



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

5
6 These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a
7 transcription.

8
9 **In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Shep Kroner,
10 Lauri Etela, and Jim Maggiore, Select Board Representative; Alternate Member Rob Omberg; Jennifer
11 Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

12
13 Chair Harned called the meeting to order at 6:35pm.
14 Mr. Omberg seated for Ms. Gamache.

15
16 **I. Old Business**

17 **1. Case #22:10 – Applicant: Glenn A. Martin, P.O. Box 281, North Hampton, NH 03862.** The Applicant
18 requests a four (4) lot subdivision with associated roadway and utility improvements through the
19 implementation of Town of North Hampton Zoning Ordinance Section 603 – Conservation Subdivision
20 Design. Property Owner: Glenn A. Martin, P.O. Box 281, North Hampton, NH 03862; Property Location:
21 Lot 007-168-000 off of Atlantic Avenue east of the school property; M/L: 007-168-000; Zoning District: R-
22 1, High Density District.

23
24 In attendance for this application:

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

26
27 Mr. Saari addressed the Board. Mr. Saari presented the most recent version of the subdivision plan
28 which, as a result of the Board’s denial at the previous meeting of a waiver request to allow eight single
29 family lots, changed the proposed eight single family home lots into four lots intended for duplex
30 dwelling structures. The lots remained in the same locations on the proposed plan. Interior lot lines
31 were removed to transform eight smaller lots approximately 0.32 - 0.41 acres in size into four larger lots
32 approximately 0.65 - 0.78 acres in size. All other aspects of the proposed conservation subdivision plan
33 remained unchanged.

34
35 Mr. Saari acknowledged observations made at the September 27, 2022 site walk that portions of the
36 wetlands buffer in the northeast corner of the site had been cleared during previous tree cutting
37 activities on the site. However, no stumps were removed and no adverse impact on the wetlands
38 occurred as a result of the tree cutting activities.

39
40 Mr. Milner made note of the Town Engineer’s comments that applicable requirements of Zoning
41 Ordinance Sections 603.8, 603.9, and 603.11 regarding ownership, governance, and maintenance of the
42 designated open space on the site still need to be satisfied with the creation of proposed covenants,
43 easements, or other deed instruments for the open space.

44
45 Mr. Kroner stated the following concerns:

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

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

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

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

54

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

56

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

60

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

66

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

68

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

72

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

74

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

77

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

82

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

87

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

91

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

94

95 Ms. Monaghan stated her concern that, if the proposed subdivision road becomes a Town road, the
96 public will have easier access to the proposed conservation open space land near the gun club property
97 whether or not restrictions are established.
98

99 Mr. Wilson suggested that the applicant seek the input of the Conservation Commission regarding the
100 future monitoring of the conservation open space land.
101

102 Rick Dumont addressed the Board. Mr. Dumont stated that he is the owner of the 191 Atlantic Avenue
103 property which abuts the southwest corner of the proposed conservation subdivision property. Mr.
104 Dumont presented overhead pictures of the Lot 007-168-000 site showing the close proximity of the
105 proposed subdivision to his property, the scope of the tree cutting activities on the site, and the amount
106 of granite ledge and boulders on the site.
107

108 Mr. Dumont stated that he was attracted to North Hampton due to the two acre lot size regulation
109 which provides adequate space and buffering between properties. He stated the following concerns:
110 a. lack of space buffering and vegetation screening between his home and the abutting lot of the
111 proposed subdivision may have an adverse impact on the enjoyment of his property,
112 b. blasting or drilling activities for the large amount of granite ledge and boulders on the proposed
113 subdivision site may have an adverse impact on his foundation and concrete pool, and
114 c. construction activities and lack of adequate screening/buffering space may have an adverse impact on
115 his property value.
116

117 Arthur Nadeau addressed the Board. Mr. Nadeau stated that the property rights of the proposed
118 subdivision property owners should not be taken away by any easement language due to concerns
119 regarding the gun club.
120

121 Mr. Harned closed the public hearing at 7:37pm
122

123 Mr. Kroner suggested that the applicant submit some form of a landscaping buffer and screening plan
124 for the project and the approximate location of the proposed home on Lot #1 of the subdivision which
125 abuts the 191 Atlantic Avenue property. This information is appropriate for the Board to consider due to
126 the smaller allowed structural setbacks included in the conservation subdivision section of the zoning
127 ordinance.
128

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

- 131 a. the nature and location of the electrical utility easements and the type of access for maintenance of
132 the utility lines,
- 133 b. boundary markers for the property,
- 134 c. density calculations, and
- 135 d. buildable/unbuildable area figures.
136

137 Mr. Harned suggested that scraps from tree cutting operations should be cleaned up to make the
138 proposed conservation open space more presentable. Mr. Harned also suggested that the applicant
139 review the Town's blasting regulations and consider means to mitigate adverse impact on abutters
140 created by blasting or hammering construction noise.
141

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

143

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

145

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

148

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

152

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

156

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

160

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

164

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

166

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

169

170 II. New Business

171 **1. Case #22:20 – Applicant: Historic Runnymede Farm, LLC, Alan Perkins, P.O. Box 250, Rye Beach, NH**

172 **03871.** The Applicant requests a two (2) lot subdivision of property. Property Owner: Historic

173 Runnymede Farm, LLC, P.O. Box 250, Rye Beach, NH 03871; Property Location: 68 Atlantic Avenue,

174 North Hampton, NH 03862; M/L: 006-002-001; Zoning District: R-2, Medium Density District.

175

176 In attendance for this application:

177 Alan Perkins, property owner; Paul Connolly, engineer.

178

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

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

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

190

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

194

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

197

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

200

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

204

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

210

211 **Mr. Maggiore moved that the Planning Board find that the application is complete and take**
212 **jurisdiction of the Subdivision application associated with Case #22:20 for a two (2) lot subdivision of**
213 **property at 68 Atlantic Avenue. Second by Mr. Kroner. The vote was unanimous in favor of the motion**
214 **(7-0).**

215

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

217

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

219

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

222

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

225

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

227

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

230

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

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

234

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

236 **1. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of**
237 **all licensed professionals whose names appear on the plan. All conditions of approval shall be listed**
238 **on the Mylar pursuant to NH RSA 676:3.III.**

239 **2. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed Land**
240 **Surveyor, certifying that all monuments depicted on the plan have been properly set**

241 **3. Applicant shall submit evidence of receipt of all required federal, state, and local permits, including,**
242 **but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note their**
243 **numbers, as appropriate, on the recorded page of the plan.**

244 **4. Applicant shall submit checks made payable to the Rockingham County Registry of Deeds for**
245 **recording fees and mandatory state fee to fund the Land and Community Heritage Investment**
246 **Program (LCHIP).**

247 **5. All fees incurred by the Planning Board including, but not limited to, consulting, engineering, and**
248 **legal fees, have been paid by the applicant.**

249 **6. There shall be no changes to the approved site plan on the recordable mylar except to meet these**
250 **conditions of approval.**

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

252

253 **2. Case #22:21 – Applicant: Route One Convenience Store, LLC, 39 Freetown Road, Unit 1, Raymond, NH**

254 **03077.** The Applicant requests a preliminary consultation to discuss approval process for proposed
255 convenience store business with motor vehicle refueling service. Property Owners:

256 Arlene A. Jewett, Trustee, The Arlene A. Jewett Revocable Trust of 2002

257 Edward Jewett, Trustee, The Edward Jewett Revocable Trust of 2002

258 Kellie A. Jewett, Trustee, The Kellie A. Jewett Living Trust

259 Timothy J. Wallace, Trustee, The Timothy J. Wallace Living Trust

260 Twilight Years, LLC

261 All owners above c/o 39 Freetown Road, Unit 1, Raymond, NH 03077

262 David E. Howard, Trustee, The David E. Howard Revocable Trust

263 c/o P.O. Box 3385, Concord, NH 03302;

264 Property Location: 180 Lafayette Road, North Hampton, NH 03862; M/L: 017-086-000; Zoning District: I-

265 B/R, Industrial – Business/Residential District.

266

267 In attendance for this application:

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

269

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

272

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

275 a. demolition of an existing gas station/convenience store building, existing gas pumps, and existing
276 restaurant/thrift shop building,

277 b. construction of a new gas station/convenience store/food service building, new gas pumps, and 38
278 parking spots on 62,200 square foot area at front of property along Route 1/Lafayette Road,

279 c. expanded motor vehicle fuel storage capacity,

280 d. new septic system, signage, and updated site lighting,

281 e. improved green space landscaping and outdoor seating areas, and

282 f. New England style architectural building design features.

283

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

286

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

295

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

299

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

305

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

308

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

311

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

315

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

318

319 III. Other Business

320 1. Minutes.

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

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

324

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

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

328

329 The meeting was adjourned at 9:21pm without objection.
330 Respectfully submitted,
331
332
333
334 Rick Milner, Recording Secretary