



Meeting Minutes
North Hampton Planning Board
Tuesday, September 5, 2017 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 Dan Derby, Josh Jeffrey, Terry Belluche, 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 #17:10 - Applicant, Brent Flemming – Imprints Day School, 2 Lafayette Road, North Hampton, NH 03862. The Applicant requests the release of landscaping performance guarantee held by the Town of North Hampton associated with 2011 and 2013 site plan approvals. Property owners: I & M Realty, LLC, 331 Exeter Road, Hampton Falls, NH 03844; Property location: 2 Lafayette Road, North Hampton, NH; M/L 003-089-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Brent and Maria Flemming, applicants; Joe Coronati, engineer for the applicant.

Mr. Coronati addressed the Board. Mr. Coronati stated that the applicants were requesting the release of the landscaping performance guarantee associated with the 2011 and 2013 site plan approvals for the 2 Lafayette Road property. Mr. Coronati stated that, as shown in the photos submitted to the Board, the amount of plantings surpassed those indicated on the approved site plan. Mr. Coronati noted the following:

- a. trees have been added in playground area for additional shade,
- b. landscaping and plantings surround both the original building and building addition, and
- c. the bio-retention cells constructed to handle stormwater drainage are working properly.

Mr. Harned asked for a report from Town Administration regarding evaluation of the site as it relates to the requirements of the landscaping performance guarantee.

Mr. Milner read a memo from Building Inspector Kevin Kelley which indicated that the rain garden and drainage swales were being maintained. The site was one of the best maintained in the town. Mr. Kelley saw no reason not to release the landscaping guarantee funds.

Mr. Maggiore stated that the site looks excellent.

Ms. Monaghan stated that the property owners should be commended for creating a property that is a lovely gateway to the Town of North Hampton.

Mr. Harned agreed with the other Board members. Mr. Harned asked that the property owners adhere to the site plan approval condition by submitting an annual letter to the Town indicating that the rain garden area is being maintained and is functioning properly.

Ms. Monaghan moved that the Planning Board authorize the release of the landscaping performance guarantee held by the Town of North Hampton associated with the 2011 and 2013 site plan approvals for property located at 2 Lafayette Road. Second by Mr. Belluche. The vote was unanimous in favor of the motion (6-0).

2. Case #17:11 – Applicants, Joyce Perry and David Keefer – Elm Road Industrial Park, LLC, P.O. Box 419, North Hampton, NH 03862. The Applicant requests a preliminary consultation to discuss proposed residential use on commercial property allowed by variance granted by Zoning Board of Adjustment. Property Owner: Elm Road Industrial Park, LLC, P.O. Box 419, North Hampton, NH 03862. Property Location: 12 Elm Road, North Hampton, NH 03862; M/L: 013-020-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Joyce Perry and David Keefer, applicants.

Mr. Keefer addressed the Board. Mr. Keefer explained to the Board that the applicants purchased all five units of a business condominium development on the 12 Elm Road lot. Unit E on the lot has continually been used as a residential unit since its construction in the 1920's or 1930's until the present day. During pre-purchase research, the applicants discovered that the Unit E structure was designated as office space on the approved 1988 site plan for the property. The residential use of the house since 1988 violated Section 406.8 of the zoning ordinance. In order to continue using Unit E as a rental residential structure, the applicants requested and were granted a variance by the Zoning Board of Adjustment (ZBA). As part of the approval process to occupy the Unit E structure, the applicants are seeking guidance from the Planning Board on the appropriate procedure to obtain Planning Board approval for the intended residential use on the commercial property at 12 Elm Road.

Ms. Rowden stated that either a change of use review or a site plan review is necessary in order for the Planning Board to determine if the home may be safely occupied as a residence on a mixed use lot. Based on criteria such as location of parking, the Board would need to determine which process should be followed.

Ms. Perry explained how a new fence, new walkway, and new lighting have been added to the area around the home in order to re-direct access to the home away from the business units.

Mr. Maggiore asked for clarification regarding the requirements that need to be met if a site plan review was mandated.

Ms. Rowden stated that the entire lot would need to be evaluated during a site plan review, not just the area around Unit E. The Unit E area currently meets the parking regulation requirements. The changes proposed by the applicants are minimal in nature. A simple re-labeling of Unit E from office space to residence may be all that is needed on a site plan. In her opinion, a change of use process may be more appropriate in this situation. However, the Board has required up to date site plans in the past. One

solution may be to have a recorded memorandum attached to the approved 1988 site plan indicating the change of Unit E to a residence, rather than require a full site plan review for such a minor change.

Mr. Harned stated that any opinions expressed by the Board at this time are non-binding in nature. Mr. Harned presented the following options to the Board for discussion:

- a. full site plan review,
- b. one page recordable mylar indicating minor changes and re-labeling of Unit E to indicate its residential use following a site plan review process with several waiver requests, and
- c. recorded memorandum indicating the historical use of Unit E, the ZBA variance granted, and the current residential use with the minor site changes following a change of use process.

Mr. Belluche, Ms. Monaghan, Mr. Maggiore, and Mr. Derby stated that they were in favor of the recorded memorandum following a change of use process.

3. Case #17:12 - Applicant, Aquarion Water Company of New Hampshire, 7 Scott Road, Hampton, NH

03842. The Applicant requests a site plan review to construct a 35 foot by 56 foot water treatment plant and associated piping to consolidate treatment activities for four water supply wells. The Applicant also requests waivers from the Town of North Hampton Site Plan Regulations:

- a. Section VIII.B.11 – Licensed Surveyor Certification
- b. Section VIII.B.20 – Stormwater Drainage Plan
- c. Section VIII.B.23 - Landscaping Plan
- d. Section VIII.B.26 – Location of Leach Beds

Property Owner: Aquarion Water Company of New Hampshire, 600 Lindley Street, Bridgeport, CT 06606; Property Location: Mill Road adjacent to 3 Mill Road and Hampton town line, North Hampton, NH 03862; M/L: 003-004-000; Zoning District: R-1, High Density District.

In attendance for this application:

Dan Lawrence, Aquarion Director of Engineering and Planning; David Cedarholm, engineering consultant for the applicant; and James Collins, engineering consultant for the applicant.

Mr. Harned informed the Board that the applicant has submitted two additional waiver requests:

- a. Section X.E - Architectural Standards
- b. Section X.F – Stormwater Management.

Mr. Lawrence addressed the Board. Mr. Lawrence stated that the purpose of the proposed project was to consolidate treatment activities for four water supply wells from multiple buildings into one building and address issues connected to an aging infrastructure within the treatment facilities located at the site and at an adjoining parcel in Hampton.

Mr. Cedarholm addressed the Board. Mr. Cedarholm presented a site plan showing the 35 foot by 56 foot new building construction and associated activities for water treatment on the approximately 41 acre lot and across the town line in Hampton. The building will be located approximately 700 feet down the access road off of Mill Road. In addition to consolidating operations, the location of the new building will mitigate possible contamination of the wells by ensuring that the bulk of treatment activities occur outside of the 400 foot protective radius around each well.

Mr. Cedarholm noted the following features of the project:

- a. Water line from well #6 will be decommissioned. Portable generator servicing well #6 will be removed.
- b. New construction will add approximately 8,300 square feet of impervious area to the site.
- c. Approximately 9,420 square feet of existing pavement will be removed from other areas on the site to offset the newly added impervious area.
- d. Area in front of the building will be used for stormwater drainage and contain hazardous material spills using a valve system that will be engaged during chemical deliveries to send any chemical spillage to a containment tank and disengaged to allow stormwater to flow to a dry well for proper infiltration into the surrounding environment in a southerly direction behind the building.
- e. Chemical spill containment tank will hold up to 6,000 gallons of hazardous material. Deliveries of chemicals will not exceed this 6,000 gallon limit.
- f. The stormwater drainage system will infiltrate 100 percent of a one inch rain event and adequately manage up to a nearly two inch rain event.
- g. A stormwater infiltration trench (3 feet wide and 6 feet deep) will run along the entire length of the back of the building and parking area. The slope of the parking area will direct stormwater toward the rear infiltration trench.

Mr. Collins addressed the Board. Mr. Collins stated that the proposed treatment facility is sized in order to handle two more wells in the future, even though these wells are not included in the current project. Mr. Collins further explained the chemical storage and treatment activities within the proposed building. The building will have a monoslope roof to direct snow and stormwater toward the back of the building to mitigate interference with the chemical fill points in the front of the building. The proposed color of the building will be a tree bark grey in an attempt to blend in with the surrounding environment.

Mr. Maggiore asked for clarification regarding anticipated traffic flow for the proposed facility.

Mr. Collins stated that deliveries of chemicals would be less frequent, on average every thirty days, due to the fact that larger amounts of chemicals would be delivered to one facility rather than smaller amounts to multiple facilities on a more frequent basis. This schedule would vary based on seasonal water supply and demand needs.

Ms. Rowden stated that the Board would need to address the multiple waiver requests in order to determine if the application was complete. In her opinion, the waiver request regarding the leach fields was not necessary due to the fact that the treatment building would not be staffed in such a way as to require a septic system.

Mr. Harned suggested that the Board discuss the waiver requests.

Waiver from requirements of Site Plan Regulations Section VIII.B.26 - Location of Leach Beds. Applicant reasoning - The proposed Water Treatment Plant building will be visited exclusively by Aquarion Water Company operations staff for only brief periods of time, and sanitary facilities have been determined to not be necessary. Sanitary facilities for operations staff are provided at the Aquarion Water Company offices that are only a short distance away.

Mr. Harned opened the public hearing at 7:40pm.

Abutter Jeremiah O'Sullivan addressed the Board. Mr. O'Sullivan asked if there were any other sanitary facilities on the site.

Mr. Lawrence stated that there are no operable bathroom facilities on the site due to well contamination radius requirements.

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

Mr. Maggiore moved that the Planning Board find that a waiver from Site Plan Regulations Section VIII.B.26 is not necessary since there are no leach beds indicated on the site plan and leach beds are not required for the proposed use. Second by Mr. Belluche. The vote was unanimous in favor of the motion (6-0).

Waiver from requirements of Site Plan Regulations Section VIII.B.23 - Landscaping Plan. Applicant reasoning - The proposed Water Treatment Plant building and all the project components are located on Aquarion Water Company property, and set well off the public way and out of view from the general public. The building is exclusively a facilities building with a small foot print and only visited by Aquarion Water Company operations staff.

Mr. Harned opened the public hearing at 7:47pm.

Mr. O'Sullivan addressed the Board. Mr. O'Sullivan asked how many feet down the driveway will the building be located.

Mr. Collins stated that the building will be located 700 feet down the access drive.

Mr. O'Sullivan stated that his home is approximately 670 feet off of Mill Road adjacent to the access drive with a view of the proposed building.

Mr. Harned closed the public hearing at 7:52pm.

Ms. Monaghan moved that the Planning Board grant a waiver from the requirements of Site Plan Regulations Section VIII.B.23. Second by Mr. Maggiore.

Discussion of the motion – Mr. Derby asked if this waiver would preclude the Board from adding landscaping requirements or conditions later during its review of the full site plan.

Ms. Rowden stated that the granting of the waiver request would not prohibit the Board from adding landscaping conditions to the overall site plan approval.

The vote was unanimous in favor of the motion (6-0).

Waiver from requirements of Site Plan Regulations Section VIII.B.20 - Stormwater Drainage Plan. Applicant reasoning - The project makes use of a low impact development (LID) approach to stormwater management in accordance with North Hampton's recently adopted stormwater management regulations with a 3 foot wide by 6 foot deep infiltration trench on the west side of the proposed building and a 7 foot diameter by 8 foot deep dry well to infiltrate 100 percent of the water volume produced by the 1 inch rainstorm from the proposed 0.19 acre increase in impervious surface. The stormwater runoff from larger storms will be managed as sheet flow through stone stabilized side slopes

and vegetated perimeter buffer. In addition to the project's LID approach to stormwater management, Aquarion is willing to remove 0.21 acres of existing impervious surface on the property to offset the proposed 0.19 acres of new impervious surface.

Mr. Belluche noted that the applicant's reasoning statement seems to indicate that the removal of existing impervious surface is voluntary and may not occur.

Ms. Rowden stated that note # 3 on site plan page C-101 clearly indicates that the impervious surface will be removed.

Mr. Harned opened the public hearing at 7:56pm.

Mr. O'Sullivan addressed the Board. Mr. O'Sullivan stated his concerns regarding possible catastrophic events that may occur to his home or family due to a chemical spill in the combined chemical spill and stormwater drainage system which he believes to be in close proximity to his home.

Mr. Harned closed the public hearing at 7:59pm.

Mr. Maggiore asked how the stormwater drainage information that the applicant wishes to provide under the scope of a waiver differs from the information required by the site plan regulations.

Ms. Rowden stated that the regulations require a professionally prepared stormwater drainage analysis report which quantifies in specific detail the actual drainage functions and capabilities before and after construction, rather than the summary analysis presented by the applicants.

Mr. Harned asked which direction stormwater will flow on the site.

Mr. Cedarholm responded that the water will flow to the south towards the neighboring wetlands.

Mr. Harned asked what was the policy regarding chemical deliveries during a rain event.

Mr. Lawrence responded that chemical deliveries would be postponed during a rain event and re-scheduled for a time when there was no rain event.

Mr. Belluche asked for clarification regarding protections against a possible chemical spill flowing onto or contaminating Mr. O'Sullivan's property.

Mr. Lawrence responded that the natural topography slopes away from Mr. O'Sullivan's property. Any chemical spill would flow in the opposite direction. There has never been a catastrophic failure during chemical deliveries. If a catastrophic event did occur, there is an emergency response plan in place to contain the effects of a chemical spill.

Mr. Harned re-opened the public hearing at 8:14pm at the request of an abutter.

Mr. O'Sullivan addressed the Board. Mr. O'Sullivan disputed the fact that a chemical spill will not flow towards his property. The topography slopes down from the proposed building site toward his home.

Mr. Harned stated that most stormwater discussions take into account infiltration calculations and flow directions for the entire property. However, in this case, it is important to have an understanding of specific drainage characteristics in the immediate area of the proposed construction, the home on the abutting lot to the north, and the wetlands to the south due to the large amounts of chemicals which will be stored at the proposed building site. Proper safeguards to ensure containment of the chemicals need to be evaluated thoroughly.

Mr. Jeffrey stated that the chemical spill containment system and the stormwater drainage system for the proposed building site are integrated together. This makes separating evaluation of the drainage system and the chemical spill system difficult.

Mr. Harned suggested that the Board may not want the drainage and chemical spill systems combined into an integrated system.

Mr. Maggiore stated that a detailed drainage analysis report may be necessary in order to provide a written record to refer to in the future. The current plan does not provide many details. Also, the Town may want to have its own professionals evaluate what the applicants have proposed regarding drainage systems.

Abutter Mike Lynch addressed the Board. Mr. Lynch stated that the contours indicated on the site plan may not be accurate. It appears that the topography contours have changed due to work performed on the site and fill deposited in the proposed construction area.

Abutter John Sarni addressed the Board. Mr. Sarni stated that proper containment of chemicals should occur. Waivers regarding stormwater and chemical containment should not be allowed.

Ms. Rowden suggested that the Planning Board conduct a site walk to evaluate site conditions.

Mr. Harned closed the public hearing at 8:28pm.

Ms. Monaghan moved that the Planning Board continue consideration of waivers from Site Plan Regulations Section VIII.B.20 and Section X.F to the October 3, 2017 meeting date. Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).

Waiver from requirements of Site Plan Regulations Section X.E - Architectural Standards. Applicant reasoning - The proposed Water Treatment Plant building is a facilities building for use exclusively by Aquarion staff and delivery personnel, and located out of view from the general public. The outline of the structure will not be visible from Mill Road or abutters' homes. In case small swatches of the proposed building's exterior walls are visible through the forest, which might be possible when the leaves are off the trees, the vinyl siding will be a neutral grey color to match the bark of nearby trees and the metal roof will be painted a forest green.

Ms. Rowden stated that the waiver request was reasonable. However, she suggested that the Board continue consideration of the request until after the site walk when the Board will evaluate the site conditions.

Ms. Monaghan moved that the Planning Board continue consideration of a waiver from Site Plan Regulations Section X.E to the October 3, 2017 meeting date. Second by Mr. Belluche. The vote was unanimous in favor of the motion (6-0).

Waiver from requirements of Site Plan Regulations Section VIII.B.11 – Licensed Surveyor Certification. Applicant reasoning - This waiver request was submitted as part of the initial August 9, 2017 Site Plan Review Application. However, since that time, it was discovered that a boundary survey of lot 003-004-000 was performed by James Verra & Associates (JVA) in 2003. A waiver of the Licensed Surveyor Certification will not be necessary. This plan also shows extensive delineation of wetlands on the parcel. However, delineation of the jurisdictional wetlands in the vicinity of the proposed work was performed by NH Certified Wetland Scientist Marc Jacobs in April 2017. Tighe & Bond is coordinating with JVA to have the 2003 boundary survey information combined with the Mill Road WTP Project Site Plan to produce a complete Site Plan with the necessary boundary information to comply with Section VIII.B.11 and produce a complete Site Plan containing a licensed surveyor's stamp appropriate for recording at the County Registry. Tighe & Bond is also coordinating with Marc Jacobs to also have his Certification added to the Site Plan.

Mr. Cedarholm stated that the information regarding the topography contours indicated on the site plan for the proposed building construction area is current.

Mr. Harned opened the public hearing at 8:41pm.

Mr. O'Sullivan addressed the Board. Mr. O'Sullivan explained that the 2003 surveyed site plan was used in connection with a ZBA special exception application for a customer service building on the same location as the proposed treatment building that was later withdrawn.

Abutter Ben Gerkin addressed the Board. Mr. Gerkin stated that there are no certified survey markers along his border with the Aquarion property.

Mr. Harned closed the public hearing at 8:44pm.

Ms. Monaghan moved that the Planning Board continue consideration of a waiver from Site Plan Regulations Section VIII.B.11 to the October 3, 2017 meeting date. Second by Mr. Jeffrey.

Discussion of the motion – Mr. Derby stated that he believed that the applicant was withdrawing the waiver request. Mr. Cedarholm confirmed that the applicant intended to withdraw the waiver request. Mr. Harned stated that the applicant should indicate the waiver request withdrawal in writing.

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

Mr. Harned suggested that the applicant request consideration of the site plan application be continued to the next meeting date since the application is not complete due to the outstanding waiver requests. The continuation request should be submitted in writing to the Planning office.

Mr. Cedarholm requested that consideration of the site plan application be continued to the next meeting date and agreed to submit the request in writing.

Ms. Monaghan moved that the Planning Board continue Case #17:12 to the October 3, 2017 meeting date. Second by Mr. Derby. The vote was unanimous in favor of the motion (6-0).

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374 Mr. Harned suggested that the Board schedule a date for the proposed site walk.
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376 The Board came to a consensus without objection to schedule a site walk at the Aquarion Water
377 Company site off of Mill Road as part of the site plan application review process for Case 17:12 on
378 September 25, 2017 at 9:00am.
379
380 **II. Other Business**
381 1. Review of Planning Department operating budget.
382 The Board reviewed the FY2017 and FY2018 Planning and Zoning Department operating budgets and
383 expenditures to evaluate if the Board needed to request additional funds be added to the FY2019
384 operating budget for special projects envisioned for the future.
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386 **Mr. Derby moved that the Planning Board request that \$1,000.00 be added to the Master Plan line in**
387 **the FY2019 Planning and Zoning Department operating budget. Second by Mr. Jeffrey. The vote was**
388 **unanimous in favor of the motion (6-0).**
389
390 2. Minutes.
391 Mr. Harned presented the minutes of the August 15, 2017 Planning Board meeting.
392 **Ms. Monaghan moved that the Planning Board accept the minutes of the August 15, 2017 Planning**
393 **Board meeting as written. Second by Mr. Derby. The vote was 4-0-2 in favor of the motion with Mr.**
394 **Jeffrey and Mr. Belluche abstaining.**
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396 The meeting was adjourned at 9:27pm without objection.
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398 Respectfully submitted,
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402 Rick Milner
403 Recording Secretary