



Meeting Minutes
North Hampton Planning Board
Tuesday, December 3, 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, Shep Kroner, 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.

I. Old Business

1. 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:

James Scully, attorney.

Mr. Kilgore recused himself.

Mr. Milner presented an email from Mr. Scully requesting that Case #19:15 be continued to the January 7, 2020 meeting date and consenting to an extension of the NH RSA 676:4 deadline which requires the Planning Board to act on an application within 65 days of taking jurisdiction of the application.

Ms. Monaghan moved that the Planning Board continue Case #19:15 to the January 7, 2020 meeting date as requested by the applicant. Second by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).

Mr. Kilgore returned to the Board.

2. Case #19:22 - Applicant, T&M Real Estate Group, LLC – Tom Schank, 5 Emerson Lane, Middleton, MA 01949. The Applicant requests a Site Plan Review to construct four self-storage buildings between 4,400 square feet and 8,800 square feet in size and one two-story building utilizing 12,000 square feet of space for both self-storage and office uses. Property Owner: Neil Harvey, Jr., 220 Congress Street, Apt. 4D, Brooklyn, NY 11201; Property Location: 82 Lafayette Road; M/L: 013-003-001; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:
Joe Coronati, engineer.

Mr. Harned presented a letter from Mr. Coronati requesting that Case #19:22 be continued to the January 7, 2020 meeting date.

Ms. Monaghan moved that the Planning Board continue Case #19:22 to the January 7, 2020 meeting date as requested by the applicant. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

3. 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 and December 6, 2019 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; Joe Coronati, engineer.

Mr. Bykhovsky addressed the Board. Mr. Bykhovsky requested a third one year extension to the conditional approval granted on December 6, 2016 for the site plan to demolish an existing vehicle dealership building and constructing a new 9,705 square foot vehicle dealership building with associated site improvements. Mr. Bykhovsky stated that he has not started the process to complete the conditional approval and construction process due to financial and logistical complications created by the launching of new facilities at two other car sales locations.

Ms. Monaghan asked Mr. Bykhovsky if he anticipated starting construction of the new building within the next year.

Mr. Bykhovsky replied that there is a remote chance that construction of the new building will begin within the next year. Most likely, construction will start in the second year.

Mr. Wilson asked Mr. Bykhovsky if the profitability of the other two locations is tied to financing the proposed expansion of the North Hampton location.

Mr. Bykhovsky replied that he needs to show profitability at the company's main location and two new satellite locations to a bank in order to obtain financing to expand the North Hampton location.

Mr. Harned noted that there have been changes in the Town's zoning ordinances and site plan regulations in the three years since the conditional approval for the site plan was granted.

Ms. Monaghan asked what process would be needed if the Board wished to require that the site conform to current ordinances and regulations.

Ms. Rowden stated that an amended site plan that conformed to current regulations would need to be submitted and approved.

Mr. Bykhovsky stated that adhering to current regulations would make construction of site improvements harder and possibly more expensive. An extension of the conditional approval granted under previous regulations would make the project easier to complete and more cost efficient.

Mr. Wilson noted that an extension would allow conformance to the older stormwater management regulations. If the Planning Board desires conformance to the current stormwater management regulations, then a new amended site plan may be necessary. Mr. Wilson asked Mr. Coronati if he believed that stormwater management regulation changes required the submittal of a new site plan or if the current site plan with minor corrections would conform to the current stormwater management regulations.

Mr. Coronati stated that he could not be sure if a new site plan is necessary without a more detailed review of the site plan and the stormwater management regulations.

Ms. Rowden stated her opinion that the requirements of the redevelopment criteria contained within the stormwater management regulations necessitates additional stormwater management features for the site. The addition of these features to the site would require the submittal of an amended site plan.

Mr. Wilson moved that the Planning Board approve a one year extension under the current conditions of approval for the 108 Lafayette Road site plan subject to the condition that if construction does not begin by the end of the one year extension period, then the Planning Board expects compliance with the current stormwater management regulations as a precondition of any further extensions. Second by Mr. Maggiore.

Discussion of the motion – Mr. Bykhovsky stated that it is unlikely that construction could be started within the one year extension time period. Compliance with the current regulations would substantially change the expense budget for the project.

Mr. Wilson stated the importance of the Town complying with federal MS4 stormwater management requirements instituted to protect ground water quality when evaluating site plans.

The Board discussed the validity of placing future considerations within the extension approval motion.

Mr. Coronati suggested that the State of NH RSA's allow for a period of time after the final approval and recording of the site plan for substantial building to begin on a site. If the site plan is not recorded until November of next year, the conditions of approval will still be completed within the one year extension period and construction can begin sometime in the second year; thereby conforming with the

applicant's anticipated building schedule. This may be a way to satisfy the Planning Board's and the applicant's concerns and time frames.

Mr. Maggiore withdrew his second to the motion. Mr. Wilson withdrew the motion.

Mr. Wilson moved that the Planning Board grant a one year extension to December 6, 2020 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 light fixtures which comply with the Outdoor Lighting Section of the Town of North Hampton Zoning Ordinance adopted on March 12, 2019 by the Townspeople of North Hampton, NH shall be installed on the 108 Lafayette Road site as part of the site plan approval granted by the Planning Board on December 6, 2016. Second by Mr. Maggiore. The vote was 6-1 in favor of the motion with Ms. Monaghan opposed.

II. New Business

1. Case #19:23 – Applicant: George Horrocks, Harmony Energy Works, 10 Gale Road, Hampton, NH 03842. The Applicant requests a Conditional Use Permit for a Ground-Mounted Solar Array. Property Owners: Christopher Berry and Laurie Berry, 13 Runnymede Drive, North Hampton, NH 03862; Property Location: 13 Runnymede Drive, North Hampton, NH 03862; M/L: 002-039-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Shawn Donovan, solar array contractor.

Mr. Wilson recused himself.

Ms. Gamache was seated for Mr. Wilson.

Mr. Donovan addressed the Board. Mr. Donovan presented an application for three 8.76 kWDC ground-mounted solar array units to be installed at the 13 Runnymede Drive property. Each unit will cover 365 square feet of land area and be 14.5 feet high during typical operation. The location of the array will meet structural setback requirements from lot lines and wetlands areas.

Mr. Donovan stated that currently there is no screening of the proposed location for the solar array. The proposed solar array would be seen from the street and may not meet the zoning ordinance requirement that the solar array be essentially invisible. However, the solar array will be set back on the property and this type of array generally blends in with the surrounding environment. Mr. Donovan further explained that the property owner is willing to extend current arborvitae tree plantings along the driveway in an attempt to comply with the essentially invisible requirement.

Mr. Maggiore asked for clarification regarding the operating height of the solar array. The technical specifications for the solar array included in the application packet seem to indicate varying heights for the units.

Mr. Donovan explained that the solar panels may adjust to a maximum tilt angle to shed accumulated snow for a period of 15 to 30 minutes possibly twice per day when snow load is detected by the units. During these times, the height of the solar arrays may be at a maximum of 20 feet in height and then return to the typical operation height of 14.5 feet.

Ms. Rowden noted that the Planning Board cannot grant waivers to the requirements of the solar array zoning ordinance. The Board will need to determine if the temporary snow mode height of the units complies with the requirements of the zoning ordinance since the normal operating height of the units will comply with the zoning ordinance.

Ms. Monaghan asked if the proposed plan to plant additional trees will provide no visibility of the solar array from the road.

Mr. Donovan stated that, if additional trees are planted, the solar array will be not be visible from the road in his opinion.

Mr. Harned asked if the solar array units will have a mechanism that will limit the tilt angles of the panels.

Mr. Donovan replied that the units will have a mechanism that will limit the tilt angles of the panels at 35 degrees during typical operation and 55 degrees during snow mode operation.

Ms. Rowden stated that the wetlands boundaries and buffer area boundaries depicted on the plan are not site specific, precise delineations created by a wetlands professional. The boundaries are only approximations based upon regional reference materials.

Mr. Harned suggested that a condition of approval for this project may be that a wetlands scientist flags the wetlands boundaries in order to verify that the solar units meet wetlands setback requirements.

Mr. Donovan agreed that the applicant will work with a wetlands scientist to flag the wetlands boundaries.

Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #19:23 to construct a ground-mounted solar array at 13 Runnymede Drive. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing at 7:58pm.

Abutter Phillip Wilson addressed the Board. Mr. Wilson stated that he was the Treasurer of the Runnymede Drive Homeowners Association which owns the lot in the center of the Runnymede Drive circle. Mr. Wilson noted that the Town of North Hampton has been granted a conservation easement on the center lot for the purpose of preserving natural open space character of the land and the scenic enjoyment of the general public. Mr. Wilson also explained that protective covenants for the Runnymede Drive subdivision established a site committee which has review and approval authority for improvements on any of the Runnymede Drive lots.

Mr. Wilson questioned whether any proposed tree plantings that render the solar array essentially invisible would allow the solar array to perform its function as designed. In his opinion, any effective tree screening along the driveway at 13 Runnymede Drive may block the solar panels' ability to collect the sun's rays during certain times of the year.

Mr. Wilson suggested that the Planning Board conduct a site walk of the property to:

- a. evaluate site conditions and the potential visibility of the solar array units which are essentially three large mirrors
- b. give the Runnymede Drive site committee an opportunity to evaluate the proposed improvements and give advice to the Planning Board.

Mr. Harned closed the public hearing at 8:11pm.

Mr. Donovan stated that the applicant is aware of the protective covenants and need for review of the solar array installation by the Runnymede Drive site committee.

Ms. Rowden suggested that the Board receive more detailed information regarding the proposed screening of the solar array prior to making any decision on the application.

Mr. Harned suggested that the Board consider a site walk of the 13 Runnymede Drive property.

Ms. Gamache stated that evaluation of proposed screening for the solar array is important because the proposed solar arrays will affect the pleasant sight lines of the natural environment in the area.

Ms. Monaghan moved that the Planning Board schedule a site walk at the 13 Runnymede Drive site (Tax Map/Lot 002-039-000) as part of the conditional use permit application review process for Case #19:23 on December 16, 2019 at 1:00pm. Second by Ms. Gamache. The vote was unanimous in favor of the motion (7-0).

Ms. Monaghan moved that the Planning Board continue Case #19:23 to the January 7, 2020 meeting date. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (7-0).

Mr. Wilson returned to the Board.

III. Other Business

1. Discussion of proposed 2020 Zoning Ordinance amendments – Duplex criteria.

Ms. Rowden presented zoning ordinance amendment language initially proposed by Mr. Kroner with the intent of clarifying that a duplex is a vehicle to maintain our town's fair share of workforce housing and, as such, each duplex must allow one unit to meet the defined affordability threshold. Ms. Rowden noted that the proposed language was modified, based on comments at the last Board discussion, to include a purpose statement and a requirement that affordability assurances always be in effect.

Mr. Wilson suggested that a trigger be established in the Town's administrative procedures to ensure that the monitoring agent's annual report regarding satisfaction of affordability standards is submitted to the Town.

Mr. Kroner stated his opinion that the Town of North Hampton will most likely have to increase its number of workforce housing options in the future.

The Board discussed establishing a conditional use permit process for approving duplex projects and ensuring that the proposed zoning ordinance requirements are satisfied going forward. The Board came to a consensus without objection to have Ms. Rowden edit the proposed duplex revisions language

281 based on the Board's comments and present the revised language at the December 17 Planning Board
282 meeting.

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284 2. Planning Board November 19, 2019 meeting minutes.

285 Mr. Harned presented the minutes of the November 19, 2019 Planning Board meeting.

286 **Mr. Wilson moved that the Planning Board accept the minutes of the November 19, 2019 Planning**
287 **Board meeting as written. Second by Ms. Monaghan. The vote was unanimous in favor of the motion**
288 **(7-0).**

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

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291 Respectfully submitted,

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295 Rick Milner

296 Recording Secretary