



Meeting Minutes
North Hampton Planning Board
Tuesday, June 4, 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, Tim Harned, Dan Derby and Phil Wilson, Select Board Representative.

Members absent: Mike Hornsby

Alternates present: Nancy Monaghan

Others present: Jennifer Rowden, RPC Circuit Rider, and Wendy Chase, Recording Secretary

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

Mr. Kroner seated Ms. Monaghan for Mr. Hornsby.

I. Old Business

- 1. 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. This Case is continued from the May 7, 2013 meeting.

In attendance for this application:
There was no one in attendance for this Application.

Mr. Wilson explained that Case #13:02, was continued to this meeting pending the outcome of a grant from the US Farm and Ranchland Protection Program; receiving it is contingent on the purchase of the property to permanently conserve the property. The Board agreed to continue the Case until the July 2, 2013 meeting pending the outcome of the funding.

Mr. Wilson moved and Dr. Arena seconded the motion to continue Case #13:02 to the July 2, 2013 Meeting, pending the outcome of the funding.
The vote was unanimous in favor of the motion (7-0).

47
48 **2. Case #13:05 – Annette Lee and Nicole Carrier, 2 Elm Road, North Hampton, NH, 03862.** The
49 Applicants request Site Plan Approval on a proposal to relocate their existing brewery to Hobbs Farm at 2
50 Elm Road, North Hampton, to produce beer and operate a tasting room/event space. Property owners:
51 Annette Lee and Nicole Carrier; Property location: 2 Elm Road, North Hampton, NH 03862; M/L 013-009-
52 000; Zoning District: I-B/R: Industrial Business Residential and R-1: High Density Residential. This Case is
53 continued from the May 7, 2013 meeting.

54
55 In attendance for this application:
56 Annette Lee, CO-owner/Co-applicant
57 Mike Sievert, MJS Engineering
58

59 Mr. Sievert said that he has addressed all of the comments/suggestions made by the Town’s Engineer,
60 Steven Keach. They are still working on the NH DES Alteration Terrain Permit (AOT), and finalizing the
61 septic designs. They received approvals from Aquarion Water Company and they met with the Fire
62 Chief and he determined that they will not need an additional fire hydrant at the site. Mr. Sievert said
63 that all of the plans have been updated and will be amended once the AOT permit and septic system
64 designs are complete.

65
66 Mr. Kroner asked the Board for comments; being none he opened the Public Hearing at 6:35 p.m.

67
68 **Arthur Nadeau, 34 Pine Road** – said that he owns the property at 4 Elm Road next to the subject
69 property, 2 Elm Road, and wrote a letter to the Planning Board last month that was read into the record
70 at the May 7, 2013 meeting and reiterates the statements made in that letter and hopes the Board
71 approves the Site Plan Application.

72
73 Mr. Kroner closed the Public Hearing at 6:38 p.m.

74
75 Dr. Arena asked how the shared driveway is handled regarding maintenance.

76
77 Mr. Nadeau said that the driveway agreement is written within the deed and if there are any major
78 repairs to be done, both “parties” would come to an agreement for repairing it. The reason they don’t
79 have separate driveways is because there are three (3) large, very old hemlock trees that would need to
80 be cut down and that would take away the privacy.

81
82 Mr. Wilson commented that the Board received the Engineering report from Steven Keach, KNA
83 Engineering, stating he is satisfied with all of the updates made to the plan.

84
85 Mr. Sievert estimated the proposed landscaping on the property will cost \$15,000.00.

86
87 **Mr. Wilson moved and Dr. Arena seconded the motion to approve the Site Plan Review Application**
88 **for Case #13:05 – Annette Lee and Nicole Carrier, with the following Conditions:**

- 89 **1. Recordable Mylar. Applicant shall submit a recordable Mylar of the approved plan with**
90 **signatures and seals affixed of all licensed professionals whose names appear on the**
91 **plan.**
92 **2. Certificate of Monumentation. Applicant shall provide a copy of the Certificate of**
93 **Monumentation, submitted July 17, 2012 to the Town (Case #12:09) for the lot line**
94 **adjustment approved for 2 and 4 Elm Road or a new Certificate of Monumentation**

95 signed by a NH LLS, certifying that all monuments depicted on the plan have been
96 properly set in accordance with the subdivision regulations.

97 3. **State Permits.** Applicant shall submit evidence of receipt of all required federal, state,
98 and local permits, including but not limited to, NH DES Construction Approval for
99 subsurface sewage disposal (septic) system, NH DES Alteration Terrain Permit (AOT), and
100 NH DOT Driveway Permit on Hobbs Road, and shall note their numbers, as appropriate,
101 on the plan.

102 4. **Landscape Surety.** Surety in the amount of \$4,000 shall be submitted to the Town and
103 retained by the Town for a period of two growing seasons after installation of plantings
104 to ensure that any dead plantings are properly replaced.

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

106
107 **I. New Business**

- 108
109 1. **Case #13:08 – Brent & Maria Flemming, 331 Exeter Road, Hampton Falls, NH, 03844.** The
110 Applicants/Owners of Imprint Day School submit a Site Plan Review Application for a proposed
111 4,420 square-foot addition to a commercial building (Day School) with associated parking and
112 driveway. Property owners: Brent & Maria Fleming, I & M Realty LLC, 2 Lafayette Road, North
113 Hampton, NH; Property location: 2 Lafayette Road, North Hampton, NH; M/L 003-089-000;
114 Zoning District: I-B/R: Industrial Business Residential.

115
116 In attendance for this application:

117 Brent & Maria Flemming, Owners/Applicants

118 Joe Coronati, Jones and Beach Engineering

119 Timothy Phoenix, Applicant's Counsel

120
121 Mr. Coronati went over the existing conditions of the Day School.

- 122 • The current school is 8,000 square-feet and has the capacity for 128 children, ranging
123 from infants to six (6) year olds. The teacher/student ratio is one (1) teacher per eight
124 (8) children and one (1) teacher per four (4) infants.
- 125 • The staff ranges from 20 to 22 full time staff and some part time staff.
- 126 • There is no dining area; the children eat lunch in their classrooms; they all bring their
127 own lunches.
- 128 • Children get dropped off and picked up; some of the teachers also get dropped off and
129 picked up.
- 130 • A lot of the families have more than one child enrolled.
- 131 • The building is fully alarmed; the doors are all alarmed with a key code entrance to get
132 into the building, and for security reasons, every time the parents come in, they have to
133 use the fingerprint touch screen to ensure it is the parent of the child they are picking
134 up.
- 135 • Ms. Flemming has monthly fire drills and has the Fire Department attend a lot of the
136 drills; they have the escape route down to two (2) minutes.
- 137 • The playground is fenced in and there is a complete walkway around the building (some
138 of that will be removed with the addition).
- 139 • A shed was added to the property to store equipment.

- 140 • There is an “entrance only” and an “exit only” approved by the NH DOT.
141

142 Mr. Harned asked who it was that decided where the entrance and exit would be. Mr. Coronati
143 explained that they need the entrance to the site where it is because it gives a longer deceleration lane.
144

145 Mr. Coronati described the proposed addition:

- 146 • The proposed addition will be 4,420 square-feet in total, consisting of four (4)
147 classrooms that will house sixteen (16) children (total of 64 additional children).
148 • It will be located 20 feet away from existing building, but attached by a
149 breezeway/hallway.
150 • Eight (8) additional teachers will be hired.
151 • The 5 and 6 year olds will be moved to the new addition.
152 • The playground will be expanded and fenced in.
153 • A new septic system will be constructed and located under the parking lot in the front
154 section of the lot and have received State septic approval.
155 • Aquarion Water Company will provide water to the building.
156 • The dumpster pad will be relocated.
157 • The General Contractor will be in charge of the delivery schedule and will make sure
158 deliveries are made around the busy times of day, and there will be a “flag man”
159 available to direct traffic when deliveries are made.
160 • All construction will be enclosed.
161 • There will be six (6) new parking spaces and a concrete pad for motorcycle parking
162 (some teachers drive motorcycles or scooters to work).
163 • The soils consist of sandy gravel, and they have yet to find the water table; they dug 8
164 feet down and it was all sand.
165 • They have a proposed “rain garden” for the water runoff from the parking lot.
166 • They received confirmation from the Town’s Engineer, Steve Keach, that all of his issues
167 have been addressed.
168 • They received a letter from the Town of Hampton stating they did not need to review
169 the plan because there was nothing changed on the small portion of the property
170 located in Hampton.
171 • They received letters from the Police Department stating that the Chief is working with
172 Ms. Flemming to establish a drill shelter in place procedures.
173 • They received a letter from the Fire Department stating the Chief would like to do a
174 walk-thru of the facility for a life and safety inspection.
175 • They will be adding a fence on the property to screen from the abutting property.
176

177 Mr. Coronati worked with the owners to compile a traffic analysis; he went over their findings with the
178 Board. From the data they compiled, it is expected with the new addition, that there will be an increase
179 in “drop offs” and “pickups” from the current 96.5 to 144 per day. The average time to drop off a child is
180 4.4 minutes per child. The Teachers hours are staggered, so they do not arrive or leave all at the same
181 time.

182 Mr. Coronati said that they will have to amend the NH DOT driveway permit. He said that there is an
183 existing Landscape surety account in place from the original Site Plan approval that is due to expire this
184 month and wondered if the Board would be willing to extend that surety account for another two
185 growing seasons for the proposed added landscaping involved in the new addition; Mr. and Mrs.
186 Fleming have agreed to this.

187
188 Ms. Fleming explained that the Day School is used only for school activities; i.e. parent/teacher
189 conferences, art shows and Halloween parades.
190
191 Mr. Harned mentioned that traffic analysis provided was more of a parking analysis and asked if there
192 had been anything done on the traffic impact in terms of Route 1. Mr. Coronati said that he did not do a
193 traffic trip count on Route 1, but based on NH DOT numbers the trip count is very high. He said a lot of
194 the people dropping children off are travelling Route 1 anyway, based on where they are coming from,
195 and the number of cars leaving the site every 5 minutes is, 7. There is a video camera in front of the
196 building filming the entire day and they have never witnessed traffic congestion at their site.
197
198 Discussion ensued on the proposed “rain garden”/”retention cell. The Board voiced concerns over the
199 functionality of the “rain garden” and the necessary assurance the Town needs that it will always be
200 maintained and functioning properly.
201
202 Mr. Coronati explained that the need for the “rain garden” is for the water runoff from the parking lot.
203 He said the water infiltrates the sandy soils too quickly and is not treated before entering the ground
204 water. He said the water runoff from the roof can infiltrate directly into the ground, but the parking lot’s
205 water runoff has salt and chemicals, such as phosphates and nitrates that have to be detained in the
206 “rain garden” and slowly released into the ground, to be treated. He said that the maintenance of the
207 “rain garden” is the responsibility of the owners of the property, and if it is holding water for more than
208 3 days, it is not functioning properly. Mr. Coronati said that it needs to be maintained like detention
209 ponds on other commercial properties; it’s something that cannot be ignored. Mr. Coronati said that the
210 “rain garden” is a great system and has passed the Alteration and Terrain permit requirements, and is a
211 benefit to the headwaters of the Winnicut River.
212
213 Mr. Wilson said that he would rather take a proactive route, than wait for a failure. He suggested
214 requiring the owners to write a letter to the Town annually to report that the “rain garden” is
215 functioning properly. The owners were agreeable to that suggestion.
216
217 Mr. Harned commented that the detention pond on Sheet C-3 was not properly identified.
218
219 Mr. Coronati said that they will be constructing an Enviro-Septic design system, which is smaller than the
220 traditional stone and pipe septic system. The tank is a 1,500 gallon tank, 1,600 square feet in size. There
221 will be twenty (20) 40-foot long pipes in 10 rows underground.
222
223 Ms. Pohl asked if the addition were to be approved, would the lot then be “built out”. Mr. Coronati said
224 that it would likely be built out because there would not be enough room for further expansion or
225 parking space to accommodate further expansion.
226
227 Mr. Wilson brought to the board’s attention Article V, Section 501.2 *a non-conforming use may be*
228 *continued but may not be extended, expanded, or changed unless to a conforming use, except as*
229 *permitted by the ZBA in accordance with the provisions of this Ordinance.* He explained that the Board
230 wrestles with this ordinance. The lot is a non-conforming lot because it does not have the required two
231 (2) acres, and the addition would be an expansion.
232

233 Mr. Kroner referred to Article V, Section 501.5 *Structures on a lot that is non-conforming because it*
234 *does not meet the existing dimensional requirements for frontage and/or lot size can be expanded if the*
235 *expansion meets current zoning.*

236
237 Attorney Phoenix said the reason he was not concerned with Section 501.2 is because Section 501.5
238 specifically states a “structure”, so Section 501.5 trumps Section 501.2 because you are allowed to
239 expand even if the lot is not big enough to meet the dimensional requirements.

240
241 Ms. Rowden said that, in her opinion, the proposed expansion is allowed under the Zoning Ordinance.
242 The Board agreed, and also agreed to review the entire Section 501 for possible amendments.

243
244 Mr. Kroner opened the Public Hearing at 8:20 p.m.
245 Mr. Kroner closed the Public Hearing at 8:21 p.m. without public comment.

246
247 Dr. Arena said that, in his opinion, the developed site is the best solution at that location and they
248 should be allowed to proceed with the addition, and that the Board should always practice “common
249 sense”.

250
251 Mr. Wilson moved and Dr. Arena seconded the motion to approve the Site Plan Application for Case
252 #2013:08 – Imprints Day School and allow the 4,420 square-foot addition with the following conditions:

- 253 1. **Recordable Mylar.** Applicant shall submit a recordable Mylar of the approved plan with
254 signatures and seals affixed of all licensed professionals whose names appear on the
255 plan.
- 256 2. **Certificate of Monumentation.** Applicant shall provide a copy of the Certificate of
257 Monumentation, stamped and signed by a NH LLS, certifying that all monuments
258 depicted on the plan have been properly set in accordance with the subdivision
259 regulations.
- 260 3. **State Permits.** Applicant shall submit evidence of receipt of all required federal, state,
261 and local permits, including but not limited to, NH DES Septic Approval, NH DOT
262 Driveway permit, and shall note their numbers, as appropriate, on the plan.
- 263 4. **Surety.** The current Landscape surety held by the Town in the amount of 1,450.00, plus
264 interest, shall be extended and retained by the Town for two growing seasons after
265 installation of the plantings depicted on the plan of the new addition to the Day School,
266 to ensure that any dead plantings are properly replaced.
- 267 5. **Rain Garden.** A note shall be added to the plan that the owners shall comply with “Best
268 Management Practices” for the maintenance of the rain garden.
- 269 6. The owners and subsequent owners shall provide a written letter to the Town annually
270 certifying the rain gardens are performing as designed.
- 271 7. The detention pond on the southerly side of the property shall be relabeled on the plan
272 as “rain garden” and shall fall under the same “Best Management Practices” described in
273 Condition #5.

274 The Board discussed “rain garden” issues. Mr. Wilson said that the Board has been struggling on how
275 the town is to be assured that a “rain garden” is maintained and functioning properly. He said that this
276 is the first time they have heard of the suggestion that the owner, and subsequent owners, write a letter
277 to the Town annually reporting on the functionality of their “rain garden”.

278

279 The Board agreed that they should work on implementing procedures regarding the maintenance of
280 "rain gardens" and detention ponds, and involving the Code Enforcement Officer to be a part of it by
281 having him/her keep an ongoing record of all "rain garden" and detention ponds in town.

282
283 Mr. Kroner commented that it is important to note conditions of approval on the plans, because they
284 are the conduit that allows the Code Enforcement Officer to act.

285
286 **The vote was unanimous in favor of the motion (7-0).**

287
288 Mr. Kroner called for a five minute recess.
289 Mr. Kroner reconvened the meeting at 8:35 p.m.

290
291 **III. Other Business**

292 1. **Review of a proposed minor amendment to a condition of approval to determine whether it is**
293 **an administrative change, or whether it requires a formal application to the Planning Board.**

294
295 Mr. Kroner explained that the Lamprey Energy subdivision, approved by the Board on November 5,
296 2012, Case #2012:10, was approved with a list of conditions, which the owner of the property met. Mr.
297 Mark Collins purchased the subdivided lot M/L 005-039-000, and would like to amend Condition #9 – *No*
298 *occupancy permit will be granted until evergreen plantings and loam and seed is installed over existing*
299 *gravel driveway as depicted on Sheet C-1 of the project plans.*

300
301 The Building Inspector is not authorized to allow changes made to the approved plans without approval
302 from the Planning Board.

303
304 The revised plan shows that the middle trees already planted will be moved on the property and
305 replaced with blueberry bushes to allow the air to flow through onto the property while maintaining the
306 screening from the commercial business, Lamprey Energy. Five of the surrounding abutters signed a
307 letter approving the modification to the plan.

308
309 **Mr. Wilson moved and Dr. Arena seconded the motion that the Board having reviewed the letter from**
310 **Mr. Collin's Counsel, Robert Casassa, and the original condition of approval #9, finds that the purpose**
311 **of the original condition was to provide an adequate buffer, and the new purchaser's proposal meets**
312 **that condition of approval; therefore the Board grants the amended condition of approval #9.**
313 **The vote was unanimous in favor of the motion (7-0).**

314
315 There was no "other business" before the Board.

316
317 The meeting was adjourned at 8:55 p.m. without objection.

318
319 Respectfully submitted,

320
321 Wendy V. Chase
322 Recording Secretary
323 Approved June 18, 2013