement between two condominium associations. He said that it is appropriate to
204 request a waiver from the Stormwater Drainage Control Plan requirement.
205

206 Mr. Oles confirmed that the existing driveway is made of asphalt. He said the shared driveway will be
207 on proposed lot #1 and there will be an easement across it for proposed lot #2.
208

209 The Town's engineer did not receive a copy of the proposed plan. Mr. Groth said that there are some
210 questions that he could not answer, that were better suited for an Engineer.
211

212 Mr. Oles asked the Board if it was necessary for a plain two-lot subdivision to go to the Town's Engineer
213 for review. He said that they are not building any new roads.
214

215 Mr. Kroner said that it is handled on a case by case basis. It all depends on the proposal whether or not
216 the Board would require an engineering review. He said a major concern of the Board's is preserving
217 the safety of the Town's drinking water.
218

219 Mr. Oles said that when he did the six (6) lot subdivision across the street, an area within the Aquifer
220 Protection District, the plan was not sent out for engineering peer review.
221

222 Dr. Arena voiced concerns over the shared driveway between two (2) separate owners and two (2)
223 separate condominium associations.
224

225 Mr. Oles explained that the easement and restrictions on proposed lot #1 will be written in the deed and
226 the condominium covenants. He submitted a copy of the draft easement language drawn up by
227 Attorney Elles. The driveway will be constructed with pervious pavement and if maintained correctly
228 would only need to be vacuumed once a year. He said a maintenance agreement can be drawn up and
229 monitored by the condominium association. He said it falls under other maintenance such as plowing,
230 mowing and trimming hedges.
231

232 Dr. Arena voiced concerns over the fact that there will be two (2) condominium associations involved in
233 these proposed agreements.

234
235 Mr. Kroner opened the Public Hearing to address the waiver request from Subdivision Regulation
236 VIII.B.20 – Stormwater Drainage Control Plan at 7:30 p.m.

237
238 **Lisa Wilson, 9 Runnymede Drive** – said that pervious driveways do need to be maintained but it is not in
239 the best interest for the condominium association to maintain the pervious driveway because it's not
240 going to "look bad" so no one will necessarily know that something is wrong with it. She suggested that
241 if the pervious driveway is not maintained over a period of time it defeats the purpose, and the location
242 is in the aquifer protection district; a very sensitive area. She suggested there be some additional
243 oversight for pervious driveways of this nature. She said that she would be inclined not to agree to
244 waive the requirement, and the plans should be reviewed by the Town's Engineer.

245
246 Mr. Kroner closed the Public Hearing at 7:33 p.m.

247
248 Mr. Kroner said that, in his opinion, a stormwater drainage control plan is designed for a scenario where
249 there is an increase of impervious surface and causing the potential for flooding off the site itself, and he
250 doesn't see that that is a concern with this.

251
252 Mr. Groth gave an opinion that a stormwater control plan is not necessary for this site.

253
254 **Mr. Harned moved and Ms. Pohl seconded the motion to grant the waiver request from Subdivision**
255 **Regulation VIII.B.20 – Stormwater Drainage Control Plan.**
256 **The vote passed in favor of the motion (3 in favor, 0 opposed and 1 abstention). Dr. Arena abstained.**

257
258 The Board discussed the completeness of the application. Mr. Kroner commented that the Board may
259 require the Applicant to submit a hydro study. Mr. Groth opined that there was enough information
260 submitted to accept jurisdiction of the application.

261
262 **Ms. Pohl moved and Dr. Arena seconded the motion to take jurisdiction of Case #12:19 – Denise**
263 **Powell and Eleanor Hodgson, proposed 2-lot subdivision.**
264 **The vote was unanimous in favor of the motion (4-0).**

265
266 The Board discussed additional information they would like to receive from the Applicant.
267

- Specific information regarding the driveway access and the easement language, including the
268 shared responsibility for maintenance.
- Maintenance plan for the pervious driveway.
- All legal documents to be reviewed by Town Counsel.

270
271
272 The Board discussed whether or not they would require a hydro- study. It was a consensus of the Board
273 that they would like to conduct a site walk of the area and include Mike Cuomo or Leonard Lord, RCCD,
274 at the applicant's expense, to answer any questions the Board may have.

275
276 Mr. Oles said that representatives of NH DES visited the site, and after their review, they suggested the
277 plan be changed by rotating the leaching areas so that there was a 20-foot separation area from the

278 steep slopes to the edge of the 4-k areas. The Applicant received State subdivision approval after the
279 changes were made.
280
281 Mr. Groth suggested that a note be added to the plan regarding the more stringent septic system
282 requirements that apply because the proposal is in the Aquifer Protection District.
283
284 Mr. Kroner opened the Public Hearing on the proposed application at 7:50 p.m.
285 Mr. Kroner commented that Ms. Wilson's earlier comments during the public hearing on the waiver
286 request should be included in this public hearing because they pertained more to the overall application
287 than the waiver request itself.
288 Mr. Kroner closed the Public Hearing at 7:52 p.m.
289
290 Discussion ensued about the ownership of the proposed condos. Mr. Oles explained that eventually the
291 units will be sold off and each condo will be owned separately. He said that he will have a draft copy of
292 the condominium declarations drawn up so that the Town's Attorney can review them.
293
294 Dr. Arena said that he would like a draft copy of the condominium declarations submitted to the Board
295 for review.
296
297 Mr. Oles said that Mr. Cuomo was at the site to witness the test pits for the Town.
298
299 Mr. Harned suggested the Board decide whether an engineering review is required, or would it satisfy
300 the Board to have Mr. Cuomo visit the site to see if he has any concerns with the proximity of the septic
301 systems and how they might be done with the topography of the land.
302
303 It was determined that the Board would like to conduct a site walk, with Mr. Cuomo present, to answer
304 any questions they may have.
305
306 Mr. Kroner said that he would reach out to RCCD to set up a site walk with Mr. Cuomo or Dr. Lord and
307 let the Board know.
308
309 Mr. Oles said that he will place markers at the corners of the proposed houses and the septic system will
310 be behind them. He will also place markers at the property corners prior to the site walk.
311
312 Mr. Oles confirmed that they propose to have two separate condo associations; a condo association for
313 lot #1 and another condo association for lot #2. The Board would like information on how the two
314 separate associations are going to work out maintenance of the shared driveway.
315
316 Dr. Arena is concerned with the two separate condo associations. Mr. Oles said that he could change the
317 proposal to two duplexes for approval and then come back after a few months to request a change to
318 condominiums.
319
320 **Dr. Arena moved and Mr. Harned seconded the motion to continue Case #12:19 – Denise Powell and**
321 **Eleanor Hodgson proposed 2-lot subdivision to the January 8, 2013 Planning Board meeting.**
322 **The vote was unanimous in favor of the motion (4-0).**
323

324 **Case #12:17 – 25 Lafayette Road, LLC, Brian Thibeault, 300 Gay Street, Manchester, NH 03014.** The
325 Applicant, represented by Jones and Beach Engineering, proposes a Site Plan Review for a 4,000 square-
326 foot Bank with three (3) drive-thru lanes. The Applicant requests the following waivers: (1) Site Plan
327 Regulation Section X.G.2 – 100 year stormwater drainage control plan, and (2) Site Plan Regulation
328 Section VIII.B.27 – Architectural renderings. Property Owner: 25 Lafayette Road, LLC, Brian Thibeault;
329 Property location: 25 Lafayette Road, North Hampton; M/L 003-087-000; Zoning District; I-B/R.

330

331 In attendance for this application

332 Attorney Peter Saari, Applicant's Counsel

333 Joseph Coronati, Jones and Beach Engineering

334

335 Mr. Coronati apologized for being late he thought the meeting started at 7:00 p.m.

336

337 Mr. Coronati explained that the proposed site is the old Blake Mitsubishi Dealership and where the new
338 Verizon Store is located. He provided the following information:

- 339 • The entire site consists of 6 ½ acres and the proposal is to develop an area of 48,000+ square
340 feet. He said during the period of construction the Verizon Store has to remain open and have
341 access; they have provided an isle way and all the parking in front and back of the store will be
342 plenty for everyone to use.
- 343 • The current drainage pattern is water runoff from the Verizon building drains towards the South
344 and into catch basins. All the storm water from the catch basins, as well as the property ends up
345 in the back of the site to the east in a large detention area.
- 346 • They added a fair amount of grass islands to the site.
- 347 • The site is serviced with onsite sewer and Aquarion Water. Aquarion Water Company has
348 received a copy of the plans for their review.
- 349 • A new septic system was designed to accommodate the 600 gpd the proposed bank will require,
350 and will be located in the grass island.
- 351 • They are proposing to add four (4) new 13-foot high LED decorative lamps to the site.
- 352 • Designing a traffic pattern that will work with the two (2) existing businesses along with the
353 proposed bank.
- 354 • They propose to open up a center lane that lines up with Cedar Road.
- 355 • They propose a 4,000 square-foot bank with three drive-thru lanes, but they currently do not
356 have a tenant lined up.

357

358 Mr. Coronati addressed the comments made by the Town's Engineer, Steven Keach, KNA, in his review
359 to the Board:

360

- 361 1. State permits required NH DOT Driveway Permit and NHDES Construction Approval for the
362 planned on-site septic system – Mr. Coronati said they have applied for a Driveway Permit with
363 Division Six; and was suggested they need a traffic analysis to determine if they need to add a
364 wider shoulder. Mr. Kroner commented on the Public Work Director's comment that it needs to
365 be encouraged that access and egress should be onto Route 1; not Cedar Road. Mr. Coronati
366 thought they may add a stop sign to discourage people from using it as a "cut-thru".

367

368

369

370

371 Planning/Design

- 372 1. Corrected the Abutters that were incorrectly noted on the plan, and verified that the correct
- 373 abutters received notification of this meeting.
- 374 2. Landscape maintenance bond is a standard condition.
- 375 3. Added areas with limits of construction by adding temporary construction fencing to maintain
- 376 safety during construction while existing businesses remain open.
- 377 4. Added radii for the curb shown on sheet 2 of the site plan.
- 378 5. Added dimensions of bank footprint to sheet 2 of the site plan.
- 379 6. They did not add a proposed sign for the bank and suggested the Board handle that when
- 380 addressing the waiver request to the architectural renderings.
- 381 7. Corrected the duplicated note on Sheet C2.
- 382 8. Changed the word from "requested" to "granted" in note #11 on Sheet C2.
- 383 9. Added spot grades to meet ADA requirements to Sheet C3.
- 384 10. Added location of fire hydrant to the plan.
- 385 11. Labeled the illumination levels for each of the iso-illumination patterns lines for each exterior
- 386 lighting fixture; the lighting satisfies "dark sky" standards.
- 387 12. The one light that is not detailed on the plan is because it will be moved; one light will be moved
- 388 and another will be relocated.
- 389 13. Provided more landscape design on Sheet L1 – Landscape Plan.
- 390 14. Added details to the plan on the water line and how water services will be tapped into the
- 391 mains.
- 392 15. Added handicapped parking signs to the site for the planned handicapped parking locations.
- 393 16. Added details on the pavement and trench section to the plan.
- 394 17. Open to suggestions from the Board regarding the waiver request from architectural renderings.
- 395 The Owner doesn't have a tenant yet and he did not want to go through the expense of drawing
- 396 up floor pans and elevations. The proposed footprint of the building will not change unless the
- 397 owner comes back before the Board with an amended site plan application.

398
399 Mr. Kroner referred to the waiver request from Site Plan Regulation X.G.2 – 100 year stormwater
400 drainage control plan and said that the Town's Engineer recommends that limited analysis of post-
401 development drainage conditions be undertaken because it could prove that installation of one or more
402 catch basins is needed in order to capture concentrated post-development drainage flow volumes at
403 critical locations.

404
405 Mr. Coronati said that the drainage is split on the property. The water flows into the catch basin, and it
406 seems clear that the raised landscaped islands will benefit the property. He said that he will provide a
407 watershed analysis if that is what the Board wants.

