



Meeting Minutes
North Hampton Planning Board
Tuesday, July 18, 2017 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, Dan Derby, and Jim Maggiore, Select Board Representative; 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 #17:04 – Applicants, Annette Lee and Nicole Carrier, 2 Elm Road, North Hampton, NH 03862.

The Applicants request a site plan review to amend previous site plan approvals by making improvements to current business operations for Throwback Brewery located at 2 Elm Road including building expansion and enlargement of outdoor customer seating area. The Applicants request the following waivers to the requirements of the Town of North Hampton Site Plan Regulations:

- a. Section XII – Parking Requirements
- b. Section X.G – Stormwater Management
- c. Section VIII.B.27 – Architectural Rendering

Property Owner: Annette Lee and Nicole Carrier, 2 Elm Road, North Hampton, NH 03862; Property Location: 2 Elm Road, North Hampton, NH 03862; M/L: 013-009-000; Zoning District: I-B/R, Industrial – Business/Residential District, and R-1, High Density District.

In attendance for this application:

Annette Lee, applicant.

Mr. Maggiore recused himself from the Board.

Mr. Harned explained to the Board that the NHDOT driveway permit connected to the 2016 amended site plan conditional approval for the Throwback Brewery site was still outstanding. The Board cannot proceed with consideration of the current application due to the fact that this condition of the 2016 approval for the site has not been completed and the plan has not been recorded at the County Registry.

Ms. Lee stated that she expects the NHDOT driveway approval in the next couple of days.

Mr. Harned stated that the 2016 conditional approval is due to expire on August 2, 2017. The applicant may need to request an extension of the approval at the August 1 meeting.

Mr. Wilson suggested a continuance of consideration of the current application to the August 1 meeting.

Mr. Harned suggested that this continuance be the last continuance granted for the current application due to the number of continuances already granted and to be fair to the abutters and the public.

Mr. Derby moved that the Planning Board continue Case #17:04 to the August 1, 2017 meeting date. Second by Mr. Wilson.

Discussion of the motion – Ms. Monaghan stated that she believes abutters should be notified of the next meeting date for Case #17:04 due to the large number of continuances. Mr. Milner offered to send notices to the abutters by regular mail.

The vote was unanimous in favor of the motion (4-0).

Mr. Maggiore returned to the Board.

2. Case #17:06 – Applicant, MAC Construction – Robert MacDonald, 90 Lovering Road, North Hampton, NH 03862. The Applicant requests a site plan review to construct a 5,400 square foot commercial building with associated site improvements for proposed retail, office, and outside material storage uses at 227 Lafayette Road. The applicant requests a Conditional Use Permit to allow commercial use within the Aquifer Protection District. The applicant also requests a waiver to the requirements of the Town of North Hampton Site Plan Regulations Section X.G – Stormwater Management. Property Owner: Robert MacDonald, 90 Lovering Road, North Hampton, NH 03862; Property Location: 227 Lafayette Road, North Hampton, NH 03862; M/L: 020-012-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Robert MacDonald, applicant; John Chagnon, engineer for the applicant; Colby Gamester, attorney for the applicant.

Mr. Chagnon addressed the Board. Mr. Chagnon explained that the applicant was submitting a revised site plan due to the fact that the Planning Board did not grant a waiver for two driveways at the last meeting. The revised plan included only one driveway and new drainage calculations which conform to the revised plan. Mr. Chagnon addressed comments made by the Town Engineer in his review letter. Mr. Chagnon noted the following Town Engineer comments:

- a. a safety barrier should be added along the top of a retaining wall and
- b. the requirements of the Aquifer Protection Ordinance will be satisfied by the proposed site plan.

Mr. Chagnon requested that the Board take jurisdiction of the 227 Lafayette Road site plan application.

Ms. Monaghan moved that the Planning Board take jurisdiction of the site plan application to construct a 5,400 square foot commercial building with associated site improvements for proposed retail, office, and outside material storage uses at 227 Lafayette Road. Second by Mr. Wilson. The vote was unanimous in favor of the motion (5-0).

Ms. Monaghan asked for clarification regarding the plan's conformance to the stormwater regulations.

Ms. Rowden explained that the Board previously granted a waiver to the current stormwater regulations for this application due to the fact that the application was submitted during the notification period for adoption of the new stormwater regulations. The current proposed site plan is in conformance with the previous stormwater regulations as allowed by the waiver issued by the Board.

Ms. Monaghan suggested that a condition of approval for this application be the annual submittal of a maintenance letter stating that the stormwater systems, especially the rain gardens, are functioning properly.

Ms. Monaghan asked for clarification regarding the material storage use indicated on the plan.

Mr. Chagnon pointed out the material storage location behind the proposed building. The plan indicated sand, stone, loam, and gravel may temporarily be stored on the site for the applicant's construction business and be removed as needs on different construction sites warrant.

Mr. Harned suggested that the dimensions of the material storage area be added to the plan.

Mr. Wilson suggested that a note be added to the plans stating that no processing or retail sales of the raw materials occur. Mr. Wilson also suggested that the entire cost of installation of the rain gardens indicated on the plans be included in a performance guarantee to ensure construction of the rain gardens is completed to protect against adverse effects of stormwater run-off if the overall project is not completed.

Mr. Wilson noted that the site plan regulations require that windows should comprise no less than 5% of the exterior wall surface of the building.

Mr. MacDonald stated that the plans will be changed if they do not conform to the regulations regarding window area requirements.

Mr. Harned asked for comments regarding the Aquifer Protection Ordinance conditional use permit.

Mr. Chagnon noted the Town Engineer's review comment which stated that the plan satisfies the qualitative and quantitative requirements of the Aquifer Protection Ordinance.

Mr. Harned opened the public hearing for consideration of the Aquifer Protection Ordinance Conditional Use Permit at 7:44pm.

Mr. Chagnon stated that the proposed drainage systems detailed in the site plan will:
a. contain and infiltrate a larger volume of water into the aquifer than usually contained on a site and
b. not allow the discharge of toxic or hazardous materials into the aquifer.

No other comments were made. Mr. Harned closed the public hearing at 7:47pm.

Mr. Wilson asked for clarification regarding the type of repairs and maintenance which would occur on the site.

Mr. MacDonald stated that there would be no servicing of vehicles or equipment which included fluid work or replacement; only general parts maintenance and replacement would occur on the site.

Mr. Maggiore moved that the Planning Board grant the Conditional Use Permit to allow commercial uses within the Aquifer Protection District associated with the site plan application for construction of

a 5,400 square foot commercial building at 227 Lafayette Road site. Second by Mr. Derby. The vote was 4-1 in favor of the motion with Ms. Monaghan opposed.

Mr. Harned opened the public hearing for consideration of the site plan application at 7:50pm. Mr. Milner presented a letter from Philip Michaud stating his concerns regarding the 227 Lafayette Road project. The letter is attached as Appendix A to these minutes. No other comments were made. Mr. Harned closed the public hearing at 7:51pm.

Mr. Wilson moved that the Planning Board approve the Site Plan Review application for Case #17:06 to construct a 5,400 square foot commercial building with associated site improvements for proposed retail, office, and outside material storage uses at 227 Lafayette Road subject to the following conditions:

- 1. A note shall be added to the recorded page of the plan stating that the property owner shall submit an annual report to the Town of North Hampton on September 1 of each year which certifies that the rain gardens proposed in the site plan are functioning properly as designed.**
- 2. Applicant shall provide a performance security in a form acceptable to the Town of North Hampton and in an amount equal to the full cost for materials, construction, and installation of proposed rain gardens. The performance security shall be held by the Town of North Hampton for a minimum of two years after rain garden construction is completed to ensure replacement of any features of the rain gardens which are not constructed or functioning properly.**
- 3. Applicant shall provide a performance security in a form acceptable to the Town of North Hampton and in an amount equal to 25% of the cost for materials and installation of other landscaping features not associated with the proposed rain gardens. The performance security shall be held by the Town of North Hampton for two growing seasons after installation of plantings to ensure prompt replacement of any dead plantings.**
- 4. Dimensions of the materials storage area designated on the plan shall be added to the recorded page of the plan. A note shall be added to the recorded page of the plan indicating that there shall be no processing of raw materials. A note shall be added to the recorded page of the plan indicating that there shall be no retail sales of raw materials.**
- 5. Windows and/or doors shall be added on all sides of the proposed building to fully comply with Section X.E.3.b.5 of the Town of North Hampton Site Plan Regulations.**
- 6. A pipe railing safety barrier which satisfies Town Engineer review comments shall be added to the recorded page and the construction details page of the plan.**
- 7. A note shall be added to the recorded page of the plan indicating the issuance of a Conditional Use Permit in accordance with Town of North Hampton Zoning Ordinance Section 414.5 Aquifer Protection District Ordinance with the date of issuance included.**
- 8. Applicant shall submit a clean letter from the Town Engineer.**
- 9. 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.**
- 10. 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.**
- 11. 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.**

12. Applicant shall submit a check made payable to the Rockingham County Registry of Deeds in the amount of \$25.00 for mandatory state fee to fund the Land and Community Heritage Investment Program (LCHIP).

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

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

Second by Mr. Maggiore. The vote was unanimous in favor of the motion (5-0).

II. New Business

1. **Case #17:09 – Applicant, Locals Hospitality, LLC - John Vendola, 215 Lafayette Road, North Hampton, NH 03862.** The Applicant requests a preliminary consultation to discuss proposed placement of shed on the site. Property Owner: Daniel Pelletier, 36 Sweetbriar Lane, Hampton, NH 03842. Property Location: 215 Lafayette Road, North Hampton, NH 03842; M/L: 021-003-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

John Vendola, applicant.

Mr. Vendola addressed the Board. Mr. Vendola stated that his restaurant business wished to place a 12 foot by 16 foot shed on the pavement in the rear of the property. The property owner has authorized the shed placement. The shed will not be placed in or near any marked parking spaces and will allow room for regular traffic movement. The shed will be used to store goods, materials, and maintenance tools. Mr. Vendola asked the Board for guidance regarding the proper procedure to obtain approval for placement of the shed.

Ms. Rowden stated that such a proposal would normally require a site plan review process. However, the site plan regulations may allow for waiving the site plan review process. The shed placement proposal is relatively small in nature. The proposal meets the zoning setback requirements and would not diminish the parking available for the business.

Ms. Monaghan asked for clarification regarding location of the wetlands in relation to the site.

Ms. Rowden stated that wetlands are not located near the site.

Mr. Harned asked for clarification regarding utilities and construction methods for the shed.

Mr. Vendola stated that the shed would have no electric, water, or septic utilities. The shed would have no foundation. It would rest on the paved area.

Ms. Monaghan stated that there may be enough possible issues with the site including verifying accurate distances, wetlands location, and conformance of the current site to an old 1989 site plan which may necessitate a full site plan review.

Mr. Maggiore stated that this proposal does not change the site in a substantial way. No parking or driving lanes appear to be affected. In his opinion, this proposal does not rise to the level of a full site

plan review. The site plan regulations allow for the Board to determine that no site plan review is necessary.

Mr. Harned asked for clarification regarding the proposed shed's location in relation to the parking spaces.

Mr. Vendola stated that there would be 18 feet between the shed and the closest parking space to allow for proper traffic flow.

Mr. Wilson noted that the site plan regulations require a minimum 22 foot aisle width to access parking spaces as configured on the current site plan.

Mr. Harned stated that a full site plan review for this type of proposal may be considered excessive. However, the intent of the regulations and the Board's procedures is to accurately record current activities and site conditions on a site, especially in the I-B/R zoning district and on older sites which have old or no site plans on file. In his opinion, the regulations do not provide an option other than a full site plan review.

Mr. Wilson stated that, due to the difficulty with defining what type of proposals require a site plan review and which proposals do not require a site plan review for all possible situations, the Board must follow the procedure outlined in the regulations.

Mr. Harned and Ms. Rowden suggested, in a non-binding opinion, that the applicant submit a site plan application depicting the proposed shed and its precise location on the current site plan or on a drawing with precise measurements and include any necessary waiver requests to the site plan regulations with which the application does not comply.

Mr. Derby suggested that the Board should explore creating a more simplified process in the future for dealing with proposals which are minor in nature. If the Board makes it too difficult or cost prohibitive for businesses to get approval for a minor change to a site, then businesses may find ways to make the changes without obtaining Planning Board approval.

III. Other Business

1. Review of potential 2018 Zoning Ordinance amendments – Short Term Rentals.

Mr. Maggiore presented to the Board a draft of permitting regulations intended to address health, safety, and public welfare issues associated with short term rentals. Mr. Maggiore asked the Board for guidance regarding:

- a. any input which would be helpful in creating a more effective document and
- b. whether the Board considered the matter a Planning Board zoning issue or a Select Board code enforcement issue.

Mr. Harned stated that he believed that the permitting process is not a zoning issue to be considered by the Planning Board.

Mr. Wilson stated that a land use component associated with short term rentals may present itself in the future. However, it is best for the Select Board to handle the permitting process at this time.

The Board came to a consensus without objection that the Planning Board should not consider a zoning amendment associated with short term rentals at this time.

2. Review of potential 2018 Zoning Ordinance amendments – Accessory Structures.

Mr. Harned presented to the Board proposed zoning ordinance language intended to create a conditional use permit process for accessory structures. A conditional use permit issued by the Planning Board would be required for any accessory structure greater than 2,400 square feet in size or any structure having a non-residential use. The intent of the proposed language is to:

- a. prevent excessive lot coverage by large buildings on small lots, especially within residential areas, and
- b. protect the quality of life for abutters in residential areas from large, intrusive non-residential buildings.

3. Minutes.

Mr. Harned presented the minutes of the June 20, 2017 Planning Board meeting.

Mr. Harned moved that the Planning Board accept the minutes of the June 20, 2017 Planning Board meeting as written. Second by Mr. Derby. The vote was 4-0-1 in favor of the motion with Mr. Wilson abstaining.

The meeting was adjourned at 9:34pm without objection.

Respectfully submitted,

Rick Milner

Recording Secretary

Appendix A

Planning Board Comments (CASE #15:06)

To: Wendy Chase - Planning and Zoning Administrator
233 Atlantic Avenue, 2nd floor North Hampton, NH. 03862

From: Philip Michaud
12 Aspen Way North Hampton, NH 03862

RE: Planning Board Agenda item #15:06

Ref: Robert R. MacDonald 277 Lafayette Road Build Site

Hi Wendy,

I wanted to get the following details included as concerns for the Applicant Robert R. MacDonald for property at 277 Lafayette Road.

I would like these to be included as limitations for approval. I will not be able to attend the public meeting, and I hope that this can be voiced during the meeting and before the approval. All in all, I agree with the plan, but have a couple minor concerns.

1. The location will not, current or in the future, allow for food preparation.
2. The location will not, current or in the future, allow for "drive thru" service.
3. The public will not be allowed to drive beyond the limits of the front of the building. Signs should be posted stating this on either side of the build.
4. The building will NOT have lighting above 7 feet on the southeast side, nor will light from the building be allowed to shine into the neighboring yards.
5. Once construction of the building and site is complete, there shall not be any allowances for stock piling of any materials (gravel, sand, mulch, etc) in the property except for direct use of property maintenance.
6. Operations of the retails locations will NOT be allowed to operate before 7am in the mornings and not beyond 8 pm in the evening.
7. Heavy equipment stored on said location will not operate before 7 am in the mornings and not beyond 6 pm in the evenings with exception of startup and shutdown of operations for stored equipment.
8. The external sign on the road frontage shall be places as far north on Route 1 as possible to avoid lighting surrounding backyards.

Thanks you for helping with voicing these concerns, and regards,

Phil Michaud

Dated : April 29, 2015 10 :00am

Philip Michaud

*Rec'd + dist
4/29/15
WC*

RECEIVED

JUN 5 2017

Initial: *Rm*

CASE 17:06