



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, February 3, 2015 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, Dan Derby, Phil Wilson, Nancy Monaghan and Jim Maggiore, Select Board Representative.

**Members absent:** Shep Kroner and Dr. Joseph Arena.

**Alternates present:** None

**Others present:** Cliff Sinnott, RPC Circuit Rider

There was no Recording Secretary present. These minutes were transcribed by a DVD recording.

Mr. Harned 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.** Site Plan Review Application for property located at 38-42 Lafayette Terrace, M/L's 021-14, 34, 35 and 36. A prior site plan has been approved; the issue is the continued use of similar items stored on the property in lesser volume but stored further back of the same property. The following waivers to the Site Plan Regulations were approved on December 2, 2014: VIII.B.19 - grade surfaces for grass, pavement, etc., and percent of sealed surfaces; VIII.B.20- stormwater drainage control plan- and related subparts; VIII.B.25 and X.E. – onsite snow storage; VII – Application fees of \$50.00 per square foot required for Site Plan Review. The Board took jurisdiction of the plan on December 3, 2014. Property Owner: Same as Applicant; Zoning District: I-B/R – Industrial Business Residential. This Case is continued from the January 6, 2015 meeting pending completion of an updated site plan by the Applicant's Surveyor.

### In attendance for this application:

Attorney Scott Fogg, Applicant's Counsel

James Jones, Owner/Applicant

Attorney Fogg said that the last substantive meeting with the Board was on December 2, 2014 and since then they have met with the Application Review Committee and was advised of additional information required from the Applicant. He said that an updated plan has been submitted to the Board to include the continued lot line to parcel 36, the note that no outside service to vehicles will be performed, the

existing tree line, the continuation of the access road and that it is made of gravel. Attorney Fogg said that they did not add the hours of operation or the types of equipment. He said that there are no hours of operation, Mr. Jones may use the property one day and not use it again for months and that there are so many different types of equipment there would not be enough room on the plan to add it all.

Mr. Sinnott pointed out the missing lot line on the plan. Mr. Fogg agreed that it was missing and would add it to the final plan.

Mr. Harned said that the note to the plan indicating “no processing of material” has to be more general than what is currently noted; *also no processing of aggregate will be performed on this parcel.*

Mr. Fogg said that his client would have no problem in changing the word “aggregate” to “materials”, but noted that it would not include his Client’s right to cut 20 cord of fire wood for his personal use.

Mr. Sinnott thought the Board wanted a note added stating that there will be no storage on the access road.

Mr. Fogg did not recall that and said that there is nothing stored on it as a matter of function.

Mr. Harned said that the Planning Board wanted a site plan from Mr. Jones that was adequate enough for the Building Inspector to visit the property if necessary and ascertain if what is on the property is consistent with the submitted plan. Mr. Harned said he struggles with handing this plan to the Building Inspector and saying “this is what you have to base your judgment on what is actually being done on the site”.

Mr. Wilson said that the Building Inspector would be checking where the equipment is being stored, the access road, the 10-foot wide buffer area, etc. and anything going on beyond that would not be on the approved site plan. He said the Board could quibble that, because the lots aren’t merged, technically the 10-foot buffer ought to be along all lot lines even though the applicant owns the surrounding properties and he is using it as one site. He said the plan seems to be a representation of what the owner plans to use the site for and would be inclined to approve the plan with the conditions he mentioned.

Mr. Maggiore asked if the applicant would be limited to the composition of material on the site.

Mr. Wilson said that the Building Inspector/Code Enforcement Officer, when inspecting the site would probably plan on seeing what is presented on the plan and if there is something happening on the site that is a material alteration of what is on the plan then the BI/CEO can take action.

**Mr. Maggiore moved and Ms. Monaghan seconded the motion to approve the site plan as presented with the following waivers as presented and granted on December 2, 2014 - Section VIII.B.19 - grade surfaces for grass, pavement, etc., and percent of sealed surfaces; VIII.B.20- stormwater drainage control plan- and related subparts; VIII.B.25 and X.E. – onsite snow storage; VII – Application fees of \$50.00 per square foot required per site plan review.**

**Mr. Harned made a friendly amendment to add the following conditions of approval: 1. Continuation of the lot line between lot line 35 and 36; 2. Change the word “aggregate” to “material” in note #4 on the plan; 3. Certificate of Monumentation; 4. Recordable Mylar with seals and signatures affixed.**

Ms. Monaghan mentioned the 10-foot wide buffer requirement along the lot lines.

Mr. Sinnott asked if the 10-foot wide buffer was a zoning ordinance or a site plan regulation, and if it is waiveable, a note should be added to the plan.

Mr. Wilson said that the Planning Board has the ability to waive certain requirements at its discretion that have not been requested by the applicant, in which case would not have to be "noticed". He offered the following friendly amendment, *for the purposes of the approval of this site plan the Planning Board has chosen to treat the three lots as one lot and therefore a 10-foot vegetated buffer is not required along the internal lot lines. The Planning Board also notes that should any of the three parcels be held in separate ownership, this provision will have to be reviewed by the Planning Board depending on the use to which this property is ever going to be put.*

**Ms. Monaghan and Mr. Maggiore accepted the friendly amendments.**

**The vote was unanimous in favor of the motion (5-0).**

**2. Case #14:14 – Applicant, Two Juniper Road, LLC, 2 Juniper Road, North Hampton, NH 03862.** Site Plan Review Application. The Applicant proposes to add an addition of approximately 710 square-feet to the existing dental office with an expanded parking lot which meet most current parking standards. The Applicant requests the following waivers from the Site Plan Regulations: X.D.4 – required 10-foot wide Landscape Buffer and Site Plan Regulation X.B.4, Parking Lot Design. Property owners: Two Juniper Road, LLC, 1 Woodridge Lane, North Hampton, NH; Property location: 2 Juniper Road, North Hampton, NH; M/L 017-001; Zoning District: I-B/R Industrial Business Residential. This Case is continued from the January 6, 2015 meeting.

In attendance for this application:

Eric Buck, Terrain Planning and Design, representing Dr. Hiltunen

Mr. Buck explained that the subject lot abuts Juniper Road, Woodknoll Drive and Lafayette Road. They are requesting a waiver to the landscape requirement down to 5-feet from the required 10-foot and a waiver to the reduction of the 22-foot driveway isle to a 21-foot driveway isle on the southeastern portion of the property.

The Applicant received a variance (10/28/2014) to the 10-foot wide landscape buffer with the condition that it not be less than five-feet wide.

Ms. Monaghan pointed out that there will be 18 parking spaces and there is currently 19 and asked if that would be enough for the proposed expansion. Mr. Buck said that the requirement is 16 parking spaces and 18 spaces would meet their needs. He later confirmed that there are currently 18 parking spaces; they will not be adding or eliminating any parking spaces.

Mr. Buck pointed out on the plan where they intend to store snow that will be completely off the parking areas as designated on the plan, and said that they are in the process of getting an approved septic plan.

Ms. Monaghan referred to the apartment and asked for confirmation that it will be removed.

Mr. Buck said that apartment is not in use; it is used for conference space. Most of the renovations will happen on the first floor. They opted not to renovate the second floor because of the cost because it would require an elevator and fire suppression.

Mr. Maggiore asked if there were anymore concerns from abutting neighbors since the last meeting.

Mr. Buck said he walked the site with two of the abutters with the revised plan. He said they were able to keep existing vegetation on the site.

Ms. Monaghan found two properties that are bounded by three streets neither that have a reduction of the 10-foot buffer (Subaru and North Hampton Storage). The other properties she found are V-Shaped (Imprints Day Care, Rollins Furniture, Granite State Oil). Granite State Oil is "existing non-conforming".

Mr. Harned asked about exterior lighting (it is noted on the plan as "TBD").

Mr. Buck said they will be "dark sky" compliant and building mounted wall packs, but have not yet determined what they will be. They will be on the main entrance off of Lafayette Road; not around the whole building.

Mr. Buck explained that the original septic was designed for a two-bedroom apartment with five (5) offices and the new design no longer has the apartment, but will have seven (7) offices.

The Building Inspector's letter to the Board states that he estimates a 90 gpd increase will result from the two additional dental chairs in the office. Mr. Sinnott said that the Building Inspector may have determined the increase without the knowledge that the apartment was removed.

Mr. Sinnott said that it needs to be verified by an Engineer that there is not an increase in additional septic loading.

It was determined that the apartment has not been utilized since 1995, so it has been abandoned and no longer an allowed use without relief from the Zoning Board of Adjustment.

Mr. Sinnott pointed out that it states on the plans submitted that the proposal is a replacement of the existing structure with a new building.

Mr. Buck said that they are not replacing the existing structure with a new building, it is an addition.

Mr. Buck said that the proposed development will be 27-feet from the center line of Route 1.

Mr. Sinnott explained that NH DOT's policy was that the final configuration of any development along Route 1 would have to have a setback of 45-feet from the center line, but the new configuration for the future plan of a three lane section instead of a four lane section with a turning lane, is a 27-foot setback from the center line.

Mr. Harned referred to the waiver request from Section X.D.4- 10-foot landscape buffer. He read from the Applicants application. In order to meet dimensional standards for required access the landscape buffer has to be reduced from 10-feet to 5-feet along the abutting commercial properties. The 5-foot

buffer will be heavily planted as a way to over compensate for having to decrease the size for the buffer by half. The foundation of the building will be planted for additional screening.

Mr. Harned opened the Public Hearing for the waiver request to Section X.D.4 – 10-foot landscape buffer.

Mr. Harned closed the Public Hearing without public comment.

Mr. Wilson said that if the Board doesn't approve the waiver the Applicant cannot do what they plan to do. He opined that this is the kind of business that should be encouraged in North Hampton. He said the Applicant has done a good job of putting *5 pounds of flour in a 1 pound bag*. He said he would like to encourage these types of businesses along Route 1 that will contribute to the Town's tax base without requiring more Town services than they contribute in taxes, and that makes it reasonable and prudent to approve the waiver.

Ms. Monaghan said she agrees with Mr. Wilson but struggles with the fact that there are options to expand the building that the Applicant is not willing to take that would eliminate the need for the waiver requests. She said that the business is wonderful, and is glad it is there, but relief from the 10-foot landscape buffer is a difficult proposition when it is probable that other businesses will come in and ask for the same thing.

Mr. Maggiore said that if the Board approves the waiver, what will be the Board's rationale be when other businesses come in and ask for the same relief.

Mr. Wilson said that an Applicant would have to come in and make a compelling case. The Board has to treat every case individually, as well as, treat everyone fairly.

Mr. Derby said that the Board has rules, but the Board is to exercise judgment based on those rules. He said the Board should look at the overall aesthetic impact of the proposal. He does not believe it will have a negative impact aesthetically on the neighborhood and thinks it's a reasonable plan.

Mr. Buck referred to plan sheet C-3 and showed the Board where the snow storage will be. It will be on top of the landscape bed. The plants are salt tolerant.

Mr. Harned commented that a landscape buffer is seasonal.

**Mr. Wilson moved and Mr. Maggiore seconded the motion to grant the waiver to Site Plan Regulation Section X.D.4 that requires a 10-foot landscape buffer as presented by the Applicant. The vote passed in favor of the motion (3 in favor, 2 opposed and 0 abstentions). Ms. Monaghan and Mr. Harned voted against.**

Mr. Harned read from the Applicant's submittal of a waiver request from Section X.B.4 – parking lot design. The Applicant requests the waiver because the parking lot standards requires a 22-foot drive lane and they are only able to meet a 21-foot driving lane along Route 1, and by reducing the drive lane they are able to meet the 5-foot landscape buffer approved by the ZBA.

Mr. Harned opened the Public Hearing at 7:56pm.

Mr. Harned closed the Public Hearing at 7:57pm without comment.

**Ms. Monaghan moved and Mr. Wilson seconded the motion to approve the waiver from Section X.B.4 as requested.**

**The vote was unanimous in favor of the motion (5-0).**

**Mr. Wilson moved and Ms. Monaghan seconded the motion to take jurisdiction of the plan.**

**The vote was unanimous in favor of the motion (5-0).**

Mr. Wilson said that it is important that the landscaping plan submitted by the Applicant be implemented and successful over a long period of time. He suggested that the Board require a landscape surety that would be in compliance with the Site Plan Review Regulations.

Mr. Harned opened the Public Hearing for public comment at 8:00pm.

Mr. Harned closed the Public Hearing without public comment at 8:01pm.

**Mr. Wilson moved and Ms. Monaghan seconded the motion to approve the plan as submitted with the following conditions:**

**1. Recordable Mylar with seals and signatures affixed.**

**2. The owner shall post a Performance Surety to the Town for the landscaping as depicted on the plan in accordance with Site Plan Regulation Section X.D.2.g.**

**3. A note shall be added to the plan that the use of the property for residential purposes has been abandoned since 1995.**

**4. Exterior lighting will be "dark sky" compliant consisting of wall packs on the southern side of the building and depicted on the Mylar.**

**5. The Applicant shall submit a State approved septic system design showing in the event of failure the existing septic design will accommodate the new septic system replacement.**

**6. The Applicant shall submit certification by a qualified septic designer that the existing septic system is adequate to bear the load put on it by the changes to the site as shown on the approved plan.**

**The vote was unanimous in favor of the motion (5-0).**

## **II. New Business**

### **1. Case #15:01 - Applicant Two Juniper Road, LLC, 2 Juniper Road, North Hampton, NH 03862.**

Conditional Use Sign Application. The Applicant requests a waiver to Article V, Section 506.6.D – Monument Sign. The proposed newly renovated monument sign meets the dimensional requirements and the location will remain the same as the current sign, but the existing foot print falls outside the required 10-foot property line buffer. Property owners: Two Juniper Road, LLC, 1 Woodridge Lane, North Hampton, NH; Property location: 2 Juniper Road, North Hampton, NH; M/L 017-001; Zoning District: I-B/R Industrial Business Residential.

#### In attendance for this application:

Eric Buck, Terrain Planning and Design, representing Dr. Hiltunen

Mr. Buck explained that the existing roadside sign is located at the corner of Juniper Road and Lafayette Road and they wish to update it to a new monument sign at the same location which doesn't meet the current setback requirement. The edge of the current sign is on the property line and in the Juniper Road right-of-way.

Mr. Wilson said he is a fan of monument signs but voiced concern over whether it would impede the sight-line for vehicular traffic coming off the site.

Mr. Harned voiced concern over whether the Board had the authority to act on the application when the proposed sign is in the right-of-way.

The Board suggested the case be continued so the Applicant can come back to the Board with proof the new sign would not impede the sight-line for vehicular traffic.

Mr. Buck requested, on behalf of the Owners/Applicants, to continue Case#15:01 – Conditional Use Sign Application to the March 3, 2015 meeting so that they can research the line of sight of the proposed monument sign.

**Mr. Wilson moved and Ms. Monaghan seconded the motion to continue Case #15:01 to the March 3, 2015 meeting.**

**The vote was unanimous in favor of the motion (5-0).**

Mr. Buck was advised to put his continuation request in writing and submit it to the Planning Administrator for the record.

### **III. Other Business**

**1. Preliminary Consultation** – John Chagnon, Ambit Engineering, on behalf of Gregg Bauer. Site Plan Review – proposal to add a building which will have a garage for business equipment and maintenance with workforce dwelling unit above. Property location: 52 Lafayette Road, North Hampton; Property owner: Jarib Sanderson Trust; M/L 008-024-000; Zoning Districts: I-B/R and R-1.

Mr. Sinnott said that Mr. Chagnon informed Wendy that he would be running late but thought Mr. Bauer would be in attendance to present. There was no one present.

There was no one in attendance for the Preliminary Consultation. There was no action taken by the Board.

The meeting adjourned at 8:24pm without objection.

Respectfully submitted,

Wendy V. Chase  
Recording Secretary

Approved February 17, 2015