

## Meeting Minutes North Hampton Planning Board Tuesday, March 3, 2020 at 6:30pm Town Hall, 231 Atlantic Avenue

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- 9 These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a 10 transcription.
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- 12 In attendance: Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Lauri Etela,
- Wally Kilgore, Shep Kroner, and Jim Maggiore, Select Board Representative; Alternate member Valerie
   Gamache; and Jennifer Rowden, RPC Circuit Rider.
- 16 Chair Harned called the meeting to order at 6:35pm.
- 17 Ms. Gamache was seated for Mr. Kroner.
- 18

15

- 19 I. Old Business
- 20 1. Case #19:15 Applicant: Leo J. Crotty, Jr., 216 Lafayette Road, North Hampton, NH 03862. The
- 21 Applicant requests a Site Plan Review to construct two building additions (1,905 and 1,730 square feet)
- 22 with associated stormwater management improvements. The Applicant also requests a Conditional Use
- 23 Permit to allow construction of building addition within the Wetlands Conservation District 100 foot
- 24 buffer zone. The Applicant also requests waivers from the following Town of North Hampton Site Plan
- 25 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,
- 27 d. Section X.E.3.b.ii Building materials.
- Property Owner: Leo J. Crotty, Jr., 216 Lafayette Road, North Hampton, NH 03862. Property Location:
- 29 216 Lafayette Road, North Hampton, NH 03862; M/L: 021-028-001; Zoning District: I-B/R, Industrial –
- 30 Business/Residential District.
- 31
- 32 In attendance for this application:
- Leo J. Crotty, Jr., property owner; James Scully, attorney; and Tom Emerson, architect.
- 34
- Mr. Scully addressed the Board. Mr. Scully presented a revised set of plans which address items noted in
   the Town Engineer's review letter.
- 37
- 38 Mr. Kilgore stated that he had recused himself during previous discussions of Case #19:15. He no longer
- 39 feels that he needs to recuse himself and chooses to sit on the Board to consider this case. He asked the
- applicant and the Board members if anyone objected to his sitting on the Board for Case #19:15. No
  objections were raised.
- 41 42
- 43 Mr. Emerson addressed the Board. Mr. Emerson presented architectural renderings for the proposed
- 44 new Building B. Mr. Emerson explained how the various architectural features, building materials used,
- 45 and color expression used meet the typical New England characteristics stated in the Site Plan
- 46 Regulations architectural standards. The proposed Building B reflects the style of a traditional New
- 47 England barn or boat shed.

48 49	Mr. Wilson asked for clarification on the materials used for proposed Building B.
50	Mr. Emerson explained that the sides of the building up to a height of 18 feet will be an insulated metal
51 52	siding with steel frame. The roof will be a specialized fabric with a PVC layer and insulation framing.
53 54	Mr. Etela asked for clarification on the wind rating for the proposed Building B using the proposed materials.
55	
56 57	Mr. Crotty stated that the proposed building will meet the local building code wind rating.
58	Mr. Harned noted that the proposed plan only included architectural renderings for proposed Building
59 60	B. He asked what plan the applicant had for the proposed Building C indicated on the proposed site plan.
61 62	Mr. Emerson stated that there was no design plan developed at this time for proposed Building C.
63	Mr. Scully stated that the applicant is only seeking approval for Building B at this time and would seek
64	approval for Building C at a future meeting. Based on the information currently presented, in his
65	opinion, waivers to the Site Plan Regulations are not needed for Building B.
66	
67	The Board discussed the appropriate process to approve the proposed site plan with both proposed
68	Building B and proposed Building C indicated on the plan.
69	
70	Ms. Rowden stated that the applicant would have to submit an amended site plan application prior to
71	construction of Building C in order to obtain approval for construction of Building C.
72	
73	Mr. Wilson moved that the Planning Board finds that with respect to the proposed Building B addition
74	waivers to architectural and appearance standards of the Site Plan Regulations Section X.E.2.b –
75	Foundation plans, Section X.E.2.c – Floor plans, Section X.E.2.e – Roof plans, and Section X.E.3.b.ii –
76	Building materials are not necessary. Second by Ms. Monaghan. The vote was unanimous in favor of
77	the motion (7-0).
78	
79	Mr. Harned opened the public hearing at 7:03pm. No comments were made. Mr. Harned closed the
80	public hearing at 7:04pm.
81	
82	Mr. Wilson moved that the Planning Board approve the Site Plan Review application for Case #19:15
83	to construct two building additions (1,905 and 1,730 square feet) with associated stormwater
83 84	management improvements at 216 Lafayette Road subject to the following conditions:
85	1. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of
85 86	all licensed professionals whose names appear on the plan. All conditions of approval shall be listed
87 88	on the Mylar pursuant to NH RSA 676:3.III.
	2. Building C shall be labelled on the recordable mylar as "proposed for future construction." Prior to
89 90	construction of Building C, the applicant shall submit architectural renderings to the Planning Board to indicate that the construction of Building C satisfies Site Plan Begulations architectural standards and
90 91	indicate that the construction of Building C satisfies Site Plan Regulations architectural standards and
91 92	obtain Planning Board amended site plan approval.
92 93	3. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed Land Surveyor, certifying that all monuments depicted on the plan have been properly set.

- 94 4. Applicant shall submit evidence of receipt of all required federal, state, and local permits including,
- 95 but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note their
- 96 numbers, as appropriate, on the recorded page of the plan.
- 97 **5. Applicant shall submit a clean letter from the Town Engineer.**
- 98 6. Applicant shall submit a check made payable to the Rockingham County Registry of Deeds in the
- amount of \$25.00 for mandatory state fee to fund the Land and Community Heritage Investment
- 100 Program (LCHIP).
- 101 **7.** All fees incurred by the Planning Board, including but not limited to, consulting, engineering and
- 102 legal fees, have been paid by the applicant.
- 8. There shall be no changes to the approved site plan on the recordable mylar except to meet theseconditions of approval.
- 105 Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).
- 106
- 107 2. Case #19:22 Applicant, T&M Real Estate Group, LLC Tom Schank, 5 Emerson Lane, Middleton,
- 108 **MA 01949.** The Applicant requests a Site Plan Review to construct four self-storage buildings between
- 109 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,
- 112 Industrial Business/Residential District.
- 113 In attendance for this application:
- 114 Thomas Schank, applicant; Joe Coronati, engineer; and Tim Phoenix, attorney.
- 115
- 116 Mr. Coronati addressed the Board. Mr. Coronati presented a revised set of plans. Mr. Coronati stated
- 117 that concerns had been expressed about the intensity of the project and the narrow vehicular traffic
- aisle space between the proposed buildings. The revised plan addresses these concerns by reducing the
- 119 width of one of the proposed buildings and adding width to the vehicular traffic aisles. Mr. Coronati
- 120 further stated that the Fire Department has reviewed the revised plans with increased vehicular traffic
- aisle widths and improved truck turning radii and issued a letter stating that its concerns have been
- addressed.
- 123
- 124 Mr. Coronati noted the following changes to the propose site plan:
- a. Stormwater management and drainage features at the front of the property have been modified. The
- retention pond has been removed and replaced with focal point features. This reduces the amount ofexcavation required.
- b. A turnaround has been added to the end of vehicular traffic aisle in front of the main building to
- address concerns that vehicles would have to either back out or into this traffic aisle near the mainentrance to the site.
- 131 c. Roof pitches on back buildings now meet the Site Plan Regulation requirements.
- 132 d. Proposed snow storage areas have been expanded on the site plan.
- 133
- Ms. Monaghan stated that there are 54 lights proposed for the site. She asked if lights on the site wouldbe turned off after the proposed 9:00pm close of business.
- 136
- 137 Mr. Schank stated that some lights could be turned off and some lights would remain on for security and
- 138 safety purposes. The lights are all small, wall mounted fixtures which will be dark sky compliant.
- 139

140 Mr. Harned opened the public hearing at 7:27pm. No comments were made. Mr. Harned closed the 141 public hearing at 7:28pm. 142 143 Mr. Maggiore stated that, even though he has no specific reasons to deny the application, he has 144 concerns that the proposed project may be an overdevelopment of the site that could create future 145 safety issues. 146 147 Ms. Monaghan noted that the Town Engineer has expressed concerns that the proposed vehicular traffic 148 aisles may be too tight and possibly create safety issues. 149 150 Mr. Phoenix addressed the Board. Mr. Phoenix noted that the Fire Department has issued a letter 151 stating that its concerns have been addressed. In his opinion, this should be the basis for determining 152 the proposed site plan passes the safety test. 153 154 Ms. Rowden stated that there is a note on the proposed site plan which indicates that the applicant will 155 follow the Town of North Hampton blasting regulations if blasting is necessary. She explained that the 156 requirements of the blasting regulations are extensive. 157 158 Mr. Wilson asked if the applicant was familiar with the blasting regulations. 159 160 Mr. Coronati responded that the applicant was familiar with the blasting regulations. 161 162 Mr. Wilson moved that the Planning Board approve the Site Plan Review application for Case #19:22 163 to construct four self-storage buildings between 4,400 square feet and 8,800 square feet in size and 164 one two-story building utilizing 12,000 square feet of space for both self-storage and office uses at 82 165 Lafayette Road subject to the following conditions: 166 1. A note shall be added to the plan indicating that hours of operation shall be 6:30am to 9:00pm and access to the site shall be controlled by a gate during non-operational hours. 167 168 2. As specified on the site plan, all lights shall be full cut-off, dark sky compliant lights. Lights on the 169 outside perimeter of the buildings may stay turned on at all times for security purposes. Lights on the 170 interior of the complex shall be fitted with timer devices which will turn off the lights at 9:00pm. The 171 lights on the interior of the complex may be fitted with a motion-sensing device which may override 172 the timer device for a period of time to provide safety and security in the immediate area of that light 173 fixture. 174 3. A note shall be added to the plan to acknowledge that: 175 (a) the property owner, its heirs and assigns shall be obliged to cause all actions recommended in the 176 project's "Stormwater Management Operation and Maintenance Manual" to be perpetually 177 performed in a timely manner; and 178 (b) it is understood failure to do so shall be considered a site plan violation, which may be enforced by 179 the Town of North Hampton in accordance with those remedies available to municipalities under New 180 Hampshire law. 181 4. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of 182 all licensed professionals whose names appear on the plan. All conditions of approval shall be listed 183 on the Mylar pursuant to NH RSA 676:3.III. 184 5. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed Land 185 Surveyor, certifying that all monuments depicted on the plan have been properly set.

- 186 6. Applicant shall submit evidence of receipt of all required federal, state, and local permits including,
- 187 but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note their
   188 numbers, as appropriate, on the recorded page of the plan.
- 189 **7.** Applicant shall submit a check made payable to the Rockingham County Registry of Deeds in the
- amount of \$25.00 for mandatory state fee to fund the Land and Community Heritage Investment
   Program (LCHIP).
- 192 8. All fees incurred by the Planning Board, including but not limited to, consulting, engineering and
- 193 legal fees, have been paid by the applicant.
- 194 9. There shall be no changes to the approved site plan on the recordable mylar except to meet these195 conditions of approval.
- 196 Second by Ms. Gamache. The vote was 6-1 in favor of the motion with Mr. Harned opposed.
- 197
- 198 Mr. Kroner arrived at 7:53pm and joined the Board.
- 199 Mr. Wilson recused himself.
- 200 Ms. Gamache was seated for Mr. Wilson.
- 201

## **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,
- 206 Medium Density District.
- 207
- 208 In attendance for this application:
- 209 Shawn Donovan, solar array contractor.
- 210
- 211 Mr. Donovan addressed the Board. Mr. Donovan stated that juniper tree screening for the proposed
- solar array has been added to the proposed plan and wetlands have been flagged on the site. The
- 213 applicant still needs to satisfy covenant agreements with the Runnymede Drive homeowners'
- association.
- 215216 Mr. Harned asked for clarification regarding the specific type of proposed screening.
- 217
- 218 Mr. Donovan replied that 7 foot tall juniper trees would be installed which will grow to 15 feet in height.
- 219 The trees will surround the array to provide screening for all abutters on the sides and rear of the
- 220 property. Initially, the solar array will only be partially screened from one abutter to the rear of the
- 221 property. Eventually, the trees will grow to provide full screening for this abutter. The solar array will be
- 222 fully screened from the road and other abutters.
- 223
- 224 Mr. Harned stated that the Board had requested at the last meeting for the following items and asked
- the applicant for an update:
- a. wetlands flagged on the site,
- b. wetlands delineation professionally represented on the site plan, and
- 228 c. wetlands scientist professional stamp and signature affixed to the site plan verifying the location of
- the proposed solar array with respect to its distance from the wetlands.
- 230

231 232	Mr. Donovan stated that the wetlands had been flagged on the site. However, the applicant has decided not to spend funds on professional survey stamps until the issues with the homeowners' association
233 234	have been resolved.
235 236 237 238	Lisa Wilson, Chair of the Runnymede Farm Residential Area Site Committee, addressed the Board. Ms. Wilson explained that the homeowners' association is only an abutter to the project and is not involved in the review process for the proposed solar array. The site committee established by the Protective Covenants for Runnymede Farm Residential Area is the entity responsible for review of the proposed
239 239 240	solar array project.
241 242 243 244 245	Ms. Rowden stated, in her opinion, the protective covenants issue is a matter for the applicant to deal with separately from the Planning Board review process. The outstanding issues that the Planning Board need to consider are the adequacy of the proposed screening and wetlands delineation as presented by the applicant.
246 247 248	Mr. Kroner stated that the protective covenants should be considered by the Planning Board since they were part of the original subdivision approval for the properties.
249 250 251	Mr. Kilgore stated that he disagrees with Mr. Kroner's interpretation of the Planning Board's responsibilities regarding the protective covenants.
252 253 254	Mr. Maggiore suggested that the Planning Board receive legal advice regarding the protective covenants issue prior to deciding on the solar array application.
255 256 257	Mr. Donovan requested that the Planning Board continue the case to the April 7, 2020 to allow the applicant time to try to come to an agreement with the site committee.
258 259	Mr. Harned opened the public hearing at 8:08pm.
260 261 262 263 264	Ms. Wilson stated that the applicant did not present the proposed solar array plan to the site committee before approaching the Planning Board as the protective covenants proscribe. Ms. Wilson also stated that the proposed solar array plan violated so many protective covenant provisions that the site committee had no choice but to deny the proposal when it was reviewed.
265 266 267 268	Mr. Wilson, speaking as a resident of the Runnymede Farm Residential Area and not as anyone connected with the homeowners' association or the site committee, stated his opinion that the Planning Board could not approve a project which was prohibited by a restrictive easement in a covenant.
269 270	Mr. Harned closed the public hearing at 8:13pm.
271 272 273 274	Ms. Monaghan moved that the Planning Board continue Case #19:23 to the April 7, 2020 meeting date at the request of the applicant. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (7-0).
275 276	Mr. Wilson returned to the Board.

## 4. Case #20:03 – Applicant: Henry Brandt, 182 Post Road LLC, 182 Post Road, North Hampton, NH

278 **03862.** The Applicant requests a Site Plan Review for proposed farm stand, farmers' market, horse

279 boarding, and public-private event uses. The Applicant also requests a waivers to Site Plan Regulations

280 Section X.B.1 regarding paving of parking area and drive and Section VIII.B.20 regarding stormwater

drainage control plans. Property Owner: 182 Post Road LLC, 182 Post Road, North Hampton, NH 03862.

- 282 Property Location: 160-186 Post Road, North Hampton, NH 03862; M/L: 018-038-000; Zoning District: R-
- 283 1, High Density District.
- 284

285 In attendance for this application:

- 286 Henry Brandt, property owner; Christopher Berry, engineer; and Timothy Phoenix, attorney.
- 287
  288 Mr. Berry addressed the Board. Mr. Berry presented information associated with an additional request
  289 for a waiver to Site Plan Regulations VIII.B.20 regarding stormwater management requirements.
- 290
- 291 Mr. Berry presented the following justification for the waiver requests as follows.
- a. Town of North Hampton Site Review Regulations Section X.B.1 requires that parking areas and drives
- 293 shall be paved if public use is intended. The applicant proposes grass parking areas for the following 294 reasons:
- i. The existing Site Review Regulations were intended for large scale, year round commercial and
   public sites, not agricultural activities as proposed by the applicant.
- ii. The proposed uses are seasonal in nature. The activities requiring the vast majority of the
   parking would occur less than 30 days a year. The creation of expansive asphalt parking areas in
- an agricultural setting that is only going to be utilized for 7-8% of the year is unwarranted.
- 300 iii. The proposed grassed parking areas comply with the conservation easement for the
- property. The proposed parking areas are similar to other grassed parking areas used in the
   Town of North Hampton for seasonal uses.
- 303

b. Town of North Hampton Site Review Regulations Section VIII.B.20 requires submittal of a stormwater
drainage control plan. Based on the waiver option provided in Section X.F.2.b and the waiver criteria
found in Section VII.F.2.c, the applicant is requesting not to be required to submit a stormwater
drainage control plan for the following reasons:

- 307 drainage control plan for the following reasons:
- i. The proposed site requires the paved flares at the entrance to the driveway be increased to
   accommodate traffic in and out of the site. This generates 900 additional square feet of
   impervious surface. Water flow will be directed to the NHDOT right of way where it will be
- 311 captured by the existing culvert crossing and swale line. There will be no additional erosion
- 312 generated from the site given the closed drainage and paved swale line with the NHDOT right of
- 313 way. The water flow then is directed back onto the applicant's property.
- ii. The proposed plan does not change the natural water flow pattern.
- iii. Additional vegetation can be added near this additional paved area to offset the volume and
   peak rate leaving the site at this discharge location and thus reduce the nutrient load.
- 317
- Ms. Monaghan asked if the building's allowed number of occupants has received approval by the FireDepartment.
- 320
- 321 Mr. Berry responded that the applicant and the Fire Department have not yet reached an agreement
- 322 regarding the number of allowed occupants for the building holding the proposed activities.
- 323

- 324 Ms. Monaghan stated that an explanation regarding the specific type of events proposed is still lacking. 325 She asked if the application can be considered complete without this information. 326 327 Ms. Rowden stated that the application is complete in her opinion. 328 329 Mr. Wilson stated that it would be to the benefit of the applicant and the Town if there was a list of 330 acceptable agritourism events provided by the state statutes which both the applicant and the Planning 331 Board could agree would occur on the 182 Post Road site. 332 333 Mr. Kilgore moved that the Planning Board find that the application is complete and take jurisdiction 334 of the Site Plan Review application for Case #20:03 for proposed farm stand, farmers' market, horse 335 boarding, and public-private event uses. Second by Mr. Wilson. The vote was unanimous in favor of 336 the motion (7-0). 337 338 Mr. Kroner moved that the Planning Board grant the request to waive the requirements of Site Plan 339 Regulations Section X.B.1 regarding parking area requirements as presented in the application 340 materials. Second by Ms. Monaghan. 341 342 Mr. Harned opened the public hearing regarding the Section X.B.1 waiver request at 8:41pm. No comments were made. Mr. Harned closed the public hearing at 8:42pm. 343 344 345 Mr. Etela stated that there are some parking spaces less than the required 18 foot length and the 346 driveway width is less than the required 22 feet in more than one location. These issues should be 347 addressed during consideration of the site plan. 348 349 The vote was unanimous in favor of the motion (7-0). 350 351 Mr. Kroner moved that the Planning Board grant the request to waive the requirements of Site Plan 352 Regulations Section VIII.B.20 regarding submittal of a stormwater drainage control plan based on the 353 waiver option provided in Section X.F.2.b and the waiver criteria found in Section VII.F.2.c. as 354 presented in the application materials. Second by Ms. Monaghan. 355 356 Mr. Harned opened the public hearing regarding the Section VIII.B.20 waiver request at 8:49pm. No 357 comments were made. Mr. Harned closed the public hearing at 8:50pm. 358 359 The vote was unanimous in favor of the motion (7-0). 360 361 Mr. Harned asked the applicant to explain how they may develop a list of proposed agritourism events 362 which the Planning Board may evaluate. 363 364 Mr. Berry responded that the applicant is endeavoring to create a proposed list after careful 365 consideration of many interests. However, the allowed agritourism events most likely will be 366 determined by the Southeast Land Trust (SELT). As noted in its letter to the Planning Board, SELT, as part 367 of its responsibility as one of the conservation easement holders, will approve or disapprove of an event 368 or its frequency based on the terms of the conservation easement. 369
- 370 Mr. Etela asked if any off-site parking is contemplated.

371 372	Mr. Berry stated that the site plan accounts for all necessary parking on the 182 Post Road site for proposed allowed occupancy. No off-site parking is needed.
373	No. Research and the table of the state of the
374	Mr. Kroner stated that the allowed agritourism uses and scope of those uses will be limited by the
375	requirement that a certain percentage of the products used at the proposed events must come from the
376	farm on the property. The limited farming acreage on the site and amount of product that can be
377	feasibly produced by this acreage may control the scope and frequency of the agritourism events held
378	on the site.
379 380	Mr. Brandt addressed the Board. Mr. Brandt stated that SELT may be more restrictive than state and
381	local laws when determining whether an agritourism event is allowed on the property.
382	local laws when determining whether an agricourism event is allowed on the property.
383	Mr. Wilson stated that the following items be addressed by the applicant for the next meeting:
384	a. applicant strategy to ensure that required parking aisle widths are maintained during activities on the
385	site,
386	b. a citation of types of events which the applicant, Planning Board, and SELT can agree will occur on the
387	site, and
388	c. Fire Department approval of allowed occupancy for the building holding the proposed activities.
389	
390	Mr. Harned opened the public hearing for the site plan application at 9:11pm. No comments were
391	made. Mr. Harned closed the public hearing at 9:12pm.
392	
393	Mr. Wilson moved that the Planning Board continue Case #20:03 to the April 7, 2020 meeting date.
394	Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).
395	
395 396	5. Case #19:03 – Applicants: Rocky Giuliano, LLC – Salvatore Golisano, 255 E. Main Street, Gloucester,
396 397	MA 01930; I & M Realty, LLC – Brent Flemming, 331 Exeter Road, Hampton Falls, NH 03844. The
396 397 398	MA 01930; I & M Realty, LLC – Brent Flemming, 331 Exeter Road, Hampton Falls, NH 03844. The Applicants request a one year extension to the conditional approval granted on April 2, 2019 to
396 397 398 399	MA 01930; I & M Realty, LLC – Brent Flemming, 331 Exeter Road, Hampton Falls, NH 03844. The Applicants request a one year extension to the conditional approval granted on April 2, 2019 to construct a 12,120 square foot, 9-unit commercial building. Property Owner: Rocky Giuliano, LLC, 255 E.
396 397 398 399 400	MA 01930; I & M Realty, LLC – Brent Flemming, 331 Exeter Road, Hampton Falls, NH 03844. The Applicants request a one year extension to the conditional approval granted on April 2, 2019 to construct a 12,120 square foot, 9-unit commercial building. Property Owner: Rocky Giuliano, LLC, 255 E. Main Street, Gloucester, MA 01930; Property Location: 58 Lafayette Road; M/L: 007-118-000; Zoning
396 397 398 399 400 401	MA 01930; I & M Realty, LLC – Brent Flemming, 331 Exeter Road, Hampton Falls, NH 03844. The Applicants request a one year extension to the conditional approval granted on April 2, 2019 to construct a 12,120 square foot, 9-unit commercial building. Property Owner: Rocky Giuliano, LLC, 255 E.
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396 397 398 399 400 401 402 403 404 405 406	MA 01930; I & M Realty, LLC – Brent Flemming, 331 Exeter Road, Hampton Falls, NH 03844. The Applicants request a one year extension to the conditional approval granted on April 2, 2019 to construct a 12,120 square foot, 9-unit commercial building. Property Owner: Rocky Giuliano, LLC, 255 E. Main Street, Gloucester, MA 01930; Property Location: 58 Lafayette Road; M/L: 007-118-000; Zoning District: I-B/R, Industrial – Business/Residential District and R-1, High Density District. In attendance for this application: Salvatore Golisano, applicant; Michelle McHale, attorney. Ms. McHale addressed the Board. Ms. McHale stated Mr. Golisano is requesting a one year extension to
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418	Mr. Kilgore moved that the Planning Board grant a one year extension to April 2, 2021 of the
419	Conditional Approval for Case #19:03 to construct a 12,120 square foot, 9-unit commercial building.
420	Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).
421	
422	II. New Business
423	1. Case #20:04:A – Applicant: Aurelindo Cunha, 16 Westridge Drive, Hampton, NH 03842. The
424	Applicant requests a preliminary consultation to discuss the approval process for placement of a garage
425	on 203 Post Road property. Property Owner: A & I Cunha Family Revocable Trust 2011, Aurelindo &
426	Isabel Cunha, Trustees, 203 Post Road, North Hampton, NH 03862. Property Location: 203 Post Road;
427	M/L: 022-006-000; Zoning District: R-1, High Density District.
428	
429	In attendance for this application:
430	Justin Cunha, applicant's representative.
431	
432	Mr. Cunha addressed the Board. Mr. Cunha explained that the applicant wished to construct a
433	barn/garage on the property. He is seeking guidance from the Planning Board regarding the appropriate
434	procedure to follow to obtain approval for the accessory structure.
435	
436	Ms. Rowden explained that the applicant originally attempted to submit a conditional use permit
437	application for an oversized accessory structure. However, the property has a home occupation business
438	occurring on the site outside of the home in a residential zone allowed by a variance. The proposed
439	barn/garage is proposed to be used for storage of the business' vehicles. The proposed barn/garage is
440	an expansion of a non-residential use which may require a site plan review.
441	
442	Ms. Rowden noted that this discussion is a non-binding preliminary consultation.
443	
444	Mr. Kroner stated that the applicant may not currently comply with the variance since the old barn
445	which provided the screening for the business' vehicles required by the variance has been removed.
446	
447	Mr. Wilson asked if the allowed business activities are currently occurring on the site.
448	
449	Mr. Cunha stated that the allowed business activities are currently occurring on the site. However, the
450	business vehicles are currently screened by arbor vitae trees in conformance with the variance.
451	
452	Mr. Wilson asked for clarification regarding concrete retaining walls noted on the site drawing.
453	
454	Mr. Cunha explained the barriers are used to screen a pile of excavated material from the site during
455	grading of the site. The area is not used to store or sell landscaping materials associated with the
456	business as prohibited by the variance. The barriers will be used in the future as a retaining wall for an
457	existing ledge on the site.
458	
459	Mr. Maggiore stated that the proposed barn/garage may not require a site plan review since it would be
460	re-establishing compliance with a condition of the variance.
461	
462	Mr. Wilson stated that the current activities on the site constitute a commercial operation of some
463	magnitude. There is no site plan for the site. It would be beneficial to have an approved site plan for the

464	site. However, the Planning Board may not be able to require a site plan review due to the specific
465	circumstances associated with this site.
466	
467	Mr. Harned asked for clarification regarding the nature of the various materials existing on the site.
468	
469	Mr. Cunha explained that some of the materials are excess items that the applicant brings back from job
470	sites for a short period of time and then removes from the site. Some of the material is intended to be
471	used during remodeling of the existing home and land.
472	
473	Mr. Wilson suggested that reducing the size of the accessory structure may avoid the need for Planning
474	Board review.
475	
476	Mr. Harned noted that this discussion is a non-binding preliminary consultation.
477	
478	III. Other Business
479	Mr. Harned presented the minutes of the February 4, 2020 meeting.
480	Mr. Maggiore moved that the Planning Board accept the minutes of the February 4, 2020 meeting as
481	written. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).
482	
483	The meeting was adjourned at 9:55pm without objection.
484	
485	Respectfully submitted,
486	
487	
488	
489	Rick Milner
490	Recording Secretary