



Meeting Minutes
North Hampton Planning Board
Tuesday, November 1, 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; Members Phil Wilson (electronic connection), 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.
Mr. Omberg seated for Ms. Monaghan.

I. Old Business

1. Case #21:28 – Applicant: Veronica Pillard, 15A Bonair Avenue, Hampton, NH 03842. The Applicant requests a one year extension of Conditional Use Permit approval to allow placement of a food truck on the site. Property Owner: Black Marble Realty Trust, John McGonagle, Trustee, P.O. Box 1740, North Hampton, NH 03862. Property Location: 17 Lafayette Road, North Hampton, NH 03862; M/L: 003-086-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:
Veronica and Jason Pillard, applicants.

Ms. Pillard addressed the Board. Ms. Pillard explained that the applicants received a previous one year approval to allow placement of the food truck business on the 17 Lafayette Road site until November 1, 2022. The applicants are requesting an approval to allow placement of the food truck business on the 17 Lafayette Road site for an additional one year. Ms. Pillard presented the following information which was unchanged from last year's proposal:

- a. site drawing of 17 Lafayette Road property showing location of 27 foot by 7 ½ foot food truck in the parking lot of the Seacoast Harley-Davidson retail business,
- b. picture of the food truck exterior,
- c. floor plan of food truck interior showing location of cooking appliances, sink/cleaning areas, and storage areas, and
- d. hours of operation – 8:00am to 5:00pm.

Mr. Kroner moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application associated with Case #21:28 to allow placement of a food truck at 17 Lafayette Road for an additional one year period. Second by Mr. Etela. The vote was unanimous in favor of the motion (6-0).

Mr. Harned asked if the Town had received any complaints regarding the food truck business.

Mr. Milner stated that the Town had not received any complaints regarding the food truck business.

Mr. Harned opened the public hearing at 6:37pm. No comments were made. Mr. Harned closed the public hearing at 6:38pm.

Mr. Maggiore moved that the Planning Board approve extension of the Conditional Use Permit allowing placement of a temporary structure (food truck) on the 17 Lafayette Road property for an additional one year period subject to the following conditions:

1. The food truck shall only be in operation until November 1, 2023.

2. The food truck shall be removed from the property no later than November 1, 2023.

3. Daily hours of operation shall be 8:00am to 5:00pm.

4. No signage is allowed except 'Open' flag.

Second by Ms. Gamache. The vote was unanimous in favor of the motion (6-0).

2. 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; Kevin Baum, attorney; and Marc Jacobs, soil scientist.

Mr. Saari addressed the Board. Mr. Saari presented the most recent version of the subdivision plan with additional information requested by Board members at the previous meeting. Mr. Saari acknowledged that some requested information, such as easement document language, is still being worked on. A continuation of the case to allow more time to submit additional information will be necessary. Mr. Saari presented the following information included in correspondence provided by the applicant's engineering and legal representatives:

a. Removal of ledge from the site may require 40-50 days of blasting. Blasting will most likely occur three times per day. Each blasting operation will require approximately three hours of drilling to prepare the land for blasting, blasting, and three hours to remove the blasted material.

b. The land is suitable for conservation and subdivision purposes. An independent review expert, Leonard Lord, has confirmed the benefits of the land to be placed in conservation. The proposed development has met the requirements of four duplex lots as shown on a yield plan. The proposed home locations are situated near the front of the property away from the conservation open space and the adjacent gun club property. Safety and access concerns expressed by the adjacent gun club property owners are being addressed with a relocated access easement, proposed entry gates, and a proposed fence along the gun club property line.

c. Communications with the gun club property owners regarding various issues is still ongoing.

d. The applicant agrees with permanent provisions for the use, ownership, and maintenance of the conservation open space.

The Board, Mr. Baum, and Mr. Saari discussed different scenarios regarding potential holders of the conservation easement, conditions associated with potential conservation easements, and monitoring procedures. Mr. Harned stated that the form of a conservation easement is determined on a case-by-case basis.

The Board and Mr. Saari discussed the extent of the access easement area to benefit the gun club property owners and the applicant's property adjacent to the rear of the Map/Lot 007-168-000 property.

The Board came to a consensus without objection to advise the applicant that a homeowners association or individual property owners on the Map/Lot 007-168-000 property, but not the general public, should have access to the conservation open space area.

Mr. Jacobs addressed the Board. Mr. Jacobs stated that he spoke to forestry experts who advised that the clear cut area can retain tree refuse matter up to 4 ½ feet in depth in order to ensure enough nutrients are present to foster re-growth of vegetation in the conservation area. There is significantly less than this amount of tree refuse currently on the site. A forestry management plan will be formulated for the site.

Mr. Harned suggested that some of the larger pieces of timber could be removed to make the area more aesthetically pleasing.

Mr. Saari presented a color-coded representation of the different land condition categories associated with the conservation open space area in order to help Board members visualize how the proposed plan complies with the zoning ordinance requirement that a minimum of 50% of the buildable area of the parent lot shall be included as conservation open space.

Mr. Harned suggested some revisions to the plan page notes regarding the conservation open space category calculation table in order to more clearly indicate how the plan complies with the zoning ordinance requirements.

Mr. Wilson joined the meeting by electronic connection at 7:09pm.

Mr. Maggiore moved that the Planning Board allow Mr. Wilson to participate in the meeting by electronic connection. Second by Mr. Omberg. The roll call vote was unanimous in favor of the motion (6-0).

Mr. Harned suggested that, wherever blasting procedures are referenced in the plan set, a note indicating that blasting activities shall comply with the Town of North Hampton Excavation and Blasting Regulations should be included.

Mr. Wilson suggested that access easement areas leading to the adjacent gun club property and the applicant's back property could be constructed with a pervious material where possible to preserve the conservation values and functions of the conservation open space and keep the conservation space as unfragmented as possible.

Mr. Omberg suggested that more details regarding plantings and other features associated with the 15 foot vegetative buffer and screening along the property line shared with the southwesterly abutter be included in the plan set.

Mr. Harned and Mr. Kroner suggested that asphalt along the current access way along the easterly border of the property be removed from areas where it will no longer be needed due to creation of a new access way from the end of the proposed cul-de-sac.

Mr. Harned suggested that the applicant have discussions with the Conservation Commission regarding the conditions of a proposed conservation easement and monitoring of the conservation open space area.

Mr. Wilson noted that the Planning Board is ultimately responsible for determining whether the conservation easement conforms to the zoning ordinance requirements and conditional use permit criteria and will be accepted as part of the approved conservation subdivision.

Mr. Harned opened the public hearing at 7:21pm.

James Irish, Hampton Rod and Gun Club Board of Directors member, addressed the Board. Mr. Irish stated that the gun club membership desires that the following conditions be included as a part of the conservation subdivision proposal:

a. Conservation subdivision homeowners are restricted from having vehicular access to the conservation open space area which will be adjacent to the gun club property.

b. The access road to the gun club property needs to be paved to allow for easier travel and maintenance, especially during winter months.

Mr. Harned closed the public hearing at 7:25pm.

Mr. Saari suggested that the case be continued to the next regular meeting of the Planning Board. Mr. Milner stated that the 65 day period mandated by NH RSA's to decide on the application was close to expiring. He suggested that the applicant and the Board agree to waive the 65 day clock requirement.

Mr. Baum stated that the applicant agrees to waive the NH RSA requirement that the Planning Board act on the conservation subdivision application within 65 days of determination that the application is complete.

Mr. Etela moved that the Planning Board continue Case #22:10 to the December 6, 2022 meeting date with the understanding that the Planning Board and the applicant agree to waive the NH RSA 676:4 requirement that the Planning Board act on the conservation subdivision application within 65 days of determination that the application is complete. Second by Mr. Omberg. The roll call vote was unanimous in favor of the motion (7-0).

2. Case #22:22 – Applicant: Route One Convenience Store, LLC, 39 Freetown Road, Unit 1, Raymond, NH 03077. The Applicant requests a Minor Review to allow placement of storage container product on the site. 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. Neufeld addressed the Board. Mr. Neufeld presented a plan and application materials which indicated the following:

- a. a 160 foot long by 25 foot wide gravel-surfaced area for the display and sale of ten portable storage container products,
- b. location of the currently installed gravel product display area within 15 feet of the northeasterly lot line extending off the back edge of the pavement behind Storage Buildings #4 and #5,
- c. proposed location for placement of each storage container product, and
- d. product specification sheet depicting a 20 foot long by 8 foot wide by 8 foot high steel portable storage container.

Mr. Neufeld stated that the storage containers were product intended for sale to customers to take off-site for their individual storage needs. The storage containers were not intended to be structures for additional on-site storage. Mr. Neufeld showed ground-based and satellite pictures of the currently installed gravel surface area on the site proposed for placement of the storage container product.

Mr. Kroner expressed his concern with adding more impervious surface to a site that was already highly compromised by large amounts of existing impervious surface.

Ms. Rowden stated that adding the storage container product to the site will not change the inherent impervious/pervious characteristics of the site.

Mr. Etela stated his concern that the storage containers may be opened while sitting on the site.

Mr. Neufeld stated that the containers would be placed in a remote area of the site within a fenced area and could be locked.

Mr. Wilson stated the Board should consider if the proposal is an appropriate expansion of use as it relates to the current conditions of the property.

Mr. Neufeld responded that the proposal is an appropriate expansion of use given that:

- a. The proposed storage container area is set back a large distance from the road.
- b. The existing vegetation and trees currently provide adequate screening for the closest neighbors.
- c. The storage container product will be no more visible than the larger buildings next to the product display area.

Ms. Rowden stated that the 10 foot vegetative buffer is maintained by the proposal.

Mr. Kroner asked for clarification regarding the loading and unloading of the storage container product. Mr. Kroner also expressed concern with the noise associated with the loading and unloading process in close proximity to residential neighbors.

Ms. Jewett stated that the storage container product can be forklifted onto a flatbed truck or disassembled for transport on another type of vehicle.

Mr. Kroner moved that the Planning Board find that the application is complete and take jurisdiction of the Minor Review application associated with Case #22:22 to allow placement of storage container

product on the 180 Lafayette Road site. Second by Mr. Omberg. The roll call vote was unanimous in favor of the motion (7-0).

Ms. Rowden suggested that, if the Board approves the application, a condition be added that the storage containers remain empty.

Mr. Harned opened the public hearing at 7:42pm. No comments were made. Mr. Harned closed the public hearing at 7:43pm.

Ms. Rowden asked for clarification regarding hours of operation for sales transactions and other activities associated with the storage container product.

Ms. Jewett stated that hours of operation for sales transactions and other activities associated with the storage container product would occur between 9:00am and 5:00pm.

Mr. Kroner stated his concern with expanding activities on the site even closer to the back yards of the abutting residential neighbors and possibly adversely impacting their quality of life.

Mr. Wilson moved that the Planning Board approve the Case #22:22 Minor Review application to allow placement of storage container product on the site at 180 Lafayette Road as represented in the plan and application materials presented to the Board subject to the following conditions:

1. A note shall be added to the plan stating that the storage container product shall not be used on site for storage of any kind.

2. A note shall be added to the plan stating that transactions or activities involving the delivery, assembly, disassembly, or removal of the storage container product on the site shall only occur between the hours of 9:00am and 5:00pm.

3. A note shall be added to the plan stating that at no time shall more than 10 storage containers for display or sale be located on the site. The storage container product shall not be stacked.

4. 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.

5. Applicant shall submit checks made payable to the Rockingham County Registry of Deeds for required Land and Community Heritage Investment Program (LCHIP) and recording fees.

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

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

Second by Mr. Omberg. The roll call vote was 6-1 in favor of the motion with Mr. Kroner opposed.

III. Other Business

1. Minutes.

Mr. Harned presented the minutes of the October 18, 2022 meeting.

Mr. Maggiore moved that the Planning Board accept the minutes of the October 18, 2022 meeting as written. Second by Ms. Gamache. The roll call vote was unanimous in favor of the motion (7-0).

The meeting was adjourned at 7:50pm without objection.

Respectfully submitted, Rick Milner, Recording Secretary