



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, August 4, 2020 at 6:30pm**  
**NO PHYSICAL LOCATION FOR MEETING**  
**MEETING ACCESSED THROUGH ELECTRONIC MEANS ONLY**

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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:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Lauri Etela, Shep Kroner, Wally Kilgore, 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. 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. Wilson. The roll call vote was unanimous in favor of the motion (7-0).**

Mr. Harned noted that, due to a storm system currently active in the North Hampton area, electronic communications may be interrupted or lost completely during the meeting. He suggested that the Board set a continued meeting date in case the meeting is interrupted and electronic communications cannot be restored.

**Mr. Wilson moved that the Planning Board authorizes that, if the August 4, 2020 meeting is interrupted by the loss of electronic communications which cannot be restored, the meeting will be continued from the point of interruption on August 13, 2020 starting at 6:30pm. Second by Mr. Maggiore. The roll call vote was unanimous in favor of the motion (7-0).**

**I. Old Business**

**1. Case #20:09 – Applicant: Committed Collision – Derek Lighthall, 610 Lafayette Road, Hampton, NH 03842.** The Applicant requests a Site Plan Review for construction of a 7,100 square foot building addition and proposed auto body repair, vehicle sales, vehicle rental sales, and office space uses. Property Owner: Joseph Roy Realty, LLC, P.O. Box 1627, North Hampton, NH 03862; Property Location: 203 Lafayette Road; M/L: 021-007-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Derek Lighthall, applicant; John Chagnon, engineer; James Scully, attorney; and Brandon Holben, architect.

Mr. Chagnon presented a revised site plan for the property based on Planning Board comments from the last meeting and Town professionals' reviews. The revisions included:

- a. Water flow figures indicating that the anticipated water flow can be handled by the septic system design.
- b. Abutting home park community mailbox easement deed and bounds.
- c. NHDOT easement deed and bounds for frontage of property along Lafayette Road (Route 1).
- d. Access, maintenance, and utility easement bounds for the benefit of 203 Lafayette Road property on home park property along lot line shared by 203 Lafayette Road property and Hawthorne Drive on abutting home park property.
- e. 576 square foot addition to the front of the current building to be used as cleaning and detailing area for proposed car rental business.
- f. Canopy added to the front of the current building to allow for weather protection during drop-off, pick-up, or initial inspection of vehicles.
- g. New plantings along Lafayette Road.
- h. Pavement cut lines better delineated.
- i. Per Town Engineer recommendation, a catch basin has been modified to include an oil debris hood feature.
- j. Architectural plans show the materials to be used for the outside skin of the building.

Mr. Chagnon noted that a special exception had been granted by the Zoning Board of Adjustment to allow motor vehicle service facility uses on the property subject to the following conditions:

- a. No repair or painting activities shall occur on Sundays.
- b. The storage container located next to the property line on the site plan presented to the Board shall be moved so that it is not visible from Lafayette Road.

Mr. Harned asked for clarification regarding drainage details for the proposed car washing area.

Mr. Lighthall stated that the car washing previously done on the site occurred in different locations. The wastewater drained to a holding tank to be pumped. The proposed car washing addition would centralize the car washing in one, controlled location. The proposed washing area would be connected to the existing holding tank for wastewater collection and regular pumping.

Mr. Chagnon addressed Planner review comments by stating that a note on the site plan has been revised to indicate that the floor drain in the car wash area will comply with State of NH administrative rules. Also, the applicant is asking for the Planning Board to allow a two year delay for the installation of landscaping features shown on the proposed site plan.

The Board discussed different options regarding the timing for the installation of the proposed site plan landscaping features and estimated performance guarantee escrow amounts.

Mr. Chagnon stated that the landscaping features would cost approximately \$7,200.00 to install. Mr. Lighthall stated that he intends to install the landscaping features during the first spring season after a certificate of occupancy for the site is issued.

Mr. Wilson asked for clarification regarding the number of parking spaces required for customers, handicap accessible parking, and display vehicles.

Mr. Chagnon reviewed the notes on the site plan which detailed the number of parking spaces and their conformance to the town regulations.

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Mr. Kroner and Mr. Wilson discussed that Town Counsel should review the home park community mailbox easement to ensure that the Town was protected from any liability.

Mr. Harned opened the public hearing at 7:32pm. No comments were made. Mr. Harned closed the public hearing at 7:35pm.

**Mr. Wilson moved that the Planning Board approve the Case #20:09 Site Plan Review application for construction of a 7,100 square foot building addition and proposed auto body repair, vehicle sales, vehicle rental sales, and office space uses at 203 Lafayette Road subject to:**

**A. The following conditions prior to the recording of the site plan mylar:**

- 1. Applicant shall submit an easement for the community post office acceptable to the Town Attorney to protect the interests of the Town.**
- 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.**

**B. The following conditions subsequent to the recording of the site plan mylar:**

- 1. A certificate of occupancy shall not be issued unless:**
  - a. If the landscaping features indicated on the site plan are not completely installed at the time of issuance of the certificate of occupancy, the applicant shall provide a landscaping performance guarantee in the amount of \$7,200.00 to be held by the Town of North Hampton. Once the landscaping features are completely installed, 25% of the landscaping performance guarantee shall be held by the Town of North Hampton for two growing seasons to ensure replacement of any dead plantings. OR**
  - b. If the landscaping features indicated on the site plan are completely installed at the time of issuance of the certificate of occupancy, the applicant shall provide a landscaping performance guarantee in the amount of 25% of \$7,200.00 (\$1,800.00) to be held by the Town of North Hampton for two growing seasons to ensure replacement of any dead plantings.**

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

## **II. New Business**

**1. Case #20:10 – Applicant: Auger Building Company – Ben Auger, 255 Portsmouth Avenue, Greenland, NH 03840.** The Applicant requests a Conditional Use Permit for construction of a pool and deck in

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Wetlands Conservation District buffer area. Property Owners: Michael A. Falzone and Laura J. Harper Falzone, 8 Dancer's Image Lane, North Hampton, NH 03862; Property Location: 8 Dancer's Image Lane, North Hampton, NH 03862; M/L: 021-007-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Ben Auger, applicant and contractor; Jase Gregoire, engineer.

Mr. Wilson recused himself.

Mr. Auger presented to the Board a plan which showed the construction of a 8 foot wide by 19 foot long by 53 inches high above ground pool and surrounding 35 foot by 30 foot deck. Plantings and other types of landscaping would surround the pool and deck. The pool and deck would be installed on previously mown lawn area. A cross section drawing showing the height of the existing grade and proposed pool and deck heights with surrounding landscaping features was also presented to the Board.

Mr. Auger explained that approximately 822 square feet of the deck area would impact the 100 foot wetlands buffer zone. Approximately 152 square feet of the pool would impact the 100 foot wetlands buffer zone. Mr. Auger presented a plan page highlighting the wetlands buffer zone impacted by the pool and deck. Mr. Auger further explained that the pool was being constructed for medically necessary therapeutic exercise.

**Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #20:10 for construction of a pool and deck in Wetlands Conservation District buffer area. Second by Mr. Kroner. The roll call vote was unanimous in favor of the motion (6-0).**

Mr. Harned opened the public hearing at 8:10pm. No comments were made. Mr. Harned closed the public hearing at 8:13pm.

Ms. Monaghan asked if there was another option for the location of the pool and deck.

Mr. Gregoire explained that the location of the pool presented the best option for southern exposure to maximize available sunlight and naturally heat the pool. Also, the location presented the best option for ease of access off of the existing deck area.

Ms. Monaghan expressed her concern that the proposed deck and landscaping features were three times the size of the pool. She asked if these areas could be scaled down.

Mr. Auger explained that the landscaping features made a more natural and more aesthetically pleasing view for neighbors. The proposed deck is sized to allow for additional people to be present to provide safety during swimming sessions.

Ms. Monaghan stated that the doctor's letter provided in the application does not indicate that the therapeutic exercise pool is medically necessary.

**Mr. Etela moved that the Planning Board approve the Conditional Use Permit application for Case #20:10 for construction of a pool and deck in Wetlands Conservation District buffer area as**

**represented in the application presented to the Board. Second by Mr. Kilgore. The roll call vote was 4-2 in favor of the motion. Mr. Harned, Mr. Etela, Mr. Kilgore, and Mr. Maggiore in favor. Ms. Monaghan and Mr. Kroner opposed.**

**2. Case #20:11 – Applicant: Jeffrey Pilibosian, 36 Pine Road, North Hampton, NH 03862.** The Applicant requests a Conditional Use Permit to allow placement of a shed within the accessory structure setbacks. Property Owners: Jeffrey and Heather Pilibosian, 36 Pine Road, North Hampton, NH 03862; Property Location: 36 Pine Road, North Hampton, NH 03862; M/L: 007-091-000; Zoning District: R-1, High Density District.

In attendance for this application:  
Jeffrey Pilibosian, property owner.

Mr. Wilson returned to the Board.

Mr. Pilibosian addressed the Board. Mr. Pilibosian explained that his current garage space was full. He needed a shed for extra space to store equipment. He was requesting permission to place the proposed 12 foot by 20 foot shed behind his home within 8 feet of the southerly side yard property line where a setback distance of 15 feet is required. Mr. Pilibosian presented a drawing of his property which showed existing lot lines, existing home, and proposed location of the shed with linear distance measurements. He also presented pictures of the property which included multiple trees, sump pump location, and land sloping off in the back yard.

Mr. Pilibosian stated that the placement of the shed is limited to the proposed location because there are several trees, a sump pump, and sloping land on the property which prohibit placement in any other location without undertaking extensive and expensive clearing or excavation operations. The proposed shed location effects no one except his neighbor Mr. Nadeau, who has expressed support for the application.

**Mr. Kroner moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #20:11 to allow placement of a shed within the accessory structure setbacks. Second by Ms. Monaghan. The roll call vote was unanimous in favor of the motion (7-0).**

Mr. Harned opened the public hearing at 8:40pm. Abutter Arthur Nadeau stated his support for the application. Mr. Harned closed the public hearing at 8:43pm.

**Ms. Monaghan moved that the Planning Board approve the Conditional Use Permit application for Case #20:11 to allow placement of a shed within the accessory structure setbacks subject to the following conditions:**

- 1. The shed shall not be placed closer than 8 feet to the property line as indicated in the application presented to the Board.**
  - 2. The shed shall not be larger than 250 square feet in size.**
- Second by Mr. Wilson. The roll call vote was unanimous in favor of the motion (7-0).**

### **III. Other Business**

- 1. Workforce Housing Declaration.**

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.

Ms. Rowden stated that, per the requirements of the Inclusionary Housing Ordinance section of the Town of North Hampton Zoning Ordinance, the Planning Board must determine if the Town of North Hampton is meeting its fair share proportion of the region's workforce housing needs. Ms. Rowden presented a report prepared by the State of New Hampshire Office of Strategic Initiatives which detailed the most recently calculated estimates and trends in New Hampshire's housing supply. The report showed that North Hampton is meeting its fair share of workforce housing needs based on the latest housing estimates.

Mr. Harned asked when the next set of data will be available since the data presented is several years old.

Ms. Rowden stated that the data will be updated sometime next year after the 2020 federal census data becomes available.

**Ms. Monaghan moved that, based on the best data available to the Board, the Planning Board declares that the Town of North Hampton is in compliance with State of NH RSA's regarding Workforce Housing by meeting its fair share of the region's workforce housing needs. As a result, the provisions of The Town of North Hampton Zoning Ordinance Section 604 Inclusionary Housing Ordinance are not in effect. Second by Mr. Wilson. The vote was 6-1 in favor of the motion. Mr. Harned, Ms. Monaghan, Mr. Wilson, Mr. Kroner, Mr. Etela, and Mr. Maggiore in favor. Mr. Kilgore opposed.**

2. Planning Board officer and committee appointments.

Mr. Harned stated that the Planning Board officer and committee appointments are due to expire. Due to the current public health crisis limiting an in-person format to discuss Board administrative matters, Mr. Harned asked the Board members if they wished to have a formal discussion regarding appointments or extend the current appointments for a period of time.

**Mr. Wilson moved that the Planning Board appoint the current Chair, Vice Chair, and Planning Board committee members to remain in their current positions until December 31, 2020. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (7-0).**

3. Minutes.

Mr. Harned presented the minutes of the July 7, 2020 meeting.

**Mr. Maggiore moved that the Planning Board accept the minutes of the July 7, 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. Kroner, Mr. Etela, and Mr. Maggiore in favor. Mr. Kilgore abstaining.**

The meeting was adjourned at 8:58pm without objection.

Respectfully submitted,

Rick Milner  
Recording Secretary