



Meeting Minutes
North Hampton Planning Board
Tuesday, September 2, 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: Shep Kroner, Chair; Tim Harned, Vice Chair, Dr. Joseph Arena, Dan Derby, Barry Donohoe, Phil Wilson and Jim Maggiore, Select Board Representative.

Members absent: None

Alternates present: None

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

Chair Kroner called the meeting to order at 6:30pm.

I. Old Business

1. **Case #14:07 – Applicant, 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. This application including waiver requests is continued from the August 5, 2014 Meeting.

In attendance for this application:
James Jones, Owner/ Applicant

Mr. Jones requested a continuance for his application to the November 4, 2014 meeting. Mr. Wilson asked that he put the request in writing for the permanent record. Mr. Jones agreed to do so and said he would send a letter to the Town Office.

Dr. Arena moved and Mr. Wilson seconded the motion to grant Mr. Jones' request to continue his case to the November 4, 2014 Planning Board meeting.
The vote was unanimous in favor of the motion (7-0).

II. New Business

1. **Case #14:09 – Applicants, Frank & Florence Arcidiacono, 2 Boutilier Lane, North Hampton, NH and John Spink, Jr., 800 South Road, Rye, NH 03870.** The Applicants propose a lot line adjustment including properties identified as Map 12, Lot 84 and Map 16, Lot 1 and a lot merger combining Map 12, lot 84 with Map 13, Lot 89-12. The

Applicants request the following waivers to the Subdivision Regulations: VIII.B.15, VIII.B.16, VIII.B.18, and VIII.B.21. There will be no new lots created. Property location: 2 Boutilier Lane and North Road rear; property owners: same as applicants; M/L 012-084, 013-89-12 and 016-001; zoning district; R-2 Residential Medium Density.

In attendance for this application:

Frank and Florence Arcidiacono, Owners/Applicants

John Spink, Jr., Owner/Applicant

Mr. Arcidiacono explained that his main objective for this proposal was to obtain more of a buffer on his existing house lot. He said that the lots involved in the voluntary lot merger do not have road frontage. The easement shown on the plan is to gain access to the larger lot.

Ms. Rowden said that proposal doesn't add any non-conformity to any lot and does not create any new buildable lots. The proposal will increase lot 13-89-12 from 2.01 acres to 3.01 acres.

Mr. Wilson pointed out that the increase in acreage to lot 13-89-12 would change the development of the lot by making the lot susceptible to a duplex building.

Mr. Harned moved and Dr. Arena seconded the motion to approve the Voluntary lot merger between lots 016-001 and 012-084.

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

Waiver Requests from Subdivision Regulations, VIII.B.15 – topographic contour boundaries; VIII.B.16 – natural features, water courses ponds; VIII.B.18 – location public and private utilities, and VIII.B.21 – location of fire hydrants.

Ms. Rowden said that she had no problems with the requested waivers to the subdivision regulation.

Mr. Arcidiacono commented that the covenants for Boutilier Lane would not allow a duplex to be built.

Mr. Kroner opened the Public Hearing at 6:45 p.m. to public comment to any one of the waivers requested.

Mr. Kroner closed the Public Hearing at 6:46 p.m. without public comment.

Mr. Derby moved and Mr. Harned seconded the motion to grant the waiver requests to Subdivision Regulations, VIII.B.15; VIII.B.16; VIII.B.18 and VIII.B.21.

Chair Kroner pointed out that these particular regulations are geared more toward a subdivision rather than a lot line adjustment.

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

Jurisdiction of the plan

It was a general consensus of the Board that the application is complete.

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

Ms. Rowden suggested that the “abandoned car” depicted on the plan be removed.

Mr. Wilson moved and Mr. Derby seconded the motion to approve the lot line adjustment application with the following conditions:

1. **Recordable Mylar.** The Applicant shall remove abandoned car depicted on the plan and submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan. All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.
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.

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

2. **Case #14:10 – Applicant, Ernest Delle Donne, Seacoast Power Equipment, 108 Lafayette Road, North Hampton.** The Applicant proposes a change of use by relocating his existing business from 108 Lafayette Road next door, to 104-106 Lafayette Road. The current retail/warehouse use will remain the same use. Property owner: Luck Enterprises, Inc, 115 Lafayette Road, North Hampton; property location: 104-106 Lafayette Road, North Hampton; M/L 013-026 & 027; zoning district: I-B/R Industrial Business Residential.

In attendance for this application:

Ernest Dell Donne, Applicant

Mr. Dell Donne explained that the *use* is basically the same; the businesses occupying 104-108 Lafayette Road are retail uses and Seacoast Power Equipment is a retail use. He said that he is purchasing the building and the closing will take place at the end of the year giving the tenants plenty of notice to find a new home.

Ms. Rowden said that 17 parking spaces are required with at least one handicapped space.

Mr. Dell Donne said that the site is going from three (3) retail businesses down to one (1), he said he is sure he meets the requirement.

Dr. Arena asked what the applicant’s intentions were regarding signage.

Mr. Dell Donne said that he did not intend putting more signage at the site than what is there now. He said the plan is to utilize the framing of all the existing signs and replace them with his business signs.

Dr. Arena said that each business is allowed a wall sign and questioned whether a business can absorb the signage currently allowed for those businesses for Mr. Dell Donne's one business. Mr. Kroner said that this is a unique situation because there are three (3) signs (one for each business) and a change of tenant would be allowed to replace the existing sign, but this change is from three (3) businesses down to one (1) allowing only one wall sign. He said that if Mr. Dell Donne could not comply with the current sign ordinance he has the option of applying for a Conditional Use Sign Application with the Planning Board.

Ms. Rowden referred to the Sign Ordinance and said that Mr. Dell Donne would be allowed to have one (1) 12 square-foot wall sign if using also using a pylon sign.

Mr. Dell Donne said he will either meet the current regulations or come back to the Board for a waiver.

Mr. Wilson asked how the dumpster would be screened.

Mr. Dell Donne said that he is putting up a chain linked fence and there will be siding on the portion of the fence that will screen the dumpster.

Dr. Arena questioned what would happen to the current handicapped parking spaces that service the current businesses once the new tenant occupies the building.

Ms. Rowden explained that the amount of parking spaces is based on the square footage of the building and only one handicapped space would be required.

The Board didn't have the site plan and was not sure if each business had its own handicapped parking space.

Mr. Dell Donne said he will be able to meet the parking space requirements.

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

Chair Kroner asked the applicant if he planned to make changes to the exterior that would require an updated Mylar.

Mr. Dell Donne said that the only change to the exterior is adding the chain linked fence and putting the equipment out for display, but putting it back behind the fence at night.

Mr. Wilson said that he would like to see the propane tank filling station with the protected bollards depicted on the plan. He said the chain linked fence will be occupying the site more than the building itself and may be important to have depicted on the plan. He said that he would like to see the handicapped parking spot depicted on the plan too.

Mr. Donohoe voiced concerns over trucks using the back driveway and asked if it would be possible for the service trucks to only enter and exit off of Route 1.

Mr. Donohoe said that the dumpsters are on the right of the building and the trucks would only be able to access them coming off of Route 1, and we don't want the fueling tanks going through the back driveway.

Mr. Wilson suggested adding a condition that if the applicant shall comply with the Sign Ordinance or come back to the Board with a Conditional Use Application.

Mr. Derby questioned that condition; he said that a change of use has to comply with the Ordinances unless they see further relief.

Mr. Harned agreed with both Mr. Wilson and Mr. Derby but said that this case is unique and it needs clarification regarding signage.

Mr. Wilson moved and Mr. Harned seconded the motion to approve the Change of Use for Case #14:10 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. All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III. The Mylar shall depict the required 17 parking spaces including at least one (1) handicapped parking space; it shall depict the propane refilling station with the protective features that are required, and shall depict the fenced areas that are proposed in the Change of Use.**
 - 2. A note shall be added to the plan that the Applicant will comply with the Sign Ordinance, or come to the Planning Board for a Conditional Use Permit for different signage.**
 - 3. A note shall be added to the plan stating that all commercial vehicles servicing Seacoast Power Equipment, particularly the propane filling vehicles, will enter the site from Route 1.**
- The vote was unanimous in favor of the motion (7-0).**

- 3. Case #14:11 – Applicants, Horace & Sharon Rommelman 242 Atlantic Ave., North Hampton and Jeff DiBartolomeo, 244 Atlantic Ave., North Hampton.** The Applicants propose a lot line adjustment including Map 008, lot 096 and Map 008, Lot 097. The Applicants request the following waivers to the Subdivision Regulations: VIII.B.15, VIII.B.16, VIII.B.18, and VIII.B.21. There will be no new lots created. Property owners: same as the applicants; property location: 242 and 244 Atlantic Ave., North Hampton; M/L 008-096 and 008-097; zoning district: R-1 Residential High Density.

In attendance for this application:

Sharon Rommelman

Jeff DiBartolomeo

Attorney Ells, Applicant Rommelman's Counsel

Attorney Ells, explained that the proposal is a simple lot line adjustment, no new lots will be created. Mr. and Mrs. Rommelman's garage partially encroaches into Mr. DiBartolomeo's lot and the adjustment is to accommodate the long standing encroachment. This came before the Planning Board in 1992 when Mr. and Mrs. Charles Lamprey owned the DiBartolomeo's property. The lot line was approved but never finalized with the submission of a Recordable Mylar for Board signature;

therefore it was never recorded at the Registry of Deeds. He said the Rommelman's intend to sell their property so both parties would like to do the land swap to correct the encroachment.

Mr. Wilson brought up the peculiarity of the non-conforming requirement, Section 501.2 and the definition of a non-conforming lot, Section 302.31. *A non-conforming use may be continued but may not be extended, expanded, or changed unless to a conforming use, except as permitted by the Board of Adjustment in accordance with the provisions of this ordinance.* Section 302.31, *non-conforming use is any use or arrangement of structures or land legally existing at the time of enactment of this ordinance....*

Mr. Wilson said that the proposal is such a sensible change that the Board should not worry about it. Dr. Arena agreed and said the Board should use common sense regarding this case. He asked if the potential buyers of the Rommelman's lot would buy the property without the lot line adjustment being approved. Attorney Ells said that they would not. Attorney Ells also noted that he was before the Board less than a year ago and the same topic came up and his client had to go to the Zoning Board for relief from Article V, Section 502.1. He suggested that if the Board continues to have trouble with the provision they should do something to change it.

Ms. Rowden said that the lots are already non-conforming and the proposal is not making it any more non-conforming.

Waiver Requests from Subdivision Regulations, VIII.B.15 – topographic contour boundaries; VIII.B.16 – natural features, water courses ponds; VIII.B.18 – location public and private utilities, and VIII.B.21 – location of fire hydrants.

Mr. Harned moved and Dr. Arena seconded the motion to grant the waiver requests to Subdivision Regulations, VIII.B.15; VIII.B.16; VIII.B.18 and VIII.B.21.

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

Chair Kroner opened the public hearing at 7:57 p.m.

Chair Kroner closed the public hearing at 7:58 p.m. without public comment.

Mr. Derby moved and Mr. Wilson seconded the motion to approve the Lot Line Adjustment for Case #14:11 with the following conditions:

1. Recordable Mylar. Applicant shall submit a recordable Mylar of the approved plan depicting location of all existing structures and setbacks on lots, 008-096-000 and 008-097-000, with signatures and seals affixed of all licensed professionals whose names appear on the plan. All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.

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.

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

- 275 **4. Preliminary Consultation: Property owner, James Marchese, 144 Lafayette Road,**
276 **North Hampton.** Pursuant to RSA 676:4,II, Mr. Marchese submits a pre-application for
277 review of a proposed Change of Use from a Furniture Store to a
278 Restaurant/Functions/Show Event Center on property located at 144 Lafayette Road,
279 North Hampton, NH; M/L: 017-029; zoning district: I-B/R Industrial Business Residential.

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281 In attendance for this application:
282 James Marchese, Owner/Applicant

283
284 Mr. Marchese said that he is before the Board to get advice and feedback on a proposal to turn the
285 old Rollins Furniture Store into an event center. He went on to explain that he has tried to sell and
286 lease the property to no avail.

287
288 Mr. Marchese said that he has been working with the State of New Hampshire Department of
289 Environmental Services (NHDES) over the past year and the Town is addressing the drainage issues
290 on North Road. He plans to put in a sprinkler system per the Fire Department. He said that he would
291 lie to preserve the barn; it was built in 1904. He is trying to come up with ideas to make it financially
292 viable. He said it's a nice place to have weddings and business functions.

293
294 Mr. Marchese presented a copy of a sketch of proposed changes to the outdoor area that includes a
295 flower garden and gravel parking lot. He said the field is adequate to have car shows or outdoor
296 weddings.

297
298 Mr. Marchese said that he has had consultations with engineers and has received positive feedback
299 for this type of activity on the site. He knows that he will have to install a sprinkler system in the
300 building to meet the codes and construct an adequate septic system.

301
302 Chair Kroner said that everyone benefits from Preliminary Consultations like this. He said that
303 eating and drinking establishments is a permitted use in the I-B/R Zone. He said that his biggest
304 comment is mitigation of any conflicts with entering and exiting the property near North and South
305 Roads. He said it would be better to move the access way further south. Another concern Chair
306 Kroner voiced is the potential for sheet flow off of the gravel parking area into Little River. He said
307 that based on the Little River Watershed Study close to 70% of water runoff in North Hampton is
308 carried to the Ocean through Little River, and anything to lessen the impact on that side of the
309 property would be a positive thing.

310
311 Mr. Marchese said that he does not want to pave the parking lot. He said that they once had water
312 issues, but the Town and State have worked on repairing collapsed culverts and removing beaver
313 dams and the water has dropped significantly. He said he hired a Wetlands Scientist who said that
314 the field is not wet, he has pine trees growing and pine trees don't survive in the wetlands. He said
315 he has it all documented and it will be part of his application to the Planning Board. He also said
316 that he has no problem moving the entrance further south.

317
318 Ms. Rowden said that a Site Plan Review would be necessary and merging the lots would make it
319 simplest for what Mr. Marchese is planning on doing. She said that regarding the *use* it falls partially
320 under an eating and drinking establishment and partially under retail. She said that the initial

concerns she has are access to the site, parking lot issues, adequate space for septic system and possible noise generation from certain events.

Chair Kroner said it is important for the Applicant to know if the Board feels that an Event Center is a permitted use in the I-B/R before he starts making plans.

Dr. Arena said that he would like to see a Restaurant/Event Center at that location. He also suggested it not be a "fry" type restaurant, but a middle class restaurant with an Event Center.

Mr. Maggiore agrees that it is a Restaurant/Event Center. He said that he has lived in Town for 17 years and gives Mr. Marchese credit for the great job he's done maintaining the building over the years, especially during its vacancy. He said anytime anyone maintains the heritage and history of the town on a building that dates back so far is certainly appreciated. He also mentioned that he is the Select Board's Representative to the Heritage Commission.

Mr. Derby said that it is already used as and Event Center, he is operating within the rules and regulations of the Town because he currently holds events there. Mr. Derby said that he did not think it was an issue. He said he looks at this as the development of a restaurant and restaurants often have retail aspects to them, beyond the food. Mr. Derby said that he is a photographer and a lot of people look to the beauty of the Venue. Mr. Derby suggested Mr. Marchese meet with a landscape architect and redesign the parking to appeal to the clientele.

Mr. Marchese said the proposed restaurant is part of the plan it is not definite. He has to consider the costs of putting in a commercial kitchen; he said caterers usually come in to service events.

Mr. Wilson said that in his opinion an event center is covered under eating and drinking establishment and a restaurant would be covered under retail, both permitted uses in the I-B/R Zone. He said it would be a good addition to the Town and does have concern with water runoff into the Little River but that is something that can be mitigated.

Mr. Marchese intends on putting in a rose garden and water fountain. He said the parking area will not look like is does in the plan he submitted; it will be much better landscaped. He plans to install a new elevator and new stair cases all in keeping with the barn. He said it is a work in progress; he is already holding events, but when and if he decides to add a restaurant that is when he would have to put in a new sewer system. He said to do it right is probably going to cost 1.5 million dollars.

Mr. Derby reminded the applicant that he is not bound by anything the Board suggests during a Preliminary Consultation. Mr. Marchese said he understood, but asked what he should to refer his proposal to.

Mr. Wilson suggested an "eating and drinking establishment". This would make it clearly a permitted use.

Mr. Donohoe said that the proposal sounds like a good idea and is something the Town could use.

Mr. Marchese said that he has a commitment from the bank already. He thanked the Board for their suggestions.

III. Other Business

1. Items left on the table

- a. Any discussion/update on the prioritized work order the Board established at the August 5, 2014 Meeting.

Mr. Harned said that he would be sending an E-mail to the members at the end of the week to remind everyone to come prepared to the September 16, 2014 Work Session prepared with a good idea of changes and possible first drafts of proposed changes of the ordinance or regulation they are working on.

Ms. Rowden said that she is available for any questions any member may have regarding the proposed changes.

Chair Kroner said he will be submitting a couple of simple options regarding duplexes.

Mr. Derby sent out an email of what he captured at the last meeting on changes to the minor site and subdivision applications. Ms. Rowden will send out a pdf version to the members.

Chair Kroner said that he attended the Meeting in Stratham regarding the proposed Rollins Farm Subdivision. He said he commented on the fact that the property is a fairly pristine piece of land, having one of the largest unfragmented Hemlock Forests in the area. He commented that the Town of North Hampton would like to review the plans and would be interested in having hydrological studies done because they propose to put in 45 individual wells and septic systems on extremely steep slopes. He said North Hampton would be interested in the development abiding by "dark sky standards" for street lighting. He said that because of the hydrological issues the project should be classified as a regional impact project and the area Towns should have an opportunity to review it and the Stratham Planner agreed.

Ms. Rowden said that because a portion of the property of the development is in North Hampton; the Applicant would have to obtain approval from both Stratham and North Hampton.

Chair Kroner said that the next meeting is scheduled in October. He would like the Board to review the proposed plan at the next Work Session.

Mr. Harned suggested Mr. Kroner draft a letter to the Town of Stratham with a list of concerns and bring it to the next Work Session for the Board to review and decide if they want to send it out.

The meeting adjourned at 8:35 p.m. without objection.

Respectfully submitted,
Wendy V. Chase
Recording Secretary
Approved October 21, 2014