



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, March 5, 2024 at 6:30pm**  
**Town Hall, 231 Atlantic Avenue**

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6 These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a  
7 transcription.

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9 **In attendance:** Phil Wilson, Chair; Rob Omberg, Vice Chair; Members Shep Kroner and John Sillay;  
10 Alternate Members Tim Harned and Susan McCullom-Barry; Jennifer Rowden, RPC Circuit Rider; and Rick  
11 Milner, Recording Secretary.

12  
13 Chair Wilson called the meeting to order at 6:30pm.

14 Mr. Harned seated for Ms. Monaghan.

15 Ms. McCullom-Barry seated for Ms. Gamache.

16  
17 **I. New Business**

18 **1. Case #24:02 – Applicants: Corinne Baldwin and Colin Cabral, 9 River Road, North Hampton, NH**  
19 **03862.** The Applicants request a Conditional Use Permit to allow replacement of septic system within  
20 the Wetlands Conservation District buffer zone. Property Owners: Corinne Baldwin and Colin Cabral,  
21 9 River Road, North Hampton, NH 03862. Property Location: 9 River Road, North Hampton, NH 03862;  
22 M/L: 006-155-000; Zoning District: R-2, Medium Density District.

23  
24 In attendance for this application:

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

26  
27 Mr. Robidoux addressed the Board. Mr. Robidoux presented a septic system design plan for the non-  
28 conforming, 0.40 acre property at 9 River Road. The applicant is presenting a revised septic system plan  
29 to replace the plan previously approved on July 18, 2023. The applicant has found that the required  
30 improvements to properly install the previously approved septic system design are cost prohibitive. The  
31 new plan proposes to install the new septic system on the same side of the home as the current failed  
32 septic system rather than on the opposite side of the property. The revised plan included the following  
33 items:

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

40  
41 Mr. Robidoux stated that the applicant is requesting approval of a Conditional Use Permit for installation  
42 of the raised leach field mound structure at a distance of 13 feet from the wetlands where a distance of  
43 75 feet is required by the zoning ordinance regulations. The installation of the new septic system is  
44 necessitated by the failure of the current, 1950's era septic system on the property. Mr. Robidoux  
45 explained that the proposed septic system location is necessitated by the constraints imposed by the  
46 small, non-conforming lot size and the location of the home, driveway, accessory structures, and  
47 existing septic system utility connections within the home. The proposed location of the raised leach

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

50  
51 Mr. Robidoux stated that the addition of a three chamber pre-treatment unit in the septic system design  
52 plan which incorporates modern aerobic and bio-kinetic techniques will enhance the removal of  
53 wastewater contaminants and produce a cleaner effluent for dispersal into the ground. The enhanced  
54 features of the design plan reduce the disturbed area associated with the proposed septic system  
55 installation by 75 percent as compared to other current technologies.

56  
57 Mr. Robidoux addressed the criteria for granting a Conditional Use Permit for non-compliance with the  
58 Wetlands Conservation District regulations.

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

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

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

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

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

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

71  
72 Mr. Wilson stated his opinion that the proposed septic system was essential to the productive use of the  
73 land because without a properly operating septic system the long standing residence could no longer  
74 exist. Also, it appears that the proposed septic system design incorporates state of the art technology  
75 that will improve wastewater dispersal impacts on the surrounding wetlands.

76  
77 Mr. Kroner concurred with Mr. Wilson's opinion that the proposed septic system aerobic technology  
78 minimizes detrimental impact on the surrounding wetlands.

79  
80 Mr. Harned asked for more details regarding how the proposed system actually works to create a  
81 cleaner effluent.

82  
83 Mr. Robidoux explained how the settling, aeration, and clarification chambers in the first tank remove  
84 contaminants from the wastewater. The wastewater then passes through two settling tanks which  
85 provide more filtration of contaminants prior to dispersal into the ground through the raised leach field.

86  
87 **Mr. Kroner moved that the Planning Board find that the application is complete and take jurisdiction**  
88 **of the Case #24:02 Conditional Use Permit application for replacement of a septic system within the**  
89 **Wetlands Conservation District buffer zone at 9 River Road. Second by Mr. Sillay. The vote was**  
90 **unanimous in favor of the motion (6-0).**

91  
92 Mr. Wilson opened the public comment session at 6:42pm. No comments were made. Mr. Wilson closed  
93 the public comment session at 6:43pm.

94

95 Mr. Milner suggested that, if the current Conditional Use Permit application is approved, the Board add  
96 a condition of approval which states that the July 18, 2023 Conditional Use Permit approval for the  
97 proposed septic system at the front of the 9 River Road property is rescinded.  
98

99 **Mr. Omberg moved that the Planning Board rescinds the July 18, 2023 Conditional Use Permit**  
100 **approval for the proposed septic system at the front of the 9 River Road property. Second by Mr.**  
101 **Harned. The vote was unanimous in favor of the motion (6-0).**  
102

103 Mr. Wilson asked why the applicant was moving the proposed septic system from the previously  
104 proposed front yard location to the currently proposed rear corner location on the other side of the  
105 property.  
106

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

- 109 a. installing new pipe from north side of home to south side of the lot,
  - 110 b. removing and re-installing driveway surface, and
  - 111 c. re-location of water line from street to the home.
- 112

113 Mr. Harned asked if the current location of the failed 1950's septic system further from the wetlands  
114 was considered for installation of the new system.  
115

116 Mr. Robidoux explained that a new septic system requires a larger land area for installation than older  
117 types of systems. Existing structures, such as the on-site carport, will impede installation of a new  
118 system in the same location as the failed system.  
119

120 **Mr. Omberg moved that the Planning Board approve the Case #24:02 Conditional Use Permit**  
121 **application to allow replacement of a septic system within the Wetlands Conservation District buffer**  
122 **zone at 9 River Road as represented in the application presented to the Board subject to the condition**  
123 **that the applicant receives all required federal, state, and local permits and approvals including, but**  
124 **not limited to, Zoning Board of Adjustment variance approval.**  
125

126 **This decision is based on the following finding of fact:**

127 **1. The application meets all relevant Conditional Use Permit criteria as indicated in Zoning Ordinance**  
128 **Section 501.**  
129

130 **Second by Mr. Harned. The vote was unanimous in favor of the motion (6-0).**  
131

132 **2. Case #24:03 – Applicant: Annette Lee, Throwback Brewery, 2 Elm Road, North Hampton, NH 03862.**  
133 The Applicant requests a one year extension of Conditional Use Permit approval to allow installation of a  
134 tent over outdoor customer seating area and outdoor ice skating rink as temporary structures. Property  
135 Owner: Taste the Local, LLC, 2 Elm Road, North Hampton, NH 03862; Property Location: 2 Elm Road,  
136 North Hampton, NH 03862; M/L: 013-009-000; Zoning Districts: I-B/R, Industrial – Business/Residential  
137 District and R-1, High Density District.  
138

139 In attendance for this application:

140 Annette Lee, property owner.  
141

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

149  
150 **Mr. Sillay moved that the Planning Board find that the application is complete and take jurisdiction of**  
151 **the Case #24:03 Conditional Use Permit application to allow installation of a tent over outdoor**  
152 **customer seating area and installation of an outdoor ice skating rink as temporary structures. Second**  
153 **by Mr. Kroner. The vote was unanimous in favor of the motion (6-0).**

154  
155 Mr. Wilson opened the public comment session at 6:56pm. No comments were made. Mr. Wilson closed  
156 the public comment session at 6:57pm.

157  
158 **Mr. Kroner moved that the Planning Board approve the Case #24:03 Conditional Use Permit**  
159 **application to allow installation of a tent over outdoor customer seating area and installation of an**  
160 **outdoor ice skating rink as temporary structures at 2 Elm Road as represented in the plan presented**  
161 **to the Board until May 2, 2025. Second by Mr. Harned. The vote was unanimous in favor of the**  
162 **motion (6-0).**

163  
164 **II. Other Business.**

165 1. Minutes.

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

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

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

172  
173 Respectfully submitted,

174  
175  
176  
177 Rick Milner  
178 Recording Secretary