



Meeting Minutes
North Hampton Planning Board
Tuesday, August 2, 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, Shep Kroner, Lauri Etela, Valerie Gamache, and Jim Maggiore, Select Board Representative; Alternate Member Rob Omberg; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

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

I. Old Business

1. Case #22:10 – Applicant: Glenn A. Martin, P.O. Box 281, North Hampton, NH 03862. The Applicant requests an eight (8) lot subdivision with associated roadway and utility improvements through the implementation of Town of North Hampton Zoning Ordinance Section 603 – Conservation Subdivision Design. The Applicant also requests the following waivers:

- a. Subdivision Regulations Section X.A.3 – Street Design and Construction Standards to allow a cul-de-sac
 - b. Subdivision Regulations Section X.B.1 – Roadway Specifications to allow a 22 foot wide roadway
 - c. Zoning Ordinance Section 603.11.G and L – Maximum Density to allow eight single family homes
- Property Owner: Glenn A. Martin, P.O. Box 281, North Hampton, NH 03862; Property Location: Lot 007-168-000 off of Atlantic Avenue east of the school property; M/L: 007-168-000; Zoning District: R-1, High Density District.

In attendance for this application:

Glenn Martin, property owner; Tim Phoenix, attorney; Erik Saari, engineer; and Marc Jacobs, wetlands scientist.

Mr. Saari addressed the Board. Mr. Saari informed the Board that the tree cutting on the property mentioned at the last meeting was the result of a lawful timber harvesting project on multiple properties initiated in September 2019 and was not associated with the proposed subdivision. Several delays resulted in the activities occurring during the past year.

Mr. Saari presented a revised site plan which included a yield plan. In his opinion, the yield plan indicated that four conventional duplex home lots could be created on the property following the requirements of the zoning ordinance and the subdivision regulations. Mr. Saari acknowledged that the proposed yield plan presented an irregular, oblong shape configuration for the end of the roadway and similar shaped lot within the parameters of the roadway. Mr. Saari stated that the applicant has submitted a waiver request to allow the eight dwelling units within the four duplex home lots created by the yield plan using regulations and figures associated with duplex developments to be converted to eight single family home units on eight lots as shown in the proposed site plan.

Mr. Saari stated his opinion that the application is complete and requested that the Planning Board take jurisdiction of the application.

Mr. Wilson stated his opinion that the proposed yield plan does not accomplish the applicant's goal of showing that a conventional subdivision following the requirements of the zoning ordinance and the subdivision regulations was feasible. Easement areas on the property are not accounted for in the yield plan. He does not see how a building envelope could be established on the proposed Lot #3 in the yield plan. The building envelope in the northeast corner of the proposed yield plan is within 300 feet of the gun club shooting area on the abutting property. Since the yield plan does not seem to present a feasible scenario for building the homes that the applicant proposes, the application is not complete in his opinion.

Mr. Kroner stated his opinion that the conservation subdivision section of the zoning ordinance is not created as away to subvert the other provisions of the zoning ordinance by maximizing the amount of development on a property. The purpose of the conservation subdivision section of the zoning ordinance is to reduce development sprawl, add more conservation land, and create additional protections for the land. Mr. Kroner stated that several aspects regarding site conditions need to be considered within the conditional use permit process in order to determine the feasibility of the project. He has many concerns and questions regarding the feasibility of the project.

Ms. Rowden stated her opinion that the yield plan seems to meet the basic requirements of the regulations. Ms. Rowden stated that, if the application is determined to be complete and accepted, the Board should schedule a site walk to evaluate the site conditions.

Mr. Harned stated his opinion that the applicant has not used the appropriate figures to calculate the allowed maximum density for the proposed conservation subdivision. Section 603.11.L.4 specifically states that "... the minimum lot size allowed in the underlying zoning district..." shall be used in the maximum density calculation. The minimum lot size in the underlying zoning district is two acres. The two acre figure is not used in either the maximum density calculation or the yield plan submitted by the applicant. He is struggling to accept either a maximum density calculation or a yield plan that do not use the two acre figure to calculate the allowed maximum density for the project.

Mr. Wilson stated that he questions whether or not the yield plan could turn into an executable subdivision plan. In his opinion, the plan is not feasible. His goal is to ensure that any approved plan is in strict compliance with the zoning ordinance language.

Mr. Kroner stated that he does not agree with the applicant's use of figures associated with duplex development to obtain the number of lots the applicant desires for single family home development. In his opinion, based on the yield plan information presented to the Board at this time and if the Board accepted the information, the only type of development that could possibly be approved by the Board would be four lots with one duplex structure on each lot. If the applicant desires eight single family lots in the conservation subdivision, then the applicant must present a yield plan which shows that an eight lot conventional subdivision following the requirements of the zoning ordinance and the subdivision regulations is feasible.

Mr. Saari and Mr. Phoenix stated that duplex development is allowed in the underlying zoning district. Therefore, use of duplex lot size figures for determining the maximum density is allowed by the zoning ordinance in their opinion. The applicant has submitted a waiver request to allow the conversion of the number of dwelling units from four duplex homes to eight single family homes. If the waiver request is not granted, the applicant will develop four duplex homes on four lots.

Ms. Monaghan asked if the reason that the applicant used duplex lot size figures to calculate the maximum allowed density and create the yield plan instead of the two acre lot size figure was due to the fact that eight single family home lots could not be created if the two acre minimum lot size figure was used in the calculation or the yield plan.

Mr. Phoenix agreed with Ms. Monaghan's statement.

Mr. Harned stated that, based on his reading of the zoning ordinance language, he cannot accept the use of duplex lot size figures for calculating the maximum allowed density or creating a yield plan.

Mr. Wilson stated that the word 'minimum' means the least quantity assignable, admissible, or possible or the least of a set of numbers.

Mr. Wilson suggested that the Planning Board seek the advice of Town Counsel prior to rendering any decision associated with this case.

Mr. Phoenix stated that the applicant had no objection to the Planning Board seeking the advice of Town Counsel. The applicant also agrees to a continuation of the case to allow the Board time to meet with the Town Counsel.

Ms. Monaghan moved that the Planning Board continue Case #22:10 to the September 6, 2022 meeting date as requested by the applicant. Second by Ms. Gamache. The vote was 6-1 in favor of the motion with Mr. Wilson opposed.

2. Case #22:12 – Applicant: Joshua Sheets, 53 Exeter Road, North Hampton, NH 03862. The Applicant requests a Conditional Use Permit for an Accessory Dwelling Unit. Property Owner: Joshua Sheets, 53 Exeter Road, North Hampton, NH 03862; Property Location: 53 Exeter Road; M/L: 009-043-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Joshua Sheets, property owner.

Mr. Sheets addressed the Board. Mr. Sheets presented to the Board the following information associated with the creation of an accessory dwelling unit (ADU) within the home located at 53 Exeter Road:

- a. existing floor plan,
- b. revised floor plan indicating renovation of home interior to include a 645 square foot, one bedroom accessory dwelling unit, and
- c. NHDES approval for a new septic system based on the proposed renovation plan.

Mr. Harned asked for confirmation that the applicant was not proposing any changes to the exterior of the home and proposing to change the interior floor plan from a four bedroom single family home to a two bedroom principal unit with a one bedroom ADU.

Mr. Sheets confirmed the information as stated by Mr. Harned.

Ms. Monaghan asked for confirmation that the entrance to the ADU will not be in the front of the home.

Mr. Sheets stated that the entrance to the ADU will be in the back of the home and indicated the ADU entrance location on the floor plan.

Ms. Monaghan stated that it appears that the interior door between the ADU and the primary unit accesses a closet in the ADU bedroom.

Mr. Sheets presented a newly created revised floor plan which eliminates the closet and creates a passageway between the ADU and the principal unit.

Mr. Wilson suggested that the passageway between the ADU bedroom and the office area in the principal unit should only have one door on the office side of the passageway since this is the location of the common shared wall between the ADU and the primary unit.

Mr. Maggiore moved that the Planning Board find that the application is complete and take jurisdiction of the Case #22:12 Conditional Use Permit application to allow an accessory dwelling unit at 53 Exeter Road. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing at 7:45pm. No comments were made. Mr. Harned closed the public hearing at 7:46pm.

Mr. Wilson moved that the Planning Board approve the Case #22:12 Conditional Use Permit application to allow an accessory dwelling unit at 53 Exeter Road as represented in the plan and application materials presented to the Board subject to the condition that the passageway between the proposed office in the principal dwelling unit and the bedroom in the accessory dwelling unit shall only have a door on the office side of the passageway. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

3. Case #22:13 – Applicant: Jennifer Kutt, 149 Post Road, North Hampton, NH 03862. The Applicant requests a Conditional Use Permit for an Accessory Dwelling Unit. Property Owner: Kutt Property Management, LLC, 149 Post Road, North Hampton, NH 03862; Property Location: Lot 018-008-001 adjacent to 149 Post Road property; M/L: 018-008-001; Zoning District: R-1, High Density District.

No one present for this application.

Mr. Harned informed the Board that the applicant has submitted a written request to continue the case to the September 6, 2022 meeting date to allow more time to prepare information for the Board's consideration.

Ms. Monaghan moved that the Planning Board continue Case #22:13 to the September 6, 2022 meeting date as requested by the applicant. Second by Ms. Gamache. The vote was unanimous in favor of the motion (7-0).

II. New Business

1. Case #22:16 – Applicant: Craig Kelleher, 83 Lafayette Road, North Hampton, NH 03862. The Applicant requests a Minor Review to construct three additional paved parking spaces for animal hospital business. Property Owners: Craig and Margaret Kelleher, Trustees, Kelleher Realty Trust, 83

Lafayette Road, North Hampton, NH 03862; Property Location: 83 Lafayette Road; M/L: 013-041-000;
Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:
Craig Kelleher, property owner.

Mr. Kelleher addressed the Board. Mr. Kelleher presented a site plan showing the proposed addition of three paved parking spaces in the southeasterly, grassed area corner of the North Hampton Animal Hospital lot near the Glendale Road entrance/exit to the site. Mr. Kelleher explained that the parking spaces would be located within the current snow storage area for the site. The plan proposes to move the snow storage area further onto the grassed area to the east of the new parking spaces. Mr. Kelleher further explained that 11 parking spaces currently exist for customers along the front of the animal hospital building and nine spaces for employees exist on the southerly side of the building. The new parking spaces will be for employee use. The proposed parking spaces will add approximately 486 square feet of impervious surface to the property.

Mr. Kroner asked if the proposed parking spaces will impede visibility of traffic in any direction.

Mr. Kelleher stated that visibility will not be impeded since spaces will be located in furthest corner of the property from Route 1.

Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Case #22:16 Minor Review application to construct three additional paved parking spaces for the animal hospital business at 83 Lafayette Road. Second by Mr. Etela. The vote was unanimous in favor of the motion (7-0).

Ms. Monaghan asked if the proposed increase in impervious surface created any issues.

Ms. Rowden stated that the proposed impervious surface did not create any issues.

Mr. Harned opened the public hearing at 7:52pm. No comments were made. Mr. Harned closed the public hearing at 7:53pm.

Mr. Wilson moved that the Planning Board approve the Case #22:16 Minor Review application to construct three additional paved parking spaces for the animal hospital business at 83 Lafayette Road. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

2. Case #22:17 – Applicant: Rowan Perkins, 108 Exeter Road, North Hampton, NH 03862. The Applicant requests a Conditional Use Permit to allow agricultural and animal husbandry activities. Property Owner: Susanne J. Cronin, 108 Exeter Road, North Hampton, NH 03862; Property Location: 108 Exeter Road; M/L: 009-006-000; Zoning District: R-2, Medium Density District.

In attendance for this application:
Rowan Perkins, applicant; Susanne J. Cronin, property owner.

Ms. Perkins addressed the Board. Ms. Perkins presented overhead photos of the 108 Exeter Road property with animal keeping structures and pens and manure storage areas indicated on the photos.

Ms. Perkins also presented application materials detailing the proposed animal husbandry activities. Ms. Perkins stated that she was requesting approval to breed and milk up to 13 dairy goats and keep one pig and one sheep on the 2.38 acre property. There are currently four goats being kept on the property. Ms. Perkins explained how the proposed activities and structures will be in conformance with UNH Best Management Practices associated with the care of the animals she intends to keep on the property. The 300 square feet of space within the current structure on the property is adequate to meet the requirements for housing the goats. There would be no need to construct new buildings. Only fencing for exercise pens would need to be constructed. Ms. Perkins further explained how she will isolate sick or baby animals from the rest of the animal population until such time as the animals may be returned to the herd. Ms. Perkins noted the following locations of proposed manure piles associated with the animal husbandry activities:

- a. summertime manure pile in the rear and along the Beau Monde Drive side of the property,
- b. wintertime manure pile along the easterly property line near the front of the property, and
- c. isolation manure pile along the easterly property line closer to the Exeter Road frontage.

