



Meeting Minutes
North Hampton Planning Board
Tuesday, March 6, 2018 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.

In attendance: Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Dan Derby, Josh Jeffrey, and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:35pm.

I. New Business

1. Case #18:07 - Applicant, Anthony Curro, Earth & Stone Contracting, LLC, 7 Keene Lane, Hampton, NH 03842. The Applicant requests a Site Plan Review to allow storage of vehicles and equipment for landscaping business. The Applicant also requests waivers from the Town of North Hampton Site Plan Regulations:

- a. Section IV.E.2.a – Landscape Buffer
- b. Section VIII.B.20 – Stormwater Drainage Control Plan
- c. Section X.C.1 – Greenspace Requirement
- d. Section X.F – Stormwater Management

Property Owner: Boston & Maine Corp, c/o Guilford Transportation, Iron Horse Park, North Billerica, MA 01862; Property Location: Lot 7-49 off of Cedar Road; M/L: 007-049-000; Zoning District: I-B/R, Industrial - Business/Residential District.

In attendance for this application:

Anthony Curro, applicant; Scott Boudreau surveyor for the applicant.

Mr. Boudreau addressed the Board. Mr. Boudreau explained that the applicant intended to use the currently vacant lot as a location to store heavy equipment, backhoe vehicle, and other equipment and vehicles associated with his landscaping business. The site will have a low traffic volume.

Mr. Harned presented the applicant's waiver requests to the Board.

Waiver from requirements of Site Plan Regulations Section IV.E.2.a – Landscape Buffer.

Applicant reasoning – The landscape buffer can be maintained for most of the site with the exception of the area near the proposed entrance. The edge of the proposed driveway is within 10 feet of the lot boundary. Relief is needed along the easterly lot line for a distance of approximately 30 feet from the front lot line.

Mr. Harned opened the public hearing at 6:44pm. No comments were made. Mr. Harned closed the public hearing at 6:45pm.

Mr. Wilson moved that the Planning Board grant a waiver from the requirements of Site Plan Regulations Section IV.E.2.a subject to the condition that the landscaping remain as shown on the approved site plan with the exception of the area near the proposed entrance where the proposed driveway lies within ten feet of the easterly lot line for a distance of approximately 30 feet. Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).

Waiver from requirements of Site Plan Regulations Section VIII.B.20 – Stormwater Drainage Control Plan
Applicant reasoning – The proposed site modifications do not require any grade changes. The area of disturbance is less than 15,000 square feet. The topography will remain unaltered. Stormwater will run off as it always has into two depressions at front of property and toward north away from the roadway. There is an embankment that will prevent stormwater from running onto the roadway.

Mr. Boudreau presented a letter from a professional engineer confirming the applicant's reasoning.

Ms. Monaghan asked for clarification on how many trees will be removed from the site.

Mr. Boudreau stated that he was not sure how many trees would be removed. However, the vegetation that will be removed is mostly scrub pine trees and other types of brush. Mr. Boudreau showed the limits of clearing indicated on the site plan.

Mr. Wilson noted the Town Engineer's comment that a pervious material be used for the surface of the lot. With constant heavy vehicle traffic, the proposed gravel surface could become impervious over time. He suggested that the applicant conduct operational activities in the future to maintain the pervious nature of the proposed gravel surface.

Mr. Wilson stated that a stormwater management plan for this site does not make sense. However, steps must be taken to ensure that pervious material drainage characteristics are maintained and preserved.

Ms. Rowden suggested a condition of approval that, if paving of the site is proposed, a stormwater management plan must be submitted to and approved by the Planning Board.

Mr. Harned opened the public hearing at 6:56pm. No comments were made. Mr. Harned closed the public hearing at 6:57pm.

Mr. Wilson moved that the Planning Board grant a waiver from the requirements of Site Plan Regulations Section VIII.B.20 subject to the condition that the applicant specify on the final mylar that, in the event that any portion of the site is proposed to be paved, a stormwater management control plan shall be approved by the Planning Board prior to paving of the site. Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).

Waiver from requirements of Site Plan Regulations Section X.F – Stormwater Management.
Applicant reasoning – The reasoning is the same as the previous waiver request because the issue is similar in nature to the previous waiver request.

Ms. Rowden noted that the stormwater management regulations allow for a waiver for small projects that disturb less than 15,000 square feet. This project meets the disturbed area standard to allow a waiver from the stormwater regulations and meets the intent of the regulations.

Mr. Harned opened the public hearing at 7:01pm. No comments were made. Mr. Harned closed the public hearing at 7:02pm.

Mr. Wilson moved that the Planning Board grant a waiver from the requirements of Site Plan Regulations Section X.F subject to the condition that the applicant specify on the final mylar that, in the event that any portion of the site is proposed to be paved, a stormwater management control plan shall be approved by the Planning Board prior to paving of the site. Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).

Waiver from requirements of Site Plan Regulations Section X.C.1 – Greenspace Requirement.
Applicant reasoning – The total site area is 30,024 square feet. The impacted area of the proposed site modifications is 16,265 square feet. The remaining 13,759 square feet of the site will remain vegetated and unaltered.

Mr. Harned asked if the landscaping and impervious nature of the 10 percent of remaining upland area requirement, excluding the required 10 foot landscaped buffer, was being met by the plan. He would like to see the actual figures in order to consider the waiver request.

Mr. Boudreau reviewed the actual land area figures with the Board.

Ms. Rowden and Mr. Jeffrey stated that it appears that the requirements of the greenspace regulation are being met.

Mr. Harned stated that the waiver request may not be necessary.

Mr. Wilson stated that the proposed site is not a traditional parking area as envisioned by the regulations. The proposed site plan and its uses meet the spirit and intent of the greenspace regulations.

Mr. Wilson moved that the Planning Board find that the waiver request for Section X.C.1 is not necessary. Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).

Mr. Harned suggested that the Board consider the completeness of the site plan application.

Mr. Wilson moved that the Planning Board take jurisdiction of the site plan application for Case #18:07 to allow storage of vehicles and equipment for landscaping business on Tax Map/Lot 007-049-000. Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).

Mr. Maggiore stated his concerns with traffic safety along Cedar Road as it relates to the site entrance in close proximity to the bridge overpass travelling east and a bend in the road travelling west. The traffic sight lines in both directions are not ideal.

Ms. Monaghan asked for clarification regarding what will be stored on the site.

Mr. Curro stated that a backhoe, small dump truck, pick-up truck, piping, fencing, equipment and tools will be stored on the site. He does not intend to store gravel, mulch, or other such materials on the site. There will be no retail sales on the site.

Ms. Monaghan asked Mr. Curro to confirm that there will be no piles of mulch, boulders, or construction debris stored on the site.

Mr. Curro confirmed that there will be no piles of mulch, boulders, or construction debris stored on the site.

Mr. Wilson asked Mr. Curro to confirm that there will be no processing of materials on the site.

Mr. Curro confirmed that there will be no processing of materials on the site.

Mr. Harned explained the concerns expressed by a resident in a letter to the Board regarding traffic safety sight lines and the proximity of the proposed site access and the bridge overpass. He asked the applicant to address these concerns.

Mr. Boudreau stated that there is a stop sign on the other side of the bridge that will slow down traffic before it comes over the bridge. On-coming traffic will have time to see any vehicles entering or exiting the sight. In addition, the speed limit in that area is approximately 20-25 miles per hour.

Town of North Hampton Director of Public Works John Hubbard addressed the Board. Mr. Hubbard stated that, after a couple of months of review, a driveway permit for the site was issued. The driveway permit references the State of NH statutes regarding site access. Even though the road environment is not optimal, the proposed driveway access is located in the safest possible place for access to the site. The stop signs in the area do slow down traffic. Care should be taken to keep scrub brush near the site access cleared to maintain the best sight distances. The proposed driveway meets the criteria for issuance of a driveway permit.

Mr. Curro stated that the sight lines are similar over the same type of bridge on Atlantic Avenue. The Atlantic Avenue bridge location has a higher posted speed limit and has multiple businesses with higher traffic volumes than the Lot 7-49 Cedar Road site.

Mr. Derby suggested that the access gate proposed by the Town Engineer for site security should be placed at a distance off of the road so that the type of vehicles proposed for uses by the applicant have adequate off-street space for parking while the gate is being opened or closed. Mr. Derby also stated that the proposed location does not appear to be a high risk traffic safety area.

Mr. Wilson stated that the gate is necessary to restrict access to the unmanned the site. He agrees with Mr. Derby's suggestion for placement of the gate.

Ms. Monaghan agreed that the gate is necessary for site security.

Mr. Harned opened the public hearing at 7:49pm.

Lisa Urdanoff addressed the Board. Ms. Urdanoff stated that Mr. Curro is a trustworthy and reputable businessman. He would be an asset to the community.

Tom Mosier addressed the Board. Mr. Mosier stated that sight distances are greater for many vehicles due to the fact that the drivers sit up high in the vehicles. The minimal amount of proposed traffic entering and exiting the site should not create a traffic safety problem.

Mr. Harned informed the public that the Planning office received four letters in support of the application and one letter raising traffic safety sight line concerns.

Mr. Harned closed the public hearing at 7:55pm.

Mr. Jeffrey stated that the limited number of vehicles using the site and the existing stop sign in the area reduce the probability of potential accidents.

Mr. Wilson stated that the proposed site plan is a reasonable use for an unusual site.

Mr. Jeffrey stated that the proposed guard rail modifications near the proposed site entrance should be completed according to appropriate safety standards.

Mr. Wilson moved that the Planning Board approve the Site Plan Review application for Case #18:07 to allow storage of vehicles and equipment for landscaping business on Tax Map/Lot 007-049-000 subject to the following conditions:

- 1. The note stating that no processing of materials will take place on the site shall remain on the recorded page of the plan.**
- 2. A note shall be added to the recorded page of the plan stating that hazardous chemicals shall be stored and used on the site only in compliance with federal, state, and local law.**
- 3. A note shall be added to the recorded page of the plan stating that routine maintenance or servicing of all vehicles and equipment will not occur on the site except that repairs may be performed in the event of equipment failure that require on-site repair.**
- 4. A gate at the access point to the site shall be added to the plan that provides security at the access point and provides sufficient off-street space at a minimum of forty feet from the edge of the Cedar Road right-of-way.**
- 5. Applicant shall submit evidence of receipt of a letter from the Town of North Hampton Director of Public Works that guard rail modifications have been approved by the Director of Public Works.**
- 6. A page shall be added to the plan set detailing a cross-section of the proposed gravel surface for the lot.**
- 7. A page shall be added to the plan set detailing the finished grade of the proposed gravel surfaced lot.**
- 8. A note shall be added to the recorded page of the plan stating that, prior to paving any portion of the site, a stormwater management control plan shall be approved by the Planning Board.**
- 9. A note shall be added to the recorded page of the plan stating that no retail sales shall occur on the site.**
- 10. A note shall be added to the recorded page of the plan stating that waivers have been granted to the Town of North Hampton Site Plan Regulations Sections IV.E.2.a, VIII.B.20, and X.F.**

11. 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.

12. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed Land Surveyor, certifying that all monuments depicted on the plan have been properly set.

13. Applicant shall submit evidence of receipt of all required federal, state, and local permits including, but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note their numbers, as appropriate, on the recorded page of the plan.

14. Applicant shall submit a check made payable to the Rockingham County Registry of Deeds in the amount of \$25.00 for mandatory state fee to fund the Land and Community Heritage Investment Program (LCHIP).

15. All fees incurred by the Planning Board including, but not limited to, consulting, engineering and legal fees, have been paid by the applicant.

16. There shall be no changes to the approved site plan on the recordable Mylar except to meet these conditions of approval.

Second by Mr. Jeffrey. The vote was 5-1 in favor of the motion with Ms. Monaghan opposed.

2. Case #17:20 – Applicant: Ryan Hayes, 249 Canaan Back Road, Barrington, NH 03825.

The Applicant requests Planning Board consideration to allow commencement of business operations prior to the completion of conditions of December 5, 2017 site plan approval.

Property Owner: ZJBV Properties, LLC, 300 Gay Street, Manchester, NH 03103; Property Location: 68 Lafayette Road; M/L: 007-122-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Ryan Hayes, applicant.

Mr. Hayes addressed the Board. Mr. Hayes stated that the site plan associated with Case #17:20 has received Planning Board and Zoning Board of Adjustment (ZBA) approvals. Mr. Hayes presented letters from the Building and Fire Departments indicating that applicable code requirements have been satisfied for the building from which he intends to operate his car repair business. However, one condition from the Planning Board's conditional approval, receipt of a New Hampshire Department of Transportation (NHDOT) driveway permit, is still outstanding. The NHDOT driveway permit application has been submitted. The driveway permit approval process may take a significant amount of time to complete. Mr. Hayes was requesting that the Planning Board allow him to occupy the building and begin business operations on a temporary basis while awaiting the NHDOT driveway approval.

Mr. Hayes explained that his justification for the temporary occupancy request was that the current driveway has existed for many years and been used for similar businesses in the past. The driveway is currently being used for a small car dealership located on the site. The NHDOT requires only minor modifications to the driveway. His specialty car repair business will have a low traffic volume impact on the site and roadway.

Ms. Rowden stated that the temporary occupancy request was not in compliance with the site plan's conditional approval. Determination of whether or not the applicant has complied with the Planning Board's conditional approval should be considered at a legally noticed public compliance hearing.

The Board discussed the parameters associated with allowing a temporary occupancy and the possible precedent making such a change to a conditional approval may or may not set.

Mr. Derby and Mr. Jeffrey stated that the public should have the opportunity to participate in the consideration of the change to the conditional approval at a public hearing.

Mr. Maggiore moved that the Planning Board schedule a public hearing at the March 20, 2018 Planning Board meeting to consider if the Applicant has complied with the conditions of approval associated with the Planning Board's December 5, 2017 decision for Case #17:20 to allow an auto repair business at 68 Lafayette Road site. Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).

II. Other Business

1. Minutes.

Mr. Harned presented the minutes of the February 20, 2018 Planning Board meeting.

Ms. Monaghan moved that the Planning Board accept the minutes of the February 20, 2018 Planning Board meeting as written. Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).

The meeting was adjourned at 9:08pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary