



Meeting Minutes
North Hampton Planning Board
Tuesday, June 6, 2017 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 Dan Derby, Josh Jeffrey, and Jim Maggiore, Select Board Representative; Alternate Member Shep Kroner; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:34pm.

I. Old Business

1. Case #17:04 – Applicants, Annette Lee and Nicole Carrier, 2 Elm Road, North Hampton, NH 03862.

The Applicants request a site plan review to amend previous site plan approvals by making improvements to current business operations for Throwback Brewery located at 2 Elm Road including building expansion and enlargement of outdoor customer seating area. The Applicants request the following waivers to the requirements of the Town of North Hampton Site Plan Regulations:

- a. Section XII – Parking Requirements
- b. Section X.G – Stormwater Management
- c. Section VIII.B.27 – Architectural Rendering

Property Owner: Annette Lee and Nicole Carrier, 2 Elm Road, North Hampton, NH 03862; Property Location: 2 Elm Road, North Hampton, NH 03862; M/L: 013-009-000; Zoning District: I-B/R, Industrial – Business/Residential District, and R-1, High Density District.

In attendance for this application:

Applicant did not attend the meeting.

Mr. Maggiore recused himself from the Board.

Mr. Harned appointed Mr. Kroner to stand in for Mr. Wilson.

Mr. Harned explained to the Board that the NHDOT driveway permit connected to the 2016 amended site plan conditional approval for the Throwback Brewery site needed to be amended. The Board cannot proceed with consideration of the current application due to the fact that this condition of the 2016 approval for the site has not been completed and the plan has not been recorded at the County Registry. Mr. Harned informed the Board that the applicant has requested that the current case be continued to the July 18 meeting date.

Mr. Derby moved that the Planning Board continue Case #17:04 to the July 18, 2017 meeting date. Second by Ms. Monaghan. The vote was 4-0-1 in favor of the motion with Mr. Kroner abstaining.

Mr. Maggiore returned to the Board.

II. New Business

1. **Case #17:05 – Applicant, Ravenmore Properties, LLC – Linda Chestney, 1399 Ocean Boulevard, Rye, NH 03870.** The Applicant requests a preliminary consultation to discuss proposed lot line adjustment between property located at 208 Atlantic Avenue and old railroad corridor property. Property Owners: Ravenmore Properties, LLC – Linda Chestney, 1399 Ocean Boulevard, Rye, NH 03870 and Boston & Maine Corp, c/o Guilford Transportation, Iron Horse Park, North Billerica, MA 01862; Property Locations: 208 Atlantic Avenue and old railroad corridor; M/L: 007-076-000 and 999-011-000; Zoning District: I-B/R, Industrial - Business/Residential District.

In attendance for this application:

Linda Chestney, applicant; Anne Bialobrzewski, land surveyor for the applicant; Nancy Beveridge, realtor for the applicant.

Ms. Beveridge addressed the Board. Ms. Beveridge stated that, during marketing for sale of the train depot property located at 208 Atlantic Avenue, research by the property owner's consultant discovered that portions of the train depot building and the septic system associated with that building encroached upon the adjacent former railroad corridor property. The applicant wishes to purchase approximately 10,630 square feet of the corridor property to remove the encroachment issues.

Mr. Harned stated that he is aware that the State of NH has a right of first refusal to purchase the corridor property and may install a recreational rail trail along the corridor in the future. He asked when the State of NH right of first refusal expires.

Ms. Bialobrzewski addressed the Board. Ms. Bialobrzewski stated that the state's right of first refusal expires on or about June 8, 2017. Ms. Bialobrzewski asked for the Board's non-binding guidance on the following issues associated with the submittal of an official lot line adjustment application for this proposed transfer of property:

a. Is the letter of authorization provided by Boston and Maine Corporation c/o Pan Systems, Inc. sufficient authorization to proceed with a lot line adjustment application?

The Board came to a consensus without objection that the letter of authorization provided by Boston and Maine Corporation c/o Pan Systems, Inc. is sufficient authorization to proceed with a lot line adjustment application.

b. Will the applicant be required to notify owners of every property abutting the former railroad corridor in the entire Town of North Hampton or just the abutters in the immediate vicinity of the train depot property?

Ms. Rowden stated that, while notifying only the abutting property owners in the immediate vicinity may be reasonable and practical, it may not satisfy legal requirements. She suggested that the Board consult legal counsel to determine legal notification requirements and avoid possible town liability if a challenge or appeal to the Board's decision is made.

The Board discussed the abutter notification issue as it relates to the town's potential liability, the risk that the application may be challenged, and the scope of property owners which is reasonable to notify.

The Board came to a consensus without objection that legal notification to the owners of all properties abutting the former railroad corridor between Atlantic Avenue and Cedar Road and those

properties across the streets of Atlantic Avenue and Cedar Road from the former railroad corridor would meet the spirit and intent of the notification law.

c. Would the Board accept waiver requests regarding topography of the site and many other standard lot line adjustment waiver requests?

Ms. Rowden stated that waiver requests for many regulations are typical for a standard lot line adjustment application. She offered a non-binding opinion that, since no impacts to the site or structures is intended with the proposed application, wetland delineation is not necessary.

The Board did not offer any non-binding opinions regarding the waiver request question.

d. Due to the swampy nature of the land in the southern portion of the current train depot property, would the Board waive the monumentation requirements for the southeast and southwest corners of the current train depot property?

Ms. Bialobrzewski explained where the monuments would be set for the proposed new lot lines and the difficulty in completing monumentation of the southeast and southwest corners.

Mr. Harned stated his non-binding opinion that the southwest corner abutting the former railroad corridor should receive new monumentation. Monumentation of the southeast corner may not be necessary.

Mr. Harned asked for clarification regarding the specifications of the existing septic system for the train depot building.

Ms. Bialobrzewski stated that an old, but functional, 2800 gallon brick tank was in place. Pipes are coming out of the tank. However, the direction or eventual terminus location of the pipes are not known.

Mr. Maggiore asked for clarification if the proposed lot line adjustment would interfere with the State of NH plans to create the recreational rail trail.

Ms. Bialobrzewski explained how, in her opinion, there would be enough space remaining within the former railroad corridor to create the recreational trail.

Ms. Rowden stated that a sufficient width of land would remain to install a multi-use path.

Mr. Harned stated that State of NH RSA 228:60-a requires that no railroad right-of-way in this state shall be used for any purpose that would unreasonably limit the ability to restore rail service over the right-of-way. He suggested that the applicant provide signed documents from the State of NH indicating that the state has waived its right of first refusal to purchase the corridor property and that the applicant's proposed purchase does not inhibit the ability for the area to comply with RSA 228:60-a in the future.

Ms. Chestney addressed the Board. Ms. Chestney stated that she had no intention to inhibit opportunities for biking and other recreational activities.

2. Case #17:06 – Applicant, MAC Construction – Robert MacDonald, 90 Lovering Road, North Hampton, NH 03862. The Applicant requests a site plan review to construct a 5,400 square foot commercial building with associated site improvements for proposed retail, office, and outside

material storage uses at 227 Lafayette Road. The applicant requests a Conditional Use Permit to allow commercial use within the Aquifer Protection District. The applicant also requests a waiver to the requirements of the Town of North Hampton Site Plan Regulations Section X.G – Stormwater Management. Property Owner: Robert MacDonald, 90 Lovering Road, North Hampton, NH 03862; Property Location: 227 Lafayette Road, North Hampton, NH 03862; M/L: 020-012-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Robert MacDonald, applicant; John Chagnon, engineer for the applicant; Colby Gamester, attorney for the applicant.

Mr. Chagnon addressed the Board. Mr. Chagnon explained that the applicant was submitting a new site plan due to the fact that the original 2015 site plan conditional approval had expired. Due to the changed intended uses for the site, a special exception granted by the Zoning Board of Adjustment is no longer necessary. The proposed building is smaller than the 2015 proposed building. Mr. Chagnon presented the following plan details:

- a. The existing conditions plan indicates the baseline topography which exists underneath the recent site changes.
- b. The revised plan indicates two entrances to the site with a loop traffic circulation pattern.
- c. Parking is located along the front and south side lot lines of the property.
- d. There are 25 parking spaces based on retail/office use calculations contained within the site plan regulations.
- e. There will be three units within the building. Mr. MacDonald will use one space for his construction business and sublease the other two spaces.
- f. Rain gardens have been included in the stormwater management design to treat and infiltrate stormwater flow.

Mr. Chagnon presented responses to the Town Engineer's review letter comments.

Mr. Harned asked for clarification regarding the scope of vehicle and equipment maintenance mentioned in the applicant's response letter as it relates to the site's location in the Aquifer Protection District.

Mr. MacDonald responded that there would be no servicing of vehicles or equipment which included fluid work or replacement; only general parts maintenance and replacement would occur on the site.

Ms. Rowden suggested that a condition of approval could state that certain types of servicing would not be allowed on the site.

Mr. Chagnon stated that the material storage use indicated on the site plan would be for temporary storage of truck load amounts of sand, loam, stone, and gravel which would be removed as needs on different construction sites warrant. The applicant does not intend to create a storage yard for large amounts of material.

Ms. Monaghan stated that there has been a large amount of material currently stored on the site for a long time. She asked for an explanation for this current long-term storage.

Mr. MacDonald stated that the material was needed to create elevations and site improvements indicated on the site plans.

Mr. Harned asked if the sign indicated in the site plan was dark sky compliant.

Mr. Chagnon responded that the sign lighting was downward pointing. A plan note will be added which indicates that lighting will be dark sky compliant.

Mr. Chagnon addressed the Town Engineer's note that the site does not have the required frontage along a roadway for two driveways to be included in the site design. Site Plan Regulations require 300 feet of frontage. The site has 197.36 feet of frontage. Mr. Chagnon stated that, since Lafayette Road/US Route 1 is a state road and the NHDOT has provided an initial favorable response to the proposed plan, the two driveway design should be allowed.

Ms. Rowden stated that a waiver would need to be granted to allow the two driveway design.

Mr. Harned stated his concern that there may be traffic safety issues along US Route 1 with the driveway layout as presented.

Mr. Chagnon requested that the Planning Board accept the application as complete due to the plan revisions and responses to the Town Engineer's review letter presented at the meeting.

Ms. Rowden stated that the application was not complete due to the waivers needed for the driveway design and compliance to the recently adopted stormwater regulations. Ms. Rowden explained that the application conformed to the previous stormwater regulations. However, the application was submitted after posting of the public hearing in which the current stormwater regulations were adopted. Therefore, the plan must conform to the current regulations or be granted a waiver.

Mr. Harned suggested that any waiver to the current stormwater regulations include a condition requiring conformance to the previous stormwater regulations.

Mr. Harned asked the Board if it was willing to move forward with discussion of waivers since revised plans were first presented to the Board at the beginning of the meeting.

The Board came to a consensus without objection to move forward with discussion of waivers.

Mr. Chagnon presented a request for a waiver from Site Plan Regulation Section X.F regarding stormwater management with the condition that the applicant will design the site to the previous 2014 Site Plan Regulation X.G regarding stormwater management.

Mr. Harned opened the public hearing at 8:38 pm. No comments were made. Mr. Harned closed the public hearing at 8:39 pm.

The Board discussed the timing of the application submittal and the differences between the previous and current stormwater regulations. Ms. Rowden suggested that a condition of approval be added that requires an annual report be submitted to the Town confirming that the stormwater management

structures are functioning properly. Mr. Harned suggested that the condition be attached to the site plan approval, not the waiver approval.

Mr. Kroner moved that the Planning Board grant a waiver from Site Plan Regulation Section X.F subject to the condition that the applicant shall design the site to conform to the previous 2014 Site Plan Regulation X.G. Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).

Mr. Chagnon presented a request for a waiver from Site Plan Regulation Section X.A.4 allowing two driveways only when a lot has a frontage of 300 feet or more.

Ms. Monaghan asked why a two driveway design was necessary.

Mr. Chagnon responded that the two driveway design would provide better traffic circulation for large vehicles and equipment.

Ms. Monaghan asked for clarification regarding the frequency of traffic in and out of the site.

Mr. MacDonald responded that vehicles associated with his business would leave once in the morning around 7:30 am and return once in the afternoon around 4:30 pm.

Mr. Harned opened the public hearing at 8:58 pm. No comments were made. Mr. Harned closed the public hearing at 8:59 pm.

Mr. Kroner expressed concerns that the two driveway design with two access/egress points so close together would create traffic safety problems in a high volume area of US Route 1.

Mr. Maggiore stated that, when added to other proposed development in the immediate area, this proposed development may increase potential traffic safety risks.

Mr. Derby stated that a change to one driveway instead of two driveways will not change traffic safety concerns in a significant way. It may be as good or better for access and egress to have two driveways rather than one.

Mr. Harned stated that a two driveway design may work for the on-site traffic circulation; but it does not work for the traffic interaction along US Route 1.

Mr. Chagnon stated that there are other current two driveway designs located along US Route 1 with higher traffic volumes than proposed by the applicant's intended uses. Also, new proposed development in the immediate area will have significantly less traffic volumes than the previous businesses. The NHDOT should determine the safety of curb cuts along a state roadway.

Ms. Rowden stated that the applicant's proposed development does not create a significantly higher traffic density in the area.

Mr. Maggiore moved that the Planning Board grant a waiver from Site Plan Regulation Section X.A.4 to allow two driveways on a lot with less than 300 feet of frontage as presented on the June 6, 2017

plan set submittal. Second by Mr. Derby. The vote was 3-3 not in favor of the motion with Mr. Harned, Ms. Monaghan, and Mr. Kroner opposed.

Mr. Harned suggested that, without the waiver being granted, the application is not complete.

Ms. Rowden suggested that the Board not take jurisdiction of the plan since the driveway configuration may change.

Ms. Monaghan stated that it appears that the application is not complete. She suggested that the Board not take jurisdiction of the application and continue the case to the next meeting date. Mr. Harned agreed with Ms. Monaghan since the revised plans were received shortly before the meeting.

Mr. Maggiore moved that the Planning Board continue Case #17:06 to the July 18, 2017 meeting. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (6-0).

3. Case #17:07 – Applicant, Millie Bauer, LLC – Greg Bauer, 16 Woodknoll Drive, North Hampton, NH 03862. The Applicant requests a site plan review to amend previous site plan approval for mixed use/workforce housing by changing single family residence to a duplex residence on property located at 52 Lafayette Road. Property Owner: Millie Bauer, LLC, 16 Woodknoll Drive, North Hampton, NH 03862; Property Location: 52 Lafayette Road, North Hampton, NH 03862; M/L: 008-024-000; Zoning District: I-B/R, Industrial – Business/Residential District, and R-1, High Density District.

In attendance for this application:

Greg Bauer, applicant; John Chagnon, engineer for the applicant.

Mr. Chagnon addressed the Board. Mr. Chagnon stated that the current application was an amendment to a previous site plan for mixed use/workforce housing. The building in the rear of the property is proposed to be changed from a single family home to a duplex residence with access off of Sylvan Road. Mr. Chagnon provided the following responses to the Town Engineer's review letter:

- a. The septic system design has been revised to account for additional bedrooms contained in the duplex units.
- b. Wetlands scientist certification is still pending. The delineation of the wetlands should not have changed since the previous 2015 approval.
- c. Notes indicating provisions of previous site plan approvals have been added to the plan set.
- d. The change to a duplex building and associated revisions added 1% to 2% to the site coverage.

Mr. Chagnon requested that the Planning Board accept the application as complete.

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

Mr. Jeffrey asked how much of the original site plan approval has been constructed.

Mr. Bauer explained the aspects of the site work that have been completed.

Mr. Harned asked for clarification regarding the workforce housing units in the proposed duplex building and on the entire site.

Mr. Bauer stated that one unit in the duplex residence would be allocated to workforce housing and one unit would be a market rate unit. This specification matches the one unit allocated to workforce housing in the single family home design. Mr. Bauer confirmed that he is complying with the required workforce housing certifications and document filings for the site.

Ms. Rowden stated that, since the Planning Board has declared that the Town of North Hampton has met its workforce housing requirements, the proposed plan meets the requirements of the Inclusionary Housing Ordinance.

Ms. Monaghan asked when the applicant intended to build the duplex unit.

Mr. Bauer estimated that he would start construction of the duplex unit in the fall of 2017.

Mr. Kroner moved that the Planning Board finds that the applicant has provided the required information for a complete application and that the Planning Board take jurisdiction of the amended site plan application for mixed use/workforce housing by changing single family residence to a duplex residence on property located at 52 Lafayette Road. Second by Mr. Derby. The vote was unanimous in favor of the motion (6-0).

Mr. Kroner suggested that the Planning Board consider instituting standards for a phased approach to completing site construction work associated with future site plan applications, especially for sites near residential areas. A phased approach, where a section of a site is completely constructed and appropriately landscaped before construction begins on another section of a site, would help avoid a situation where residential neighbors experience unsightly site conditions for lengthy periods of time.

Ms. Monaghan asked for clarification regarding the storage of structures on the site.

Mr. Bauer explained that the structure storage was approved on a previous site plan. The structures will be moved to the approved locations once construction of the site is completed.

Mr. Harned noted that the depiction of the tree line on the site was not consistent between the different pages of the plan set.

Mr. Chagnon confirmed that the depiction of the tree line on page C1 was correct. He will revise the other pages to reflect the tree line depicted on page C1.

Mr. Harned opened the public hearing at 9:48 pm.

Hilary Brown addressed the Board. She asked if the trees that have fallen near the back of her property will be cleared away.

Mr. Bauer responded that the trees were not on his property. He needs to ask the property owner for permission to clean up the fallen trees.

Jarrold Patten addressed the Board. Mr. Patten stated that Mr. Bauer has completed the phases of the 52 Lafayette Road project in a timely manner. Mr. Bauer has done a good job at developing the site.

Mr. Harned closed the public hearing at 9:54 pm.

Mr. Maggiore moved that the Planning Board approve the Site Plan Review application for Case #17:07 to amend previous site plan approval for mixed use/workforce housing by changing single family residence to a duplex residence on property located at 52 Lafayette Road subject to the following conditions:

- 1. Depiction of tree line is revised on all pages of the site plan to indicate current existing tree line as shown on page C1 of site plan dated June 6, 2017.**
- 2. Applicant shall submit a clean letter from the Town Engineer.**
- 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. Derby. The vote was unanimous in favor of the motion (6-0).

III. Other Business

- 1. Minutes.**

Mr. Harned presented the minutes of the May 16, 2017 Planning Board meeting.

Ms. Monaghan moved that the Planning Board accept the minutes of the May 16, 2017 Planning Board meeting as written. Second by Mr. Maggiore. The vote was 5-0-1 in favor of the motion with Mr. Kroner abstaining.

The meeting was adjourned at 10:08pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary