



Meeting Minutes
North Hampton Planning Board
Tuesday, December 6, 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, and Jim Maggiore, Select Board Representative; Alternate Members Rob Omberg and John Sillay; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:38pm.
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:
Tim Phoenix, attorney.

Mr. Phoenix addressed the Board. Mr. Phoenix stated that the applicant is still working on easement document language and other development details such as the conservation area management plan. There are no changes to the plan or development details to present at this time. Mr. Phoenix requested that consideration of the case be continued to the January 3, 2023 meeting date.

Mr. Harned stated that the upcoming holiday season may delay the applicant's submittal and the Town's review of new information. Mr. Harned suggested that consideration of the case be continued to the February 7, 2023 meeting date.

Mr. Phoenix agreed to continuing consideration of the case to the February 7, 2023 meeting and waiving the NH RSA 65 day clock requirement.

Mr. Wilson suggested that the applicant withdraw the application and re-submit the application with proper noticing when all information is complete. In that way, Board members, abutters, and members of the public will be able to review all of the necessary information at one time and not be inconvenienced by multiple continued discussions of the project.

Mr. Phoenix stated that the information should be ready by the February meeting date. Mr. Phoenix stated that the applicant was willing to send legal notices to abutters prior to the January meeting date to inform abutters of the continuation to the February meeting date.

Mr. Maggiore moved that the Planning Board continue Case #22:10 to the February 7, 2023 meeting date with the understanding that:

a. 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.

b. The applicant shall send legal notices to abutters prior to the January 3, 2023 meeting date informing them that the case has been continued to the February 7, 2023 meeting date.

Second by Mr. Etela. The vote was unanimous in favor of the motion (7-0).

II. New Business

1. Case #22:23 – Applicant: Peter Rhoades, Hubbingtons Furniture, 148 Lafayette Road, North Hampton, NH 03862. The Applicant requests a Design Review for proposed expansion of furniture store building for showroom and warehouse storage uses. Property Owner: Peter C. Rhoades, 1048 Calef Highway, Barrington, NH 03825; Property Location: 148 Lafayette Road, North Hampton, NH 03862; M/L: 017-080-000 and 017-081-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Peter Rhoades, property owner; Eric Weinrieb, engineer.

Mr. Weinrieb addressed the Board. Mr. Weinrieb stated that he recognizes that the discussion is a non-binding review. The applicant is seeking guidance or concerns regarding the proposed project. Mr. Weinrieb presented a conceptual drawing which included the following proposed features for the 148 Lafayette Road site:

- a. consolidation of two lots into one, 10.85 acre lot for the construction of interconnected building additions behind the existing furniture store building within a 2.9 acre area of the combined lots closest to the Lafayette Road and North Road intersection,
- b. two story, 2,365 square foot building addition to be used as a product showroom area,
- c. 2,200 square foot connecting structure,
- d. two story, 14,880 square foot building addition to be used as a storage warehouse,
- e. one story, flat roof loading dock structure and delivery truck storage area,
- f. expanded paved parking locations and paved access ways,
- g. retaining wall and berms,
- h. architectural renderings,
- i. topographical grading plan showing large slope falling away from the existing and proposed buildings adjacent to westerly lot line near the old rail trail,
- j. wetlands boundaries, 25 foot wetlands vegetative buffer, and 100 foot structure and impervious surface setback, and
- k. groundwater transmissivity rates for aquifer located beneath the site.

Mr. Weinrieb stated the following:

- a. The applicant's representative has met with the Fire Department. Since the proposed buildings will have a fire suppression system, there will be no need for access around the entire perimeter of the buildings.
- b. The furniture store business will not be generating or handling any toxic waste that may contaminate the local aquifer.
- c. The total lot coverage will be less than 20%.

d. The stormwater management system will be designed to meet the requirements of the ordinance and treat and infiltrate stormwater runoff so that the runoff from a 100 year storm event will not exceed the current runoff conditions. The site has good existing soils for water infiltration.

e. A significant portion of the proposed improvements will occur within the 100 foot wetlands setback for structures and impervious surfaces. The site will maintain a 25 foot vegetative buffer from the wetlands boundary.

f. The business is expected to experience 40 vehicle trips on a Saturday and 10-20 vehicle trips on a weekday with no more than 6-8 customers at one time.

g. The business is expected to receive one or two large truck (53 foot long) deliveries per weekday with no incoming deliveries on weekends. The business will make one or two small truck deliveries per day to customers.

h. The proposed plan includes access improvements and a new loading dock to facilitate traffic flow within the unique configuration of the Lafayette Road and North Road intersection and on the site.

i. The plan has been designed in a way to minimize visual impact of the proposed construction.

Mr. Harned asked for clarification regarding the shortage of parking spaces provided by the proposed plan.

Mr. Weinrieb stated that the nature of the furniture business does not generate as much traffic volume as other types of retail stores. Also, the furniture business has seen an increase in on-line sales which reduces the amount of on-site traffic.

Ms. Rowden noted that there are no plans for the State of New Hampshire to start any work on the reconfiguration of the Lafayette Road and North Road intersection. However, work to upgrade the bridge at that intersection will begin in 2024.

Mr. Kroner expressed his concern with possible traffic flow and traffic safety sightlines in connection with the proposed new entrance to the furniture store site. Mr. Kroner also expressed a concern with the amount of excavation and land fill proposed in the plan.

Mr. Weinrieb stated that the goal of the project is to move material around the site in order to avoid adding or eliminating large amounts of soil/material.

Mr. Kroner expressed his concern that, at this point, it is not known how exactly the stormwater management will work and where the water runoff will go on a site with unique land features and grades. It will be important to review the exact details of the stormwater management plan in order to make an informed decision regarding the validity of the project.

Mr. Wilson expressed the following concerns regarding the proposed plan:

- a. significant encroachment on the wetlands buffer,
- b. steep slopes behind the proposed buildings,
- c. traffic flow issues, and
- d. challenge satisfying Site Plan Review Regulations architectural standards.

In his opinion, it will be a challenge to complete the proposed project due to the unique natural site conditions on this property.

Mr. Milner stated that the State of New Hampshire Department of Transportation (NHDOT) has notified town administration that the proposed improvements necessitate issuance of a new driveway permit for access to the site off of Route 1 (Lafayette Road).

Mr. Harned asked if the applicant has considered a land exchange with the abutting property owner to the north and east of the site in order to facilitate movement of the proposed improvements away from the wetlands.

Mr. Rhoades stated that he has tried to arrange a land exchange for at least three years in anticipation of proposing site improvements. However, he has not been successful. Mr. Rhoades stated that he understands the challenges that the proposed plan creates. However, the plan must work as proposed or else the furniture store business operations will have to be moved to another location and the existing building will have to be sold.

Mr. Harned suggested that the applicant explore expanding upon the 25 foot vegetative buffer and/or improve the quality of plantings on the site in order to maximize the project's ability to protect the wetlands. Also, the applicant should consider how the proposed plan either satisfies or does not satisfy the Site Plan Review Regulations architectural standards.

Mr. Kroner expressed his opinion that the proposed buildings appear to be more conforming to the architectural standards than other buildings previously approved by the Planning Board.

Ms. Monaghan expressed her concern with possible adverse wetlands impacts created as a result of the proposed plan.

Mr. Maggiore stated that he recognizes the traffic challenges that could result from the proposed plan.

Mr. Harned stated that, in his opinion, the proposed plan is the least intensive type of use that could occur on the site with the existing wetlands and aquifer conditions. However, there are significant outstanding details that need to be presented to the Board in order for the Board to make an informed decision.

2. Case #22:24 – Applicant: Route One Convenience Store, LLC, 39 Freetown Road, Unit 1, Raymond, NH 03077. The Applicant requests a Site Plan Review for proposed demolition of two existing buildings and construction of a 4,350 square foot convenience store building, motor vehicle refueling service facility, and other site improvements within 62,200 square foot area at front of 180 Lafayette Road multi-use commercial property. The Applicant also requests a Conditional Use Permit to allow convenience store and motor vehicle refueling facility uses within the Aquifer Protection District. 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; Brandon Cummings, consultant.

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

a. demolition of an existing convenience store/motor vehicle refueling building, existing motor vehicle refueling pumps, and existing restaurant/thrift shop building,

b. construction of a new 4,350 square foot convenience store/food service/motor vehicle refueling building and 45 parking spots on 62,200 square foot area at front of property along Route 1/Lafayette Road,

c. construction of four new motor vehicle fueling stations/pumps under a new canopy in front of the new building with the ability to fuel eight motor vehicles at the same time,

d. expanded motor vehicle fuel storage capacity,

e. new septic system, signage, and updated site lighting,

f. new stormwater management system which will infiltrate and treat stormwater on the site,

g. improved green space landscaping and traffic flow patterns, and

h. New England style architectural building design features.

Mr. Neufeld stated the following:

a. NHDOT has given the applicant a preliminary opinion that the current access points off of Lafayette Road are adequate for the proposed use of the site.

b. A 26 foot wide paved driveway has been added to the proposed plan for site access/egress over the dirt area behind the proposed building to address a safety concern expressed by the Zoning Board of Adjustment (ZBA) regarding fuel delivery truck and emergency vehicles access to the site from behind the proposed building.

c. A sidewalk has been added to the proposed plan on the southerly side of the new building.

d. The current fuel storage tanks (24,000 gallon capacity) will be removed. New fuel storage tanks (40,000 gallon capacity) will be installed. The increased fuel storage capacity proposed by the site plan is allowed due to the closing of another motor vehicle refueling facility in North Hampton and the confirmed removal of the fuel storage tanks on that site.

e. Stormwater management system will include catch basins and a below grade leaching field.

Mr. Neufeld and the Board discussed site lighting options that will address the Town Engineer's recommendation to add more lighting in the northeast corner of the site and conform to the zoning ordinance requirements.

Mr. Harned asked if the traffic trip report calculating that the proposed business could experience thousands of trips per day was accurate.

Mr. Neufeld stated that the report was based on national averages for many different cities and towns and overstates the actual number of trips that the 180 Lafayette Road site will experience.

Ms. Rowden stated that transportation consultants at the Rockingham Planning Commission have data that show traffic in this area will be significantly less than the estimate provided in the trip calculation report included in the application materials.

After discussion by Board members of their experience and knowledge concerning traffic patterns along Lafayette Road, the Board came to the consensus that the traffic trip figures included in the application materials overestimate the actual number of vehicles that will visit the site on a daily basis.

Mr. Harned asked for confirmation that the eight motor vehicle refueling locations are being classified as parking spaces in order to satisfy the Town's site plan regulations requirement.

Mr. Neufeld confirmed that the eight motor vehicle refueling locations are being classified as parking spaces since customers may leave their vehicle either before or after refueling to purchase items in the convenience store.

Mr. Neufeld presented architectural drawings for the proposed building and canopy over the motor vehicle refueling stations. Mr. Neufeld also presented pictures of similar construction at another location. The proposed canopy will have a sloped roof with shingles to conform to the Town's architectural standards. The canopy will only have recessed lighting under the canopy roof. There will be no banner lighting on top of the canopy.

Mr. Neufeld stated that the proposed plan will only create a 496 square foot increase in the amount of impervious surface on the site. Mr. Neufeld also stated that the Town Engineer and Planner review comments can be readily addressed.

Ms. Rowden stated that, in her opinion, the application was complete. She suggested that the Board and applicant address the Conditional Use Permit application to allow the proposed use within the Aquifer Protection District. Ms. Rowden also suggested that the Board schedule a site walk to aid in its consideration of the application.

Mr. Kroner stated his opinion that approval of the conditional use permit would enhance protection of the aquifer since the new technology and equipment that are proposed to be installed on the site are an improvement upon the current equipment.

Ms. Monaghan stated that she would like to see information regarding when the current fuel storage tanks will be replaced if the conditional use permit is not approved. This information will be helpful when considering the conditional use permit application to allow the proposed use within the Aquifer Protection District.

Mr. Neufeld stated that the proposed upgrade to the fuel storage tanks is not the only benefit for the Aquifer Protection District included in the proposed plan. The site and the Aquifer Protection District will benefit from an improved stormwater drainage system that will better treat and infiltrate stormwater runoff.

Mr. Kroner suggested that data and specifications regarding the modern technology used by the proposed new fuel storage tanks to reduce the risk of contamination of the Aquifer Protection District be submitted to aid the Board with its consideration of the conditional use permit application.

Mr. Cummings addressed the Board. Mr. Cummings stated that the proposed fuel storage tanks are constructed with fiberglass double walls. There is a brine solution contained between the two walls. The brine solution is monitored by leak detectors. If the volume of the brine is reduced in some way, the leak

detectors immediately send notification to the New Hampshire Department of Environmental Services (NHDES). The NHDES then ensures that remediation of the problem occurs. The supply lines from the fuel storage tanks to the fuel dispensers and the fuel dispenser sump areas also have in-line leak detectors.

Mr. Harned suggested that the Board receive information regarding NHDES design standards and monitoring process for a fuel storage system.

Mr. Wilson asked for confirmation that the fuel storage capacity included in the proposed plan does not exceed the maximum capacity allowed by the zoning ordinance.

Mr. Neufeld confirmed that the fuel storage capacity included in the proposed plan does not exceed the maximum capacity allowed by the zoning ordinance.

Mr. Wilson suggested that information be submitted to the Board indicating that the proposed plan uses the best feasible technology to prevent dangerous or hazardous impacts on the groundwater.

Ms. Monaghan asked if an outdoor dining area is still included in the proposed plan.

Mr. Neufeld stated that the previously proposed outdoor dining use has been eliminated from the current proposed plan.

Mr. Maggiore moved that the Planning Board find that the application is complete and take jurisdiction of the Site Plan Review application for proposed demolition of two existing buildings and construction of a 4,350 square foot convenience store building, motor vehicle refueling service facility, and other site improvements within 62,200 square foot area at front of 180 Lafayette Road multi-use commercial property. Second by Mr. Kroner. The vote was 6-0-1 in favor of the motion with Mr. Wilson abstaining.

Ms. Monaghan moved that the Planning Board schedule a site walk at 180 Lafayette Road site as part of the Site Plan Review application review process for Case #22:24 on December 15, 2022 at 1:30pm. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

Mr. Wilson moved that the Planning Board continue Case #22:24 to the January 3, 2022 meeting date. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

3. Case #22:25 - Applicant: Svitlana Konovalova, Coffee Point Family Cafe, 7 Rollins Farm Road, Stratham, NH 03885. The Applicant requests a Preliminary Consultation to discuss approval process for proposed coffee shop business. Property Owner: ZJBV Properties, LLC, 300 Gay Street, Manchester, NH 03103; Property Location: 251 Atlantic Avenue, North Hampton, NH 03862; M/L: 007-126-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:
Svitlana Konovalova, applicant.

Ms. Konovalova addressed the Board. Ms. Konovalova stated that she would like to open a family café business in the small building on the 251 Atlantic Avenue site. Ms. Konovalova presented a floor plan

which included a coffee bar service area, food preparation and cleaning areas, five tables with 12 seats, and a storage area. Customers would be served coffee drinks and snacks within the indoor seating area. An indoor space would be provided for child play activities. The proposed business would be open seven days a week and have two employees working during a shift. Ms. Konovalova proposed no changes to the exterior of the building.

Ms. Konovalova stated she was seeking the Board's non-binding guidance as to whether the proposed change of use on the site required a Minor Review or Major Site Plan Review by the Planning Board to comply with the Town's regulations.

Mr. Milner stated that he and Ms. Rowden are of the opinion that the proposed change of use requires a Major Site Plan Review by the Planning Board for the following reasons:

- a. No site plan exists for the 251 Atlantic Avenue site.
- b. NHDES is requiring that a new septic system be designed for the site.
- c. NHDOT is requiring a driveway permit review for the site.
- d. The appropriate amount of parking required by the Site Plan Regulations for the proposed use needs to be evaluated.
- e. Wetlands and buffer areas behind the existing building need to be delineated.

Mr. Wilson and Ms. Konovalova discussed details regarding the proposed business operations.

Ms. Monaghan asked for clarification regarding the need for a new septic system on the site.

Ms. Konovalova stated that the current septic system is not approved for food service uses.

The Board came to a consensus that a Major Site Plan Review was necessary to adequately consider approval of the proposed change of use on the 251 Atlantic Avenue site.

Mr. Wilson stated that this specific property has been compromised over many years with uses that do not fit with the lot's boundaries and site conditions. The increased traffic volume generated by the proposed change of use at a current high volume traffic area near the Atlantic Avenue-Lafayette Road intersection and entrances to other highly trafficked retail business sites raises a safety concern.

III. Other Business

1. 2023 Planning Board meeting calendar review.

Prior to discussing the 2023 meeting calendar, Mr. Milner informed the Board that, due to the holiday season, the ZBA has moved its scheduled December public hearing to the same night as the Planning Board December work session (December 20, 2022). Mr. Milner asked if the Planning Board would be willing to hold its work session in the Mary Herbert Conference Room. The Board came to a consensus to hold the December 20, 2022 work session in the Mary Herbert Conference Room.

Mr. Milner presented a draft version of the 2023 Planning Board meeting calendar. Mr. Milner noted that the July 2023 regular meeting of the Planning Board would fall on July 4 if the regular first Tuesday of the month schedule was followed. The Board discussed different scheduling options for the July 2023 regular meeting.

Mr. Wilson moved that the Planning Board schedule the July 2023 regular meeting of the Planning Board on the third Tuesday of the month, July 18, 2023. The July 2023 work session which would normally be scheduled on July 18, 2023 will not be held. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

2. Minutes.

Mr. Harned presented the minutes of the November 15, 2022 meeting.

Mr. Wilson moved that the Planning Board accept the minutes of the November 15, 2022 meeting as written. Second by Ms. Monaghan.

Discussion of the motion – Mr. Milner presented a request from Ms. Gamache, with specific language included, to add more details to her comments about grant opportunities in the November 15 minutes. The requested amendment to the minutes was not accepted.

The vote was unanimous in favor of the motion (7-0).

The meeting was adjourned at 8:51pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary