



Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, November 22, 2016 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862

These Minutes were prepared as a reasonable summary of the essential content of the Meeting, not as a transcription. All exhibits mentioned, or incorporated by reference, in these Minutes are a part of the official Case Record and available for inspection at the Town Offices.

In attendance: Charles Gordon, Chair; Phelps Fullerton, Vice Chair; Members Mark Janos, and Jonathan Pinette; Alternate member Robin Reid; and Recording Secretary Rick Milner.

I. Preliminary Matters.

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

Ms. Reid was seated for Mr. Lagassa.

Tricia Mills was sworn in as a witness to present evidence for case to be heard at the meeting.

Mr. Gordon presented the minutes of the August 23, 2016 meeting.

Mr. Pinette moved that the ZBA accept the minutes of the August 23, 2016 meeting as written. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (5-0).

Mr. Gordon presented the proposed 2017 ZBA meeting schedule.

The Board came to a consensus without objection to schedule the December 2017 meeting date on December 13 to avoid conflict with the Christmas holiday.

Mr. Pinette moved that the ZBA approve the 2017 ZBA meeting schedule as presented with the December meeting date to be scheduled on December 13, 2017. Second by Mr. Janos. The vote was unanimous in favor of the motion (5-0).

III. New Business.

- 1. Case #16:04 – Applicant: Sean Murphy, 37 Post Road, North Hampton, NH 03862.** The Applicant requests a variance from Section 406 – Yard and Lot Requirements of the Town of North Hampton Zoning Ordinance to allow construction of a ground-mounted solar array within the accessory structure setback. Property Owners: Sean Murphy and Rachel Rios Murphy, 37 Post Road, North Hampton, NH 03862; Property Location: 37 Post Road; M/L: 008-025-000; Zoning District: R-1 High Density District.

In attendance:

Tricia Mills, Revision Energy, contractor for the applicant.

Mr. Gordon opened the public hearing at 6:45 pm.

Ms. Mills presented a site plan which indicated placement of a proposed solar array structure in the most northerly corner of the property located at 37 Post Road. The left northerly corner of the structure would be located two (2) feet from the closest lot line and the right northerly corner of the structure would be located fifteen (15) feet from the closest lot line. Placement of the structure in the proposed

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location requires a variance from the zoning ordinance 15 foot side yard setback requirement for an accessory structure.

Ms. Mills further stated that the applicant chose a ground mounted system because the orientation of the home was not suitable for a roof mounted system. The ground mounted system needed to be placed in the proposed location for the following reasons:

- a. avoid placement of array structure near or on top of well and septic system
- b. provide most optimal efficiency for generating power from the array
- c. save space in the back yard to allow for other activities and uses.

Mr. Janos asked for clarification regarding the size specifications for the array structure.

Ms. Mills referred to the construction specifications sheet which indicated a height of 9'8" and thirty (30) panels, each 17.3 square feet in size and arranged in a 2 high-15 wide configuration.

Mr. Fullerton asked if the power generated by the solar array structure was intended to be used exclusively for residential purposes of the house and not to be sold back to the utility grid for commercial purposes.

Ms. Mills confirmed that the power generated by the solar array structure was intended to be used exclusively for residential purposes of the house and not to be sold back to the utility grid for commercial purposes. The system is designed to generate the same amount of average power used by the home in the last year.

Mr. Fullerton presented a letter from an abutter, Donald Gould, stating that Mr. Gould consented to the proposed location and construction of the solar array so long as a row of arbor vitae is planted along his abutting property line to shield the array so that it is not visible from his property.

Ms. Mills stated that she believes that the plantings have been completed. She presented a photo of the proposed plantings and letters from other abutters approving of the solar array construction.

Mr. Fullerton asked if Mr. Gould was satisfied with the plantings.

Ms. Mills stated that she would confirm that Mr. Gould was satisfied with the plantings.

The Board came to a consensus without objection to take a recess to try to contact Mr. Gould to confirm his satisfaction with the plantings. The Board recessed the hearing at 7:00 pm. The Board returned from recess at 7:05 pm.

Mr. Milner stated that he contacted Mr. Gould by phone. Mr. Gould stated that he did not notice any new plantings. Mr. Gordon noted that letters from other abutters indicated no objections. Mr. Gordon closed the public hearing at 7:10 pm.

The Board began deliberation of the variance application.

Mr. Pinette stated that he had no concerns with the application.

Mr. Fullerton stated that he was hesitant to decide on the application until a mechanism was in place to properly address the screening issue.

Mr. Gordon suggested adding a condition of approval requiring adequate screening for the construction project.

Mr. Janos suggested that the proposed plantings be indicated on the site plan to aid the Board with its deliberation.

Mr. Gordon suggested that the ZBA table the matter until such time as the applicant can present the Board with information indicating the location and amount of screening plantings and notification that he and the abutter are satisfied with the agreed planting plan.

Mr. Fullerton suggested that the ZBA conduct a site walk in the event that a planting plan cannot be agreed upon by the participants. This will aid the Board in making a reasonable determination regarding adequate screening for the project.

Ms. Reid moved that the applicant submit an applicant-abutter agreement and plan for screening plantings at 37 Post Road to the administrator's office by December 2, 2016 at 11:00 am. If an agreement is not received by the ZBA, the ZBA will conduct a site walk at 37 Post Road property prior to the December 8, 2016 meeting. Second by Mr. Pinette. The vote was unanimous in favor of the motion (5-0).

Mr. Janos suggested that the applicant provide more details and justification to satisfy the unnecessary hardship and other criteria used by the ZBA to authorize a variance as stated in the RSA's.

Ms. Reid moved that the ZBA continue Case #16:04 to the December 8, 2016 meeting. Second by Mr. Pinette. The vote was unanimous in favor of the motion (5-0).

Mr. Janos moved to adjourn the meeting at 7:31 pm. Second by Mr. Pinette. The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,

Rick Milner
Recording Secretary