



Meeting Minutes
North Hampton Planning Board
Tuesday, May 7, 2019 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 (by phone), Wally Kilgore, Lauri Etela, and Jim Maggiore, Select Board Representative; Alternate Member Valerie Gamache; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:35pm.
Ms. Gamache was seated for Mr. Kroner.

Mr. Harned asked that the Board authorize Mr. Wilson to participate in the meeting by phone.

Ms. Monaghan moved that the Planning Board authorizes Mr. Wilson to participate in the meeting by phone. Second by Mr. Kilgore. The roll call vote was unanimous in favor of the motion (6-0).

Mr. Wilson joined the meeting by phone.

I. Old Business

1. Case #19:06 – Applicant, Turner Porter, Tuck Realty Corporation, 149 Epping Road, Suite 2A, Exeter, NH 03833. The Applicant requests a subdivision and lot line adjustment to reconfigure five (5) lots into two (2) lots. The Applicant also requests Conditional Use Permits to allow restricted and/or prohibited activities within the Wetlands Conservation District. The Applicant also requests a waiver from the Subdivision Regulations associated with natural features information for the property. Property Owners: Stacey, Shelley, and Stephanie Patrick, 388 South Road, Rye, NH 03871. Property Locations: Woodland Road adjacent to Rye town line and back lots, North Hampton, NH 03862; M/L: 011-010-000, 011-011-000, 011-012-000, 012-010-000, and 012-011-000; Zoning Districts: R-2, Medium Density District and Village District of Little Boar's Head.

In attendance for this application:

Michael Garrepy, applicant representative; Timothy Phoenix, attorney; and Joseph Coronati, engineer.

Mr. Garrepy addressed the Board. Mr. Garrepy asked if the Board would consider accepting jurisdiction of the application as complete prior to beginning discussion of the application.

Mr. Harned stated that the Board needs to hear more about the application prior to considering the completeness of the application.

Mr. Garrepy presented a plan showing a consolidation and then subdivision of five properties which are located within the jurisdictions of the Town of North Hampton, the Village District of Little Boar's Head,

and the Town of Rye. Currently, two lots have frontage along Woodland Road and three lots are land-locked. The purpose of the consolidation and then subdivision of the five lots is to create two buildable lots with frontage along Woodland Road. The proposed plan shows one five acre lot with approximately 227 feet of frontage and one seven acre lot with approximately 42.75 feet of frontage which utilizes the Rye-North Hampton town line as its northerly border. Both lots would be accessed by a shared driveway which would be constructed in the same location as the existing woods road indicated on the plan.

Mr. Garrepy further stated that the applicant has also met with the Little Boar's Head Planning Board to consider the application.

Ms. Monaghan and Mr. Harned asked for clarification on the status of the application with the Little Boar's Head Planning Board and the steps that the North Hampton Planning Board has already taken with regards to the lots indicated in the application.

Mr. Milner explained that the Little Boar's Head Planning Board held a meeting to discuss the plan as a whole, not in parts as previously discussed by the North Hampton Planning Board. The Little Boar's Head Planning Board has not yet made any decisions regarding the proposed plan. The following parts of the plan which the North Hampton Planning Board has approved, and require Little Boar's Head approval, have not yet been approved by the Little Boar's Head Planning Board:

- a. use of the Rye-North Hampton town line as a lot boundary line
- b. the merger of the three lots along the Rye town line

Mr. Garrepy stated that the applicant's focus at the next Little Boar's Head Planning Board meeting on May 14, 2019 will be to obtain approval of the use of the Rye-North Hampton town line as a lot boundary line and the merger of the three lots along the Rye town line.

Mr. Harned stated his concern that a judgement by the North Hampton Planning Board regarding the completeness of this application is contingent upon the two previous lot line conditional approvals in which the conditions of receiving Little Boar's Head approval have not yet been satisfied. In his opinion, taking jurisdiction of the application as complete is not possible at this time due to the outstanding lot line approval conditions.

Mr. Garrepy stated that the applicant was willing to waive the 65 day clock associated with taking jurisdiction of the application.

Mr. Wilson stated that the Planning Board needed to act on the waiver request prior to deciding whether or not the application was complete. Mr. Wilson further stated his reservations with granting the waiver request due to the sensitivity of the wetlands on the lots, the proposed construction of a lengthy shared driveway, and concerns regarding stormwater drainage in the area during major storm events. In his opinion, the waiver request must be approved in order for the Board to take jurisdiction of the application.

Mr. Wilson and Mr. Harned asked Mr. Garrepy to explain the parameters of the applicant's request for the Board to waive the conditions of Subdivision Regulations Section VIII.B.16 which require the submittal of information regarding the natural and other essential features of the properties which are significant to the plan design process.

Mr. Garrepy stated that the plan set delineated the wetlands and topography of the properties. The applicant was only seeking to be allowed not to designate the location of the rock ledges or rock outcroppings on all areas within the properties' boundaries.

Mr. Wilson stated that it is important to know if any rocky ledge is located in the vicinity of the proposed driveway construction and the proposed building envelopes.

Mr. Wilson moved that the Planning Board deny the request to waive the conditions of Subdivision Regulations Section VIII.B.16 and require full representation of the natural features on the entirety of the properties indicated on the plan set. Second by Ms. Monaghan.

Mr. Harned opened the public hearing regarding the waiver request only at 7:36pm.

Abutter Aimee Margolis addressed the Board. Ms. Margolis stated that, if the waiver request was granted, many features of the properties which should be considered during the Board's deliberation will not be considered. There is a lot of ledge and marsh on the properties that need to be evaluated. The waiver request should not be granted.

Abutter Richard Simmons addressed the Board. Mr. Simmons stated that the Board should reject the waiver request. The sensitivity of the land represented in the application requires a full evaluation with regards to the ledge and the wetlands located on the properties.

Abutter Diane Louise Paul addressed the Board. Ms. Paul stated that the waiver request should be denied. The changes to the ledge and other features in the area may have an effect on her well or the foundation of her home.

Abutter Dominique MacDonald addressed the Board. Ms. MacDonald stated that the waiver request should be denied because it does not specifically indicate that only rock ledge is involved. If approved, the waiver could be applied to all natural features. In addition, the Board should consider the repercussions of blasting or hammering rock ledge in the area such as possible shifting land and other ecological aspects.

Abutter Chris Burke addressed the Board. Mr. Burke stated that the waiver request should be denied so that the impact on the surrounding area of work associated with the rock ledge is clearly understood by the Board.

Mr. Harned closed the public hearing regarding the waiver request at 7:45pm.

Mr. Garrepy stated that the applicant was willing to withdraw the waiver request and indicate the location of the rocky ledge on the plan set.

Mr. Harned noted that the waiver request included all natural and other essential features as required by Subdivision Regulations Section VIII.B.16. All requirements noted in Section VIII.B.16 would need to be fulfilled if the waiver request is withdrawn.

Mr. Wilson stated that knowing the location of the rocky ledge and other features is important due to the difficulty of gaining access to the buildable portions of the properties, the construction of an access

drive which crosses through or near wetlands, and the feasibility of driveway construction to two houses in proximity to rocky ledge. The information required by Section VIII.B.16 is relevant to the consideration of the subdivision of the properties into two lots.

Mr. Garrepy officially withdrew the request to waive the requirements of Subdivision Regulations Section VIII.B.16. Mr. Phoenix confirmed that the applicant would indicate withdrawal of the waiver request in writing.

Ms. Monaghan withdrew the second to the motion. Mr. Wilson withdrew the motion.

Ms. Monaghan asked that the applicant provide more information regarding additional detail associated with the proposed driveway construction to better evaluate the proposal and the conditions to be satisfied for approval of conditional use permits as recommended in the Circuit Rider Planner review letter.

Mr. Maggiore suggested that the notes on all pages of the plan set which refer to conformance to Town of North Hampton Zoning Ordinance also include language indicating conformance to the Village District of Little Boar's Head Zoning Ordinance as well.

Mr. Wilson suggested that, due to the length of the proposed shared driveway, the applicant consult with the Fire and Police Departments regarding the driveway specifications to ensure emergency vehicle access and sources of water closer to the homes.

Mr. Garrepy officially requested that the Planning Board continue consideration of Case #19:06 to the June 4, 2019 meeting date.

Mr. Kilgore moved that the Planning Board continue Case #19:06 to the June 4, 2019 meeting date. Second by Mr. Wilson. The roll call vote was unanimous in favor of the motion (7-0).

2. Case #19:08 – Applicant: TD Bank, 9000 Atrium Way, Mount Laurel, NJ, 08054. The Applicant requests a site plan review to replace septic system and add parking, lighting, landscaping, and stormwater control features. Property Owner: TD Bank NA, 380 Wellington Street, B Tower, 10TH Floor, London, Ontario, Canada N6A4S4. Property Location: 46 Lafayette Road, North Hampton, NH 03862; M/L: 007-115-002; Zoning District: I-B/R, Industrial-Business/Residential District.

In attendance for this application:
Ron Bell, engineer.

Mr. Bell addressed the Board. Mr. Bell presented a site plan which detailed replacement of the septic system, additional parking, lighting, landscaping, and stormwater control features. Mr. Bell explained that TD Bank closed another branch and moved some employees and operations to the North Hampton branch. The increased employee and customer traffic at the 46 Lafayette Road site necessitated the improvements presented in the proposed site plan.

Mr. Bell stated that the new parking spaces will be located in the southeast corner of the site in order to avoid disturbing area abutting the residential neighborhood on the westerly side of the site. The new

parking spaces will expand approximately 22 feet into the adjoining grassed area. Mr. Bell also noted that the plan has been reviewed by the New Hampshire Department of Transportation (NHDOT).

Mr. Bell noted the following features of the site plan:

- a. Three 20 foot light poles and one 15 foot light pole with full cut-off fixtures and 3000K warm color light bulbs will be added to the site. No foot candles of light will shine across the property lines.
- b. Improved stormwater management and landscaping features will be added to the site.
- c. The front of the building will be regraded to eliminate steep ramp and modify handicap parking area.
- d. The dumpster location will be moved and enclosed.
- e. Cross walk markings will be added to the parking lot.
- f. Drain and dry well will be added in the parking lot.
- g. A new septic system will replace the old septic system to handle the load created by increase in the number of employees.
- h. Curbing will be modified to provide an area for signage proposed by the Town Engineer.
- i. A revised Sheet 2 suitable for recording at the County Registry has been prepared in addition to the current Sheet 2.

Ms. Monaghan asked how many trees will be removed as a result of the new parking area in the southeast corner of the site.

Mr. Bell responded that 12 feet of tree area will be cut back. However, the trees will be replaced with other plantings.

Ms. Monaghan asked for clarification regarding information provided to the Town Engineer associated with drainage for the site.

Mr. Bell responded that, due to the small size of the site, he did not prepare a full drainage report. However, he did send the Town Engineer hydro cad reports detailing water flow on the site.

Ms. Monaghan asked if the lighting will be dark sky compliant.

Mr. Bell responded that the light fixtures will be fixed at a full horizontal setting to make them dark sky compliant. The lighting plan is designed to reflect the light fixtures at the full horizontal setting.

Mr. Harned suggested that another 'do not enter' sign be placed at the front of the building to warn drivers not to enter the drive thru area from the wrong direction.

Mr. Wilson stated that he is satisfied with the plan.

Mr. Harned suggested that the Board consider the applicant's request to waive the requirements of Site Plan Regulations Section X.F - Stormwater Management per waiver option for small development projects allowed by Site Plan Regulations Section X.F.2.b. The applicant states in the waiver request that the site qualifies as a small development project. The new impervious area added is 3,298 square feet. An infiltration trench adjacent to the new parking area infiltrates a 25 year storm event. There is no increase in stormwater run-off for a 25 year storm event. The site is located in an area of free draining soils and existing stormwater run-off does not adversely impact abutting properties.

Ms. Monaghan moved that the Planning Board grant the request to waive the requirements of Site Plan Regulations Section X.F - Stormwater Management per waiver option for small development projects allowed by Site Plan Regulations Section X.F.2.b. Second by Mr. Wilson.

Mr. Harned opened the public hearing regarding the waiver request only at 8:30pm. No comments were made. Mr. Harned closed the public hearing regarding the waiver request at 8:31pm.

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

Mr. Maggiore moved that the Planning Board find that the application is complete and take jurisdiction of the application for Case #19:08 to make septic system, parking, lighting, landscaping, and stormwater management improvements to the TD Bank site at 46 Lafayette Road. Second by Ms. Monaghan. The roll call vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing regarding the application at 8:32pm. No comments were made. Mr. Harned closed the public hearing regarding the application at 8:33pm.

Ms. Monaghan moved that the Planning Board approve the Site Plan Review application for Case #19:08 to make septic system, parking, lighting, landscaping, and stormwater management improvements to the TD Bank site at 46 Lafayette Road subject to the following conditions:

1. Applicant shall submit a clean letter from the Town Engineer.

2. The site plan shall be expanded to indicate:

a. installation of modified curbing and installation of "Do Not Enter" sign in the vicinity of the location where the drive-thru exit lane intersects with the two-way parking aisle to the northwest of the bank,

b. installation of a "Do Not Enter" sign in the vicinity of the drive thru exit lane from the rear of the building to the northeast of the bank.

3. The site plan shall be revised to indicate correct contours and grading as specified in Planning/Design Matters Note #2 of the Town Engineer's May 1, 2019 review letter.

4. A revised Sheet 2 suitable for recording at the County Registry shall be added to the plan set. The revised Sheet 2 does not replace the original Sheet 2. Both the original Sheet 2 and the revised Sheet 2 will be included in the final version of the plan set on file with the Town of North Hampton.

5. 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.

6. 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.

7. 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.

8. 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).

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

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

Second by Mr. Kilgore. The roll call vote was unanimous in favor of the motion (7-0).

282 **II. Other Business**

283 1. Planning Board April 16, 2019 meeting minutes.

284 Mr. Harned presented the minutes of the April 16, 2019 Planning Board meeting.

285 **Ms. Monaghan moved that the Planning Board accept the minutes of the April 16, 2019 Planning**
286 **Board meeting as written. Second by Mr. Harned. The roll call vote was 6-0-1 in favor of the motion**
287 **with Mr. Kilgore abstaining.**

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289 The meeting was adjourned at 8:38pm without objection.

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291 Respectfully submitted,

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295 Rick Milner

296 Recording Secretary