



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, October 3, 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:** Nancy Monaghan, Vice Chair; Members Phil Wilson, Dan Derby, Josh Jeffrey, Terry Belluche, and Jim Maggiore, Select Board Representative; Alternate Member Shep Kroner; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

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

Ms. Monaghan appointed Mr. Kroner to stand in for Mr. Harned.

Ms. Monaghan suggested that the new business be moved ahead of the old business on the agenda. The new business will take less time to discuss than the old business. The Board, by consensus without objection, and Aquarion representatives agreed to the change in the order of the agenda.

**I. New Business**

**1. Case #17:13 – Applicants, Joyce Perry and David Keefer – Elm Road Industrial Park, LLC, P.O. Box 419, North Hampton, NH 03862.** The Applicants request a change of use from the previous office space use to a 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 a change of use approval from the Planning Board for the intended residential use on the commercial property at 12 Elm Road.

Mr. Keefer presented the following information to the Board:

- a. copy of the approved site plan,
- b. a drawing depicting the fence and walkway installed to separate the residential area from the commercial parking area,

c. pictures indicating security lighting installed to direct people toward the home and away from the commercial parking area, and  
d. an amended State of NH septic system approval indicating that the current septic system is approved for a three bedroom house.

Ms. Monaghan presented to the Board a draft affidavit indicating that the original approved site plan would be amended to show that the use for Unit E would change from an office use to a residential use. The creation of the affidavit was suggested by the Board during a preliminary consultation at the last meeting.

Ms. Rowden stated that the affidavit would be recorded at the County Registry and would be pulled up along with the original site plan during search requests for the site plan.

Mr. Wilson asked for clarification that the septic system design from 1990 was a modern design.

Mr. Milner stated that the septic system design was a modern design. The septic system design plan is on file in the Town records.

**Mr. Belluche moved that the Planning Board take jurisdiction of the Change of Use application to change Unit E at 12 Elm Road from the previous office space use to a residential use on commercial property allowed by variance granted by Zoning Board of Adjustment. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (7-0).**

Ms. Monaghan opened the public hearing at 6:40pm. No comments were made. Ms. Monaghan closed the public hearing at 6:41pm.

**Mr. Derby moved that the Planning Board approve the Change of Use application to change Unit E at 12 Elm Road from the previous office space use to a residential use on commercial property allowed by variance granted by Zoning Board of Adjustment subject to the following condition:**

**1. The affidavit presented to the Planning Board at the October 3, 2017 meeting is recorded at the Rockingham County Registry of Deeds.**

**Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (7-0).**

**2. Case #17:14 – Applicant, Michael Bass – The 120 Mill Road Realty Trust, c/o Bass, Doherty, and Finks, PC, 40 Soldiers Field Place, Boston, MA 02135.** The Applicant requests a voluntary lot merger of three lots totaling 59.85 acres. Property Owner: The 120 Mill Road Realty Trust, Michael Bass, Trustee, c/o Bass, Doherty, and Finks, PC, 40 Soldiers Field Place, Boston, MA 02135. Property Location: 120 Mill Road and rear adjoining lots, North Hampton, NH 03862; M/L: 006-147-001, 006-154-000, and 007-173-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Paige Libbey, engineer for the applicant.

Ms. Libbey addressed the Board. Ms. Libbey presented a voluntary lot merger application, associated boundary plan, and supporting documents to the Board. Ms. Libbey stated that the applicant wished to merge the lot at 120 Mill Road with two back lots to create one 59.85 acre lot.

Ms. Rowden stated that no zoning ordinance was violated by the proposed voluntary lot merger.

Mr. Wilson asked if the property owner had submitted a letter authorizing the engineering firm to represent him at the Planning Board meeting.

Mr. Milner stated that an authorization letter was not submitted.

Mr. Rowden suggested that a condition be added to the decision requiring an authorization letter be submitted to the Planning Office prior to the Chair or Vice Chair signing the voluntary lot merger application.

**Mr. Wilson moved that the Planning Board authorize the Chair or Vice Chair to sign the Voluntary Lot Merger application subject to the condition that the Planning Office receives a letter from the property owner authorizing the engineering firm to represent the property owner at the Planning Board meeting to discuss the voluntary lot merger. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (7-0).**

## **II. Old Business**

**1. 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 a waiver from the Town of North Hampton Site Plan Regulations Section X.E – Architecture/Appearance Standards. 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:

Carl McMorran, Aquarion Operations Manager; David Cedarholm, engineering consultant for the applicant; James Collins, engineering consultant for the applicant; and Ari Pollack, attorney for the applicant.

Mr. McMorran addressed the Board. Mr. McMorran stated the following goals of the proposed project:

- a. resolve older operating system deficiencies for four water supply wells,
- b. provide emergency power service to keep water flowing in case of primary power failure,
- c. improve water quality, and
- d. improve operational efficiency by reducing the number of treatment facilities and amount of chemical deliveries.

Mr. Cedarholm addressed the Board. Mr. Cedarholm presented a revised 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 revisions to the plan previously presented to the Board:

- 141 a. Approximately 0.9 acres of area will be disturbed by construction. Approximately 0.2 acres of new  
142 impervious surface will be created by the proposed plan.
- 143 b. The stormwater management system has been modified to comply with the stormwater management  
144 regulations. Infiltration trenches have been added along the front of the new building site along with  
145 trenches in the back of the site. Dry well for stormwater containment has been replaced by a series of  
146 chambers to contain and infiltrate the stormwater from the entire containment area. Other infiltration  
147 improvements have been made.
- 148 c. Based on the extreme precipitation model for a 25 year storm event, the proposed building site would  
149 be capable of infiltrating a little more than 6 inches of rainfall.
- 150 d. Approximately 9,420 square feet of existing pavement will no longer be removed from other areas on  
151 the site since more stormwater will be infiltrated by the revised drainage system.
- 152 e. Chemical spillage containment tight tank and valve system have been moved outside the spillage  
153 containment area.
- 154 f. Visual indicators have been added to valve system that will be engaged during chemical deliveries to  
155 send any chemical spillage to a containment tight tank and disengaged to allow stormwater to flow to  
156 containment chambers.
- 157 g. The proposed building site is located over 400 feet from any abutter's home. Native vegetation will be  
158 used for landscaping. Aquarion is willing to provide screening of the building site.

159 Mr. Collins addressed the Board. Mr. Collins noted the following features of the site plan:

- 161 a. Chemicals used in the water treatment process will disinfect water, enhance corrosion control,  
162 manage amount of iron, copper, and lead content in water, and manage water pH levels. The chemicals  
163 are designed as additives to drinking water.
- 164 b. Chemical spill containment will occur at two levels, inside and outside the building. Inside the  
165 building, there are concrete barriers around the chemical storage tanks that will contain 110% of the  
166 largest volume storage tank in that area. Design exceeds many current industry standards. An alarm  
167 system will notify Aquarion of spills.
- 168 c. Outside the building, the chemical spillage containment tight tank has been increased to 7,000  
169 gallons. The maximum chemical delivery amount is 4,500 gallons. Waste water from utility sink inside  
170 the building will drain into the tight tank. An alarm system will notify Aquarion when the volume of  
171 liquid in the tight tank reaches 1,000 gallons. No disposal of tight tank contents will occur on site.
- 172 d. A three inch berm/curbing has been added around the entire chemical spill containment area. 6,900  
173 gallons would be contained by the spill containment area surrounded by berm/curbing. This  
174 containment amount is 150% of the 4,500 gallon maximum delivery amount and would rise  
175 approximately half way up the berm/curbing height.
- 176 e. In his opinion, the chemical spill design plan complies with the Town of North Hampton Aquifer  
177 Protection Ordinance.
- 178 f. The chemical spill system has been approved by the New Hampshire Department of Environmental  
179 Services (NHDES).

180  
181 Ms. Monaghan presented the Town Engineer review letter and comments to the Board.

182  
183 Mr. Collins addressed some of the comments made by the Town Engineer.

184  
185 Mr. Kroner asked for clarification regarding dark sky compliance of lighting associated with the proposed  
186 building and existing structures in other areas of the property.

Mr. Collins stated that downward facing motion detecting wall lighting would be the only lighting used at the proposed building site. Existing lighting on older structures is not proposed to be changed.

Mr. Derby asked if the operations proposed in the site plan application are similar to other existing Aquarion facilities.

Mr. McMorran stated that the operations are similar, but on a smaller scale than existing facilities.

Mr. Maggiore asked for clarification on procedures for a chemical spill that remained in the containment area without draining to the tight tank.

Mr. McMorran stated that Aquarion has its own immediate response plan and would also coordinate with the Town of North Hampton Fire Department for a spill response plan.

Ms. Monaghan suggested that waiver requests be discussed. Ms. Monaghan noted that the two waiver requests regarding stormwater management have been withdrawn by the applicant. The only remaining outstanding waiver request is for architecture and appearance site plan regulation requirements.

Waiver from requirements of Site Plan Regulations Section X.E - Architecture/Appearance 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 of 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 leaves are off the trees, the vinyl siding will be a neutral grey color to match the bark of the nearby trees and the metal roof will be painted a forest green.

The Board discussed the architectural and appearance standards and the reasoning associated with application of the standards.

Ms. Monaghan opened the public hearing at 7:35pm.

Mike Lynch addressed the Board. Mr. Lynch stated the building will be visible during the winter months. He is not comfortable with waiving the appearance standards.

Jeremiah O'Sullivan addressed the Board. If spotlights are placed on the proposed building, they will be seen from and shine on his house. A lighting plan is necessary. Toned down lighting should be implemented on the site.

Ms. Monaghan closed the public hearing at 7:38pm.

Ms. Rowden suggested that a note could be added to the site plan stating that the lighting on the site shall be dark sky compliant.

Mr. Jeffrey asked for clarification how windows may affect storage of chemicals inside the building.

Mr. Collins stated that it is better to keep the chemicals out of a steady source of light. Windows also present a security risk for the building.

Mr. Wilson explained that the principal purpose of the architectural standards is to regulate the character of the Route 1 business corridor and other sites readily visible to the public. Due to the location of the proposed building site, hidden in the woods 700 feet off of Mill Road, it is appropriate to waive the architectural standards for this site plan application. The proposed building colors will not make the building particularly visible.

Ms. Rowden suggested that the security fencing around the proposed building be a muted color.

**Mr. Derby moved that the Planning Board grant a waiver from the requirements of Site Plan Regulations Section X.E subject to the following conditions:**

**1. A note shall be added to the plan that the lighting associated with the new building is motion detecting lighting only and dark sky standard compliant.**

**2. The colors of the new building shall be limited to the muted colors indicated in the drawings presented to the Planning Board.**

**3. The fencing surrounding the new building site shall have a muted color.**

**Second by Mr. Wilson. The vote was 6-1 in favor of the motion with Mr. Kroner opposed.**

Ms. Monaghan suggested that the completeness of the application be discussed. Ms. Monaghan expressed her concern with the late submittal of many documents associated with this application in the last two days.

Ms. Rowden stated that she believes that the application is complete, even if the late arriving documents are not considered.

**Mr. Kroner moved that the Planning Board find that the site plan application for Case #17:12 is complete and that the Planning Board take jurisdiction of the site plan application for Case #17:12 to construct a 35 foot by 56 foot water treatment plant and associated piping to consolidate treatment activities for four water supply wells. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).**

**Mr. Wilson moved that the Planning Board continue Case #17:12 to the November 7, 2017 meeting date. Second by Mr. Belluche.**

Discussion of the motion – Mr. Wilson stated that, due to the late submittal of the most recent application materials, some Board members and the public have not had time to adequately review all of the materials. Mr. Wilson suggested that the applicant address screening on the site.

**Mr. Wilson and Mr. Belluche withdrew the motion and the second.**

Mr. Collins stated that Aquarion has offered to provide natural screening and plantings on the site to alleviate potential visual impact on abutters.

Mr. Kroner suggested that the applicant review the existing lighting associated with the older structures on the site. All lighting on the site should be updated to be dark sky compliant.

**Mr. Wilson moved that the Planning Board continue Case #17:12 to the November 7, 2017 meeting date. Second by Mr. Belluche. The vote was unanimous in favor of the motion (7-0).**

**III. Other Business**

1. Review of proposed 2018 zoning amendment schedule.

Ms. Monaghan presented proposed zoning ordinance amendments concerning wetlands conditional use permits and disposing of garbage. Ms. Monaghan suggested that the Board schedule a public hearing for consideration of the proposed amendments.

**Mr. Maggiore moved that the Planning Board schedule a public hearing at the October 17, 2017 Planning Board meeting to consider the adoption of Section 409 Wetlands Conservation District and Section 510 Dumping and Disposing of Garbage revisions language for inclusion on the 2018 Town Warrant. Second by Mr. Wilson. The vote was 6-1 in favor of the motion with Mr. Belluche opposed.**

2. Minutes.

Ms. Monaghan presented the minutes of the September 19, 2017 Planning Board meeting.

Mr. Wilson suggested that the word 'visionary' in line 24 of the September 19 draft minutes be changed to 'visioning.' The Board came to a consensus without objection to make the change to the draft minutes.

**Mr. Wilson moved that the Planning Board accept the minutes of the September 19, 2017 Planning Board meeting as amended. Second by Mr. Maggiore. The vote was 3-0-4 in favor of the motion with Mr. Derby, Mr. Jeffrey, Mr. Belluche, and Mr. Kroner abstaining.**

Ms. Monaghan presented the minutes of the September 25, 2017 Planning Board site walk.

**Mr. Wilson moved that the Planning Board accept the minutes of the September 25, 2017 Planning Board site walk as written. Second by Mr. Kroner. The vote was 5-0-2 in favor of the motion with Mr. Jeffrey and Mr. Belluche abstaining.**

The meeting was adjourned at 8:12pm without objection.

Respectfully submitted,

Rick Milner  
Recording Secretary