



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, October 4, 2022 at 6:30pm**  
**Town Hall, 231 Atlantic Avenue**

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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, Shep Kroner, Lauri Etela, 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.  
Mr. Omberg seated for Ms. Gamache.

**I. Old Business**

**1. Case #22:10 – Applicant: Glenn A. Martin, P.O. Box 281, North Hampton, NH 03862.** The Applicant requests a four (4) lot subdivision with associated roadway and utility improvements through the implementation of Town of North Hampton Zoning Ordinance Section 603 – Conservation Subdivision Design. 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:

Erik Saari, engineer; Tim Phoenix, attorney; and Marc Jacobs, soil scientist.

Mr. Saari addressed the Board. Mr. Saari presented the most recent version of the subdivision plan which, as a result of the Board's denial at the previous meeting of a waiver request to allow eight single family lots, changed the proposed eight single family home lots into four lots intended for duplex dwelling structures. The lots remained in the same locations on the proposed plan. Interior lot lines were removed to transform eight smaller lots approximately 0.32 - 0.41 acres in size into four larger lots approximately 0.65 - 0.78 acres in size. All other aspects of the proposed conservation subdivision plan remained unchanged.

Mr. Saari acknowledged observations made at the September 27, 2022 site walk that portions of the wetlands buffer in the northeast corner of the site had been cleared during previous tree cutting activities on the site. However, no stumps were removed and no adverse impact on the wetlands occurred as a result of the tree cutting activities.

Mr. Milner made note of the Town Engineer's comments that applicable requirements of Zoning Ordinance Sections 603.8, 603.9, and 603.11 regarding ownership, governance, and maintenance of the designated open space on the site still need to be satisfied with the creation of proposed covenants, easements, or other deed instruments for the open space.

Mr. Kroner stated the following concerns:

a. how to address potential vegetative buffer areas for the site since a large portion of the property has been clear cut,

b. deed restrictions regarding public access on the site as it relates to safety in the area near the gun club property, and

c. noise issues and other protocols regarding blasting and/or drilling of stone in close proximity to the school property and abutting homes.

Mr. Kroner suggested that the Board should consider whether details regarding his concerns should be tightened up prior to any Board decision or if conditions of approval should be attached to any decision.

Mr. Harned opened the public hearing regarding the Conservation Subdivision application at 6:43pm.

James Irish, Hampton Road and Gun Club Board of Directors member, addressed the Board. Mr. Irish stated that the gun club organization has spoken with Mr. Martin regarding location of an access drive to the gun club within the conservation subdivision site. However, no agreement has been reached.

Mr. Wilson stated that he does not want to see the possibility of a future road accessing the current gun club property through the proposed conservation open space area for future development projects. In order to ensure that the functions and values of the conservation land will be retained in perpetuity, he suggested that restrictive easement language be created to prevent the possibility of a road or other type of development being built within the conservation open space area.

Mr. Maggiore asked if the cul-de-sac road within the subdivision is proposed to be a Town road.

Mr. Saari stated that the road within the subdivision is proposed to be a Town road at some point. There will also be a homeowners association created to be responsible for maintenance of proposed stormwater management rain gardens.

Mr. Maggiore asked if a gate is proposed to restrict access to the gun club off of the public road.

Mr. Saari indicated the location of a proposed gate off of the proposed road along the proposed access drive to the gun club.

Mr. Wilson stated that any easement language should allow accessibility of the conservation open space by the property owners and home owners of the subdivision in perpetuity. There should be no gate or gun club access easement language that prevents the property owners from accessing the conservation open space.

Mr. Harned and Mr. Kroner suggested that, as stated in Zoning Ordinance Section 603.9.A, the applicant present proposed deed and easement language for the Board's review prior to Town Counsel review of the documents to ensure that the intent and goals of the Planning Board and the Zoning Ordinance are satisfied.

Ms. Rowden noted that Zoning Ordinance Section 603.9.B requires an applicant's statement of intent to restrict development within the designated conservation open space area be submitted as part of the application.

Mr. Irish expressed his concern with the public getting too close to the gun club property for safety reasons.

Ms. Monaghan stated her concern that, if the proposed subdivision road becomes a Town road, the public will have easier access to the proposed conservation open space land near the gun club property whether or not restrictions are established.

Mr. Wilson suggested that the applicant seek the input of the Conservation Commission regarding the future monitoring of the conservation open space land.

Rick Dumont addressed the Board. Mr. Dumont stated that he is the owner of the 191 Atlantic Avenue property which abuts the southwest corner of the proposed conservation subdivision property. Mr. Dumont presented overhead pictures of the Lot 007-168-000 site showing the close proximity of the proposed subdivision to his property, the scope of the tree cutting activities on the site, and the amount of granite ledge and boulders on the site.

Mr. Dumont stated that he was attracted to North Hampton due to the two acre lot size regulation which provides adequate space and buffering between properties. He stated the following concerns:

- a. lack of space buffering and vegetation screening between his home and the abutting lot of the proposed subdivision may have an adverse impact on the enjoyment of his property,
- b. blasting or drilling activities for the large amount of granite ledge and boulders on the proposed subdivision site may have an adverse impact on his foundation and concrete pool, and
- c. construction activities and lack of adequate screening/buffering space may have an adverse impact on his property value.

Arthur Nadeau addressed the Board. Mr. Nadeau stated that the property rights of the proposed subdivision property owners should not be taken away by any easement language due to concerns regarding the gun club.

Mr. Harned closed the public hearing at 7:37pm

Mr. Kroner suggested that the applicant submit some form of a landscaping buffer and screening plan for the project and the approximate location of the proposed home on Lot #1 of the subdivision which abuts the 191 Atlantic Avenue property. This information is appropriate for the Board to consider due to the smaller allowed structural setbacks included in the conservation subdivision section of the zoning ordinance.

Mr. Harned suggested that the applicant add more specific details to the application and plan set for the following items:

- a. the nature and location of the electrical utility easements and the type of access for maintenance of the utility lines,
- b. boundary markers for the property,
- c. density calculations, and
- d. buildable/unbuildable area figures.

Mr. Harned suggested that scraps from tree cutting operations should be cleaned up to make the proposed conservation open space more presentable. Mr. Harned also suggested that the applicant review the Town's blasting regulations and consider means to mitigate adverse impact on abutters created by blasting or hammering construction noise.

Mr. Maggiore asked if the applicant intended to connect to public water lines or install wells on the lots.

Mr. Saari stated that the applicant intended to connect to public water lines.

Ms. Monaghan asked if the applicant intended to conduct hammering or blasting activities to remove granite ledge or boulders.

Mr. Saari stated that the applicant intends to conduct hammering activities at this time. However, more study of site conditions is still needed before committing to a specific means for removing granite ledge or boulders.

Mr. Kroner suggested that the applicant may want to submit scope and time frame information for potential hammering or blasting operations. In his opinion, this information is important for determining the suitability of the land for a conservation subdivision as detailed in Zoning Ordinance Section 603.

Mr. Wilson suggested that the applicant submit a land management plan and a reforestation plan created by a certified arborist or other qualified professional to ensure that the conservation land functions and values are preserved in the future.

Mr. Wilson suggested that preparation of the additional information requested by Board members may extend consideration of the application beyond the 65 day period within which the Board must render a decision as required by State of NH RSA's.

Mr. Phoenix stated that the applicant was open to extending the 65 day clock if necessary.

**Mr. Maggiore moved that the Planning Board continue Case #22:10 to the November 1, 2022 meeting date. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).**

## **II. New Business**

**1. Case #22:20 – Applicant: Historic Runnymede Farm, LLC, Alan Perkins, P.O. Box 250, Rye Beach, NH 03871.** The Applicant requests a two (2) lot subdivision of property. Property Owner: Historic Runnymede Farm, LLC, P.O. Box 250, Rye Beach, NH 03871; Property Location: 68 Atlantic Avenue, North Hampton, NH 03862; M/L: 006-002-001; Zoning District: R-2, Medium Density District.

### In attendance for this application:

Alan Perkins, property owner; Paul Connolly, engineer.

Mr. Connolly addressed the Board. Mr. Connolly presented a plan to subdivide the approximately 6.42 acre 68 Atlantic Avenue property adjacent to the Little River into two lots. Mr. Connolly explained that the current configuration of the 68 Atlantic Avenue lot was established by a 2014 voluntary lot merger of two lots after the demolition of a home on the former westerly lot. The applicant intends to create a new lot line in the same location as the previous lot line which separated the property. The new lot line will jut out around an existing goat house accessory structure in order to comply with zoning ordinance structural setback requirement. The proposed subdivision will create:

a. 3.19 acre lot on the west side of the existing property with 178 feet of frontage, an existing wood frame barn at the rear of the lot, and an area to build a new home at the front of the lot and

b. 3.23 acre lot on the east side of the property with 175 feet of frontage, existing home, barn, and goat house.

Mr. Connolly also noted that a 1902 drainage easement and a proposed utility easement will exist on the westerly lot. The old drainage piping carried water run-off and sewage in the past. However, the drainage piping no longer carries sewage.

Ms. Rowden asked if the existing driveway access connecting the two barns on each of the proposed separate lots will remain in place.

Mr. Connolly stated that an agreement between property owners to use the existing drive may be created in the future. However, no such agreement is proposed at this time.

Mr. Wilson asked if it was possible to remove or close off the old drainage pipe to prevent any possible use of the piping, which heads in the direction of the Little River at the rear of the property, for sewage in the future.

Mr. Connolly stated that the property owner on the other side of Atlantic Avenue benefitting from the easement and the State of NH Department of Transportation would need to give their approval for modifications to the piping and the legal easement language. These steps are not necessary since the old piping system no longer carries sewage. Also, it is currently a violation of State of NH law to drain sewage as done in the past using the old piping system.

**Mr. Maggiore moved that the Planning Board find that the application is complete and take jurisdiction of the Subdivision application associated with Case #22:20 for a two (2) lot subdivision of property at 68 Atlantic Avenue. Second by Mr. Kroner. The vote was unanimous in favor of the motion (7-0).**

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

Abutter Evan Rochman asked for clarification regarding the proposed uses for the two lots.

Ms. Rowden stated that single family home and agricultural uses are allowed in the zoning district within which the proposed lots lie.

Mr. Rochman expressed his concern that, due to the history of proposed controversial uses in this area in the past, only development with appropriate uses be allowed on the new property.

Mr. Harned closed the public hearing at 8:32pm.

**Mr. Wilson moved that the Planning Board approve the Subdivision of Map/Lot 006-002-001 property at 68 Atlantic Avenue into two lots as represented in the application presented to the Board.**

**This decision is based on the following finding of fact:**

**1. Applicable criteria indicated in the Town of North Hampton Zoning Ordinance have been satisfied by the proposed subdivision plan.**

**This decision is subject to the following conditions:**

- 1. 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.**
  - 2. 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**
  - 3. 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.**
  - 4. Applicant shall submit checks made payable to the Rockingham County Registry of Deeds for recording fees and mandatory state fee to fund the Land and Community Heritage Investment Program (LCHIP).**
  - 5. All fees incurred by the Planning Board including, but not limited to, consulting, engineering, and legal fees, have been paid by the applicant.**
  - 6. 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 vote was unanimous in favor of the motion (7-0).**

**2. Case #22:21 – Applicant: Route One Convenience Store, LLC, 39 Freetown Road, Unit 1, Raymond, NH 03077.** The Applicant requests a preliminary consultation to discuss approval process for proposed convenience store business with motor vehicle refueling service. Property Owners: Arlene A. Jewett, Trustee, The Arlene A. Jewett Revocable Trust of 2002  
Edward Jewett, Trustee, The Edward Jewett Revocable Trust of 2002  
Kellie A. Jewett, Trustee, The Kellie A. Jewett Living Trust  
Timothy J. Wallace, Trustee, The Timothy J. Wallace Living Trust  
Twilight Years, LLC  
All owners above c/o 39 Freetown Road, Unit 1, Raymond, NH 03077  
David E. Howard, Trustee, The David E. Howard Revocable Trust  
c/o P.O. Box 3385, Concord, NH 03302;  
Property Location: 180 Lafayette Road, North Hampton, NH 03862; M/L: 017-086-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Kellie A. Jewett, property owner; Curt Neufeld, engineer.

Mr. Harned noted that the current discussion was a non-binding preliminary consultation of a basic concept in general terms.

Mr. Neufeld addressed the Board. Mr. Neufeld presented a draft plan and associated information for the large, multi-use commercial property at 180 Lafayette Road which included the following:

- a. demolition of an existing gas station/convenience store building, existing gas pumps, and existing restaurant/thrift shop building,
- b. construction of a new gas station/convenience store/food service building, new gas pumps, and 38 parking spots on 62,200 square foot area at front of property along Route 1/Lafayette Road,
- c. expanded motor vehicle fuel storage capacity,
- d. new septic system, signage, and updated site lighting,
- e. improved green space landscaping and outdoor seating areas, and

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f. New England style architectural building design features.

Mr. Neufeld stated that the applicant will seek Zoning Board of Adjustment variance approvals and a special exception to allow the expanded motor vehicle refueling facility use.

The Board discussed with the applicant how the proposed expanded motor vehicle fuel storage capacity for the new facility will conform to the maximum allowed motor vehicle fuel storage capacity for the Town of North Hampton as detailed in the zoning ordinance. Mr. Neufeld presented information from the State of NH which indicated that the motor vehicle fuel storage tanks and pumps had been removed from a closed motor vehicle refueling facility in North Hampton. In the opinion of Mr. Neufeld, as a result of the removal of the storage tanks and pumps, increased motor vehicle fuel storage and refueling capacity was available for the 180 Lafayette Road site in conformance to the zoning ordinance regulations.

Mr. Wilson suggested that the canopy covering the proposed refueling pumps have peaks or other features that conform to the New England character architectural standards included in the site plan regulations.

Ms. Monaghan suggested that new lighting fixtures comply with the zoning ordinance regulations requiring dark sky compliant lighting fixtures and LED lighting that does not exceed a 3000 Kelvin color temperature rating. Ms. Monaghan suggested that the applicant comply with the aquifer protection regulations included in the zoning ordinance and provide adequate parking for the proposed outdoor seating use in addition to the proposed retail store use.

Ms. Rowden noted that the proposal will need approval of a Conditional Use Permit to allow the proposed uses within the Aquifer Protection District.

Ms. Monaghan asked for clarification regarding the location of improved landscaping features on the site in conformance to the landscaping buffer requirement included in the site plan regulations.

Mr. Neufeld stated that an improved landscaping buffer will be installed along the street front and the property line shared with the northerly abutting property. The other two sides of the proposed construction area are within the commercial lot shared with the other businesses on the property.

Mr. Kroner stated that improved services in this area of the Town with a dense population and development will be a benefit.

### III. Other Business

#### 1. Minutes.

Mr. Harned presented the minutes of the September 20, 2022 meeting.

**Ms. Monaghan moved that the Planning Board accept the minutes of the September 20, 2022 meeting as written. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).**

Mr. Harned presented the minutes of the September 27, 2022 site walk.

**Ms. Monaghan moved that the Planning Board accept the minutes of the September 27, 2022 site walk as written. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).**

329 The meeting was adjourned at 9:21pm without objection.  
330 Respectfully submitted,  
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334 Rick Milner, Recording Secretary