



Meeting Minutes
North Hampton Planning Board
Tuesday, July 2, 2019 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, Wally Kilgore, Lauri Etela, and Jim Maggiore, Select Board Representative; Alternate Member Valerie Gamache; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:35pm.
Ms. Gamache was seated for Mr. Kroner.

I. Old Business

1. Case #17:06 – Applicant, MAC Construction – Robert MacDonald, 90 Lovering Road, North Hampton, NH 03862. The Applicant requests a two month extension to the conditional approval granted on July 18, 2017 and previously extended to July 18, 2019 to construct a 5,400 square foot commercial building with associated site improvements for proposed retail, office, and outside material storage uses at 227 Lafayette Road. Property Owner: MAC Properties Lafayette LLC, 209 Gosport Road, Portsmouth, NH 03801; Property Location: 227 Lafayette Road, North Hampton, NH 03862; M/L: 020-012-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Robert MacDonald, property owner; John Chagnon, engineer.

Mr. Chagnon addressed the Board. Mr. Chagnon stated that the applicant was in the process of completing the conditions of approval for the 227 Lafayette Road project. The process for receiving a driveway permit from the State of New Hampshire Department of Transportation (NHDOT) took longer than expected. The applicant needs some more time beyond the current July 18, 2019 conditional approval expiration date to finalize the recordable mylar and the performance guarantee deposit.

Ms. Monaghan asked when construction of the building will start.

Mr. Chagnon stated that the building is ready to be constructed once all approvals are granted.

Mr. Wilson noted that a certificate of monumentation needs to be completed and submitted.

Mr. Maggiore arrived at 6:43pm.

Mr. Wilson moved that the Planning Board grant a two month extension to September 18, 2019 of the Conditional Approval for Case #17:06 to construct a 5,400 square foot commercial building with associated site improvements for proposed retail, office, and outside material storage uses at 227

Lafayette Road. Second by Mr. Etela. The vote was 6-0-1 in favor of the motion with Mr. Maggiore abstaining.

II. New Business

1. Case #19:13 – Applicants: Shelly and Stacey Patrick, 388 South Road, Rye, NH 03871. The Applicants request a voluntary lot merger of two lots totaling approximately 8.89 acres. The Applicants also request a Conditional Use Permit to allow construction of a driveway within the Wetlands Conservation District vegetative buffer zone. Property Owners: Shelly and Stacey Patrick, 388 South Road, Rye, NH 03871. Property Locations: Woodland Road adjacent to Rye town line, North Hampton, NH 03862; M/L: 011-012-000 and 011-011-000; Zoning Districts: R-2, Medium Density District, and Village District of Little Boar's Head.

In attendance for this application:

Michael Garrepy, applicant representative; Joseph Coronati, engineer.

Mr. Garrepy addressed the Board. Mr. Garrepy presented a plan showing the voluntary merger of two lots totaling approximately 8.89 acres off of Woodland Road adjacent to the Rye town line. Mr. Garrepy stated that a single family home would be constructed on the combined lots. Mr. Garrepy also presented a conditional use permit application to allow construction of a driveway within the Wetlands Conservation District vegetative buffer zone along the path of the existing woods road on the property to provide access to a single family home.

Mr. Garrepy further requested that the Planning Board take jurisdiction of the conditional use permit application in order that the Board may authorize an independent peer review of the applicants' professional wetlands delineation along the existing woods road as part of the Board's consideration of the conditional use permit application.

Mr. Harned suggested that the voluntary lot merger request be considered prior to consideration of the conditional use permit application.

Ms. Rowden stated that the voluntary lot merger would create a more conforming lot and not increase the development potential of the parcels. The voluntary lot merger would also require the approval of the Village District of Little Boar's Head.

Mr. Wilson moved that the Planning Board approve the voluntary lot merger of Tax Map/Lots 011-011-000 and 011-012-000 subject to the condition that the voluntary lot merger receives approval from the Village District of Little Boar's Head. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (7-0).

Mr. Coronati addressed the Board regarding the request for a conditional use permit to allow construction of a driveway within the Wetlands Conservation District vegetative buffer zone along the path of the existing woods road on the property prohibited by Section 501.8.6B of the Town of Newton Zoning Ordinance. The area within the Town of North Hampton Planning Board jurisdiction is the first 100 feet of the woods road from Woodland Road to the Little Boar's Head District boundary line. Mr. Coronati stated that relief from the zoning ordinance prohibition is justified by the fact that the woods road has been in existence at least since the early 1970's. The road needs minimal work to be used as a driveway since it has been used for many years as the only access to productive uplands without direct

wetland impact. No direct wetlands impacts are proposed by the new construction. Culverts and stabilization of the driveway will be added. The first 20 feet of the driveway as it leaves Woodland Road is proposed to be paved to improve exiting traction. The remainder of the driveway will be constructed with crushed gravel. Improvements designed to provide proper roadside drainage and prevent siltation from entering the wetlands or roadway will also be completed.

Ms. Rowden noted that, due to the close proximity of the wetlands to the proposed driveway, an independent professional review of the applicants' professional wetlands delineation may be necessary to verify the accuracy of the wetlands boundary shown on the site plans. Another option for the Board to consider is to schedule a site walk to view site conditions in the area within the Board's jurisdiction.

Ms. Rowden stated that the conditional use permit application is complete in her opinion.

Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #19:13 to allow construction of a driveway within the Wetlands Conservation District vegetative buffer zone. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

Mr. Harned suggested that the Board authorize an independent professional review/verification of the wetlands delineation prior to scheduling a site walk.

Mr. Wilson suggested that the independent professional review/verification of the wetlands delineation be conducted by a representative from the Rockingham County Conservation District (RCCD) for the first approximately 100 feet of the woods road and wetlands area which is within this Planning Board's jurisdiction.

Mr. Garrepy agreed to an independent professional review of the wetlands delineation.

Mr. Wilson moved that the Planning Board authorize the Planning and Zoning Administrator to contact the RCCD to verify the wetlands delineation within the boundaries of the Town of North Hampton Planning Board's jurisdiction as it relates to the driveway access associated with Case 19:13. The RCCD representative shall submit a letter to the Planning Board stating confirmation of, or exceptions to, the applicants' professional wetlands delineation. The cost of the RCCD verification of the wetlands delineation shall be paid by the applicant. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

Mr. Wilson moved that the Planning Board continue Case #19:13 to the July 16, 2019 meeting date. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

2. Case #19:14 – Applicant: Zachary Haithcock, 603 Solar, One New Hampshire Avenue, Suite 125, Portsmouth, NH 03801. The Applicant requests a Conditional Use Permit for a Ground-Mounted Solar Array. Property Owners: Mitchell S. Snyder, Jr. and Marie Snyder, 76A Winnicut Road, North Hampton, NH 03862; Property Location: 76A Winnicut Road, North Hampton, NH 03862; M/L: 023-012-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Mitchell Snyder, property owner; Zachary Haithcock, installation representative.

Mr. Haithcock addressed the Board. Mr. Haithcock presented a plan showing the installation of roof-mounted and ground-mounted solar arrays on property at 76A Winnicut Road. There will be 57 all-black solar modules. The ground-mounted array will contain 24 of the 57 modules in a 2 by 12 configuration. The ground-mounted array will cover a footprint of approximately 41 feet by 8 feet approximately 62 feet from the east side of the home and have a maximum height of approximately 10 1/2 feet. The solar array system will produce approximately 105% of the average annual electrical utility requirements of the approved structures on the lot. The ground-mounted array will meet setback requirements by being located 30 feet from the closest lot line. Mr. Haithcock stated his opinion that the ground-mounted array will be essentially invisible, as mandated by the zoning ordinance, due to the trees and vegetation surrounding the home and array location and the location of the array approximately 300 feet back from the road. There is approximately 30 feet of foliage between the ground-mounted array and the nearest neighbor's home.

Ms. Monaghan asked for clarification regarding the distance from the ground-mounted solar array to the neighbor's house along Winnicut Road to the north of the applicant's house.

Mr. Snyder stated that the distance was approximately 200 to 250 feet.

Mr. Maggiore asked if the angle of the ground-mounted array will remain fixed.

Mr. Haithcock confirmed that the angle of the ground-mounted array will remain fixed.

Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #19:14 to construct a ground-mounted solar array at 76A Winnicut Road. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

Mr. Wilson stated his concern that the vegetative screening for the ground-mounted solar array is almost entirely on the abutting property. A new abutting property owner has the right to remove the vegetation. Mr. Wilson suggested that screening be added to the applicant's property to ensure that the screening remains in place.

Mr. Harned opened the public hearing at 7:30pm.

Abutter Robert Hart addressed the Board. Mr. Hart stated that his 76 Winnicut Road home to the north of the applicant's home sits at a much higher level than the applicant's home and proposed location of the ground-mounted solar array. Even with current vegetative screening, the applicant's home is visible. Any proposed solar array would also be visible. His home is only 100 feet from the applicant's home. Mr. Hart requested additional screening to block the view of the ground-mounted solar array throughout the entire year.

Mr. Wilson suggested that a berm with trees planted on top of it may be an adequate screening solution for the unique circumstances presented by the sloping of the land between the two homes.

Abutter Bernard Smith asked for confirmation that the ground-mounted solar array will be located on the eastern side of the home.

Ms. Rowden confirmed that the ground-mounted solar array will be located on the eastern side of the home.

Mr. Harned closed the public hearing at 7:41pm.

Ms. Monaghan asked for confirmation of the wetlands location on the property.

Mr. Snyder stated that the wetlands are located along the back of the property near the river.

Ms. Monaghan asked if there was an alternate location on the property that would lessen the visual impact on the neighbors.

Mr. Haithcock stated that the proposed location for the ground-mounted solar array is the optimal location for the production of energy based on the current location and configuration of the surrounding trees.

Mr. Harned asked the Board if a site walk may be necessary.

Ms. Monaghan responded that a site walk is not necessary. She suggested that the applicant add screening to the property.

Mr. Harned suggested that the applicant develop a screening proposal that will bring the application into conformance with the zoning ordinance requirement that the ground-mounted solar array be essentially invisible.

Mr. Kilgore asked the applicant to provide more specific information regarding distances from the neighbor's home to the proposed ground-mounted solar array.

Ms. Monaghan moved that the Planning Board continue Case #19:14 to the August 6, 2019 meeting date. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

3. Case #19:15 – Applicant: Leo J. Crotty, Jr., 216 Lafayette Road, North Hampton, NH 03862. The Applicant requests a Site Plan Review to construct two building additions (1,905 and 1,730 square feet) with associated stormwater management improvements. The Applicant also requests a Conditional Use Permit to allow construction of building addition within the Wetlands Conservation District 100 foot buffer zone. The Applicant also requests waivers from the following Town of North Hampton Site Plan Regulations associated with Architecture/Appearance Standards:

- a. Section X.E.2.b – Foundation plans
- b. Section X.E.2.c – Floor plans
- c. Section X.E.2.e – Roof plans
- d. Section X.E.3.b.ii – Building materials

Property Owner: Leo J. Crotty, Jr., 216 Lafayette Road, North Hampton, NH 03862. Property Location: 216 Lafayette Road, North Hampton, NH 03862; M/L: 021-028-001; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Henry Boyd, engineer; David Beati, engineer.

Mr. Boyd addressed the Board. Mr. Boyd stated that the business located on the 216 Lafayette Road property makes special products such as lighter weight, stronger parts and fabrics for aircraft, ships, and other structures. The applicant intends to build two building additions with a tubular frame and special fabric skin. One addition will shelter a non-operational Chinook helicopter for display and product presentation purposes for aviation clients. The second addition will be used for expanded office storage purposes. The site work will also include stormwater management improvements to address site development regulations. The waiver requests associated with Architecture/Appearance Standards are related to the non-conventional building materials and construction methods used for the building additions.

Mr. Harned stated his concerns regarding how the non-conventional building materials and construction methods will impact utilities and building integrity.

Mr. Boyd responded that the applicant will satisfy all building and fire codes and receive all required professional stamps on the construction plans.

Mr. Harned asked for clarification regarding how the proposed building additions impact the wetlands.

Mr. Boyd stated that the proposed addition sheltering the helicopter will be entirely within the 100 foot wetlands buffer area. The second addition in the rear of the property will not be within the 100 foot wetlands buffer area. However, the buffer area will most likely be disturbed during construction of the proposed addition at the rear of the property.

