



Meeting Minutes
North Hampton Planning Board
Tuesday, January 8, 2013 at 6:30pm
Town Hall, 231 Atlantic Avenue

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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, Barbara Kohl, Tim Harned, and Phil Wilson, Select Board Representative.

Members absent: Mike Hornsby

Alternates present: None

Others present: Wendy Chase, Recording Secretary

Mr. Kroner convened the meeting at 6:30 p.m., and noted for the record that there was a quorum.

I. Old Business

1. Case #12:12 – Richard Chorebanian, Ipswich Bay Yacht Sales, 6 Scott Road, Hampton, NH 03942.

The Applicant received conditional approval from the Planning Board on July 2, 2012 for a Change of Use from a School Bus storage/repairs/maintenance facility to Boat Sales. The owner, Christopher Bolton submits an updated Site Plan to meet condition #1 of the approval for review by the Board. Property owner: Christopher Bolton, Woodridge Properties, LLC, 1225 River Road, Weare, NH 03821; property location: 6 Lafayette Road, North Hampton; M/L 003-090-000; Zoning District: I-B/R: Industrial Business Residential. This Case is continued from the December 4, 2012 meeting.

In attendance for this Application:

Peter Saari, Applicant's Counsel

Attorney Saari explained that his Client, Mr. Bolton, has had a site plan prepared and during the process more problems were discovered. The Board was in receipt of the proposed plan. There are lot lines running through the Lafayette Road building, through the rear owner's pool and an easement running through the building. He said that Mr. Bolton and the other property owner involved have a verbal agreement to change the lot lines to where they thought they were and present a new plan to the Planning Board for approval. They understand that the change will result in the building not meeting the rear setback and plan to apply for a variance to the Zoning Board.

Mr. Wilson commented that the owner and occupant are working in good faith to rectify the problems with the lot and suggested that the Board grant an extension on the review of the final site plan.

Mr. Wilson moved and Dr. Arena seconded the motion to continue Case #12:12 – Christopher Bolton, 6 Lafayette Road, to the February 12, 2013 meeting.
The vote was unanimous in favor of the motion (6-0).

2. Case #12:17 – 25 Lafayette Road, LLC, Brian Thibeault, 300 Gay Street, Manchester, NH 03014. The Applicant, represented by Jones and Beach Engineering, proposes a Site Plan Review for a 4,000 square-foot Bank with three (3) drive-thru lanes. The Applicant requests the following waiver: (1) Site Plan Regulation Section X.G.2 – 100 year stormwater drainage control plan. Property Owner: 25 Lafayette Road, LLC, Brian Thibeault; Property location: 25 Lafayette Road, North Hampton; M/L 003-087-000; Zoning District; I-B/R: Industrial Business Residential. This Case is continued from the December 4, 2012 meeting.

In attendance for this application:

Joe Coronati, Jones and Beach Engineering

Mr. Kroner commented that the case was continued from the December 4, 2012 meeting and the original waivers requested for the stormwater drainage control plan and architectural renderings were withdrawn by the Applicant's representative Mr. Coronati. Mr. Coronati provided the Board with a watershed analysis per recommendations made by the Town's Engineer, and architectural renderings for a "mock" bank.

Mr. Coronati passed out copies of an updated plan that addressed issues raised in the Town Engineer's review and said that they do not have a tenant for the bank, but once they do they will come back to the Board for approval for changes to the architectural renderings. Mr. Coronati said that he spoke to the Town's Engineer, Steve Keach, KNA and he did not have a chance to review the updated plans or drainage study.

Mr. Kroner cited a few comments he had regarding the site:

- The Mitsubishi pole sign needs to be removed from the site.
- The landscape plan for the proposed bank meets the Town's requirements, but the strip of grass on Route 1 does not comply with the Town's Site Plan Regulations for a parked zone.
- The Board has to receive the Town's Engineer's "blessing" on the small drainage study done on the site.

Mr. Wilson said that after reviewing the plan it was not clear to him how the traffic will flow coming into the site to use the bank, and pass through the drive-thru and to exit the site. The plan shows an exit onto Cedar Road and the Board agrees that they want to steer traffic away from Cedar Road because it is a substandard road.

Mr. Coronati said that based on the Board's concerns from last month's meeting they added an island that will be landscaped and have a grade change in the middle of the site. They also added a stop sign that will slow traffic within the site. He said that as patrons drive in from the southerly side they will be able to see the "stacking" in the drive-thru lane to determine whether to go through it or to go into the bank itself. The "stacking" is away from the parking area.

Dr. Arena went over concerns he had with the proposed plan. He said that it would make more sense to install a catch basin on the north side of the site to eliminate water runoff more rapidly. Mr. Coronati said that if they did that they would need to dig a trench down the middle of the driveway and patch it.

Dr. Arena referred to the grade of 4-feet on the north end of the bank and wanted to know if it were subtle enough that people would not be aware of it. Mr. Coronati said that the parking at the front and north side of the bank cannot be steeper than 2% to be handicapped accessible. He explained that they make up the grade difference at the drive-thru and in the large grass island.

Dr. Arena asked how the water runoff into the enclosure for the trash receptacles would be mitigated. Mr. Coronati said that the dumpster patio area will be raised and the water will flow down through the bypass lane to the east and out, just like it currently does. They are trying to mimic how the water currently flows and not channelize it.

Discussion ensued on the traffic flow for the proposed plan.

- Future development of the site – most of the building used by First Student is unoccupied; some day there will be a proposal to put a business in there.
- The single entrance off of Lafayette Road will be a “bottle neck” and traffic will be diverted to Cedar Road; a substandard road.
- The Board may want to indicate to the owner that if further development takes place on the site the Board may require offsite development to improve Cedar Road.
- Buses are currently going in and out onto Cedar Road at least four times a day.

Ms. Kohl asked if the Police Chief reviewed the plan. The Department Heads received a copy but there was no comment from the Police Department. She wondered if the Police Chief would have any suggestions on how to design the traffic flow for the proposal. Mr. Kroner said that he would ask for the Chief’s opinion.

It was a consensus of the Board to have the Applicant’s Engineer come up with a better plan that would alleviate the added pressure onto Cedar Road.

Mr. Coronati commented that the connections of side roads, such as, Cedar Road are important to the Residents of North Hampton. He said that he would try and redesign the plan and reach out to the Town’s Engineer for suggestions. Mr. Keach did not comment on the traffic design in his earlier review. Mr. Coronati asked if it would be a good idea to hold an Application Review Committee (ARC) meeting to iron out these concerns. The Board agreed that that would be a good idea.

Mr. Wilson moved and Ms. Pohl seconded the motion to continue Case 12:17 to the February 12, 2013 meeting.

Dr. Arena had questions regarding the lens used in the led lighting; there will be a lot of prisms and he is concerned with light spillage. The lighting plan shows that the lighting will comply with the “dark-sky” standards, but Mr. Coronati said that he will provide a full “cut sheet” on the lens itself for Dr. Arena and the Board to review.

Mr. Wilson moved and Dr. Arena seconded the motion to continue Case #12:19 – 25 Lafayette, LLC, to the February 12, 2013 meeting.

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

3. Case #12:19 – Luke and Paul Powell, 28 Winnicut Road, North Hampton, NH and Robert J. Hodgson, Jr., Conservator of Eleanor E. Hodgson, 81 Belmont Street, Reading, MA 01857. The Applicants propose a minor lot line adjustment between lots 22-32 and 22-34, increasing lot 22-32 by 8,223 square-feet, and propose to subdivide lot 22-32 into two (2) lots; proposed lot one (1) 2.3024 acres and 291.94 feet of frontage, and proposed lot two (2) 2.2980 acres and 222 feet of frontage. Property Owners: Denise Powell, 28 Winnicut Road, North Hampton, NH and Eleanor Hodgson, 81 Belmont Street, Reading, MA 01857; Property location: 28 and 34 Winnicut Road, North Hampton; M/L 022-032-000 and 022-034-000; Zoning District: R-2: Medium Density . The Planning Board took jurisdiction of this Case at the December 4, 2012 meeting and voted to continue it to January 8, 2013.

In attendance for this application:

Steve Oles, MSC Engineering

Mr. Kroner explained that the Board took jurisdiction of the application at their December 4, 2012 meeting and held a site walk of the property on December 12, 2012. Those in attendance at the Site Walk were Mr. Kroner, Mr. Wilson and Mr. Hornsby; also in attendance were Steve Oles and Mike Cuomo, RCCD. The Board is in receipt of a report prepared by Mike Cuomo based on the site walk. The Town's Attorney is reviewing the Condominium Documents and it was verified that the original waiver request for stormwater drainage control plan was granted at the December 4th meeting.

Mr. Kroner said that Mr. Cuomo's recommendations seem to protect the environmental concerns on the site.

Mr. Oles submitted a copy of the State approved driveway application for the record.

Mr. Kroner said that the Town's Attorney has not finished reviewing the Condominium Documents, but that could potentially be a condition of approval if the Board decided that way.

Ms. Kohl said that she owns condominiums and the documents submitted by the Applicant were very similar to hers.

Mr. Wilson said that he was not at the last meeting but reviewed the minutes, and a concern of the Board is the maintenance of the pervious driveway. He suggested that the maintenance agreement, "Exhibit A" in the By-laws include a provision that the pervious driveway be maintained by vacuuming it yearly or in conformance with the manufacturing standards for maintaining the pervious character.

Mr. Oles agreed to include that provision.

Mr. Kroner said that the Board had to first vote on the lot line adjustment.

Mr. Wilson moved and Ms. Kohl seconded the motion to approve the proposed lot line adjustment as depicted on the plan.

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

Mr. Kroner went over recommended conditions of approval from Michael Cuomo, Certified Soil Scientist, RCCD:

- Require a no-cut buffer (except diseased and dangerous trees) on the steep slopes beside and behind the lots.
- Require the wastewater disposal system employ Innovative/Alternate Technology (ITA) approved by NH DES.
- The well on lot one should be properly abandoned and noted as such on the plan.
- He noted that there is a conflict with note 7 and 8 on the proposed plan. Mr. Oles said that there is no conflict. He said there are two different wetlands on two different lots. Mr. Harned suggested that Mr. Oles at least clarify notes 7 and 8 on the final plan.

The Board discussed adding a percentage for the no-cut buffer and noted that it should be depicted on the plan so that the Builder and Building Inspector have a clear understanding of where the buffer is.

Mr. Kroner opened the Public Hearing at 7:58 p.m.

Mr. Kroner closed the Public Hearing at 7:59 p.m. without public comment.

Mr. Wilson moved and Ms. Pohl seconded the motion to waive the requirement for a drainage study due to the fact that it is a two-lot subdivision and the steep slope issue has been addressed. The vote was unanimous in favor of the motion (6-0).

Mr. Wilson moved and Ms. Kohl seconded the motion to approve the two-lot subdivision, Case #12:19 – Denise Powell, 22 & 34 Winnicut Road with the following Conditions:

1. **Recordable Mylar.** Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan.
2. **Certificate of Monumentation.** Applicant shall provide the Board with a Certificate of Monumentation, stamped and signed by a NH LLS, certifying that all monuments depicted on the plan have been properly set in accordance with the Subdivision Regulations.
3. **State Permits.** Applicant shall submit evidence of receipt of all required federal, state, and local permits, including but not limited to, approval for subdivision, and shall note their numbers, as appropriate, on the plan.
4. There shall be a No-cut buffer zone depicted and noted on the plan that follows the slope that is equal to, or exceeds, 25% grade.
5. The Septic System shall be designed to employ Innovative/Alternative Technology (ITA) "pretreatment system" approved by the State of NH DES and noted on the plan.
6. The existing well on lot one shall be abandoned and fully capped and noted on the plan.
7. The Town shall receive approval from Town Counsel of the Condominium Declarations submitted to the Board with the additional condition to Part "B" of the Maintenance Agreement, "Exhibit A", of the performance of vacuuming the pervious driveway in conformance with the manufacturing standards for maintaining the pervious character of the surface.

Note: Other standard conditions of approval include:

1. **L-CHIP Fee.** Applicant shall submit a check made payable to the Rockingham County Registry of Deeds for \$25.00. (This mandatory State Fee is to fund The Land and Community Heritage Investment Program).
2. **Fees.** All fees incurred by the Planning Board, including but not limited to, Consulting, Engineering and Legal fees, have been paid by the Applicant.

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

II. New Business

Case #13:01 – Ralph P. White, Trustee, Shirley I. White Trust, 70 Woodland Road, North Hampton, NH.

The Applicant proposes a two (2) lot subdivision. The proposed lot consisting of two (2) acres and 175-feet of frontage; the parent lot to maintain 2.51 acres and 339.79-feet of frontage. Property owner: Ralph P. White, Trustee, Shirley I. White Trust, 70 Woodland Road, North Hampton, NH; Property location: 70 Woodland Road, North Hampton; M/L 006-107-000; Zoning District: R2: Medium Density.

In attendance for this application:

Ralph White, Owner/Applicant
Joe Coronati, Jones and Beach Engineering

Mr. Coronati explained the current configuration of the property. The house sits in the middle of the 5+ acre lot with a barn that has an office in it. It was later confirmed that the office is for personal use; not a home occupation. Included on the property is a clay tennis court and the property is accessed with a paved loop driveway (two existing curb cuts on Woodland Road).

Mr. Coronati explained that there will be no change to the curb cuts or the existing stone wall; the loop driveway will be disconnected and used as two separate driveways. The existing house will use the well, but the existing septic system will have to be relocated. Test pits were dug and witnessed by Mike Cuomo, RCCD and Jones and Beach Engineering flagged the wetlands. The new septic system will fit well within the lay of the land and there will be very little disturbance to the site. The new water line for the new lot will be brought in from the existing line on Woodland Road and the new septic system will be constructed. The tennis court will be included on the new lot. The front of lot is lawn area and there will be no tree cutting needed. The trees along Woodland Road will remain.

The Town's Engineer, Steve Keach, KNA reviewed the initial plan and based his review on that; Mr. Coronati addressed the concerns and Mr. Keach sent another review based on the updated plan.

Mr. Kroner referred to the comments made by Mr. Keach:

- The easterly limit of the large wetland should be labeled as a Wetland Conservation District boundary on the final plan.
- Specify the location of the existing fire hydrant most closely adjacent to the subject property.
- A requirement that a new septic system, to be situated on and serving lot 107 be in place and NHDES Operational Approval for the same be received prior to signature and recording of the final subdivision plan.

Mr. Kroner said that because the leach field is on the other lot, the Town's Engineer is recommending the septic system be in place prior to recording the Mylar.

Mr. Coronati said that they will add the closest proximity of the fire hydrants on the plan and set the monuments and add them to the final plan.

Mr. Kroner opened the Public Hearing at 8:25 p.m.

Mr. Kroner closed the Public Hearing at 8:26 p.m. without public comment.

Mr. Wilson moved and Ms. Kohl seconded the motion to approve the two-lot subdivision for Case #13:01 – Ralph White, 70 Woodland Road, with the following Conditions:

1. **Recordable Mylar.** Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan.
2. **Certificate of Monumentation.** Applicant shall provide the Board with a Certificate of Monumentation, stamped and signed by a NH LLS, certifying that all monuments depicted on the plan have been properly set in accordance with the subdivision regulations.
3. **State Permits.** Applicant shall submit evidence of receipt of all required federal, state, and local permits, including but not limited to, approval for subdivision, and shall note their numbers, as appropriate, on the plan.
4. Lot 107 shall have a new septic system in place prior to the subdivision, and State approval of the septic system design shall be received prior to the final Mylar being signed by the Board, and recorded at the Registry of Deeds.
5. The easterly limit of the large wetland, situated adjacent to the westerly parcel boundary, shall be labeled as a Wetland Conservation District boundary on the final plan, as recommended by the Town's Engineer, KNA.

Note: Other standard conditions of approval:

1. **L-CHIP Fee.** Applicant shall submit a check made payable to the Rockingham County Registry of Deeds for \$25.00. (This mandatory State Fee is to fund The Land and Community Heritage Investment Program).
2. **Fees.** All fees incurred by the Planning Board, including but not limited to, Consulting, Engineering and Legal fees, have been paid by the Applicant.

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

Case #13:02 – Harbor Street Limited Partnership, 7B Emery Lane, Stratham, NH 03885. The Applicant, Joseph Falzone, Harbor Street Limited Partnership, submits a pre-application Design Review pursuant to Subdivision Regulation VI.A.2. – Design Review Phase, for a proposed 49-unit residential workforce housing subdivision and proposed road totaling 3,200 feet. Property owner: Field of Dreams at Post Road, LLC, 7B Emery Lane, Stratham, NH 03885; Property location: 160-186 Post Road, North Hampton; M/L 018-038-000; Zoning District R-1: High Density and R-2: Medium Density.

In attendance for this application:

Malcolm McNeill, Applicant's Counsel

Joseph Falzone, Owner/Applicant

Mr. Kroner explained that one of the primary reasons for this Design Review is to afford the Applicant some protection from a proposed amendment to the Inclusionary Housing Ordinance endorsed by the Planning Board to go to the Town Voters. It is fair that this opportunity be provided to the Applicant so that for one (1) year the Applicant would not be subjected to the changes to the Ordinance if they are made.

Mr. McNeill agreed with Mr. Kroner's summarization. He explained that the Applicant does not wish to move forward on the proposed subdivision plan but would like to be in the position to protect his interests during the pending state of the proceedings with the Town to preserve the property.

Mr. McNeill gave the following synopsis:

- The Applicant was originally before the Planning Board with a Design Review Application for a 53-lot workforce housing subdivision on May 1, 2012 and again on June 5, 2012. The Design Review was closed by a vote of the Planning Board on June 5, 2012, as such; the Applicant would be required to submit a formalized plan within one year of that date.
- The Applicant has chosen to seek a conservation easement for this property.
- The new plan is designed for a 49-unit subdivision; lots vary in size, some lots up to two acres and the average lot .97 acres; the roadway is 3.200 feet; there is minimal impact to wetlands and they would request zero waivers.
- If the project were to move forward it would be a two to three year build-out.
- The "fair share" percentage would be at 46%, roughly 23 units.
- The average price for a house would be \$277,000.00
- The large house, caretaker house and barn will be preserved.
- To preserve the land takes a lot of different proponents; it involves negotiations with the Southeast Land Trust; Agreements with the Federal Farm Ranch Protection program; funds are being proposed by the Select Board before Town Meeting in March; Conservation Commission is considering donating funds towards this project; the Applicant will make a bargain sale donation and the Southeast Land Trust will come up with funding for the project.

Mr. McNeill explained that transactions like this take many months and probably would not be completed until October 1, 2013. The sole purpose of the Design Review is to permit the project to go forward in the event the Conservation project doesn't happen. He asked that the Board consider keeping the Design Review open until the spring.

Mr. Wilson moved and Dr. Arena seconded the motion to continue the Design Review for Case #13:02 – Harbor Street Limited Partnership, 160-186 Post Road to the May 7, 2013 meeting. The vote was unanimous in favor of the motion (6-0).

III. Other Business

Mr. Kroner noted that the February 5th meeting has been rescheduled to Tuesday, February 12, 2013 due to the conflict with the School's Deliberative Session being held on the 5th. He also reminded the Board that the final Public Hearing on proposed amendments to the Zoning Ordinance is scheduled on Tuesday, January 15, 2013, with the Work Session to immediately follow.

The meeting adjourned at 8:45 p.m. without objection.

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362 Respectfully submitted,
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364 Wendy V. Chase
365 Recording Secretary
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367 Approved as written February 19, 2013
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