



Meeting Minutes
North Hampton Planning Board
Thursday, February 3, 2011 at 6:30pm
Town Hall

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9 These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a
10 transcription.

11

12 **Members present:** Phil Wilson, Chair; Barbara Kohl, Vice Chair; Shep Kroner, Joseph Arena, and Jim
13 Maggiore, Selectmen's Representative.

14

15 **Members absent:** Laurel Pohl and Mike Hornsby

16

17 **Alternates present:** Mike Coutu

18

19 **Others present:** Brian Groth, RPC Circuit Rider, and Wendy Chase, Recording Secretary

20

21 Mr. Wilson convened the meeting at 6:04pm.

22

23 Mr. Wilson seated Mr. Coutu for Mr. Hornsby.

24

25 1. **#11:01 – GZA GeoEnvironmental, Inc., 202 Kent Place, Newmarket, NH 03857.** The Applicant
26 requests a Conditional Use Permit under Article IV, Section 409.12 to allow the expansion of an
27 existing structure located within the wetlands conservation district freshwater and tidal buffer
28 zones. Property owner: Richard Clark; property location: 1 Appledore Avenue; M/L 001-022-000;
29 zoning district: R-2. This case is continued from the January 13, 2011 Meeting.

30

31 The Board was in receipt of an e-mail from Attorney Timothy Phoenix, on behalf of his Client, Richard
32 Clark, informing the Board that they were withdrawing the Application (Case #11:01) without prejudice.

33

33 There was no action needed or taken by the Planning Board.

34

34 **New Business**

35

36 1. **#11:04 – Nancy Briggs and Joseph Guilmette, 67 Exeter Road, North Hampton, NH.** The Applicants
37 propose a Change of Use and a Site Plan amendment by relocating their existing business "C'Est
38 Cheese", a wine, cheese and gift shop; also serving food, to 61 Lafayette Road, previously used as a
39 "Gift Shop" business only and adding a 10' x 24' addition to the rear of the building. Property
40 location: 61 Lafayette Road; property owners: Nancy Briggs and Joseph Guilmette; M/L 007-063-
41 000; zoning district: I-B/R.

42

43 In attendance for this application:

44 Nancy Briggs & Joe Guilmette, Owner/Applicants

45 Mr. Wilson recused himself.
46 Ms. Kohl assumed the Chair.

47
48 Ms. Briggs explained that she currently owns and operates C'Est Cheese, located at 122 Lafayette Road.
49 She purchased the property at 61 Lafayette Road and would like to move her business to that new
50 location. She explained that the business is currently occupied in a mixed use complex of residential
51 apartments and commercial businesses. She further explained that she is unable to serve food at her
52 current location and would like to serve European style lunches. She would also like to add a small room
53 to the back of the building at 61 Lafayette Road to house the new furnace.

54
55 Dr. Arena asked many important questions of the Applicant, and she responded as follows:
56 • The subject building was once occupied by three (3) separate businesses that each had a
57 separate door and separate bathrooms; they plan to remove some of the doors and bathrooms.
58 • They plan to replace the windows.
59 • The handicapped ramp shown on the plan was never built; they plan to build the ramp as
60 depicted on the original approved plan.
61 • They will have two (2) grease traps, as advised by their plumber.
62 • They plan to paint the exterior of the building a pale yellow color.
63 • The roof on the proposed addition will be flat to match the current design of the building, but
64 they plan to routinely shovel it in the winter to prevent snow buildup.
65 • There will be no changes to the current trash receptacle.
66 • They plan to install central air conditioning to avoid window units.

67
68 Mr. Groth commented that the proposed changes to the existing site plan must conform to the current
69 setback requirement of 100-feet from the wetland buffer zone.

70
71 Mr. Wilson spoke from the audience and referred Mr. Groth to Section 409.9.B.1 of the Zoning
72 Ordinances. He said that rather than the ZBA it is the Planning Board that deals with incursions into the
73 wetlands setback under the provision 409.12 of the Zoning Ordinances, which requires a Conditional Use
74 Permit. He further commented that a requested Conditional Use permit was not properly noticed for
75 this Meeting. If the Board determines that the Applicant needs to apply for a Conditional Use Permit, it
76 would need to be re-noticed and heard by the Board at the March 3, 2011 Meeting.

77
78 Mr. Kroner said that it was, in his opinion, that the Applicants would not need a Conditional Use Permit,
79 and that the proposal falls under the provision in the Ordinance where developed residential lots of
80 record existing prior to March 2003: *if the imposition of 100-foot wetland buffer setbacks causes the*
81 *buildable upland acreage to be less than 16,000 square feet, the prior buffer zone setback requirements*
82 *of 50-foot wetland buffer shall apply.*

83
84 Mr. Groth agreed with Mr. Kroner.

85
86 Mr. Groth commented on the required parking for the site; under Section XII of the Site Plan Regulations
87 1 parking spot per three (3) seats is required for restaurants and 1 parking spot per 300 square feet for
88 retail stores. Ms. Briggs said that she is limited to thirteen (13) seats for the food service part of the
89 business due to the current septic system.

90
91 It was determined that there was adequate parking for the proposal.

92 Mr. Maggiore questioned what the Applicants planned for signage.

93

94 Ms. Briggs said that she will apply to the Building Inspector for a sign application because she is just
95 taking the existing sign and painting over it; it will not be materially altered. She also said that she
96 would like to take her current "C'Est Cheese" sign from the current location and put it on the subject
97 building. It was determined that the "C'Est Cheese" sign met the requirement for size under the Zoning
98 Ordinance in that it is not larger than 12-square feet. She will apply to the Building Inspector for that
99 sign also.

100

101 Dr. Arena asked if she planned to offer outside eating. Ms. Briggs said that she planned to move bistro
102 style tables outside during the summer months, but will never exceed the thirteen (13) seat limit. Her
103 current hours of operation are Tuesday through Friday, 11:00am to 7:00pm; Saturdays 11:00am to
104 4:00pm and Sundays, 12:00pm to 4:00pm. She does not plan to change her hours.

105

106 Ms. Kohl asked the Applicant what kind of lighting she planned on having on the outside of the building.

107

108 Ms. Briggs said that she would like to have lantern style lights on each side of the door facing Lafayette
109 Road, security lights (downward lighting) and motion detector lights under the eaves on the back of the
110 building. She also intends on installing a security system.

111

112 Dr. Arena said that the Applicant should submit a photo or sketch showing the elevation on the east side
113 of the building.

114

115 Mr. Kroner commented that the current site plan was approved by the Board in 2004.

116

117 The Board discussed whether or not they would require a full site plan review application from the
118 Applicants. He made a comment that the most recent site plan on file was completed, approved by the
119 Board, and recorded at the Registry of Deeds in 2004.

120

121 **Mr. Kroner moved and Mr. Coutu seconded the motion that the Board would view the proposal as a**
122 **Change of Use and would not require a full site plan review.**

123 **The vote was unanimous in favor of the motion (5-0).**

124

125 **Mr. Kroner moved and Mr. Maggiore seconded the motion to approve the Change of Use Application**
126 **for case #11:04 with the condition that the Owners/Applicants shall submit a photo to the Town**
127 **showing the elevation of the east side of the building for the permanent record.**

128 **The vote was unanimous in favor of the motion (5-0).**

129

130 Mr. Wilson resumed the Chair.

131

132 **Other Business**

133

134 **1. Discussion on the proposed amendment to the Agriculture Zoning Ordinance; Section 302.2 and**
135 **Section 508 (draft #9)**

136

137 Ms. Kohl, Chairman of the Agriculture Ad hoc Committee reported on the Committee's activities. She
138 said that the Committee held its first meeting in July 2010 at a farm in Rye and after touring the farm it
139 helped put things into perspective for the members by realizing that it is possible to put agricultural
140 operations on lots that aren't substantial.

141
142 Ms. Kohl informed the Board that the Agriculture Ad hoc Committee held its final meeting just prior to
143 this meeting on the proposed amendment (draft #9) and voted 4 -1 in favor of recommending to the
144 Planning Board to approve it and vote to take it to Public Hearing. She went over some of the important
145 highlights:

- 146 • Not to prohibit plant cultivation on any size lot
- 147 • Provide a relief process where the applicant can apply for a conditional use permit from the
148 Planning Board
- 149 • They built into the Ordinance the necessity to comply with Best Management Practices and the
150 guidelines for space and housing of farm animals.
- 151 • Loosened up the time frame on temporary signs for temporary farm stands
- 152 • Allowed neighboring farmers to join together to sell what they produce at one farm owner's
153 farm stand.

154
155 Ms. Kohl commented that the Agriculture Commission is still working on "farmers markets".
156

157 Mr. Wilson said that one question raised by the Planning Board was whether to keep Section 302.3 –
158 definition of Agriculture. The Agriculture Ad hoc Committee decided to eliminate the definition of
159 Agriculture under Section 302.3 and replace it with Section 508.
160

161 Mr. Groth said he did a search for the word "Agriculture" throughout the ordinances and it came up six
162 (6) times. He said that the proposed change to the definition under 508.3.A does not substantively
163 affect the sections where the word "agriculture" appears.
164

165 The Board determined that it would be best not to eliminate Section 302.3 – the definition of
166 "agriculture" but to substitute it with the same definition under the proposed ordinance 508.3.A.
167 *Agriculture or Agricultural Operation. "Agriculture" or "Agricultural Operation" mean any farming*
168 *activity that involves the cultivation of plants or the raising of livestock – including animals or poultry as*
169 *defined in RSA 21:34-a.*
170

171 The Board determined that 508.5E.5 – Farm Stand Signage is written correctly in referring to Section
172 506.6.M – Seasonal Signs, even though Section 506.6.M does not specifically state the word
173 "agriculture".
174

175 Dr. Arena commented that the proposed ordinance is more designed for those who operate small
176 gardens. He questioned what would happen if a big commercial enterprise like "Green Giant" were to
177 come to Town.
178

179 Ms. Kohl said that big commercial operations would be governed under the provision that they must
180 comply with Best Management Practices. She also commented that such an operation of plant
181 cultivation would not have a negative impact.
182

183 Mr. Wilson referred to Section 405.3 – Prohibited Uses for All Districts, and read into the record,
184 *Commercial animal husbandry facilities, including but not limited to feed lots, slaughterhouses, breeding*
185 *facilities, egg farms, and hog, chicken, turkey and other domestic fowl production facilities.*

186
187 Dr. Arena said that covers the “animal” side of the ordinance; not the “non animal” side of the
188 ordinance.

189
190 Mr. Coutu suggested adding a cross reference into the Ordinance to let the reader know that there are
191 other provisions in the Ordinances that need to be complied with, i.e. 405.3.

192
193 Mr. Wilson said that given the amount of land in Town that is Conservation land, or Wetlands, there are
194 not too many parcels where it would be possible to have a large scale farming operation, except for the
195 golf course.

196
197 Mr. Maggiore mentioned the property across the street from his house, Hobbs Farm.

198
199 Mr. Maggiore left the meeting at 8:15pm.

200
201 The Board discussed ways to address large scale farming operations.

202
203 Mr. Wilson suggested adding the following language to Section 405.3, Prohibited Uses for All Districts,
204 and read into the record, *Commercial animal husbandry facilities, including but not limited to feed lots,*
205 *slaughterhouses, breeding facilities, egg farms, and hog, chicken, turkey and other domestic fowl*
206 *production facilities, **except for farm stands, farmers markets and local food stores.***

207
208 The Board agreed with the proposed amendment to Section 405.3.

209
210 **Lisa Wilson, 9 Runnymede Drive** – Mrs. Wilson identified herself as a member of the Agriculture Ad hoc
211 Committee. She commented on Mr. Maggiore’s concern on plant cultivation operations being allowed
212 on lots of any size and suggested adding language to that Section (508.5.B.1.) “to exclude large scale
213 operations”.

214
215 Mrs. Wilson also pointed out to the Board that the current Agriculture Ordinance prohibits “farm
216 buildings”, other than a dwelling, to be erected within two hundred (200) feet of a neighboring
217 property. She explained that the new Ordinance would allow a “barn” to be erected fifteen (15) feet
218 from a neighboring property.

219
220 Dr. Arena suggested adding a definition of “farm buildings” to the Ordinance.

221
222 Mr. Wilson commented that the current Ordinances allow all accessory structures to be fifteen (15) feet
223 from the property line, i.e. a 15-car garage.

224
225 Mr. Coutu commented that the current Ordinance of 200-feet is too restrictive, but when the
226 Agriculture Ordinance was written the authors were probably considering that the “barn” would be
227 housing animals. He voiced concern over allowing a “barn” to be erected fifteen (15) feet from the
228 property line, especially if it housed “farm” animals.

229 Mr. Kroner said that he has always been concerned with the “accessory structure” ordinance. He said
230 that lot coverage percentages needs to be addressed and that would limit the amount of “accessory
231 structures” allowed on a lot.

232

233 **Mr. Kroner moved and Ms. Kohl seconded the motion to take the proposed Agriculture Zoning**
234 **Ordinance, Article V, Section 508 with the amendments made at this meeting to Public Hearing.**

235

236 The Board discussed holding the first Public Hearing at their regularly scheduled March 3, 2011 Planning
237 Board Meeting.

238

239 Mr. Kroner made a friendly amendment to include the date of the first Public Hearing of March 3, 2011;
240 Ms. Kohl accepted the friendly amendment.

241

242 The vote was unanimous in favor of the motion (5-0).

243

244 **Cindy Jenkins, Exeter Road** – said that there are roughly 4,500 people in the Town of North Hampton
245 and people should be thinking of ways to feed themselves locally. She said that 95% if the food supply is
246 imported.

247

248 Mr. Kroner reported that he improved the charts in the Community Survey results to make them easier
249 to read.

250

251 Dr. Arena and Lisa Wilson submitted proposed changes to the Sign Ordinance to address issues of
252 “materially altered” signs and “change of tenant” signs.

253

254 Mr. Wilson explained that the proposed amendments to the sign ordinance is to clarify the definition of
255 materially altered ground, monument, pole or pylon signage to simplify the administration and
256 enforcement of the sign regulations when there is a change of tenancy to ensure that ground,
257 monument, pole or pylon signs are not to be confused with wall signs.

258

259 The proposed amendment will require Planning Board approval for all “wall” signs unless it fully
260 conforms to the provisions of Section 506. Mr. Wilson gave an example of replacing only the face of an
261 existing internally lighted sign. Under the current Ordinance it would not be considered “materially
262 altered” and would not need Planning Board approval; under the amended Ordinance it would be
263 considered “materially altered” and would require a waiver from the Planning Board.

264

265 Mr. Kroner said that the results from the 2010 Community Survey demonstrate that the Townspeople
266 are against internally lighted signs. He said that the new amendment is a way of moving toward
267 conformity. He said that if the Business Association does not agree with the proposed amendment, they
268 will have a chance to present their case at the Public Hearing. The Board agreed.

269

270 Ms. Chase asked if a variance ran with the building. Mr. Kroner did not think it applied because that
271 provision was removed from the Ordinance.

272

273 **Mr. Kroner moved and Mr. Coutu seconded the motion to take the proposed sign ordinance**
274 **amendment to the March 3, 2011 Public Hearing.**

275 **The vote was unanimous in favor of the motion (5-0).**

276 **The meeting adjourned at 9:04pm without objection.**

277

278 Respectfully submitted,

279

280 Wendy V. Chase

281 Recording Secretary

282

283 **Approved February 17, 2011**