Mr. Harned asked for clarification on how the animals will be fed.

Ms. Rowan explained that the goats will be fed hay and grain in a small, enclosed area. There also will be a small grazing area in a temporary fenced area in the back of the property during the summer.

Ms. Monaghan asked for clarification regarding wetlands on the property.

Ms. Rowan stated that there is a small wetlands area near the back lot line. The closest manure area is over 200 feet from the wetlands area. No animals will be kept in the wetlands buffer area. There is also a pond at the back of the property.

Ms. Monaghan asked for clarification about the dairy activities and equipment associated with the proposed animal husbandry use.

Ms. Rowan explained that she intends to sell the goat milk to a soap manufacturer and cheese makers. The only equipment used for the proposed activity will be stanchions to hold the goats in place during hand milking, refrigerator for milk storage, and electric fencing for the animal areas.

Ms. Rowden asked if any retail activity or farm stand is intended for the site.

Ms. Perkins stated that she does not intend to conduct retail activities or operate a farm stand on the property.

Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Case #22:17 Conditional Use Permit application to allow agricultural and animal husbandry activities at 108 Exeter Road. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing at 8:08pm.

Abutter Christopher Johnson addressed the Board. Mr. Johnson stated that he was the owner and resident of the 102 Exeter Road property which abuts the 108 Exeter Road property to the east. Mr.

Johnson stated that his family has lived in North Hampton for at least three generations. His family conducted farming activities in the past on other pieces of property in North Hampton. However, he believes that the 108 Exeter Road property is not large enough to adequately support the type of activities as proposed by the applicant. The close proximity of the proposed manure storage areas to his property line adversely impacts his property value and his family's quality of life. One of the manure storage areas is approximately 100 feet from a bedroom window and 120 feet from the front door of his home. The increase of approximately four times the amount of animals currently kept on the property will generate an increase in the adverse smells which currently emanate from the property. Also, there is a slope along the property line which could result in run-off from the manure storage areas onto his property. Mr. Johnson also expressed concern that the increased animal activity on the 108 Exeter Road property could possibly contaminate the pond at the rear of the property and other water sources in the area. Mr. Johnson also expressed a concern with possible increase in pest or rodent issues associated with the proposed activities. There have also been incidents in the past of animals escaping from the property and creating a nuisance.

Mr. Harned stated that the zoning ordinance requires that this type of Conditional Use Permit application be submitted to the Agricultural Commission for review and comment. Mr. Harned suggested that the Board refer the application to the Agricultural Commission for comment.

Abutter Charles Gallant addressed the Board. Mr. Gallant stated that the residents of the 108 Exeter Road property have been good neighbors and have a good work ethic. He has experienced no issues with odors emanating from the site or cleanliness of the property. Storage areas on the property are neat and orderly. He has not witnessed any animals escaping from the property. He is in favor of approving the application.

Property owner Sue Cronin addressed the Board. Ms. Cronin stated that animals have been kept on the property for many years. Ms. Perkins is a good animal keeper. The type of activity proposed in the application is a benefit to the Town of North Hampton.

Mr. Harned closed the public hearing at 8:28pm.

Mr. Kroner stated that he has experienced no issues as a neighbor to animal husbandry activities in a much denser area of North Hampton. He suggested that the applicant work with the Agricultural Commission to develop a plan for locating the proposed manure storage piles that may be less adversely impactful on the abutting property.

Ms. Gamache stated that she understands the neighbor's concern with an approximately four times increase in the number of animals on a smaller size lot.

Ms. Monaghan stated that the Board should consider how many animals is too many for the lot to adequately accommodate.

Mr. Maggiore, Ms. Monaghan, and Mr. Wilson agreed with seeking direction from the Agricultural Commission regarding manure management and abutter impact associated with the proposed activities.

Mr. Wilson moved that the Planning Board continue Case #22:17 to the September 6, 2022 meeting date and request the review and advice of the Agricultural Commission regarding how to proceed

with the application particularly with respect to manure management associated with the proposed farming operation. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

3. Case #22:18 – Applicants: Philip and Anna Spalding, 70 Winnicut Road, North Hampton, NH 03862. ReVision Energy, 7A Commercial Drive, Brentwood, NH 03833. The Applicants request a Conditional Use Permit to allow construction of a ground-mounted solar array. Property Owners: Philip and Anna Spalding, 70 Winnicut Road, North Hampton, NH 03862; Property Location: 70 Winnicut Road; M/L: 023-018-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Philip Spalding, property owner; Heather Iworsky, contractor representative.

Mr. Kroner recused himself.

Mr. Omberg seated for Mr. Kroner

Ms. Iworsky addressed the Board. Ms. Iworsky presented the following information to the Board:

- a. site plan indicating proposed location of a 39 foot long (side to side) by 14 foot wide (front to back) by 11 ½ foot high solar array directly behind the 30 foot tall garage at the 70 Winnicut Road property,
- b. photos of the site from various locations around the home and from the neighborhood,
- c. information associated with the electrical energy output of the solar array and electrical needs of the home, and
- d. technical specifications and construction drawings for the proposed solar array.

Ms. Iworsky stated that the 10.46kW solar array will produce 11,704kwh's of electricity annually to offset 100 percent of the home's energy needs. The solar array will not produce more than 110% of the home's energy needs as required by the zoning ordinance. The solar electricity produced will only be used for the energy demands of this single lot. There will be a 36 inch space between the bottom of the solar array and the existing grade leaving adequate space for snow build-up and upkeep of grass. The solar array will be placed behind an existing garage to hide it from the roadway. A large area of trees restricts the view of the solar array from any abutting properties south and west of the array location. The abutters to the north (across the street) will not see the array due to the location of the garage between their properties and the solar array. The abutter to the east is closest to the array. However, a line of trees and vegetation obstructs the view from easterly property. Many of the trees are evergreens which will produce year-round screening.

Ms. Iworsky further stated that the solar array will use earth screws to secure the solar array to the ground. No excavation or concrete ground impact will result from the proposed construction. An electrical trench will be buried and new grass will be grown over the trench.

Mr. Harned asked if the trees along the easterly and westerly property lines which provide screening are on the applicant's property or the abutters' property. This is a concern due to the fact that, if the abutter removes the trees, then the screening goes away.

Mr. Spalding stated that the trees on the easterly side are most likely on the abutter's property and the westerly side trees are on his property.

Ms. Monaghan asked if abutters to the southeast would potentially see the solar array.

Mr. Spalding stated that even if the trees currently blocking the view from the southeast were removed it would be highly unlikely that the solar array could be seen from the southeasterly abutter's property due to the direction, distance, and large amount of foliage.

Ms. Monaghan asked why the applicant chose a ground-mounted solar array instead of a rooftop model.

Mr. Spalding stated that he chose a ground-mounted solar array to maximize energy production efficiency. The applicant's roof line size, location, and pitch is not optimal for energy production and would not provide adequate amount of electricity for the home's electrical needs.

Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Case #22:18 Conditional Use Permit application to allow construction of a ground-mounted solar array at 70 Winnicut Road. Second by Mr. Etela. The vote was unanimous in favor of the motion (7-0).

Ms. Iworsky stated that installing screening would be an additional expense to the applicant. She asked if the Board would consider accepting a condition of approval that allows the trees on the abutting property to be considered adequate screening and the applicant would install adequate screening of the solar array on his property if the trees no longer existed for whatever reason at a later date.

Mr. Wilson suggested that the applicant add a scaled image of the solar array and proposals for screening to the pictures of the 70 Winnicut Road property and the proposed solar array location to aid the Board in determining if the proposal conforms to the zoning ordinance requirement that the ground-mounted solar array be essentially invisible as defined by the zoning ordinance. Mr. Wilson suggested that the case be continued so that the applicant can prepare this information for submittal to the Board.

Ms. Iworsky stated that the project is under a time constraint due to the upcoming cold weather season.

Mr. Harned stated that he is hesitant to approve a project contingent upon future compliance with the zoning ordinance if conditions change at a later date.

Mr. Maggiore suggested that the Board could continue the case to the August 16 work session date to address the applicant's time constraint concerns.

Mr. Maggiore moved that the Planning Board continue Case #22:18 to the August 16, 2022 meeting date. Second by Ms. Gamache. The vote was unanimous in favor of the motion (7-0).

III. Other Business

1. Minutes.

Mr. Harned presented the minutes of the July 19, 2022 meeting.

Mr. Etela moved that the Planning Board accept the minutes of the July 19, 2022 meeting. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

The meeting was adjourned at 9:22pm without objection.

Respectfully submitted,

Rick Milner, Recording Secretary