



## Meeting Minutes

### North Hampton Planning Board

Tuesday, June 2, 2020 at 6:30pm

**NO PHYSICAL LOCATION FOR MEETING**

**MEETING ACCESSED THROUGH ELECTRONIC MEANS ONLY**

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; Alternate member Valerie Gamache; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:35pm. Mr. Harned noted that the meeting was being held by electronic means as authorized by State of NH Executive Orders associated with the current public health crisis. The public may participate during public comment periods using the posted email address or phone number.

**Ms. Monaghan moved that the Planning Board authorize that the meeting be held by electronic means. Second by Mr. Maggiore. The roll call vote was unanimous in favor of the motion (7-0).**

#### **I. Old 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. 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:

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

Mr. Brandt addressed the Board. Mr. Brandt stated that the application materials have addressed the concerns expressed by the Board at a previous meeting. Mr. Brandt explained that the plan shows parking on a grass surface, except for the paved handicap parking spaces. The plan shows spaces which will allow for adequate aisle width.

Mr. Berry explained that conventional lined parking spaces will not be practical in the grassed parking areas. Posts with signage and decorative chains will delineate the limits of the parking spaces. The roadway pavement widths have been added to the plan. The proposed parking is similar to other non-paved parking areas in the town.

Mr. Harned asked if the maximum occupancy of the barn event building will include the total number of all customers and staff at an event.

Mr. Brandt stated that the maximum occupancy of the barn event building will include the total number of all customers and staff at an event.

Mr. Harned asked for clarification on what type of events would occur at the site.

Mr. Brandt stated that, as indicated in State of NH RSA 21:34-A, agritourism activities with the intention of attracting visitors to a farm to attend events or activities that are accessory uses to the primary farm operation, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the farm environment, education which shall be instruction or learning about the farm's operations, or active involvement in the activities of the farm will occur on the site. The activities will be subject to approval by the Southeast Land Trust (SELT), a conservation easement holder on the property. SELT has indicated its intent to approve events such as weddings, family gatherings and public events showcasing the agricultural attributes of the farm.

Mr. Wilson asked if any restaurant operations would occur on the site.

Mr. Brandt stated that no restaurant operations would occur on the site. Caterers would prepare food off site and deliver the food to the event.

Mr. Milner noted that the septic system connected to the barn event building had a condition of approval which indicated that no food preparation or beverages were allowed to be used with that septic system.

Mr. Brandt stated that no food preparation would occur on the site. No event items would be cleaned at the site. All food leftovers and trash would be removed from the site by the catering service.

Mr. Kilgore stated that he is familiar with these types of events and catering services. He supports these types of events occurring at this site.

Mr. Harned asked for clarification regarding SELT approval process for agritourism activities.

Mr. Brandt explained that SELT has given a general approval for small scale activities, such as farm tours. For larger scale activities, such as weddings, SELT will approve a list of events, the type of events, and the products used at the events in the fall season preceding a summer event season.

Mr. Maggiore and Ms. Monaghan noted that SELT should notify the Town of North Hampton of the approved events in order to coordinate appropriate town permitting and approval processes prior to the scheduled event.

Mr. Harned opened the public hearing at 7:13pm.

Arthur Pelletier addressed the Board. Mr. Pelletier stated that he has no issues with the proposed uses for the site.

Mr. Harned closed the public hearing at 7:17pm.

Ms. Monaghan asked if activities would only occur inside the barn and whether music would be audible both inside and outside the barn event building.

Mr. Brandt stated that the activities would only occur inside the barn and on the outdoor deck. No activities will occur on the surrounding land area. Music would be audible from the outside deck area.

**Mr. Kilgore moved that the Planning Board approve the Case #20:03 Site Plan Review application for proposed farm stand, farmers' market, horse boarding, and public-private event uses at 182 Post Road subject to the following conditions:**

- 1. No activities shall occur without the approval of the Southeast Land Trust.**
- 2. All activities shall comply with State of New Hampshire and Town of North Hampton regulations.**
- 3. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan. All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.**
- 4. 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.**
- 5. Applicant shall submit evidence of receipt of all required federal, state, and local permits including, but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note their numbers, as appropriate, on the recorded page of the plan.**
- 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 Program (LCHIP).**
- 7. All fees incurred by the Planning Board including, but not limited to, consulting, engineering, and 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 these conditions of approval.**

**Second by Mr. Wilson. The roll call vote was unanimous in favor of the motion (7-0).**

**2. Case #20:04 – Applicant: Michael Lefebvre, 3 Sandpiper Lane, Seabrook, NH 03874.** The Applicant requests a two (2) lot subdivision of property. Property Owner: Michael Lefebvre, 3 Sandpiper Lane, Seabrook, NH 03874; Property Location: 19A Pine Road; M/L: 007-010-000; Zoning District: R-1, High Density District.

In attendance for this application:

Michael Lefebvre, property owner; James Scully, attorney; Henry Boyd, engineer; and Sergio Bonilla, wetlands scientist.

Mr. Boyd addressed the Board. Mr. Boyd stated that two outstanding items have been addressed.

- a. The utility easement through the northern access point has been added to the plans.
- b. A note has been added to the plan set indicating that the imposition of the 100 foot wetlands buffer, as it relates to the wetlands extending into the abutting parcel to the south, does not diminish the size of the building envelope allowed by the Zoning Board of Adjustment (ZBA).

Mr. Bonilla stated that he visited the site on May 7 and observed well-drained soil and uplands on the abutting property to the south. He personally encountered the wetlands boundary as indicated on the plan set.

Mr. Kroner asked what the rationale for the proposed home location near the southerly lot line and wetlands was when such a large amount of upland area exists in the northern section of the lot.

Mr. Boyd responded that another location may create more of an intrusion on the wetlands buffer. Also, the proposed home location would create a better situation for the neighbor living in the existing home on the property.

Mr. Boyd addressed the letter submitted by the Conservation Commission. In his opinion, the establishment of a conservation easement on the property, as suggested by the Conservation Commission, is not necessary for the following reasons:

- a. The large amount of existing wetlands will restrict the possibility of additional buildings.
- b. A condition of the ZBA variance approval does not allow for any further subdivision of the property.
- c. The proposed home will not diminish the viability of the existing wetlands.

Mr. Kroner stated that the Board should ensure proper maintenance of the porous driveway materials is established for the future.

Mr. Boyd stated that a maintenance note is included in the plan set.

Mr. Harned stated his concern with the proposed location of the driveway turnaround within the wetlands setback. There is a possibility that vehicles will be parked in this location.

Mr. Boyd stated that the turnaround location was approximately 70 feet away from the actual wetlands. The applicant has voluntarily proposed the use of porous pavers in the turnaround area in order to optimize infiltration in this area.

Mr. Kroner stated that, based on the engineer's efforts to be as sensitive as possible to the wetlands situation, he is content with the application.

Mr. Kilgore stated that he is also content with the application as presented.

Mr. Harned opened the public hearing at 7:52pm.

Submission of Conservation Commission letter expressing concerns about the project's close proximity to sensitive wetlands and recommending that the Town's land use boards observe the zoning regulations and protections for wetlands. The Conservation Commission noted that the wetlands in the eastern part of Lot B are contiguous to Town owned conservation land and the desirability of having that land in conservation.

Arthur Nadeau addressed the Board. Mr. Nadeau stated that he knew the former owner of the property and walked the property often in the past. He is in favor of the subdivision application since a condition for no further subdivision of the property exists.

Mr. Harned closed the public hearing at 7:57pm.

**Mr. Wilson moved that the Planning Board approve the Subdivision application associated with Case #20:04 for a two (2) lot subdivision of property at 19A Pine Road subject to the following conditions:**

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1. Porous pavement and pervious pavers shall be maintained as indicated in the plan set.
2. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan. All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.
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.
4. Applicant shall submit evidence of receipt of all required federal, state, and local permits including, but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note their numbers, as appropriate, on the recorded page of the plan.
5. 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).
6. All fees incurred by the Planning Board including, but not limited to, consulting, engineering, and legal fees, have been paid by the applicant.
7. There shall be no changes to the approved site plan on the recordable mylar except to meet these conditions of approval.

Second by Mr. Kilgore. The roll call vote was 4-3 in favor of the motion. Mr. Wilson, Mr. Kroner, Mr. Kilgore, and Mr. Maggiore in favor. Mr. Harned, Ms. Monaghan, and Mr. Etela opposed.

Mr. Harned stated the following reasons for his vote in opposition to the application.

- a. The proposed driveway created too much impact on the wetlands. Out of 350 feet, only 40 feet was not within the wetlands setback. Three different areas of wetlands will be impacted.
- b. Vehicles will most likely be parked in driveway turnaround area located within the wetlands setback.
- c. A small, approximately 8,300 square foot, building envelope is proposed on a large 8 acre property.

## II. New Business

**1. Case #20:07 – Applicant: John Kollmorgen, 8 Hampshire Road, North Hampton, NH 03862.** The Applicant requests a Conditional Use Permit to allow placement of a shed within the accessory structure setbacks. Property Owner: The Rebecca Kollmorgen Revocable Trust of 2002, 8 Hampshire Road, North Hampton, NH 03862. Property Location: 8 Hampshire Road; M/L: 007-142-000; Zoning District: R-1, High Density District.

### In attendance for this application:

John Kollmorgen, applicant.

Mr. Kollmorgen addressed the Board. Mr. Kollmorgen presented a sketch of the property which showed the location of the lot lines, existing home, existing septic system, and existing 12 foot by 8 foot shed with approximate linear measurements between different property features. Mr. Kollmorgen explained that the shed was located approximately 3 feet away from the lot line abutting the town municipal complex property. This location is closer than the allowed 15 foot setback for an accessory structure. Mr. Kollmorgen is seeking permission to keep the shed in its current location.

Mr. Kollmorgen admitted to an oversight when he placed the shed. A large play structure was located in the same spot for many years. He did not realize that the placement of the shed required a building permit. He had no malicious intent when he placed the shed. The location of the septic tank and leach field in the center of the back yard prevent placing the shed in another location. Also, other locations may violate setbacks and make the shed more visible to neighbors. The current location of the shed fits

in with the neighborhood aesthetics. The shed is similarly located on the property as sheds on other properties in the neighborhood.

**Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #20:07 to allow placement of a shed within the accessory structure setbacks. Second by Mr. Wilson. The roll call vote was unanimous in favor of the motion (7-0).**

Mr. Wilson stated his opinion that this application presented the following unique circumstances:

a. A town municipal complex shed and fence are located next to the property line with the 8 Hampshire Road property.

b. The applicant's shed abuts a property line with the municipal complex lot, not another residential property.

c. The 8 Hampshire Road shed is compatible with the surrounding neighborhood.

Therefore, it is appropriate to grant the conditional use permit.

Mr. Harned opened the public hearing at 8:15pm

Submission of letters from Abutters Donald Cook and Judy and Robert Fritta in support of the application. Mr. Harned closed the public hearing at 8:17pm.

**Mr. Wilson moved that the Planning Board approve the Conditional Use Permit application for Case #20:07 to allow placement of a shed within the accessory structure setbacks on the basis that the conditions specified in Section 301.12 of the Town of North Hampton Zoning Ordinance have been met. Second by Ms. Monaghan. The roll call vote was unanimous in favor of the motion (7-0).**

**2. Case #20:08 – Applicants: North Hampton Library Trustees, 237A Atlantic Avenue, North Hampton, NH 03862.** The Applicants request a preliminary consultation for proposed Library building. Property Owner: Town of North Hampton, 233 Atlantic Avenue, North Hampton, NH 03862; Property Location: 239 Atlantic Avenue, North Hampton, NH 03862; Map/Lot: 007-138-000; Zoning District: R-1, High Density District.

In attendance for this application:

Kathleen Kilgore, North Hampton Library Trustees Chair; Erin Lambert, engineer; and Ron Lamarre, engineer.

Mr. Lamarre addressed the Board. Mr. Lamarre stated that the submittal of the application was the notification required by NHRSA 674:54 regarding governmental land uses.

Mr. Kilgore stated that, even though he was an abutter to the proposed project property, he did not intend to recuse himself from this case since it was an advisory, non-binding discussion. He asked if anyone objected to his participation.

No objections were raised to Mr. Kilgore's participation in the discussion.

Ms. Lambert addressed the Board. Ms. Lambert presented plans for a proposed new library building to be located on the property at 239 Atlantic Avenue (Homestead Property – Map/Lot 007-138-000). The proposed site plan included the following features:

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- a. 12,000 square foot building located near the front of the property along Atlantic Avenue.
- b. Building architectural renderings and elevations.
- c. 18 space parking lot behind the proposed building accessed from the current library lot by a driveway on the side and near the rear of the 239 Atlantic Avenue lot.
- d. Walkways and seating areas around the outside of the proposed building.
- e. Removal of current driveway access to 239 Atlantic Avenue lot.
- f. Stormwater drainage and landscaping features.
- g. Current conditions and topography.
- h. Construction detail sheets.

Mr. Etela noted that the amount of parking spaces proposed in the plan does not meet the Site Plan Regulations parking requirements. He asked if other parking spaces on the town municipal complex lot would be used to satisfy parking requirements.

Mr. Lamarre confirmed that other parking spaces on the town municipal complex lot would be used to satisfy parking requirements.

Mr. Etela stated that he has a problem with the proposed parking plan.

Mr. Maggiore asked why the current driveway access to the 239 Atlantic Avenue property was proposed to be eliminated.

Mr. Lamarre and Ms. Lambert stated the following reasons for eliminating the current driveway access point:

- a. This access point is not currently used.
- b. Better use of the property is accomplished by having the proposed building at the front of the property and the proposed parking in the rear of the property. Also, a more aesthetically pleasing look is achieved by having a building, rather than a parking lot, along the road.
- c. Eliminating the current access point would allow for less access points in such close proximity to each other in the area of the Alden Avenue and Atlantic Avenue intersection; thereby improving traffic safety.
- d. Due to the elevation of the current lot, it is better to have the access up the slope to the elevated parking location to be from the side within the confines of the current library parking area, rather than directly from Atlantic Avenue.

Ms. Monaghan expressed her concern that, by using the current library parking area for the new library parking and access, the proposed plan may render the current library area useless for future town purposes. The needs of the entire municipal complex should be considered when planning for construction of the new library. Ms. Monaghan asked if the Town has been asked for permission to use the areas as proposed in the plan.

Mr. Kilgore stated that the municipal complex site has always been a shared property. Multiple town departments have shared the approximately 80 parking spaces. There are more than enough parking spaces to accommodate all of the town facilities and activities on the municipal complex site.

Mr. Maggiore suggested that the Planning Board advise the Select Board to submit the proposed new library building plan to the Town Engineer for professional review. It would be prudent that a comprehensive plan be developed which considers all town facilities on the municipal complex site in

their totality. In this way, the Town may avoid future problems on the municipal complex site due to changes made on different parts of the site at different times.

Mr. Harned stated that a comprehensive plan as it relates to parking on the municipal complex site is necessary. Plans for one part of the site should not be made in a vacuum without consideration of future plans for the site.

Mr. Kilgore stated that his observations of the municipal complex site indicate that there is not a lot of traffic activity on the site. In his opinion, traffic flow and parking are not a large concern. The library lot is often used for Town Clerk customers currently. The current shared use of parking spaces should continue into the future.

Mr. Wilson suggested that a comprehensive review of the municipal complex site in its totality is necessary for other matters besides parking. Even though the proposal, as a governmental use, is not obligated to follow town regulations, it would be a good idea for the proposal to attempt to comply with regulations as best as possible. In his opinion, the proposed plan is too intensive a use for the small size of the property. Mr. Wilson raised the following concerns:

- a. The amount of proposed impervious surface will cover approximately 53% of the lot when the maximum allowed by the zoning ordinance is 35%.
- b. The proposed parking is inadequate.
- c. The building does not meet zoning ordinance structural setbacks.
- d. The proposed plan may not meet federal government stormwater management regulations.

Mr. Wilson stated his concern that a complex drainage plan is proposed to try to manage the increased run-off created by a large amount of impervious surfaces on a small lot. The Town Engineer must review the proposed plan to ensure that the plan meets stormwater management standards and regulations.

Mr. Kroner stated his concerns with the stormwater management plan proposing to use the existing municipal complex drainage features to handle the amount of water run-off produced by larger rain events. A review of the existing drainage features should be done to ensure that these features can handle the water run-off as proposed.

Mr. Kroner also stated that valleys between different building sections shown in the proposed building's architectural renderings could create areas for snow build-up or ice dams on the proposed building's roof as has happened with the current Police-Fire building.

Ms. Lambert explained the proposed stormwater management plan to the Board. Ms. Lambert noted the following design features:

- a. No run-off currently leaving the site.
- b. Water running off the proposed building will be captured in a stone drip edge around the building and infiltrated into the ground.
- c. A stormwater infiltration gallery will be installed below the patio area.
- d. A water infiltration area will be installed at the end of the proposed parking lot.
- e. The stormwater management design complies with federal government MS-4 regulations. A Stormwater Pollution Prevention Plan has been prepared.

Mr. Harned asked how much stormwater the proposed drainage system would handle.



Ms. Lambert replied that the stormwater management design was modelled for a 25 year storm event.

Ms. Monaghan asked if the proposed development would conform to the lighting and signage requirements of the zoning ordinance.

Mr. Lamarre stated that he has not discussed lighting or signage with the Library Trustees.

Mr. Milner noted that the proposed site plan needs to be submitted to the Fire and Building Departments for review and issuance of appropriate permits.

Mr. Lamarre stated that the proposed site plan will be submitted to the Fire and Building Departments.

The Board discussed whether or not to hold a public hearing regarding the proposed library building plan. No motion to hold a public hearing was made.

The Board discussed whether or not to recommend to the Select Board that the Town Engineer review the proposed library building site plan.

**Ms. Monaghan moved that the Planning Board notify the Select Board that the Planning Board supports review of the proposed Library Building project by the Town Engineer or a qualified professional which the Town Engineer recommends. Second by Mr. Wilson. The roll call vote was 5-2 in favor of the motion. Mr. Harned, Ms. Monaghan, Mr. Wilson, Mr. Etela, and Mr. Maggiore in favor. Mr. Kilgore and Mr. Kroner opposed.**

### **III. Other Business**

Mr. Harned presented the minutes of the May 19, 2020 meeting.

**Mr. Wilson moved that the Planning Board accept the minutes of the May 19, 2020 meeting as written. Second by Ms. Monaghan. The roll call vote was 6-0-1 in favor of the motion. Mr. Harned, Ms. Monaghan, Mr. Wilson, Mr. Etela, Mr. Kroner, and Mr. Maggiore in favor. Mr. Kilgore abstaining.**

The meeting was adjourned at 9:32pm without objection.

Respectfully submitted,

Rick Milner  
Recording Secretary