



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, January 7, 2020 at 6:00pm**  
**Town Hall, 231 Atlantic Avenue**

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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 Lauri Etela, Wally Kilgore, Shep Kroner, and Jim Maggiore, Select Board Representative; Alternate Member Valerie Gamache; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Vice Chair Monaghan called the meeting to order at 6:00pm.  
Ms. Gamache was seated for Mr. Wilson.

**I. Public Hearing**

**Town of North Hampton, NH** review of amendments to zoning ordinances for inclusion on the 2020 Town Warrant.

Town of North Hampton, NH: Section 203.6 Duplex Requirements. Revisions intended to clarify that a duplex is a vehicle to maintain the Town of North Hampton's fair share of workforce housing and, as such, each duplex must allow one unit to meet the defined affordability threshold.

Ms. Rowden presented zoning ordinance amendment language 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 to include affordability requirements, compliance authority, and conditional use permit procedures.

Ms. Monaghan opened the public hearing at 6:02pm.

Glenn Martin addressed the Board. Mr. Martin asked what clarification regarding duplex units was the Planning Board trying to communicate with the revised ordinance language.

Ms. Monaghan replied that the Planning Board was trying to emphasize that the original intent of zoning ordinance language regarding duplex units was to ensure affordable housing was available in the Town of North Hampton.

Mr. Martin stated that, since the Town of North Hampton is currently meeting its fair share of affordable housing, the proposed zoning ordinance language is not necessary at this time. The proposed language is too restrictive on the ability of a property owner to make a financially viable use of the property. The effective result of the proposed language is that duplex units cannot be built.

Ms. Monaghan stated that, even though the Town of North Hampton may currently be meeting its fair share of affordable housing, the ability to provide affordable housing solutions is still necessary as a future planning tool.

Ms. Monaghan closed the public hearing at 6:12pm.

**Mr. Maggiore moved that the proposed revisions language to the Town of North Hampton Zoning Ordinance Section 203.6 Duplex Requirements appears on the 2020 Town Warrant as presented. Second by Mr. Etela. The vote was 4-1 in favor of the motion with Mr. Kilgore opposed.**

The version of the proposed duplex requirements zoning ordinance presented at this meeting is attached as Appendix A to these minutes.

Michael Green addressed the Board. Mr. Green stated his opinion that if half of a duplex building must meet affordability standards, then that half of the building becomes a money loser. This is an unfair burden to place on the owner of a duplex eligible property. The proposed language will effectively stop all duplex construction.

Ms. Monaghan called a recess at 6:18pm.

Ms. Monaghan called the meeting back to order at 6:35pm.

## **II. 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.

Ms. Monaghan presented an email from Mr. Scully requesting that Case #19:15 be continued to the February 4, 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.

**Mr. Maggiore moved that the Planning Board continue Case #19:15 to the February 4, 2020 meeting date as requested by the applicant. Second by Ms. Gamache. The vote was 4-0-1 in favor of the motion with Mr. Kilgore abstaining.**

**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:

Thomas Schank, applicant; Joe Coronati, engineer; and Tim Phoenix, attorney.

Mr. Coronati addressed the Board. Mr. Coronati presented a revised set of plans which addressed most of the Town Engineer review concerns. Some items such as traffic circulation, snow storage, and a stormwater management details still need to be resolved. The applicant is also continuing to work with the Fire Department regarding turning radius and access for emergency vehicles around the site.

Mr. Coronati also presented architectural renderings which indicated building height, side elevations, construction style, and color scheme. Mr. Coronati noted that NHDOT driveway and NHDES septic system permit applications have been submitted.

Ms. Rowden asked where vehicles would be located during unloading and loading of storage materials.

Mr. Coronati showed spaces on side of buildings and smaller spaces on ends of buildings where vehicles could park for unloading and loading.

Mr. Milner noted the concerns expressed by the Fire Department that proposed tire tracks for emergency vehicle access on the site look awfully close to the end of the pavement and buildings leaving no room for error. Mr. Milner also noted Town Engineer concerns that proposed areas available for snow storage are limited to non-existent. Proposed plan notes indicate that snow will be trucked off site. This type of activity does not typically occur in a timely manner.

Mr. Schank stated that generally the storage unit sites have a very small amount of traffic during inclement weather situations. Also, the chance of fire is limited since business operations do not use gas or other items that could catch on fire. In general, storage unit sites have a small traffic volume.

Mr. Maggiore stated his concern that larger vehicles looking to access the front facing storage units of the front building will have to either back into or back out of the access drive near the front entrance; thereby creating a possible safety hazard.

Mr. Etela stated his concern that the architectural design does not meet the New England character and acceptable building materials standards indicated in the site plan regulations.

Ms. Monaghan stated that the application is not complete in her opinion for the following reasons:

- a. Architectural design plans were received only in the last couple days. The Board has not had enough time to adequately review the submitted information.
- b. Multiple significant Town Engineer concerns are still outstanding.
- c. Fire Department turn radius and access concerns have not been resolved.
- d. Snow storage areas appear to be inadequate.

- e. Additional documentation detailing stormwater management features, as noted in Planner review letter, is needed.
- f. Proposed sign location must be moved outside of the landscape buffer area.
- The proposed use on the site is so dense and intense that much more information must be presented to the Board for the Board to make an informed judgement.

Mr. Kilgore asked for confirmation that the self-storage unit use is an allowed use in the Industrial – Business/Residential District.

Ms. Monaghan stated that the self-storage unit use is an allowed use in the Industrial – Business/Residential District.

Mr. Coronati requested that consideration of Case #19:22 be continued until the February 4, 2020 Planning Board meeting date.

**Mr. Kilgore moved that the Planning Board continue Case #19:22 to the February 4, 2020 meeting date. Second by Mr. Etela. The vote was unanimous in favor of the motion (5-0).**

**3. 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:  
No one in attendance.

Ms. Monaghan presented an email from Shaun Donovan of Harmony Energy Works requesting that Case #19:23 be continued to the February 4, 2020 meeting date.

**Mr. Kilgore moved that the Planning Board continue Case #19:23 to the February 4, 2020 meeting date. Second by Ms. Gamache. The vote was unanimous in favor of the motion (5-0).**

### **III. New Business**

**1. Case #20:01 – Applicant: Kayla Cox, New England Fishmongers, LLC, 276 Pleasant Street, Apt. B, Eliot, ME 03903.** The Applicant requests a minor review for a change of use from previous retail and warehouse space use to seafood processing and office space use. Property Owners: Arlene A. Jewett Revocable Trust of 2002, Edward Jewett Revocable Trust of 2002, Kellie A. Jewett Living Trust, Timothy J. Wallace Living Trust, Twilight Years, LLC, all c/o 39 Freetown Road, Unit 1, Raymond, NH 03077; and David E. Howard Revocable Trust, P.O. Box 3385, Concord, NH 03302. Property Location: 180 Lafayette Road, North Hampton, NH 03862; M/L: 017-086-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:  
Kayla Cox and Timothy Rider, applicants; Kellie Jewett and Timothy Wallace, property owners.

Ms. Cox addressed the Board. Ms. Cox presented the following application information:

Disclaimer – these minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91A:2, II. They will not be finalized until approved by majority vote of the Planning Board.

- a. a site plan for the 180 Lafayette Road property which included all buildings and septic systems on the site,
- b. a plan for the area around Building #4 which included parking spaces and loading area for the unit,
- c. a floor plan for the first floor processing and office areas and mezzanine floor storage area of Building #4, Unit #2, and
- d. a detailed narrative describing the proposed business operations.

Ms. Cox stated that she and Mr. Ryder operated a fishing business with two vessels in the Gulf of Maine. They sell their roughly 2,000 - 2,500 pound catch to local farmers' markets using refrigerated vans for the deliveries. The applicants wish to move to North Hampton unit from Saco, Maine unit to be closer to their boat and home locations. The North Hampton unit would be used to fillet fish and vacuum seal the fillets in 1 to 2 pound packages. Additional spaces in the unit would be used as office and storage space. All fish scraps and carcasses are removed from the facility daily and brought to local fishermen to be used as bait. There will be no physical changes to the outside of the building. No signs, except an adhesive sign on the glass door of the unit, are proposed.

Ms. Rowden noted that the proposed fish processing activities are a light manufacturing use as defined by the zoning ordinance. Therefore, the proposed business will need to be granted a special exception approval from the Zoning Board of Adjustment. The application meets the minor review standards listed in the site plan regulations. The site can accommodate the appropriate number of parking spaces required by the regulations.

**Mr. Maggiore moved that the Planning Board find that the application is complete and take jurisdiction of the Minor Review application for Case #20:01. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (5-0).**

Mr. Kroner arrived at 7:15pm.

Ms. Monaghan open the public hearing at 7:15pm.

David Choate, a real estate agent for the 180 Lafayette Road site, addressed the Board. Mr. Choate stated that the fish processing business currently produces no odors affecting abutting properties and has a low traffic volume at its present location. Business operations in North Hampton will have the same results.

Mr. Kilgore asked for clarification regarding possible run-off of fluids or materials into the septic system from the fish processing activity.

Ms. Cox replied that the business was working with NHDES to obtain septic system approval for the fish processing activities.

Ms. Monaghan closed the public hearing at 7:20pm.

Mr. Etela asked if the business was subject to any specific health code standards.

Mr. Ryder stated that the business must adhere to stringent state and federal business operation and health standards. The business will be regularly inspected by state and federal authorities.

Mr. Milner asked for clarification regarding business operating hours.

Mr. Ryder stated that the business will mainly operate between the hours of 7:00am to 5:00pm, occasionally working a couple hours either side of those times.

Ms. Monaghan asked if the applicants ever intend to expand upon the current business operations.

Ms. Cox replied that the applicants have no desire to be a larger company. They intend to remain a smaller company that sells product to farmers' markets and small fisherman co-operatives.

**Mr. Kilgore moved that the Planning Board approve the Minor Review application for a change of use from previous retail and warehouse space use to seafood processing and office space use at 180 Lafayette Road site subject to the following conditions:**

- a. Applicant shall submit evidence of receipt of a special exception for light manufacturing use (seafood processing) granted by the Zoning Board of Adjustment.
- b. Applicant shall submit evidence of receipt of a NHDES subsurface approval specific to the applicant's business and fish processing activity.
- c. Business operations shall comply with narrative submitted with minor review application.
- d. Applicant shall submit evidence of receipt of all required federal, state, and local permits and approvals.

**Second by Ms. Gamache. The vote was unanimous in favor of the motion (6-0).**

**2. Case #20:02 – Applicant: Marcy Royce, 4 Balsam Way, Exeter, NH 03833.** The Applicant requests a Conditional Use Permit to allow construction of a driveway and wetlands crossings within the Wetlands Conservation District. Property Owners: Barlar Revocable Trust, Larry and Barbara Royal, Trustees, 94 Esker Road, Hampton, NH 03842. Property Location: Exeter Road adjacent to Dalton Town Forest; M/L: 009-021-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Marcy Royce and Andrew Tilbury, applicants; Larry and Barbara Royal, property owners; and Luke Hurley, wetlands scientist.

Mr. Tilbury addressed the Board. Mr. Tilbury presented a set of plans stamped by a wetlands scientist and professional engineer which included:

- a. existing conditions for Map/Lot 009-021-000 including lot lines and wetlands boundaries,
- b. proposed 1,090 foot long driveway to a proposed single family home which included three wetlands crossings and an emergency vehicle turn-out, and
- c. proposed location for single family home and septic system.

Ms. Rowden stated that the following:

- a. The wetlands zoning ordinance amendment language recently adopted by the Board for the 2020 Town Warrant would apply to this case.
- b. Map/Lot 009-021-000 existed prior to 2003 and could benefit from wetlands setbacks reduced to 50 feet from 100 feet since the imposition of the 100 foot wetlands setback would create a buildable area less than 16,000 square feet.
- c. Even though the proposed plan has a wetlands scientist stamp and a professional engineer stamp, the plan must have a NH licensed land surveyor stamp in order for the Board and its professionals to

properly evaluate the amount of buildable area on the lot and ensure that lot lines and setback boundaries have been accurately located.

Mr. Tilbury stated that the land was surveyed in 2015. However, the land surveyor died before placing his stamp on the plan. Mr. Tilbury read a letter from Professional Engineer Christian Smith attesting to the accuracy of the boundary delineations on the proposed plan. Requiring a licensed land surveyor's stamp would create an undue time and expense burden on the applicants.

Mr. Hurley stated that a note on the plans indicated that only 4,875 square feet of buildable area was available with the imposition of the 100 foot setback.

Mr. Milner stated that the Building Department has indicated that it will need a plan stamped by a licensed land surveyor in order to issue a building permit.

Mr. Etela stated that the Conservation Commission has requested that a certified survey of the property be completed to verify wetlands boundaries, areas of wetlands disturbances, and areas of buildable uplands. The Dalton Town Forest abuts this property. A precise survey will help delineate the location of the lot line between the town forest conservation property and Map/Lot 009-021-000.

Ms. Monaghan suggested that the Board conduct a site walk of the property. Even though the plans did not have a licensed surveyor's stamp, the Board could accept jurisdiction of the application in order to schedule a site walk. The issue of the land surveyor's stamp could be discussed by the Board at a later meeting.

Ms. Monaghan asked the applicants if they were willing to obtain a licensed land surveyor's stamp.

Ms. Royce stated that, even though they are confident in the accuracy of the presented plans, the applicants were willing to accept the Board's decision regarding a land surveyor's stamp.

**Mr. Maggiore moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #20:02. Second by Mr. Kilgore. The vote was 4-2 in favor of the motion with Mr. Etela and Mr. Kroner opposed.**

**Mr. Maggiore moved that the Planning Board schedule a site walk at the Tax Map/Lot 009-021-000 site off Exeter Road as part of the conditional use permit application review process for Case #20:02 on January 13, 2020 at 3:00pm. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (6-0).**

**Mr. Maggiore moved that the Planning Board continue Case #20:02 to the February 4, 2020 meeting date. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (6-0).**

#### **IV. Other Business**

Ms. Monaghan presented the minutes of the December 17, 2019 Planning Board meeting.

**Mr. Kroner moved that the Planning Board accept the minutes of the December 17, 2019 Planning Board meeting as written. Second by Ms. Gamache. The vote was unanimous in favor of the motion (6-0).**

327 The meeting was adjourned at 8:23pm without objection.

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329 Respectfully submitted,

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333 Rick Milner

334 Recording Secretary