408
409 Mr. Groth said that as far as zoning, the plan looks fine. He mentioned that since the bus company
410 moved to the site he has heard that things may not be operating as planned and this is a good
411 opportunity for the Board to address any issues, and to also understand how the three (3) businesses
412 will work together on the site.

413
414 Mr. Kroner said that a big concern the Board has encountered is the manner in which the buses return
415 to the site, and usage of the Cedar Road Bridge, which is very narrow. He agreed with Mr. Groth about
416 setting guidelines for the bus depot, but it's hard to verify the buses comings and goings and he isn't
417 sure how they would "police" it.

418 **Waiver Request from Site Plan Regulation VIII.B.27 – Architectural Renderings**

419
420 Mr. Groth commented that the request is reasonable, but he is not sure it's legal to do, or whether or
421 not the Board can add a condition, that prior to any issuance of any permits the Board shall receive and
422 approve the renderings.

423
424 Mr. Kroner opened the Public Hearing at 8:56 p.m.

425
426 **Lisa Wilson, 9 Runnymede Drive** – Ms. Wilson said that Mr. Groth's suggestion that the Applicant come
427 back to the Board with architectural renderings as a condition of approval to the waiver makes sense
428 but is concerned with the compatibility of lighting at the site, and without seeing the actual design it is
429 difficult to know how the lighting will actually work. The lighting design should be considered as a whole.

430
431 Mr. Kroner closed the Public Hearing at 8:59 p.m.

432
433 Mr. Harned referred to Mr. Groth's comments in his report "conditions of approval are those that
434 require no discretionary evaluation, pursuant to Site Plan Regulations Section VI.E."

435
436 It was a consensus of the Board to ask the applicant to come back to the Board with a template
437 rendering that fits the Town's basic requirements for a bank, with a note added to the plan that any
438 changes/amendments to the site plan will require Planning Board approval.

439
440 Mr. Coronati withdrew his waiver request to Site Plan Regulation VIII.B.27 – Architectural Renderings.

441
442 The Board took no action on the waiver.

443
444 **Waiver Request from Site Plan Regulation X.G.2 – 100-year Stormwater Drainage Control Plan**

445
446 The Applicant agreed to provide the Board with a watershed analysis per recommendations made by the
447 Town's Engineer. The Board can then determine whether or not it will satisfy the Town Engineer's
448 concerns.

449
450 Mr. Kroner advised the applicant to come back to the Board with the following additional information:

- 451
- Traffic information the Applicant provides to NH DOT
 - Proposal to reduce stacking of traffic on Cedar Road
- 452

453
454 **Mr. Harned moved and Dr. Arena seconded the motion to continue Case #12:17 – 25 Lafayette Road,**
455 **LLC, proposed bank building, to the January 8, 2013 meeting.**
456 **The vote was unanimous in favor of the motion (4-0).**

457
458 Mr. Kroner called for a three (3) minute recess at 9:12 p.m.

459 Mr. Kroner reconvened the meeting at 9:15 p.m.

460
461 **Case #12:18 – Church Alive, Inc., Robert Wing, 112B Lafayette Road, North Hampton, NH 03862.** The
462 Applicant proposes a Change of Use from a Health Club to a Place of Worship. Property Owner:
463 Stoneleigh Park Plaza, Inc., Peggy Chidester, 18 Lafayette Road, North Hampton, NH 03862; Property
464 location: 18 Lafayette Road, Unit #9, North Hampton, NH; M/L 003-098-001; Zoning District: I-B/R.

465 In attendance for this application:

466 Robert Wing, Applicant

467

468 Mr. Wing apologized for being late to the meeting. He explained that he is before the Board for a
469 Change of Use Application for the property located at 18 Lafayette Road, Unit #9.

470 • The prior tenant was Vision Fitness.

471 • The new proposed use (Church) will utilize the downstairs section only.

472 • The Fire Department reported that the capacity limit is 181 people. Mr. Wing is requesting an
473 occupancy permit for 90 people.

474 • The congregation has grown from 25 parishioners to 48.

475 • There is a sprinkler system upstairs.

476 • The Church will be in operation on Sundays and two Saturdays per month for Men's meetings
477 and Women's meetings.

478 • There will be no exterior changes to the building, and they will be using the existing sign.

479 • There will be interior construction; the Sanctuary will be in front.

480

481 Mr. Groth said that he did not receive a copy of the application to review, but said that the Board should
482 make sure the parking requirements were met.

483

484 The Board was in receipt of a letter from the Fire Department. Mr. Kroner read the letter into the
485 record:

486

487 **November 30, 2012**

488

489 **Church Alive**

490 **18 Lafayette Rd**

491 **North Hampton, NH 03840**

492

493 **Ref: Occupant Load**

494

495 **After reviewing the proposed plan and interior layout for the Church Alive's new location, I have been tasked with**
496 **determining the buildings occupant load. This is achieved by determining the actual occupancy classification, fixed**
497 **seating if applicable, travel distances, square footage of the assembly areas and any other factor based on the**
498 **Building Code and Life Safety Code.**

499

500 **This portion of the process doesn't take into consideration or limitations set forth by the building owner, parking**
501 **restrictions or current septic designs. With that stated the following formulas were used for the calculation for the**
502 **total occupant load. The portion of the building in which is seeking to be utilized by Church Alive is approximately**
503 **4,000 sqft and is not sprinklered. The upstairs which will be a separate occupancy is currently sprinklered and**
504 **detected.**

505

506 **Sanctuary – 36 X 38 = 1368 sqft / 15 (NFPA 7.3.1.2) = 91.20 people**

507 **Fellowship Hall – 20 X 24 = 480 sqft / 15 (NFPA 7.3.1.2)= 32 people**

508 **Foyer – 18 X 10 = 180 sqft / 7 (NFPA 7.3.1.2)= 25 people**

509 **Classroom 1 20 X 16 = 320 sqft / 20 (NFPA 7.3.1.2) = 16 people**

510 **Classroom 2 12 X18 = 216 sqft / 20 (NFPA 7.3.1.2) = 10.80 people**

511 **Nursery – 9 X 14 = 126 sqft / 20 (NFPA 7.3.1.2) = 6.30**

512

513 **Total of potential occupancy is 181.30**

514

515 Again, this does not take into consideration any of the limitation or stipulations set forth by the Building Owner or
516 the Town of North Hampton and associated Boards and or Commissions. If I can be of further assistance, please do
517 not hesitate to contact me at the numbers listed.

518 Dennis P. Cote
519 Chief of Department

520

521 Mr. Harned noted that a potential issue is that the prior health club utilized both the upstairs and
522 downstairs.

523

524 Mr. Wing said that he is only seeking an occupancy permit for use of the first floor.

525

526 Mr. Kroner commented that the proposed use is a better scenario for parking and a positive use to
527 occupy that space.

528

529 Mr. Kroner opened the Public Hearing at 9:28 p.m.

530 Mr. Kroner closed the Public Hearing at 9:29 p.m. without public comment.

531

532 **Dr. Arena moved and Ms. Pohl seconded the motion to approve the Change of Use from a fitness**
533 **facility to a House of Worship (Church).**

534 **The vote was unanimous in favor of the motion (4-0).**

535

536 **III. Other Business**

537

538 **Public Hearing on proposed changes to the Zoning Ordinance and Site Plan Review Regulations.**

539

540 Mr. Kroner opened the Public Hearing on the proposed amendment to the Site Plan Regulations at 9:30
541 p.m.

542 **1. Site Plan Regulation V.B.1 – Change of Use Review Requirement – eliminate in its entirety V.B.1.c.**
543 **– Any change of use which results in the need for a new occupancy permit.**

544 The Board discussed the proposed amendment to the Site Plan Regulations. It was noted for the record
545 that changes to the Site, Subdivision and Excavation Regulations do not require a Town Vote. They may
546 be amended at a properly posted Public Hearing of the Board.

547 The Building Inspector requested that the Board eliminate V.B.1.c. provision of Section V.B.1 – Change
548 of Use because he issues “occupancy permits” whenever there is a “change of business” in the I-B/R
549 District, and a “change of business” is a change of business of the same type, which does not require
550 Planning Board approval.

551

552 Mr. Kroner mentioned that there may have been some confusion on the Building Inspector’s part,
553 because the provision is under the “Use Change Review Requirements”.

554

555 Dr. Arena suggested adding the sentence “any change with a dissimilar use” to that provision to clarify
556 it.

557

558 Mr. Harned suggested tabling the discussion to the next meeting, and to invite the Building Inspector to
559 attend so that he can explain his reasoning for the proposed change before the Board makes any
560 decision.

561
562 Mr. Kroner closed the Public Hearing at 9:40 p.m.
563
564 **Mr. Harned moved and Ms. Pohl seconded the motion to table the discussion on the proposed change**
565 **to Regulation V.B.1.c to the December 18, 2012 Public Hearing.**
566 **The vote was unanimous in favor of the motion (4-0).**
567

568 **2. Proposed Amendments to the Sign Ordinance, Article V, Section 506.2.** – (1) Definitions; G. Feather
569 Flag/Banner, (2) replace Section 506.4.K “Flags” with “Flags and Banners”, and (3) change Section
570 506.4.K.2. from “Open Flags” to “Open Flags and Banners”.

571 Mr. Kroner commented that the Article in the Hampton Union stating that this proposed amendment
572 was to make these types of signs available without a permit is inaccurate, wrong and completely missed
573 the whole point. The proposal is to make “feather flags” prohibited signs in North Hampton.
574

575 Mr. Kroner opened the Public Hearing at 9:41 p.m.
576

577 **Lisa Wilson, 9 Runnymede Drive** – said that she is in favor of the proposed amendments to Article V,
578 Section 506.
579

580 Mr. Kroner closed the Public Hearing at 9:42 p.m.
581

582 Mr. Harned read the Town Attorney, Matt Serge’s comments into the record:
583

584 *“While I believe I understand the concept behind the proposed sign changes, the use of the word*
585 *“banner” could cause confusion because banners (personal/non-profit) are listed as one form of sign,*
586 *independent of flags, which are allowed without a permit. See Article V, Section 506.4 (I). As a result,*
587 *when Section 506.5 refers to banners as being prohibited it could arguably create a conflict in the Zoning*
588 *Ordinance. It is my suspicion that the Town does not seek to prohibit the banners allowed under 506.4*
589 *(I), but rather prohibit the ones that are in the style of feather flags. I think a slight correction to the*
590 *proposed language can clear this up by simply incorporating the definition from Section 506.2 (G) into*
591 *Section 506.5. This appears to have been done for roof signs”.*

592 Discussion ensued on why “banners” was included in the proposed amendment. It was determined that
593 the Building Inspector asked that “banners” be addressed. The Board was not sure of his reasoning.
594

595 **Mr. Harned moved and Ms. Pohl seconded the motion to continue the Public Hearing on proposed**
596 **amendments to Article V, Section 506 to the December 18, 2012 Public Hearing.**

597 **Dr. Arena made a friendly amendment to the motion to include that the Building Inspector/Code**
598 **Enforcement Officer, Kevin Kelley is invited to attend the Public Hearing.**
599

600 **Mr. Harned and Ms. Pohl accepted the friendly amendment.**
601 **The vote was unanimous in favor of the motion (4-0).**
602

603 **3. Proposed Changes to Article IV, Section 418** – Inclusionary Housing - to implement a “trigger” that
604 the ordinance would only come into effect if it is demonstrated that the Town is below its “fair

605 share”, and a proposed process that calculates the percentage of a development that must be
606 affordable so that the Town will eventually meet its required “fair share” of affordable housing.

607 Mr. Kroner said that he received an E-mail communication from Matt Serge with an attached letter from
608 Attorney McNeill. Mr. Kroner read Attorney McNeill’s letter into the record:

609
610 *Dear Matt,*
611
612 *As a follow up to our conversation of this date, please find enclosed a copy of proposed changes to the*
613 *Workforce Housing Ordinance as well s a newspaper article relating thereto. Consistent with our*
614 *previous discussions, it appears that the Town has agreed to support a conservation result for my client’s*
615 *property. The design review process was closed on June 5, 2012 and the minutes reflect the termination*
616 *of the design review process. However as we have previously discussed, the Town did not provide a*
617 *writing to the applicant informing him within ten days of the termination of the design review process as*
618 *required by RSA 676:4 IIA (b).*

619
620 *Given the elongated Federal approval process it is uncertain whether the process will be concluded by*
621 *June 5, 2013 date when a full application for Workforce Housing would be required. It is respectfully*
622 *submitted that any timing and zoning risk issues could be easily avoided by the Board finding that the*
623 *design review process has not been terminated and appropriate measures are taken to continue the*
624 *design review process. As you know the statute does not mandate a termination date for design review.*
625 *Under these circumstances the developer would have the protection of RSA 676:12:VI and the property*
626 *owner and the Town can work cooperatively to achieve a conservation result.*

627
628 Mr. Harned opined that the letter has nothing to do with the proposed amendment to the Inclusionary
629 Housing Ordinance. He said that from the time the Design Review was closed they have one (1) year to
630 submit a formal application and any changes made to Zoning Ordinance within that year do not apply.
631 The Zoning Ordinances in effect at the time the Design Review was submitted to the Planning Board stay
632 in effect within that year. He said that the Design Review was closed on June 5, 2012, but the Applicant
633 was not notified in writing within the required ten (10) days.

634
635 Mr. Kroner said that Attorney Serge concurs with the Board that that Design Review phase was closed
636 by the Board.

637
638 Mr. Harned commented that if the Applicant did not receive a letter informing him that the Design
639 Review was closed within ten (10) days then that needs to be corrected. *Secretary’s note: It was later*
640 *confirmed that the Applicant was not informed in writing of the decision to close the Design Review*
641 *within the required ten (10) days.*

642
643 Mr. Kroner said that he thinks what the Applicant is asking is, whether or not, in order for the Board to
644 move forward with an application that falls under the current Zoning Ordinances, would he have to
645 submit a formal application now.

646 Mr. Harned respectfully disagreed and did not think that was the Applicant’s question. Attorney McNeill
647 specifically references the RSA’s and the date the Board closed the Public Hearing.

648
649 Dr. Arena mentioned that the Planning Board was very accommodating to the Applicant by granting a
650 continuance to the initial Design Review.

651
652 Mr. Harned said the two issues the proposed amendment addresses is:
653 1). If the Town does not have an Inclusionary Housing Ordinance and does not meet what is determined
654 to be its “fair share”, a developer can come in and propose a workforce housing development and get
655 “builders remedy”, which gives relief from Zoning Ordinances to allow the development to take place,
656 but if the Town doesn’t have an Inclusionary Housing Ordinance, but can prove that they meet their
657 “fair share”, then the developer cannot get the “builders remedy”. If the Town does have an
658 Inclusionary Housing Ordinance then they have to accept a workforce housing development because it is
659 part of the Ordinance.

660
661 Mr. Harned explained that the amendment is designed in a manner that part of the Ordinance will only
662 come into play if the Town does not have its “fair share” of workforce housing. If the Town doesn’t meet
663 its “fair share” then the Inclusionary Housing Ordinance will “kick in” and provide the regulations by
664 which workforce housing development will abide.

665
666 2). If a community is not doing its “fair share” and a workforce housing development is proposed we
667 were only required to have a percentage equal to the “fair share”. If the Town is below the “fair share”
668 and every workforce housing development that comes into Town is equal to the “fair share”, over long
669 term the town will only approach the “fair share”; never obtaining the “fair share”. The amendment is to
670 modify that if the Town is below the “fair share” threshold any workforce housing subdivisions being
671 proposed has to be a small amount above the “fair share” to help close the gap and eventually converge
672 onto the “fair share”.

673
674 Mr. Harned read the changes into the record (italicized).

675
676 *PREFACE:*

677 *This Inclusionary Housing Ordinance shall be in force and effect if and only if the Planning Board has*
678 *found that the percentage of housing units in the Town of North Hampton’s housing stock that meet*
679 *legal and regulatory standards for classification as workforce housing does not equal or exceed the*
680 *Town’s “Fair Share” of workforce housing.*

681 *At least once per year, therefore, the Planning Board shall use the Rockingham Planning Commission’s*
682 *most up-to-date “Regional Housing Needs Assessment” and “Regional Fair Share Analysis,” along with*
683 *any other information deemed relevant, to determine:*

- 684 *1. The percentage of the Town’s housing stock that should meet standards for classification*
685 *as workforce housing in order for the Town to provide its Fair Share;*
686 *2. Whether the Town’s actual percentage of workforce housing units equals or exceeds the*
687 *Town’s Fair Share of such housing; and*
688 *3. If the Town’s actual percentage of workforce housing units is less than its Fair Share, the*
689 *percentage of units, the “Development Fair Share”, that must be guaranteed in any site*
690 *plan or subdivision plan proposed under this Ordinance (cf. Section VI, B below).*

691 *The Board's determinations shall be on record and available for inspection by the public in the Planning*
692 *and Zoning Department during normal business hours.*

693 *Add to definitions:*

694 **A. *Development Fair Share:*** The percentage of workforce housing units in a proposed subdivision
695 that shall be equaled or exceeded for the application to qualify for review under this
696 Inclusionary Housing Ordinance when the Planning Board has determined that this Ordinance is
697 in force and effect (cf. Preface above). The Planning Board shall determine this percentage at
698 least annually, as stated in the Preface above. It shall be calculated as the sum of Town's Fair
699 Share percentage plus the product of 1.5 times the difference of the Town's Fair Share
700 percentage of workforce housing units and the Town's actual percentage of workforce housing
701 units (owner occupied plus renter occupied). (*Development Fair Share = Town's Fair Share*
702 *Percentage + 1.5 x [Town's Fair Share Percentage – Town's actual percentage of workforce*
703 *housing units]). By definition this percentage is a positive number when the Planning Board has*
704 *determined that the Town is not providing its Fair Share of workforce housing units. The*
705 *purpose of establishing this Development Fair Share standard is to ensure that, as site plans and*
706 *subdivision plans are approved under this Ordinance, they tend to diminish -- rather than to*
707 *perpetuate or increase -- any deficiency in the Town's Fair Share of workforce housing units.*

708 VII. Density

- 709 A. A site plan or subdivision plan that proposes to guarantee a percentage of workforce housing
710 units that is equal to or greater than the Town's "*Development Fair Share*" of workforce housing
711 may be granted relief from the minimum lot size, frontage, front-yard, side-yard and rear-yard
712 setback requirements in the underlying district.
- 713 B. When applying the Town's "*Development Fair Share*" percentage to the total number of units
714 proposed in an application under this Article results in a number that is not a whole number, the
715 required number of workforce housing units shall be rounded up to the next whole number.
- 716 C. Relief from minimum lot size, frontage, front-yard, side-yard and rear-yard setback
717 requirements in the underlying district may be granted as follows:

718

719 Mr. Harned read Attorney Serge's comments on the proposed amendment into the record: "The
720 proposed changes appear valid and suitable for their intended purpose".

721

722 Mr. Groth said that he forwarded the proposed amendments onto Cliff Sinnott and Glenn Greenwood
723 for their comments. Mr. Groth said that they are positive changes and Mr. Sinnott and Mr. Greenwood
724 agree.

725

726 Mr. Harned submitted the following "spreadsheet".

727

756 Mr. Kroner said that he has two problems with diminishing “mixed use”. He said that he didn’t think it is
757 consistent with the Town’s Master Plan; he gave an example of “Drake Farm”, and by not allowing
758 “mixed uses” is destroying the Town’s Heritage.

759
760 Mr. Harned suggested continuing the discussion to the next meeting to get all Board Members’ views on
761 it.

762
763 **Mr. Harned moved to take the proposed amendment to Article IV, Section 406.5 to the first Public on**
764 **December 18, 2012 with the provision to add a lot in the I-B/R District that is presently utilized for**
765 ***residential purposes shall not be used for commercial purposes.***

766 **The vote was unanimous in favor of the motion (4-0).**

767
768 **The meeting was adjourned at 10:45 p.m. without objection.**

769
770 Respectfully submitted,

771 Wendy V. Chase
772 Recording Secretary

773
774 **Approved January 15, 2013**