



Meeting Minutes
North Hampton Planning Board
Tuesday, January 4, 2022 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 (electronic connection), Shep Kroner, Lauri Etela, Valerie Gamache (electronic connection), and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider (electronic connection); and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:35pm.

Mr. Kroner moved that the Planning Board allow Mr. Wilson and Ms. Gamache to participate in the meeting by electronic connection. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (5-0).

I. Old Business

1. Case #19:03 – Applicant: Norse Properties, LLC – Brent Flemming, 331 Exeter Road, Hampton Falls, NH 03844. The Applicant requests the release of the site work performance guarantee held by the Town of North Hampton associated with 2019 site plan approval. Property Owner: Norse Properties, LLC, 331 Exeter Road, Hampton Falls, NH 03844; 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:

Brent Flemming, property owner; Joe Coronati, engineer.

Mr. Coronati addressed the Board. Mr. Coronati reviewed the discussion held at the last meeting regarding the site work performance guarantee held by the Town of North Hampton associated with the 58 Lafayette Road 2019 site plan approval. During this discussion, the Board came to a consensus opinion that the plantings in the wetlands restoration area of the site that were not yet completed should be considered a part of the overall site work performance guarantee, not the separate landscaping performance guarantee held for the replacement of plantings that do not survive within the first two growing seasons. As confirmed by the Town's engineering consultant, the wetlands restoration area plantings were the only portion of the site work that had not been completed.

Mr. Coronati presented specification details and cost estimates from a professional landscaping contractor for the plantings that have not been installed. The total cost for installation of the plantings is \$24,802.00. Mr. Coronati requested that the Town release \$80,111.00 of the \$104,913.00 site work performance guarantee and hold \$24,802.00 to ensure completion of the plantings site work. The separate landscaping replacement guarantee is not a part of this request and would continue to be held in full.

Mr. Wilson stated that landscaping site work should always be included in the total site work performance guarantee estimate. Landscaping guarantees should be considered as a means to ensure

replacement of installed landscaping, not as a means to ensure initial installation. In his opinion, the applicant's suggested partial release total is satisfactory.

Mr. Maggiore moved that the Planning Board authorize the release of \$80,111.00 of the site work performance guarantee held by the Town of North Hampton associated with the 2019 site plan approval for the property located at 58 Lafayette Road and retain \$24,802.00. Second by Ms. Monaghan. The roll call vote was unanimous in favor of the motion (7-0).

2. Case #21:21 – Applicant: Heritage Builders, LLC, 2 Walnut Hill Park, Suite 4, Woburn, MA 01801. The Applicant requests a preliminary consult to discuss approval process for proposed business changes associated with 2021 site plan conditional approval. Property Owner: Sabbia, LLC, 2 Walnut Hill Park, Suite 4, Woburn, MA 01801. Property Location: 198 Lafayette Road, North Hampton, NH 03862; M/L: 021-026-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Jay Surianello, property owner; Davis Choate, real estate agent; and Kirsten Marella, business owner.

Mr. Choate addressed the Board. Mr. Choate stated that the applicant was transforming an older property by renovating the existing buildings and making utility service and site feature upgrades that would result in a more aesthetically pleasing site. Mr. Choate further stated that two businesses not listed on the original approved site plan are seeking to move into the buildings on the site. The proposed businesses, a security system technology developer and service company and an online book fulfillment center, will not adversely impact the site, neighboring properties, or the underlying aquifer. The security system business intends to occupy Unit #1 within Building #1 towards the front of the site for warehouse and office space uses. The book business intends to occupy Unit #4 within Building #2 towards the back of the site for warehouse, small volume printing, and office space uses. Mr. Choate was requesting that the Planning Board provide guidance regarding the appropriate process to obtain approval for the proposed businesses.

The Board discussed specific details regarding operations associated with each business, such as materials to be stored on site, number of employees, and type of activities, with representatives from both businesses.

Ms. Rowden and Mr. Milner explained that, in the opinion of the Planning and Building Department staff, both businesses must be granted an Aquifer Protection District Conditional Use Permit approval and a Minor Review - Change of Use approval to allow the proposed uses to operate on the site for the following reasons:

- a. The site plan conditionally approved by the Planning Board states that re-use of the front building will require the issuance of a Conditional Use Permit to allow the new use within the Aquifer Protection District. The new book business use proposed within the rear building is a change to the site plan which also requires the issuance of a Conditional Use Permit to allow the new use within the Aquifer Protection District.
- b. Only one business use, the applicant's contractor shop, was originally approved for the rear building. The new book business use within the rear building is a change to the site plan which requires a Minor Review - Change of Use approval.

c. The uses associated with both proposed businesses are not listed on the table of proposed uses included on the conditionally approved site plan. This proposed change necessitates a Minor Review – Change of Use approval.

Mr. Milner explained that the town administration opinions regarding the appropriate approval process were advisory in nature only. As stated in Town regulations, the Planning Board is given the authority to determine the appropriate approval process for the type of changes to the site plan proposed by the applicant.

Mr. Wilson stated his opinion that the proposed security system business use was similar in nature to the electrician use listed on the conditionally approved site plan. A Minor Review – Change of Use approval was not necessary for this use. The issuance of a Conditional Use Permit to allow the security system business use within the Aquifer Protection District is required by the original site plan approval for re-use of the front building. The issuance of a Minor Review – Change of Use approval and a Conditional Use Permit to allow the new use within the Aquifer Protection District is necessary for the proposed book business use since a second business is proposed to be added to the space within the rear building originally approved for only one business.

Mr. Harned agreed with Mr. Wilson's opinion regarding the appropriate process to obtain approval for the proposed uses on the 198 Lafayette Road site. No objections to the suggested process were raised.

Mr. Milner stated that town administration would follow the application process outlined by Mr. Wilson and advise the applicant to submit the appropriate applications and make the necessary changes to the site plan so that the Planning Board may consider allowing the proposed businesses to operate on the 198 Lafayette Road site.

3. Case #21:29 – Applicant: Curt Grenier, Naults Seacoast, LLC, 420 Second Street, Manchester, NH 03102. The Applicant requests a Site Plan Review to remove the existing building and pavement on the site and construct a new two story building for a motorcycle retail store with repair and assembly services. Property Owner: Naults Seacoast, LLC, 420 Second Street, Manchester, NH 03102. Property Location: 32 Lafayette Road, North Hampton, NH 03862; M/L: 007-112-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Curt Grenier, applicant; Joe Coronati, engineer.

Mr. Coronati addressed the Board. Mr. Coronati presented a revised site plan based on Town professional review comments and Planning Board member comments at the last meeting. Mr. Coronati reviewed the following changes to the site plan with the Board:

- a. two existing older fences along lot line adjacent to the westerly abutter at the rear of the property will be replaced with a new six foot high fence,
- b. westerly abutter's business sign will be moved off the site and onto the abutter's property,
- c. the radius for the curbing that protrudes into the front parking lot has been widened,
- d. added curbing and grading to direct stormwater to a catch basin at the northwest rear corner of the lot,
- e. size of water infiltration pipe increased to handle stormwater from a 25 year storm event; can increase size of the pipe further to satisfy Town Engineer recommendation that adequate management

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of stormwater from a 100 year storm event be included in the site plan as required by the site plan regulations, and

f. light poles removed from the site plan; all lighting will originate from wall-mounted fixtures on the building

Mr. Harned asked for clarification regarding waste fluid storage methods proposed for the business.

Mr. Grenier stated that a 55 gallon metal drum placed within a plastic tub lined containment pit will be used for waste fluid storage. The safety code compliant containment pit will hold 65 gallons of fluid.

Ms. Monaghan asked for clarification regarding the types of fluids used by the business.

Mr. Grenier stated that oil and brake fluids and anti-freeze will be stored on the site. However, motorcycles require much smaller amounts of fluid than other types of larger vehicles that are common to the Route 1 business corridor.

Ms. Rowden stated that the application is complete in her opinion.

Mr. Coronati stated that all motorcycle service and after hours storage will occur inside the building.

Mr. Milner stated that the business was granted a special exception for motorcycle service and repair facility use by the Zoning Board of Adjustment.

Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Site Plan Review application to remove the existing building and pavement on the site and construct a new two story building for a motorcycle retail store with repair and assembly services at 32 Lafayette Road. Second by Mr. Etela. The roll call vote was unanimous in favor of the motion (7-0).

Ms. Monaghan asked if the proposed LED lighting for the site would be meeting the 3000 Kelvin color temperature requirement and be dark sky compliant.

Mr. Coronati confirmed that the proposed lighting would meet the color temperature requirement and be dark sky compliant.

Mr. Coronati addressed the criteria for granting a conditional use permit to allow a use within the Aquifer Protection District.

a. The proposed use will not detrimentally affect the quality of the groundwater by directly contributing to water pollution in that all of the motorcycle service and repair work will be completed inside the building. There will be no floor drains in the building. A third party will safely remove waste fluids from the site.

b. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer in that the amount of asphalt on the property is being reduced. The proposed plan creates a water treatment and infiltration area that improves upon the current situation on the site.

c. The proposed use will not discharge wastewater other than that typical of domestic wastewater disposal systems. There also will be no on-site disposal of hazardous wastes. The amount of wastewater

will be significantly less than the former restaurant use on the site. An improved septic system will be installed as part of the site improvements.

d. The proposed use complies with other sections of the ordinance in that the proposed use is less intense than the prior use with respect to traffic volume, impervious coverage, and stormwater runoff. Improvements are also being made to curb cut locations, landscaping plantings, and visual appeal of a new building.

Mr. Wilson stated his opinion that the proposed plan presents an efficient storage and removal process for hazardous wastes generated by the business and protects the groundwater from potential pollution.

Ms. Rowden recommended that a note be added to the recorded page of the plan requiring that a spill control and response plan be submitted to the Town.

Mr. Harned opened the public hearing regarding the conditional use permit at 8:07pm. No comments were made. Mr. Harned closed the public hearing at 8:08pm.

Ms. Monaghan stated that any approval for a conditional use permit should be specific to the motorcycle service facility use proposed in the application.

Mr. Maggiore moved that the Planning Board approve the Case #21:29 Conditional Use Permit application to allow a motorcycle sales, service, and repair facility use on the 32 Lafayette Road site within the Aquifer Protection District as represented in the application presented to the Board subject to the following conditions:

a. The property owner shall follow all state and federal best management practices with handling, storage, and disposal of all regulated and hazardous substances.

b. A spill control and response plan shall be developed and shared with Town emergency service personnel prior to the issuance of an occupancy permit.

c. A note detailing the language of this Conditional Use Permit approval shall be added to the recorded page of the plan.

Second by Mr. Etela.

Discussion of the motion – Ms. Monaghan stated that she will vote in favor of the motion with reluctance. She is concerned with the precedence that may be set by allowing a service facility use within the Aquifer Protection District.

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

Mr. Coronati addressed the applicant's Site Plan Regulations waiver requests.

a. Site Plan Regulation Section XIII.B.4 requiring 25 outdoor vehicle display spaces for a vehicle dealership. Mr. Coronati stated the applicant does not display motorcycles outdoors as part of its business practice. There will be 25 or more display spaces inside the building.

Ms. Monaghan and Mr. Wilson expressed their concern that granting the waiver request may diminish the intent of the regulation to limit multiple vehicle dealerships from popping up on various smaller lots along the Route 1 corridor. They stated their desire that any approval be specific to the motorcycle service facility use proposed in the application.

Mr. Harned opened the public hearing regarding the display space waiver request at 8:21pm. No comments were made. Mr. Harned closed the public hearing at 8:22pm.

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Mr. Maggiore moved that the Planning Board grant the request to waive the outdoor display parking requirement of Site Plan Regulations Section XIII.B.4 as represented in the application presented to the Board specifically for a motorcycle sales, service, and repair facility use on the 32 Lafayette Road property. Second by Ms. Monaghan. The roll call vote was unanimous in favor of the motion (7-0).

b. Site Plan Regulations Section X.F regarding stormwater management requirements.

Mr. Coronati stated that, even though the proposed plan will disturb more than 15,000 square feet of land, the project will remove approximately 4,000 square feet of impervious surface from the site. The majority of the stormwater runoff will be directed towards an infiltration swale and treated by the native sands and gravels on the property. Some current asphalt surfaces will be replaced with plantings and landscaping. There will be a reduction in the stormwater runoff for the 2, 10, and 25 year rain events.

Ms. Rowden stated her opinion that the proposed plan is eligible for a waiver from the majority of the stormwater regulations since the plan is reducing the impervious surface and stormwater runoff adverse impacts.

Mr. Harned expressed his concern that the plan proposes to place too many features (drainage, landscaping, and snow removal areas) within the New Hampshire Department of Transportation (NHDOT) 12 foot easement along Lafayette Road. Any future projects initiated by the NHDOT may interfere with the proper functioning of the stormwater management system.

Mr. Coronati stated that any NHDOT project will provide for stormwater management. Also, the proposed plan will be reviewed by the NHDOT as part of the driveway permitting process for the site.

Mr. Maggiore asked if the applicant could comply with all of the stormwater management regulations if required by the Board.

Mr. Coronati stated that the proposed plan complies with most of the stormwater management regulations with the exception of meeting the standards to handle a 100 year storm event as noted by the Town Engineer in his review letter.

Mr. Harned stated his opinion that he was in favor of granting the waiver with a condition that the proposed plan complies with the site plan regulations regarding stormwater management for a 100 year storm event.

Ms. Rowden stated that the note regarding drainage operation and maintenance on Sheet 10 be amended to state that an annual report which indicates that the stormwater management system is functioning properly be submitted to the Town on September 1 of each year.

Mr. Harned opened the public hearing regarding the stormwater management waiver request at 8:52pm. No comments were made. Mr. Harned closed the public hearing at 8:53pm.

Mr. Maggiore stated his opinion that he does not think that a waiver is necessary. The proposed plan should be held to a higher standard.

Mr. Wilson stated that the waiver is necessary due to some of the existing conditions of the site, such as a smaller lot size, which preclude the ability of the proposed plan from being able to meet all of the stormwater management standards.

Mr. Wilson moved that the Planning Board grant the request to waive the requirements of Site Plan Regulations X.F Post Construction Stormwater Management Standards as represented in the application and plan presented to the Board, if such plan is approved, subject to the condition that the plan shall comply with Site Plan Regulations Stormwater Management Standards associated with a 100 year storm event. Second by Ms. Monaghan. The roll call vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing regarding the stormwater management waiver request at 8:57pm. No comments were made. Mr. Harned closed the public hearing at 8:58pm.

Mr. Wilson moved that the Planning Board approve the Case #21:29 Site Plan Review application to remove the existing building and pavement and construct a new two story building for a motorcycle sales, repair and service business at 32 Lafayette Road subject to the following conditions:

- 1. The final mylar shall comply with the waivers and conditional use permit granted for this application and the conditions associated with the waivers and conditional use permit.**
- 2. Applicant shall submit a sufficient performance guarantee, as approved by the Town Engineer, to ensure restoration of the site.**
- 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 checks made payable to the Rockingham County Registry of Deeds for required Land and Community Heritage Investment Program (LCHIP) and recording fees.**
- 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 Ms. Monaghan. The roll call vote was unanimous in favor of the motion (7-0).

II. Other Business.

1. Minutes.

Mr. Harned presented the minutes of the December 21, 2021 meeting.

Ms. Monaghan moved that the Planning Board accept the minutes of the December 21, 2021 meeting as written. Second by Mr. Wilson. The roll call vote was unanimous in favor of the motion (7-0).

The meeting was adjourned at 9:11pm without objection.

Respectfully submitted,
Rick Milner, Recording Secretary

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