



Meeting Minutes
North Hampton Planning Board
Tuesday, August 5, 2014 at 6:30pm
Town Hall, 231 Atlantic Avenue

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

Members present: Tim Harned, Vice Chair, Joseph Arena, Dan Derby, Barry Donohoe, Phil Wilson and Jim Maggiore, Select Board Representative.

Members absent: Shep Kroner

Alternates present: Nancy Monaghan

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

Mr. Harned called the meeting to order at 6:35 p.m.

Mr. Harned seated Ms. Monaghan for Mr. Kroner.

I. Old Business

1. **Case #14:06 – Lisa M. Urdanoff, 972 Ocean Blvd, Hampton, NH 03842.** The Applicant proposes a Change of Use from a restaurant to a Dog Day Care, Boarding and Grooming Facility. Property Owner: BERCROM Inc., 38B South Road, North Hampton, NH; Property Location: 219 Lafayette Road, North Hampton, NH; M/L: 021-002-000; Zoning District: I-B/R – Industrial Business Residential. This Case is continued from the July 1, 2014 meeting.

In attendance for this application:

There was no one in attendance to present this case.

Mr. Harned explained that Ms. Urdanoff's, Case #14:06, was continued from the July 1, 2014 because the Board questioned whether a variance would be required for her proposal because it was not listed as a permitted use in the I-B/R zoning district. The Board agreed to seek a legal opinion from Town Counsel, which they did, and the opinion from Town Counsel was that a variance would be required.

The Board was in receipt of a copy of an Email communication from the Applicant, Lisa Urdanoff. Mr. Harned read from it for the record. Ms. Urdanoff asked the Planning Board to consider her e-mail as a formal removal from any Planning or Zoning Board appearances related to 219 Lafayette Road, North Hampton; she has terminated her purchase and sales agreement on the property.

The case was withdrawn; the Board took no action.

II. New Business

- 1. Case #14:07 – James Jones, 207 Atlantic Avenue, North Hampton, NH 03862.** The Applicant submits a Site Plan Review Application for property located at 38-42 Lafayette Terrace, M/L's 021-14, 34, 35 and 36, zoning district: I/BR. A prior site plan has been approved; the issue is the continued use of various items stored on the property in lesser volume but stored further back of the same property. There are no buildings or other structures being proposed and no physical or mechanical additions being added to the property. The Applicant requests the following waivers: VII. A, - Fees. The applicant requests a waiver to the application fee of \$50.00 per sq. ft.; VIII.B.13 through VIII.B.25 Plan information requirements and the applicant requests the Board to use its discretion afforded under Section XV (B) and Section V(A)(2-3) and waive the requirement of a fully completed checklist. Property owner: same as applicant.

In attendance for this application:

James Jones, Owner

James Jones, 207 Atlantic Avenue, - requested a continuance of his Site Plan Review Application, Case #14:07 to the September 2, 2014 meeting.

Dr. Arena moved and Mr. Derby seconded the motion to grant Mr. Jones' request, and continue Case #14:07 to the September 2, 2014 meeting.

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

- 2. Case #14:08 – Applicant, Michelle Brewster, 7 Taft Road, Road, Portsmouth, NH 03801.** The Applicant proposes a Change of Use from a residential home to a commercial Family Resource Center that would house a group of professionals providing support and services for new and expectant parents. Property location: 165 Lafayette Road, North Hampton, NH; M/L: 017-099-000; Property owner: John D. McGonagle, Trustee, Black Marble Realty Trust, PO Box 679, Rye, NH 03870; Zoning district: I-B/R – Industrial Business Residential.

In attendance for this application:

Michelle Brewster, Applicant

Ms. Brewster presented her proposal to the Board. She explained the following:

- The services offered will be her own photography studio, specializing in maternity through young families, and a 3D Ultrasound Company that gears towards 3D images for prenatal use more than medical use; their clientele would not be using their services because a Doctor has asked them to go.
- There is no chemistry involved; everything is digital.
- An interior wall will be removed to allow for a photography studio as depicted on the floor plan.
- The 3D Ultrasound Company will occupy one (1) 200 square-foot room and Ms. Brewster will use the remainder of the building for herself. They may want to offer different types of

parenting classes in the future, and will come back to the Board if they decide to expand their business.

- The only change to the outside of the building is an added ingress/egress off the back of the building from the second floor, and a parking area.
- The 3D Ultrasound Company is manned by one person with no employees. Ms. Brewster has only one (1) employee. They have one (1) more parking space than what is required and one (1) handicapped parking space.
- There will be lighting installed on the existing garage to illuminate the parking area.
- All clients are by appointment only; they will not need visibility during the night hours.
- The hours of operation will be approximately between 9:30am and 3:30pm.

Ms. Brewster said that she is before the Board to seek approval to use the building for her business as a *commercial use* before she purchases the property.

Dr. Arena commented that it is unusual that someone interested in purchasing a property is predicated on approval from the Planning Board to allow a particular *use*. Ms. Rowden said that it is unusual, but it is allowed.

Tom Fabisak, Tom Fabisak Real Estate, said the owner of the property, John McGonagle, is here to work with. He said they have had the property under agreement five (5) times and nothing came to fruition. He said this proposal is much better than the proposals they have received over the past year.

Mr. Wilson moved and Dr. Arena seconded the motion to take jurisdiction of the application. The vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the Public Hearing at 6:56 p.m.

Mr. Harned read a message received on the Town's answering machine from Mary Hale, Cactus Creek, CO, (a direct abutter to the subject property). She owns vacant land that abuts and surrounds the subject property and objects to the proposal; she thought that a better use could be made of the property. She also said that she just received her notice in the mail. It was determined that the certified mail was sent on July 24, 2014. *Secretary's note: Ms. Chase received a phone call from Ms. Hale and after she realized the type of services that will be occupying the space, and approved by the Board, she was fine with it.*

Mr. Harned closed the Public Hearing at 6:57 p.m.

Mr. Maggiore said that the Economic Development Committee looks for businesses to come to Town that add value to the people of North Hampton without overstressing the Town's resources. He stated his appreciation of the Applicant's willingness to comply with the Town's Ordinances.

Mr. Wilson moved and Dr. Arena seconded the motion to approve the Change of Use for Case #14:08 with the following conditions:

1. **Recordable Mylar.**

- a. Applicant shall submit a recordable Mylar of the approved as-built plan with signatures and seals affixed of all licensed professionals whose names appear on the plan.
 - b. The proposed ingress/egress to the second floor shall be constructed and indicated on the plan.
 - c. The septic system shall be designed and installed and depicted on the plan.
 - d. The sign and new lighting shall be indicated on the plan.
 - e. All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.
 - f. A note shall be added to the plan that the sign shall be installed as depicted on the plan and a proper permit will be secured for that signage.
 - g. A note shall be added to the plan that all new lighting to be installed shall comply with "Dark Sky Standards".
 - h. Parking calculations according the Site Plan Review Regulations shall be added to the plan.
 - i. The Applicant agrees that the final Mylar shall be presented within thirty (30) days following the issuance of a Certificate of Occupancy.
2. **Certificate of Monumentation.** Applicant shall provide a copy of the 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 and the monument depicted on the plan as broken shall be reset.
3. **Permits.** Applicant shall submit evidence of receipt of all required federal, state, and local permits -- including but not limited to, approval by NH DES of the septic system noted in condition 1.b above -- and shall note their numbers, as appropriate, on the plan.
- The vote was unanimous in favor of the motion (7-0).

III. Other Business

Prioritized Work Plan Discussion –

Mr. Harned suggested that the members divvy up the work topics and come back to the Board with an assessment of what is wrong with the ordinance or regulation and potential solutions to those problems.

The list of topics the Board prioritized in the order they felt were of most importance to on now are:

1. Wetlands Ordinance
2. Wireless Ordinance
3. Duplex Ordinance
4. Minor Site Plan and Subdivision plans (Regulations)
5. Shared Driveways (Regulations)
6. Lot coverage %

7. Accessory Structures and Solar Array Ordinance
8. Foundation restrictions regarding the Water Table

Ms. Rowden commented that amendments made to the Regulations will not require the same Public Hearing process as amendments to Zoning Ordinances. She said that some of the topics may be controversial, such as, wetlands, if the Board proposes larger setback requirements or, duplexes, if the proposal is to increase the lot area requirement. She also pointed out that the Wireless Ordinance would involve updating it so that it complies with the new State Law.

The Board discussed the Wireless Ordinance. The new law mainly addresses collocation and the Town's current ordinance encourages that. Mr. Wilson mentioned that the "meat" of the regulations for wireless telecommunications is in the Site Plan Review Regulations and asked the members to read it thoroughly.

Mr. Harned said that the collocation allowed doesn't mean collocating only on existing towers; it means collocating on any structure that can support it.

Mr. Derby and Mr. Donohoe volunteered to work on the minor site plan and subdivision plan regulations.

Mr. Harned and Ms. Monaghan volunteered to work on the wetlands ordinance.

Mr. Maggiore volunteered to work on the Wireless Telecommunications Ordinance and Regulations.

Mr. Harned said that Mr. Kroner was interested in working on Duplexes, and Dr. Arena volunteered to help him with that.

Ms. Rowden reminded the Board that they have three (3), possibly four (4) more Work Sessions before the Public Hearing process begins on changes to the Ordinances for the March vote.

Mr. Derby said that he will have something prepared for the August 19th Work Session and will distribute it to the members prior to that meeting.

Mr. Harned mentioned that Mr. Kroner would like to work on correcting typos/disconnects within the current ordinances that have evolved over the years. He commented that there is a "disconnect" within the wetlands ordinance for one.

The meeting adjourned at 7:47 p.m. without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved August 19, 2014