Mr. Boyd further stated that currently stormwater runs off of the site and into the wetlands without any treatment. The proposed site plan makes improvements to stormwater management which treats a portion of the stormwater run-off before it leaves the site.

Ms. Rowden stated that the applicant will need to seek Planning Board relief from impervious coverage requirements and Zoning Board of Adjustment relief from hydrogeologic study requirement. Mr. Boyd stated that the applicant has applied to both boards for the necessary relief.

Mr. Boyd stated that he has no concerns with the Town Engineer review letter issues and will address the issues.

Ms. Rowden also stated that the applicant has applied for, and needs approval of, a conditional use permit to allow the proposed industrial or commercial uses within the Aquifer Protection District.

Mr. Harned asked for clarification regarding the difference in the distance of the proposed helicopter building addition and the existing building to the wetlands.

Mr. Boyd stated that the proposed helicopter building addition will be approximately 17 feet closer to the wetlands.

Mr. Maggiore suggested that the Board may need to see items such as foundation plans, floor plans, utility plans, etc. for the proposed building additions to adequately assess the possible impact on the wetlands buffer and make an informed decision regarding the non-conventional construction methods.

Mr. Etela asked if the applicant could present the Board with any representations of the proposed building addition construction.

Mr. Boyd presented pictures to the Board of buildings in other areas of the country which use similar construction methods and building materials.

Mr. Wilson stated his opinion that the proposed building additions are tent-like structures. The Board needs more information regarding durability of the construction, building integrity, and proposed longevity of the buildings. The non-conventional construction method may be reasonable for the current business, but not reasonable for future uses on the site. The proposed additions would encroach further into the wetlands buffer and the impervious surface coverage limits. The proposed building additions may need to be approved as temporary structures which may only exist while the current business exists on the site. Any future owner of the property may have to gain approval of the continued use of the building additions by justifying that the future use of the non-conventional structures is appropriate.

Mr. Boyd stated that the building additions will not be readily visible to the general public. There would be no harm to the public created by the proposed building construction.

Mr. Wilson stated that a future owner of the property may not properly maintain the conditions of the unique proposed buildings. A building safety issue may be created by the lack of proper maintenance. Deteriorated building aesthetics may create a decrease in surrounding property values in the future. The Board should expect a building which is durable and has longevity.

Mr. Harned stated that a site walk may be necessary to adequately evaluate the wetlands impact, the impervious coverage impact, and samples of the building materials. Mr. Harned further stated that he has concerns regarding the direct infiltration of run-off to the aquifer.

Mr. Boyd stated his opinion that the proposed site improvements will be more of a benefit to the aquifer than the current site conditions.

Mr. Wilson stated his opinion that the application is not complete for the following reasons:

- a. lack of example of building material fabric,
- b. lack of building rendering,
- c. lack of foundation specifications, and
- d. lack of explanation as to why the non-conventional construction method is necessary as opposed to a traditional construction method.

Mr. Wilson further stated his concern with the incremental negative impact on the wetlands that incremental compromises to the wetlands regulations create. Eventually, a large impact occurs after several small impacts are allowed.

Mr. Boyd stated his opinion that the submittal of the waiver requests makes the application complete.

Mr. Maggiore moved that the Planning Board find that the application is complete and take jurisdiction of the Site Plan Review application for Case #19:15 to construct two building additions (1,905 and 1,730 square feet) with associated stormwater management improvements. Second by Mr. Wilson. The vote was 6-1 in favor of the motion with Mr. Wilson opposed.

Ms. Monaghan moved that the Planning Board schedule a site walk at the 216 Lafayette Road site (Tax Map/Lot 021-028-001) as part of the site plan application review process for Case #19:15 on July 30, 2019 at 4:00pm. Second by Ms. Gamache. The vote was unanimous in favor of the motion (7-0).

Ms. Monaghan moved that the Planning Board continue Case #19:15 to the August 6, 2019 meeting date. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

III. Other Business

1. Planning Board June 18, 2019 meeting minutes.

Mr. Harned presented the minutes of the June 18, 2019 Planning Board meeting.

Ms. Monaghan moved that the Planning Board accept the minutes of the June 18, 2019 Planning Board meeting as written. Second by Mr. Etela. The vote was 6-0-1 in favor of the motion with Mr. Kilgore abstaining.

The meeting was adjourned at 8:49pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary