



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, October 2, 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:** 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.

Vice Chair Monaghan called the meeting to order at 6:35pm.  
Ms. Monaghan appointed Mr. Etela to stand in for Mr. Harned.

**I. New Business**

- 1. Case #18:14 – Applicants, Christopher and Michelle Rondeau, The 120 Mill Road Realty Trust, c/o Bass, Doherty, and Finks, PC, 40 Soldiers Field Place, Boston, MA 02135.** The Applicants request a Conditional Use Permit to allow construction of a pond in the Wetlands Conservation District prohibited by Town of North Hampton Zoning Ordinance Sections 409.8.4A, 4B, 4C, 4D, 4E, 6A, and 6B and as required by Section 409.10. 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 backland, North Hampton, NH 03862; M/L: 006-147-001; Zoning District: R-2, Medium Density District.

In attendance for this application:

Christopher and Michelle Rondeau, owners; Joe Coronati and Paige Libbey, engineer consultants; Dan Provost, contractor.

Mr. Coronati addressed the Board. Mr. Coronati stated that the applicants wished to construct an agricultural pond on the approximately 60 acre property which borders the Little River. The pond construction requires Planning Board approval due to the approximately 13,600 square feet of wetlands area impact and 12,000 square feet of wetlands buffer area impact. In addition, a spillway associated with the pond construction is considered a structure which, per the Town of North Hampton Zoning Ordinance, must be approved by the Planning Board prior to construction.

Mr. Coronati further stated that the applicant has met with the Conservation Commission to review the project. The Conservation Commission engaged a representative from the Rockingham County Conservation District (RCCD) to review the possible wetlands impacts associated with the proposed pond. Mr. Coronati presented correspondence from the Conservation Commission which stated that the Conservation Commission had no objections with the proposed project as long as the project construction was consistent with the proposed plans and that the project complied with all New Hampshire Department of Environmental Services (NHDES) requirements. In addition, RCCD review of the project indicated minimal impact on wetlands areas and Little River-Mill Pond areas.

Ms. Monaghan asked Mr. Coronati to confirm that the plan presented to the Planning Board was the same plan presented to the Conservation Commission and NHDES.

Mr. Coronati confirmed that this was the same plan.

Ms. Monaghan asked Mr. Coronati to confirm that only dredging of the wetlands and the pond wall construction would occur. No filling of wetlands would occur.

Mr. Coronati confirmed that no filling of wetlands would occur. Mr. Provost stated that the dredged material would be removed off-site.

Ms. Monaghan asked Mr. Coronati to present the applicants' justifications as they relate to the standards for granting a conditional use permit per the wetlands section of the zoning ordinance.

Mr. Coronati presented the following justifications:

a. The pond construction is otherwise allowed by the zoning ordinance. Section 508 promotes agriculture in North Hampton.

b. The pond will not diminish property values as it will be located in the back of the property. It will not be visible from abutting properties and have no effect on abutting properties.

c. The pond needs to be constructed within the wetlands area due to the existing ledge in the uplands area. Location within the wetlands would reduce blasting of ledge material and provide necessary depth to hold water year-round.

d. The agricultural pond is not being constructed for economic reasons. Its purpose is for personal use to raise ducks on a small farm.

e. The proposed construction involves dredging only, no filling of wetlands. Wetlands areas will be expanded not reduced. The pond construction will create a habitat for a more diverse variety of wetlands species.

f. Due to the large size of the wetlands area on the 60 acre property, impact to the wetlands will be minimal. The location and characteristics of the property make it an ideal setting to run a small farm and promote the spirit of the agriculture section of the zoning ordinance.

Mr. Wilson stated that, since the wetlands buffer area is considered part of the Wetlands Conservation District, the entire pond construction impacted the Wetlands Conservation District. Also, the proposed spillway is not the only structure associated with the pond construction. The proposed boulder retaining wall is a structure.

Mr. Maggiore asked Mr. Coronati to confirm that the spillway and boulder wall were the only structures that would be built for this project.

Mr. Coronati confirmed that the spillway and boulder wall were the only structures that would be built for this project.

Ms. Monaghan presented the Conditional Use Permit application associated with zoning ordinance Section 409.10 to allow construction of structures within the wetlands areas.

**Mr. Derby moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #18:14 to allow construction of pond spillway and**

boulder retaining wall structures within the Wetlands Conservation District per Section 409.10 of the Town of North Hampton Zoning Ordinance. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (6-0).

Ms. Monaghan opened the public hearing at 6:55pm. No comments were made. Ms. Monaghan closed the public hearing at 6:56pm.

**Mr. Maggiore moved that the Planning Board approve the Conditional Use Permit application for Case #18:14 to allow construction of pond spillway and boulder retaining wall structures within the Wetlands Conservation District per Section 409.10 of the Town of North Hampton Zoning Ordinance at 120 Mill Road as presented subject to the following conditions:**

- 1. The project is executed consistent with the plans presented to the Planning Board, NHDES, and the Conservation Commission.**
  - 2. The project complies with all NHDES requirements for projects located within the wetlands and within close proximity to wetlands and the Little River.**
  - 3. The project construction will follow Best Management Practices for erosion and sediment control.**
  - 4. Operation of the pond after construction will follow State of NH Best Management Practices.**
  - 5. The applicant shall submit evidence of receipt of all required state and local permits.**
- Second by Mr. Etela. The vote was unanimous in favor of the motion (6-0).**

Ms. Monaghan presented the Conditional Use Permit application associated with zoning ordinance Section 409.8 regarding prohibited uses within the wetlands areas.

**Mr. Kilgore moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #18:14 to allow construction of a pond in the Wetlands Conservation District prohibited by Town of North Hampton Zoning Ordinance Sections 409.8.4A, 4B, 4C, 4D, 4E, 6A, and 6B. Second by Mr. Derby. The vote was unanimous in favor of the motion (6-0).**

Ms. Monaghan opened the public hearing at 7:03pm. No comments were made. Ms. Monaghan closed the public hearing at 7:04pm.

**Mr. Wilson moved that the Planning Board approve the Conditional Use Permit application for Case #18:14 to allow construction of a pond in the Wetlands Conservation District prohibited by Town of North Hampton Zoning Ordinance Sections 409.8.4A, 4B, 4C, 4D, 4E, 6A, and 6B at 120 Mill Road as presented subject to the following conditions:**

- 1. The project is executed consistent with the plans presented to the Planning Board, NHDES, and the Conservation Commission.**
  - 2. The project complies with all NHDES requirements for projects located within the wetlands and within close proximity to wetlands and the Little River.**
  - 3. The project construction will follow Best Management Practices for erosion and sediment control.**
  - 4. Operation of the pond after construction will follow State of NH Best Management Practices.**
  - 5. The applicant shall submit evidence of receipt of all required state and local permits.**
- Second by Mr. Maggiore.**

Discussion of motion – Mr. Wilson suggested that an as-built plan may be necessary due to the fact that unknown obstacles met during construction may change the proposed plan. Mr. Coronati stated that he

does not anticipate any obstacles that should change the proposed plan. Above ground, the constructed pond should match the proposed plan. There may be obstacles below ground that slightly alter the contours of the pond below ground. Mr. Coronati stated that the applicant had no objection to providing an as-built plan if necessary.

**Mr. Wilson added the following additional condition to the motion:**

**6. If, in the course of construction, any material impediment to building the pond according to the original approved plan occurs, the applicant shall submit an as-built plan which represents the actual construction.**

**Mr. Maggiore agreed to add the condition to the motion. The vote was unanimous in favor of the motion (6-0).**

## **II. Other Business**

Ms. Monaghan presented the minutes of the September 18, 2018 Planning Board meeting.

**Mr. Derby moved that the Planning Board accept the minutes of the September 18, 2018 Planning Board meeting as written. Second by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).**

The meeting was adjourned at 7:15pm without objection.

Respectfully submitted,

Rick Milner  
Recording Secretary