



Meeting Minutes
North Hampton Planning Board
Tuesday, December 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 #18:16 – Applicant, Thomas Mosier, 11 Woodland Road, North Hampton, NH 03862.** The Applicant requests a Conditional Use Permit per Section 409 Wetlands Conservation District for the proposed maintenance and expansion of an existing pond. Property Owners: Thomas M. Mosier, Jr. and Barbara Ann Mosier, 11 Woodland Road, North Hampton, NH 03862; Property Location: 11 Woodland Road, North Hampton, NH 03862; M/L 002-008-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Thomas Mosier, owner; Mark West, wetlands scientist for the applicant.

Mr. Mosier addressed the Board. Mr. Mosier stated that the existing pond on the 11 Woodland Road property has not been maintained since 2004 and requires maintenance to remove weeds and sediment build-up. There is a lot of wildlife in the area. Mr. Mosier wants to improve the ecosystem. In his discussions with the State of New Hampshire Fish and Game Department, expansion of the pond will better support fish life and other wildlife habitats. The expansion project will also convert the uplands created during the original pond construction back to their previous natural wetlands condition.

Mr. West addressed the Board. Mr. West presented the pond expansion plans which contained an existing conditions page, a proposed pond expansion page, and a construction details page. Mr. West also presented the State of New Hampshire Department of Environmental Services (NHDES) approved permit with conditions regarding construction and future maintenance requirements. Mr. West stated that the Conservation Commission has reviewed the project. Mr. West further stated that no trees would be cut to expand the pond area. The impacted area is wet meadow and uplands which will be converted to a pond. The amount of impacted area will be below the NHDES 20,000 square foot limit.

Ms. Monaghan asked for clarification regarding the nature of the uplands and amount of uplands impact.

Mr. West responded that a berm created in the original pond construction would be removed amounting in approximately 1,500 square feet of impact.

Mr. Derby asked if any invasive species of plant life existed in the pond.

Mr. West responded that there was some invasive species. However, most of the dense overgrowth was native plant life.

Mr. Maggiore asked for clarification regarding the condition of the land in the work zone stock pile area indicated on the pond expansion plan.

Mr. West stated that the stock pile area is all uplands. The condition of the land in the stock pile area and the amount of material staying on or leaving the property will be dictated by the conditions stated in the NHDES permit. Per the NHDES permit, the stockpile material must be stabilized.

Mr. Mosier responded that he has no intention to change the existing contours of the land in the stock pile area. The dredged material will be spread out. If it looks like the contours of the land will be changed, then the stockpiling of material will stop.

Mr. Kilgore asked for clarification regarding the source of the water for the expanded pond area.

Mr. West responded that the water would be sourced from natural springs in area.

Mr. Wilson asked for clarification regarding mosquito impact in the area.

Mr. Mosier stated that the State of NH does mosquito trapping on the property to check for West Nile Virus due to previous owner's horse activities on the property. Mr. Mosier has encouraged the State of NH to continue the trapping inspections. Mr. Mosier has also instituted natural strategies such as building bat houses and introducing dragon flies to the property to control mosquito population.

Mr. Harned suggested that the wetlands delineation and stock pile area lines that cross each other and the plan legend be corrected on the pond expansion plan page.

Mr. Wilson moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #18:16 to allow maintenance and expansion of an existing pond at 11 Woodland Road. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing at 7:13pm. No comments were made. Ms. Monaghan closed the public hearing at 7:14pm.

Mr. Wilson moved that the Planning Board approve the Conditional Use Permit application for Case #18:16 to allow maintenance and expansion of a pond in the Wetlands Conservation District prohibited by Town of North Hampton Zoning Ordinance Section 409 subject to the condition that wetlands delineation and stock pile area lines that cross each other on the pond expansion plan page and the plan legend are corrected. Second by Ms. Monaghan.

Discussion of the motion – Mr. Maggiore asked if any appeals of the NHDES permit had been submitted. Mr. Mosier stated that no appeals had been submitted to his knowledge.

The vote was unanimous in favor of the motion (7-0).

2. Case #16:18 – Applicant: Dmitry Bykhovsky, 108 Lafayette Road, North Hampton, NH 03862. The Applicant requests a one year extension to the conditional approval granted on December 6, 2016 and previously extended to December 6, 2018 for the site plan review to amend previous site plan approval by demolishing an existing vehicle dealership building and constructing a new 9,705 square foot vehicle dealership building with associated site improvements. Property Owner: Logic Enterprises, LLC, 108 Lafayette Road, North Hampton, NH 03862; Property Location: 108 Lafayette Road, North Hampton, NH 03862; M/L: 013-028-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Dmitry Bykhovsky, owner.

Mr. Bykhovsky addressed the Board. Mr. Bykhovsky stated that he is requesting an additional one year extension for the conditional approval to construct a new building for his car dealership located at 108 Lafayette Road. Due to delays in completing construction at two other car dealership locations, the North Hampton project has not yet started. Mr. Bykhovsky would like to finish work at the other locations prior to starting construction at 108 Lafayette Road. Mr. Bykhovsky presented pictures of the work being done at the other locations.

Ms. Rowden noted that the site plan regulations allow the Board to grant another extension. Ms. Rowden also noted that the Board may want to consider that some regulation and zoning ordinance changes, such as stormwater management and outdoor lighting, which have occurred in the past year, will not be applied to the site plan if the extension is granted. The site plan would still be subject to the previous regulations in place when the site plan was conditionally approved.

Ms. Rowden stated her opinion that the approved site plan actually reduces the amount of impervious surface and makes some improvements to stormwater management features on the site.

Ms. Monaghan noted that the revised outdoor lighting ordinance language adopted by the Planning Board for inclusion on the 2019 Town Warrant would not be applicable.

Mr. Wilson stated his concern with the outdoor lighting issues associated with various car dealerships in North Hampton.

Mr. Bykhovsky stated that he was willing to voluntarily comply with the revised outdoor lighting ordinance language during construction of the improvements associated with the 108 Lafayette Road site plan.

Mr. Wilson moved that the Planning Board grant a one year extension to December 6, 2019 of the Conditional Approval for Case #16:18 to demolish an existing vehicle dealership building and construct a new 9,705 square foot vehicle dealership building with associated site improvements subject to the following condition:

a. The applicant shall submit a letter to the Planning Board affirming that the applicant shall install light fixtures which comply with the version of the Outdoor Lighting Section of the Town of North Hampton Zoning Ordinance adopted for inclusion on the 2019 Town Warrant by the Planning Board on September 18, 2018. Second by Mr. Derby. The vote was unanimous in favor of the motion (7-0).

II. Other Business

Mr. Harned presented the minutes of the November 20, 2018 Planning Board meeting.

Mr. Derby suggested the following:

- a. changes to language in some lines in the minutes
- b. attaching Long Range Planning Committee presentation slides to the minutes.

The Board discussed the proposed language changes to the minutes. The Board came to a consensus without objection to have copies of the proposed minutes language changes distributed to the Board members for further review.

The Board discussed whether or not to attach the slide presentation to the minutes. The Board came to a consensus without objection to table consideration of the matter.

Ms. Monaghan moved that the Planning Board table discussion of the minutes of the November 20, 2018 Planning Board meeting until the December 18, 2018 meeting date. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (7-0).

The meeting was adjourned at 8:28pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary