



Meeting Minutes
North Hampton Planning Board
Tuesday, February 4, 2020 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, Lauri Etela, Wally Kilgore, Shep Kroner, and Jim Maggiore, Select Board Representative; 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. Harned presented an email from Mr. Scully requesting that Case #19:15 be continued to the March 3, 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 March 3, 2020 meeting date as requested by the applicant. Second by Mr. Maggiore. The vote was 6-0-1 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. Mr. Coronati stated that the Fire Department has concerns with the limited amount of clearance space between the storage buildings and fire trucks indicated in the proposed truck turning plan for the site. Mr. Coronati stated that the applicant will continue to work with the Fire Department to resolve the issue to the satisfaction of the Fire Department.

Mr. Coronati stated that there are a couple of concerns noted in the Town Engineer's review letter.

a. The 200 foot single one-way lane in front of the main two-story building will result in customers either backing in or backing out of the lane at the site entrance area. The travel path may be difficult for customers, especially those with larger vehicles, to safely negotiate.

Mr. Coronati responded that the topography of the site, with steep grades, warrants a unique site design. The site will have low traffic volume. The area near the entrance and in front of the main building are not high speed traffic areas. These conditions should limit traffic safety issues.

b. Even though snow storage areas have been identified on the plan, the site plan specifies that snow may need to be trucked off-site. Challenges to vehicular circulation may be exacerbated should delays in snow removal operations be experienced due to the snow removal strategy.

Mr. Coronati responded that additional snow storage has been to the site plan. Mr. Coronati distributed a contract for snow plowing and removal by trucking. In his opinion, the snow storage-removal plan is adequate for the site.

Mr. Coronati presented a revised architectural rendering for the proposed storage buildings. Mr. Coronati noted that the revision showed additional windows, color scheme, and building materials. The back buildings do not have a roof pitch as required by the site plan regulations. However, the buildings are set back on the property and are partly obscured by the front building. The applicant is willing to revise the plan to include a roof pitch on the back buildings if necessary.

Ms. Rowden stated that the applicant could provide a waiver request for the roof pitch or revise the plans to indicate the required roof pitch.

Ms. Rowden also noted that, due to New Hampshire Department of Transportation (NHDOT) review of the site plan and driveway access off Route 1, site design changes regarding the placement of stormwater management features may be necessary.

Ms. Monaghan asked if the plan revisions addressed the Town Engineer's previous concerns regarding narrow width of travel aisles and lack of adequate snow storage.

Mr. Coronati stated that he believes that the width of the travel lanes is adequate. This site will not have high traffic volumes. The revised plan has added more areas for snow storage.

Mr. Milner noted that the Town Engineer's current review letter indicates that he remains concerned with the compact placement of the storage structures and the snow removal strategy.

Ms. Monaghan asked what hours customers will be able to access the site.

Mr. Schank replied the business will most likely close at 9:00pm and open around 6:30am or 7:00am.
Mr. Coronati stated that a gate will control access to the site.

Mr. Harned stated his concern that Building E has no vehicle access to the storage units on the north side of the building. Customers will potentially have to carry items over 100 feet along the 6 foot wide walking path on the north side.

Mr. Harned stated his concern that, since the fire lanes lie across the entrances of many of the storage units, many customers may have the tendency to illegally park in the fire lanes especially on busy weekends to more easily load and unload their vehicles. Mr. Harned asked how the applicant intended on enforcing the fire lane parking prohibition in order to ensure Fire Department access to all areas of the site.

Mr. Coronati stated that, similar to any other retail business site, enforcement of the no parking areas would be reliant on the good judgement of the customers and Fire Department actions once on site.

Mr. Harned stated his concern that the access/egress to and from the 200 foot single one-way lane in front of the main two-story building will result in customers either backing in or backing out of the lane at the site entrance area. The travel path may be difficult for customers, especially those with larger vehicles, to safely negotiate.

Mr. Coronati stated his opinion that the likelihood of traffic congestion in this area will be minimal. There may be an option to place the stormwater management features underground and create a larger asphalt area to allow vehicles to turnaround in front of the main building. However, in his opinion, this option is not necessary due to the limited traffic volume anticipated for the site, the increased cost, and the negative impact on site aesthetics.

Mr. Wilson moved that the Planning Board find that the application is complete and take jurisdiction of the Site Plan Review application for Case #19:22 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. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

Mr. Kroner asked for clarification regarding the use of the existing stormwater culvert crossing under Route 1 as part of the stormwater management plan.

Mr. Coronati explained that NHDOT rules allow the use of the culvert as long as the amount of water run-off created by the project does not increase beyond the amount of water that currently flows through the culvert. Mr. Coronati explained the different features of the stormwater management plan and how they would handle the water run-off created by the project.

Mr. Harned opened the public hearing at 7:27pm. No comments were made. Mr. Harned closed the public hearing at 7:28pm.

Mr. Wilson stated that there are sufficient questions with the application that the applicant must still answer. He suggested that the case be continued.

Mr. Kroner made the following comments:

a. A waiver request should be submitted to address the lack of required roof pitch on the back storage buildings.

b. The architectural design and site aesthetic changes in the revised plan are a positive improvement over the initial proposal.

c. The density of the proposed development on the site may be too intense. He would have preferred seeing elimination of at least one of the proposed storage buildings. The work associated with cleaning up after a snowstorm will be difficult given the limited space allowed in the plan.

Mr. Kilgore stated his concern with the lack of emergency vehicle access on the north side of Building E. There are several items that could be stored in the units on this side of the building that could create a fire, chemical spill, or other safety issue which requires more than a 6 foot wide path to provide adequate access.

Mr. Kroner asked how much material would be excavated during site construction.

Mr. Coronati replied that he did not know an exact figure. However, much of the excavated material will fill other areas on the site. The land will be sculpted to mitigate the effects of the current 26 foot elevation change on a 2 acre property.

Mr. Coronati stated that the applicant will change the plans to comply with the roof pitch requirement in the site plan regulations.

Ms. Monaghan moved that the Planning Board continue Case #19:22 to the March 3, 2020 meeting date. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

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:

George Horrocks and Shawn Donovan, solar array contractors.

Mr. Wilson recused himself.

Mr. Donovan addressed the Board. Mr. Donovan presented a revised plan for a ground-mounted solar array unit to be installed at the 13 Runnymede Drive property with the following features:

a. One solar array unit - 5 panels deep by 14 panels long

b. Approximate impervious area – 1,550 square feet

c. Solar array unit located behind stone wall to the west of the existing home, approximately 19 feet from nearest property line and approximately 100 feet from wetlands at rear of property.

d. Solar array unit changed to a fixed design which does not change tilt angle or rotate with the sun.

e. Height of unit will remain fixed at 12 ½ feet.

Mr. Donovan stated that the area behind the stone wall has a 4 to 6 foot grade drop from the land adjacent to the home and the street. This will help screen the array unit. There will be approximately 7 feet of the solar array showing above the stone wall which could be screened using vegetation or a fence along the entire length of the stone wall.

Ms. Monaghan asked if screening would be placed between the solar array and the abutting home behind the array.

Mr. Donovan replied that the applicant was willing to do whatever is necessary to provide screening of the solar array from all abutters.

Mr. Etela asked if the applicant had received approval for installation of the solar array from the Runnymede Drive Site Committee.

Mr. Donovan stated that the applicant had not yet received approval for installation of the solar array from the Runnymede Drive Site Committee.

Mr. Harned stated that a professional delineation of the wetlands has not yet been completed. The current plan depicts an approximation of the wetlands boundary.

Mr. Donovan stated that the applicant intends to have the wetlands boundary delineation on the property completed as a condition of approval of the application. Prior to installation of the solar array, the wetlands would be staked.

Mr. Kroner asked why the home's roof could not be used for installation of the solar panels.

Mr. Horrocks explained that, due to pitch of the roof, its angle to the sun, and shading, the roof location would not effectively provide for the energy needs for the home.

Mr. Etela suggested that the abutting home to the west of the proposed solar array location be depicted on the plan since the proposed solar array will lie close to the westerly lot line.

Mr. Harned opened the public hearing at 7:59pm.

Lisa Wilson, Chair of the Runnymede Drive Site Committee, addressed the Board. Ms. Wilson stated that the site committee has not yet received the revised plans for review. Secondly, the protective covenants for Runnymede Drive do not allow fences. If fencing is proposed as a method of screening, it will need to be reviewed by the site committee.

Mr. Harned closed the public hearing at 8:01pm.

Mr. Harned suggested that the applicant obtain a professional wetlands scientist stamp on the plan and have the wetlands boundary on the property staked by a professional wetlands scientist, as previously discussed at the December 16, 2019 site walk. Since the proposed location of the solar array lies so close to the 100 foot wetlands structural setback, a professional wetlands delineation needs to be completed

in order for the Board to be satisfied that the proposed location of the solar array lies outside of the 100 foot wetlands structural setback. The reference material used to delineate the wetlands boundary on the plan set may not be accurate. The only way to ensure accuracy of the wetlands boundary is for a professional wetlands scientist to perform a survey.

Ms. Rowden suggested that specific details regarding the type of screening proposed to be installed should be presented to the Board.

Mr. Maggiore asked for details regarding the historical background of the stone wall on the property.

Mr. Donovan replied that he would get the historical background information from the property owner.

Mr. Donovan requested that the Board grant a conditional approval of the application which states that the wetlands delineation and screening be performed prior to installation of the solar array. If problems with the wetlands delineation or the screening arise during the permitting process, then the applicant can return to the Board for review and approvals.

Ms. Monaghan stated her opinion that to obtain a wetlands delineation after the Board approves the application is a backwards approach. Information regarding the wetlands boundary and screening is necessary for the Board to make an informed judgement regarding the installation of the solar array.

Mr. Kilgore stated that he would prefer to see a better rendering of the actual solar array installation and proposed screening in order to make an informed judgement on the application. Also, the Board should be consistent with procedures used in previous cases and require a professional wetlands survey prior to deciding on the application.

Mr. Harned suggested that the case be continued so that the information requested by the Board can be submitted prior to the Board making a decision.

Mr. Donovan agreed to a continuance.

Ms. Monaghan moved that the Planning Board continue Case #19:23 to the March 3, 2020 meeting date. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (6-0).

Mr. Wilson returned to the Board.

4. 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.

Mr. Tilbury addressed the Board. Mr. Tilbury presented revised plans which included a licensed land surveyor stamp in addition to professional wetlands scientist and professional engineer stamps.

Mr. Tilbury stated that the applicants have addressed the Board's concern regarding the close proximity of the slope of the proposed driveway to the existing culvert at the front of the property. The applicant's engineering consultant has reviewed the measurements and concluded that the construction of the proposed driveway will not impact the existing culvert.

Mr. Tilbury explained that the proposed driveway has been reconfigured to include curves in the middle of the driveway instead of the original proposed straightaway. The purpose of the reconfiguration is to preserve some trees and provide more gradual turns towards the proposed home location. Overhead transmission lines and poles will run the length of the driveway to provide electric/utility service to the home.

Ms. Rowden noted that one reason for the licensed land survey was to verify the wetlands boundary and lot lines in order to accurately calculate the buildable area on the lot with imposition of the 100 foot wetlands structural setback. The survey indicated that the amount of buildable area with imposition of the 100 foot setback was small enough to trigger the imposition of the 50 foot wetlands structural setback exception allowed by the zoning ordinance.

Mr. Kroner suggested the following conditions of approval for the application:

- a. no further subdivision of the land
- b. no home occupation allowed on the property.

Mr. Wilson stated that he saw no reason not to approve the application. The application met the criteria for granting a Conditional Use Permit. The conditions of approval suggested by Mr. Kroner may not be necessary. The issues of subdivision and home occupation could be considered by the Board at the time such activities are proposed.

Mr. Wilson moved that the Planning Board approve the Conditional Use Permit application for Case #20:02 to allow construction of a driveway and wetlands crossings within the Wetlands Conservation District prohibited by Town of North Hampton Zoning Ordinance Section 501.6.B.1 and Sections 501.8.3B, 3C, 4B, 4C, 4E, 6B, and 6C as represented in the application presented to the Board. Second by Ms. Monaghan.

Mr. Harned opened the public hearing at 8:44pm. No comments were made. Mr. Harned closed the public hearing at 8:45pm.

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

II. New Business

1. Case #20:03 – Applicant: Henry Brandt, 182 Post Road LLC, 182 Post Road, North Hampton, NH 03862. The Applicant requests a Site Plan Review for proposed farm stand, farmers' market, horse boarding, and public-private event uses. The Applicant also requests a waiver to Site Plan Regulations Section X.B.1 regarding paving of parking area and drive. Property Owner: 182 Post Road LLC, 182 Post Road, North Hampton, NH 03862. Property Location: 160-186 Post Road, North Hampton, NH 03862; M/L: 018-038-000; Zoning District: R-1, High Density District.

In attendance for this application:

Henry Brandt, property owner; Christopher Berry, engineer, Timothy Phoenix, attorney.

Mr. Berry addressed the Board. Mr. Berry presented a site plan application which detailed the 55 acre Governor Dale Farm property at 182 Post Road. The Governor Dale Farm is a historical farm which currently produces hay, beef, poultry, eggs, pork, fruit, and produce goods. The parcel contains residential structures, three barns, and detached secondary structures such as garages and sheds. The application also proposed the expansion of the current site activities to include:

- a. Farm Stand – A farm stand selling agricultural products cultivated at the 182 Post Road property would be located within the confines of the large barn adjacent to the entrance of the property. The applicant may also wish to invite other local agricultural producers to market their goods alongside those of the applicant in a farmers' market type environment.
- b. Horses – The applicant wishes to engage in the keeping of horses, both personally and for others. A recent addition to the large barn adjacent to the entrance of the property contains nine stalls and will be the primary boarding location. Paddocks will be erected along the front of the property to allow for turnout. All customary equestrian activities are proposed including riding, training, and instruction. No competitions or indoor riding facilities are contemplated at this time.
- c. Agritourism Events – The applicant wishes to engage in various agritourism events showcasing the farm's agricultural features and productivity. Events, both public and private, would take place in and around the large barn adjacent to the entrance of the property. Proposed types of events include:
 - i. educational and training activities
 - ii. school-based activities
 - iii. agricultural and heritage based municipal and governmental events
 - iv. private events such as wedding ceremonies, birthdays, and family reunions.

The site plan also included:

- a. Approximately 100 parking spaces along driveway and areas for overflow parking to accommodate parking needs for larger events.
- b. NHDOT proposed plan to widen driveway entrance off Post Road (NH Route 151).
- c. Barn area at front of property to hold farm stand, farmers' market, and event activities calculated at 2,156 square feet.
- d. Outside deck attached to barn calculated at 3,658 square feet.
- e. Nine stall horse boarding area located under the deck area and proposed horse paddock areas at front of the property.

Mr. Berry stated that the Fire Department has placed the following occupancy limits for the entire barn structure:

- a. 143 persons with tables and chairs and 299 persons without tables and chairs for events
- b. 71 persons, if barn is used as a retail space
- c. 7 persons for farm stand use.

Mr. Berry stated that the applicant is seeking a waiver to allow parking on grassed areas. The applicant feels this waiver is justified due to the anticipated infrequent use of these areas for larger events. Larger traffic volumes will be limited to small time windows around scheduled events. The application includes a traffic study for the proposed uses and associated parking needs.

Mr. Berry stated that the applicant will be seeking a waiver to the stormwater management regulations due to the small areas of new disturbance anticipated to be created by the proposed uses. Mr. Berry foresees no problems complying with Town Engineer and Planner review letter comments.

Mr. Kroner stated that, even though the submitted traffic study does not call out any concerns, in his opinion, the corner on Post Road to the south of the 182 Post Road entrance and its elevation change pose a potentially dangerous situation for increased traffic in the area. He suggested that a deceleration lane be added to the roadway plan to improve traffic safety.

Mr. Etela stated that the pavement edge along the driveway be corrected to be consistent with the edges of the proposed parking spaces. Also, the plan shows an area where the required 22 feet of aisle width between opposing parking spaces is not met.

Mr. Wilson stated that it appears that the applicant is proposing to have a farm stand and farmers' market at the same time in the same barn location. Mr. Wilson read NH RSA requirements for farmers' markets and farm stands which do not allow for the applicant to sell products from his farm at the same location and same time as other vendors are selling their agricultural products. Mr. Wilson asked how the applicant was proposing to legally conduct the farm stand and farmers' market activities given the NH RSA legal requirements.

Mr. Brandt distributed a letter from the New Hampshire Department of Agriculture (NHDA) which stated that it is possible for the applicant to operate a farm stand at the same time and at the same location as he is hosting a farmers' market as long as the spaces for each activity within the barn structure are clearly separated from each other with a wall and each activity is designated with clear signage. It should be clear that the farm stand operator is not a vendor at the farmers' market.

Mr. Kilgore asked how many vendors are anticipated at the applicant's proposed farmers' market.

Mr. Brandt responded that there may be up to 12 vendors at his proposed farmers' market. A minimum of 2 vendors are required for a farmers' market.

Ms. Rowden suggested that floor plans of the barn interior be submitted so that the Board can evaluate the space in relation to the multiple proposed uses for the structure.

Ms. Monaghan asked for clarification regarding the Southeast Land Trust (SELT) approval of the proposed uses as a conservation easement holder on the property.

Deborah Gourd, SELT Stewardship Director, addressed the Board. Ms. Gourd stated that SELT's interpretation of the conservation easement language allows the applicant to operate a farm stand at the same time and at the same location as he is hosting a farmers' market.

Mr. Wilson stated that, regardless of the opinions of NHDA and SELT, he is not satisfied that the farm stand and farmers' market activities as proposed by the applicant are consistent with the law and the easement language.

Ms. Monaghan stated that farm stand activity and agritourism events must be ancillary to the regular farm operations. She asked how it will be determined that the applicant's proposed activities are ancillary to the regular farm operations.

Ms. Gourd stated that, based on the established thresholds of agricultural goods produced on the farm, the farm stand will deal with only a portion of the goods produced on the farm. Also, the regular farm

operations occur throughout the entire year. Agritourism events will occur only during limited time periods. SELT has approved five agritourism events (such as weddings, family gatherings and public events showcasing the agricultural attributes of the farm) to occur in 2020.

Mr. Brandt stated that the proposed agritourism events will be a small piece of what is happening on the farm.

Mr. Maggiore suggested that the Planning Board needs to see letters from NHDA and SELT certifying that the applicant's proposed farm stand, farmers' market, and agritourism activities comport with the law.

Mr. Harned suggested that the applicant submit specific information regarding the scope and type of proposed agritourism events. For example, how many weddings or large scale events are proposed within a specific time period.

Mr. Harned stated that it appears that the application is not complete. He suggested that the case be continued.

Mr. Berry requested that consideration of the application be continued to the March 3 meeting date.

Ms. Monaghan moved that the Planning Board continue Case #20:03 to the March 3, 2020 meeting date as requested by the applicant. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (7-0).

III. Other Business

Mr. Harned presented the minutes of the December 16, 2019 site walk, January 7, 2020 meeting, and January 13, 2020 site walk.

Ms. Monaghan moved that the Planning Board accept the minutes of the December 16, 2019 site walk, January 7, 2020 meeting, and January 13, 2020 site walk as written. Second by Mr. Maggiore. The vote was 6-0-1 in favor of the motion with Mr. Wilson abstaining.

The meeting was adjourned at 9:59pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary