



Meeting Minutes
North Hampton Planning Board
Tuesday, March 5, 2024 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: Phil Wilson, Chair; Rob Omberg, Vice Chair; Members Shep Kroner and John Sillay; Alternate Members Tim Harned and Susan McCullom-Barry; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

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

Mr. Harned seated for Ms. Monaghan.

Ms. McCullom-Barry seated for Ms. Gamache.

I. New Business

1. Case #24:02 – Applicants: Corinne Baldwin and Colin Cabral, 9 River Road, North Hampton, NH 03862. The Applicants request a Conditional Use Permit to allow replacement of septic system within the Wetlands Conservation District buffer zone. Property Owners: Corinne Baldwin and Colin Cabral, 9 River Road, North Hampton, NH 03862. Property Location: 9 River Road, North Hampton, NH 03862; M/L: 006-155-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Colin Cabral, property owner; Jason Robidoux, septic system designer.

Mr. Robidoux addressed the Board. Mr. Robidoux presented a septic system design plan for the non-conforming, 0.40 acre property at 9 River Road. The applicant is presenting a revised septic system plan to replace the plan previously approved on July 18, 2023. The applicant has found that the required improvements to properly install the previously approved septic system design are cost prohibitive. The new plan proposes to install the new septic system on the same side of the home as the current failed septic system rather than on the opposite side of the property. The revised plan included the following items:

- a. septic system rated for a three bedroom home with a raised leach field contained within a mound that rises four feet above the current grade of the land at the rear northwesterly corner of the property, one pre-treatment tank with three chambers, and two effluent separator tanks,
- b. wetlands boundaries on and adjacent to the property,
- c. the slope of the mound beginning 13 feet from the wetlands boundary at its closest point, and
- d. the slope of the mound beginning five feet from the northerly side lot line.

Mr. Robidoux stated that the applicant is requesting approval of a Conditional Use Permit for installation of the raised leach field mound structure at a distance of 13 feet from the wetlands where a distance of 75 feet is required by the zoning ordinance regulations. The installation of the new septic system is necessitated by the failure of the current, 1950's era septic system on the property. Mr. Robidoux explained that the proposed septic system location is necessitated by the constraints imposed by the small, non-conforming lot size and the location of the home, driveway, accessory structures, and existing septic system utility connections within the home. The proposed location of the raised leach

field mound structure five feet from the side yard lot line will require the granting of a variance by the Zoning Board of Adjustment (ZBA).

Mr. Robidoux stated that the addition of a three chamber pre-treatment unit in the septic system design plan which incorporates modern aerobic and bio-kinetic techniques will enhance the removal of wastewater contaminants and produce a cleaner effluent for dispersal into the ground. The enhanced features of the design plan reduce the disturbed area associated with the proposed septic system installation by 75 percent as compared to other current technologies.

Mr. Robidoux addressed the criteria for granting a Conditional Use Permit for non-compliance with the Wetlands Conservation District regulations.

a. The proposed activity is essential to the productive use of the land in that the proposed septic system is replacing an existing failed septic system.

b. The proposed activity will minimize detrimental impact on the wetlands district in that the new septic system will adhere to current regulations and employ technology that makes the new system more environmentally sound than the current system.

c. No alternative with less detrimental impact on the wetlands district is feasible in that the 9 River Road lot is a small, non-conforming lot which is almost entirely impacted by the wetlands buffer zone.

d. The proposed septic system use is otherwise authorized by the zoning ordinance.

e. The proposed activity will not result in the diminution of abutting property values in that other septic systems in the River Road neighborhood are mounded and located near the property lines. The revised proposed location is at the rear of the property.

f. The applicant has applied to the ZBA for a required lot line setback variance.

Mr. Wilson stated his opinion that the proposed septic system was essential to the productive use of the land because without a properly operating septic system the long standing residence could no longer exist. Also, it appears that the proposed septic system design incorporates state of the art technology that will improve wastewater dispersal impacts on the surrounding wetlands.

Mr. Kroner concurred with Mr. Wilson's opinion that the proposed septic system aerobic technology minimizes detrimental impact on the surrounding wetlands.

Mr. Harned asked for more details regarding how the proposed system actually works to create a cleaner effluent.

Mr. Robidoux explained how the settling, aeration, and clarification chambers in the first tank remove contaminants from the wastewater. The wastewater then passes through two settling tanks which provide more filtration of contaminants prior to dispersal into the ground through the raised leach field.

Mr. Kroner moved that the Planning Board find that the application is complete and take jurisdiction of the Case #24:02 Conditional Use Permit application for replacement of a septic system within the Wetlands Conservation District buffer zone at 9 River Road. Second by Mr. Sillay. The vote was unanimous in favor of the motion (6-0).

Mr. Wilson opened the public comment session at 6:42pm. No comments were made. Mr. Wilson closed the public comment session at 6:43pm.

Mr. Milner suggested that, if the current Conditional Use Permit application is approved, the Board add a condition of approval which states that the July 18, 2023 Conditional Use Permit approval for the proposed septic system at the front of the 9 River Road property is rescinded.

Mr. Omberg moved that the Planning Board rescinds the July 18, 2023 Conditional Use Permit approval for the proposed septic system at the front of the 9 River Road property. Second by Mr. Harned. The vote was unanimous in favor of the motion (6-0).

Mr. Wilson asked why the applicant was moving the proposed septic system from the previously proposed front yard location to the currently proposed rear corner location on the other side of the property.

Mr. Robidoux explained that the following construction details associated with the previous proposal made the project cost prohibitive:

- a. installing new pipe from north side of home to south side of the lot,
- b. removing and re-installing driveway surface, and
- c. re-location of water line from street to the home.

Mr. Harned asked if the current location of the failed 1950's septic system further from the wetlands was considered for installation of the new system.

Mr. Robidoux explained that a new septic system requires a larger land area for installation than older types of systems. Existing structures, such as the on-site carport, will impede installation of a new system in the same location as the failed system.

Mr. Omberg moved that the Planning Board approve the Case #24:02 Conditional Use Permit application to allow replacement of a septic system within the Wetlands Conservation District buffer zone at 9 River Road as represented in the application presented to the Board subject to the condition that the applicant receives all required federal, state, and local permits and approvals including, but not limited to, Zoning Board of Adjustment variance approval.

This decision is based on the following finding of fact:

1. The application meets all relevant Conditional Use Permit criteria as indicated in Zoning Ordinance Section 501.

Second by Mr. Harned. The vote was unanimous in favor of the motion (6-0).

2. Case #24:03 – Applicant: Annette Lee, Throwback Brewery, 2 Elm Road, North Hampton, NH 03862.

The Applicant requests a one year extension of Conditional Use Permit approval to allow installation of a tent over outdoor customer seating area and outdoor ice skating rink as temporary structures. Property Owner: Taste the Local, LLC, 2 Elm Road, North Hampton, NH 03862; Property Location: 2 Elm Road, North Hampton, NH 03862; M/L: 013-009-000; Zoning Districts: I-B/R, Industrial – Business/Residential District and R-1, High Density District.

In attendance for this application:

Annette Lee, property owner.

Ms. Lee addressed the Board. Ms. Lee requested that the Planning Board's previous May 2, 2023 one year approval for installation of a tent over the existing beer garden outdoor seating area from May to October and installation of an outdoor ice skating rink from December to March on the commercially zoned portion of the property next to the outdoor seating area be extended for an additional one year. Ms. Lee presented a site drawing which indicated the locations of the tent and ice rink immediately adjacent to the west side of the Throwback Brewery building. Ms. Lee also showed pictures of the two temporary structures, as installed, to the Board.

Mr. Sillay moved that the Planning Board find that the application is complete and take jurisdiction of the Case #24:03 Conditional Use Permit application to allow installation of a tent over outdoor customer seating area and installation of an outdoor ice skating rink as temporary structures. Second by Mr. Kroner. The vote was unanimous in favor of the motion (6-0).

Mr. Wilson opened the public comment session at 6:56pm. No comments were made. Mr. Wilson closed the public comment session at 6:57pm.

Mr. Kroner moved that the Planning Board approve the Case #24:03 Conditional Use Permit application to allow installation of a tent over outdoor customer seating area and installation of an outdoor ice skating rink as temporary structures at 2 Elm Road as represented in the plan presented to the Board until May 2, 2025. Second by Mr. Harned. The vote was unanimous in favor of the motion (6-0).

II. Other Business.

1. Minutes.

Mr. Wilson presented the minutes of the January 16, 2024 and February 6, 2024 meetings.

Mr. Kroner moved that the Planning Board accept the minutes of the January 16, 2024 and February 6, 2024 meetings as written. Second by Mr. Sillay. The vote was 5-0-1 in favor of the motion with Mr. Harned abstaining.

The meeting was adjourned at 7:00pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary