



Meeting Minutes
North Hampton Planning Board
Tuesday, September 4, 2018 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 Phil Wilson, Dan Derby, Wally Kilgore, and Jim Maggiore, Select Board Representative; Alternate Member Lauri Etela; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

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

Mr. Harned appointed Mr. Etela to stand in for Mr. Belluche.

I. New Business

- 1. Case #18:12 – Applicant, Harmony Energy Works, 10 Gale Road, Hampton, NH 03842.** The Applicant requests a Conditional Use Permit for a Ground-Mounted Solar Array. Property Owners: Demetrios and Amanda Paragios, 209 Post Road, North Hampton, NH 03862; Property Location: 209 Post Road, North Hampton, NH 03862; M/L 022-008-000; Zoning District: R-1, High Density District.

In attendance for this application:

Demetrios Paragios, owner; George Horrocks, applicant and contractor; Shawn Donovan contractor.

Mr. Horrocks addressed the Board. Mr. Horrocks stated that his company installed a ground-mounted, dual-axis solar tracking structure in the back of the property located at 209 Post Road. The structure is not easily visible from the road. Trees on both sides of the property make the structure not easily viewed from neighbors' properties. The structure has a concrete base. The structure is ground-mounted due to the fact that the roof of the home is facing in the wrong direction for creating the best solar efficiency. Approximately 95% of the homeowner's electrical needs will be offset by the solar array.

Mr. Horrocks further stated that the height of the solar array at the normal operating angle is 14 ½ feet. The maximum height of the solar array will be 20 feet for a short period of time to allow snow to be cleared off of the structure.

Mr. Harned asked if the solar array structure had already been installed.

Mr. Horrocks responded that the solar array had already been installed.

Mr. Donovan stated that the structure was the first ground-mounted system that the company installed in North Hampton. The company was not aware of the regulation which required Planning Board approval prior to installation of a ground-mounted solar array.

Mr. Harned stated that a conditional use permit must be granted prior to the installation of a ground-mounted solar array. Also, he has passed by the property on many occasions. In his opinion, even though the solar array structure is located in the back of the property, the structure is clearly visible from the road.

Ms. Monaghan asked if building permits have been issued for the structure.

Mr. Horrocks responded that the building permit applications have been pulled.

Mr. Milner informed the Board that he has notes provided by the Building Department which indicate that the building permit applications were pulled after installation of the structure.

Ms. Rowden stated that no building permit has been granted according to the town web site. Even though the conditional use permit application has been submitted to the Planning Board after installation, it is reasonable for the Board to consider the application.

Mr. Harned asked for clarification on the amount of electricity produced by the solar array.

Mr. Horrocks replied that some days the system will produce amounts of power above the property owner's needs and some days will produce below the property owner's needs. However, the net amount of power at the end of the month will not be in excess of the property owner's needs. No net excess power will be permanently sent to the power grid.

Mr. Maggiore stated that the intent of the solar array regulations is to limit the ability of someone creating a quasi-electric company in a residential neighborhood; but still allow individual residents to benefit from a solar power system.

Mr. Harned stated that another goal of the solar array regulations is to restrict the installation of large commercial solar farms in a residential district.

Mr. Horrocks stated that the solar array structure at 209 Post Road is 100% designed to offset the property owner's own electricity usage only.

Ms. Monaghan asked how long the solar array may be up in the snow-shedding position which may be as much as 20 feet in height.

Mr. Horrocks responded that the array would only be in the snow-shedding position momentarily, only seconds at a time. Then, the array would return to its normal operating height.

Ms. Rowden stated that, in her opinion, the application is complete.

Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #18:12 to allow a Ground-Mounted Solar Array at 209 Post Road. Second by Mr. Derby. The vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing at 6:56pm. No comments were made. Mr. Harned closed the public hearing at 6:57pm.

Mr. Derby asked if the applicant had discussed the installation of the solar array with any abutters and asked for clarification on the structure's visibility from neighbors' properties.

Mr. Donovan stated that the installation was not discussed with abutters. Due to the position of the structure tucked in the back of the property and thick tree/vegetation cover along the lot lines, the array will not be visible from neighbor's properties.

Ms. Monaghan asked how the setbacks will be confirmed.

Mr. Milner stated that the setbacks and other structural features will be confirmed during the building permit process.

Mr. Wilson moved that the Planning Board approve the Conditional Use Permit application for Case #18:12 to allow a Ground-Mounted Solar Array at 209 Post Road as presented subject to the condition that the Planning Board receives evidence of the issuance of a building permit for the solar array structure. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (7-0).

2. Case #18:13 - Applicant, I & M Realty, LLC – Brent Flemming, 60 Lafayette Road, North Hampton, NH 03862. The Applicant requests a design review to discuss proposed commercial building construction at 58 Lafayette Road site. Property Owner: Rocky Giuliano, LLC, 255 E. Main Street, Gloucester, MA 01930; Property Location: 58 Lafayette Road; M/L: 007-118-000; Zoning District: I-B/R, Industrial – Business/Residential District and R-1, High Density District.

In attendance for this application:

Salvatore Golisano, owner; Brent Flemming, developer and applicant; Joe Coronati, engineer for the applicant.

Mr. Coronati addressed the Board. Mr. Coronati presented a revised concept plan based on the Board's comments from the preliminary consultation that occurred at the June 5 meeting. The revised plan proposed construction of a 14,400 square foot commercial building near the front of the property at 58 Lafayette Road. Mr. Coronati stated that the applicant wanted to discuss the environmental impacts of the proposed plan with the Board as they relate to the wetlands and the 100 ft wetlands buffer. Wetlands currently exist on the northerly and southerly sides of the property. A culvert and associated drainage crosses the entire parcel through the middle of the property to direct water from the south to the north.

Mr. Coronati noted the following aspects of the revised proposal:

- a. The building size will be reduced from 15,600 square feet to 14,400 square feet.
- b. Stormwater management will be improved by removing existing old culvert at the south side of the property and creating a 100 foot channel/stormwater swale to a new culvert on the north side of the property.
- c. A planting plan for the swale and other areas of the property will create more green space and improve site aesthetics.

d. There will be significant changes in stormwater management features throughout the site that will significantly improve stormwater management on the site and result in no permanent wetlands impacts.
e. The revised proposal reduces the wetlands buffer impact by 5,500 square feet when compared to the original proposal.

Ms. Monaghan asked how much of the proposed building would encroach upon the wetlands buffer.

Mr. Coronati responded that one half of the building would encroach upon the wetlands buffer.

Mr. Harned asked how much pavement would be added to the Wetlands Conservation District areas of the site.

Mr. Coronati stated he did not know an exact figure. However, the same areas proposed to be paved already have existing impervious gravel surfaces. The proposed plan will be decreasing the amount of impervious surface with plantings and other features.

Mr. Harned stated that gravel is not wholly impervious. It absorbs more water than asphalt paving and a building. In his opinion, the proposed plan may not improve or provide a net gain of water absorption area for the site. A report showing water flow directions, precise stormwater calculations, and impervious area figures would need to be submitted for the Board to make an informed decision or even formulate a non-binding opinion.

Mr. Derby stated his opinion that it appears that there may be a net gain in pervious surface provided by the proposed plan. However, a report with actual figures is needed to confirm the applicant's claims.

Mr. Kilgore stated that, in his opinion, the Planning Board concerns regarding stormwater management are being alleviated by the proposed plan. The proposed swale and other stormwater management improvements will move groundwater more effectively than the current culvert system. The applicants are attempting to improve the site.

Mr. Wilson stated his opinion that the proposed plan is beyond the bounds of what the wetlands ordinance and buffer regulations are meant to accomplish. The excessive amount of impervious surface on the lot (approximately one half of the lot) and excessive amount of impervious surface within the wetlands buffer (approximately one third of impervious surface) does not make sense. There is too much development proposed within the wetlands buffer area.

Ms. Monaghan stated her opinion that the proposed plan was a massive intrusion upon the wetlands buffer. Even though the applicant may require a building of a certain size to make the development economically viable and be improving an unpleasant looking site, these are not reasons for the Board to grant such a massive relief to the wetlands zoning ordinances and regulations of the Town. The property is not suited for the scale of this proposed development. Other less intrusive proposals have been denied in the past. The Board must be consistent in its application of the ordinances and regulations.

Mr. Coronati stated that this site is unique from other sites in that it is currently fully impacted by wetlands and stormwater concerns. The site is currently cleared. Potential impacts on a natural, wooded wetland area are not a concern with this site. This lot is already developed within the wetlands buffer area. Other lots are not currently developed within the wetlands buffer areas. The applicant's proposal

would place an economically viable building on the site and still improve upon the current environmental conditions by adding improved stormwater treatment systems and removing invasive species. Maintaining the status quo with regards to the current site conditions does not benefit the environment at all.

Mr. Kilgore stated his opinion that the development should be encouraged to improve upon the current environmental conditions.

Mr. Wilson identified on the town tax map several similar lots that have similar wetlands and wetlands setbacks issues. In his opinion, this lot is not necessarily unique.

Ms. Rowden stated that, in her opinion, the current functionality of the wetlands buffer on the property is useless except for its ability to infiltrate precipitation. Therefore, she suggests that the applicant submit a comparison study which evaluates the function and values of the wetlands and the wetlands buffer as it relates to the current conditions of the site versus the proposed conditions of the site.

Mr. Derby stated his opinion that gravel is essentially impervious. An opportunity may exist to improve the site. The Board should be open to potential options to develop the site.

Mr. Harned stated that, even though the revised plan offered improvements from the previous proposed plan, the amount of impervious surface with regards to current conditions versus proposed conditions should be evaluated closely as part of any plan. In his opinion, the previous proposed plan indicated that 50% of the impervious surface was in the wetlands buffer area. The current revised plan indicated only a 7% to 8% reduction from the previous plan in the amount of impervious surface within the wetlands buffer area. The swale improvement is a small fraction of the proposed building development size. The proposal creates too much development within the Wetlands Conservation District. Mr. Harned suggested that the applicant study the conditions that must be satisfied for approval of a wetlands conditional use permit closely when designing any future plan.

Mr. Maggiore stated his opinion that a significant benefit to the property and the wetlands must be shown in any future application in order for the Board to consider accepting any proposed plan.

Mr. Harned asked for comments from the public.

Abutter Nickolas Lupoli addressed the Board. Mr. Lupoli stated that he sees this proposal as an opportunity to enhance commercial development in North Hampton.

Mr. Coronati suggested that the Board could continue consideration of the design review in order for the applicant to provide some of the information that the Board has suggested be submitted.

Mr. Wilson stated that, in his opinion, any future plan must convince the Board that improvements in appearance significantly outweigh the environmental deficits. Any significant relief from the ordinances may set a precedent which will create similar issues for several lots along the Route 1 corridor.

Mr. Wilson moved that the Planning Board continue Case #18:13 to the November 6, 2018 meeting date. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

II. Other Business

1. Discussion of FY 2020 Operating Budget requests.

Mr. Derby stated that the Vision and Future Land Use chapters of the Master Plan need to be updated. The Long Range Planning Committee is currently working on the Vision chapter. A cost estimate to complete work on a Future Land Use chapter is approximately \$4,000.00. The Long Range Planning Committee suggests that the full Board request that \$4,000.00 be added to the Planning Board Master Plan operating budget line item for the next fiscal year.

Mr. Derby moved that the Planning Board request that the Select Board increase the Master Plan operating budget line item for FY2020 from \$1,000.00 to \$5,000.00 to fund work on the Town of North Hampton Master Plan. Second by Ms. Monaghan. The vote was 6-0-1 in favor of the motion with Mr. Maggiore abstaining.

2. Minutes.

Mr. Harned presented the minutes of the August 21, 2018 Planning Board meeting.

Ms. Monaghan moved that the Planning Board accept the minutes of the August 21, 2018 Planning Board meeting as written. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

The meeting was adjourned at 8:30pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary