



Meeting Minutes
North Hampton Planning Board
Tuesday, February 7, 2012 at 6:30pm
Mary Herbert Conference Room

6

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

Members present: Shep Kroner, Vice Chair, Joseph Arena, Laurel Pohl, Mike Hornsby, Tim Harned, and Phil Wilson, Selectmen's Representative.

Members absent: Barbara Kohl, Chair

Alternates present: None

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

Mr. Kroner convened the Meeting at 6:30pm, and noted for the record that there was a quorum.

I. Old Business

There was no "unfinished business" before the Board.

II. New Business

1. **#12:01 – Andrew Janiak, 12 Hunterville Ave., Rye, NH 03870.** The Applicant proposes a minor site plan change to the "Harley Davidson" building, and to convert 4,671 square-feet of storage space to a "show room" for motorcycles. Property location: 17 Lafayette Road; Property owner: John D. McGonagle, Trustee, Black Marble Realty Trust, PO Box 679, Rye, NH 03870; M/L 003-086-000; Zoning District: I-B/R.

In attendance for this application:

Andrew Janiak, Representative of Harley Davidson

Dr. Arena commented that this case was improperly posted. He said that the Applicant is Harley Davidson, not Andrew Janiak.

Mr. Janiak explained that the owners would like to relocate the doors to the building because the public currently has to enter the building through the service area. He said that they would also like to convert some storage space into a showroom area.

Mr. Groth commented that the Board first has to determine whether or not the proposal needs a site plan review.

Mr. Wilson said that they are modifying the exterior of the building and adding to their retail space, which may require additional parking spaces. He said that based on the 4,671 square foot area they would need three (3) additional parking spaces according to the Site Plan Review Regulations for parking.

Mr. Janiak did not have the parking calculations with him. He did comment that Harley Davidson has seventy (70) parking spaces out front and one hundred (100) spaces out back.

Dr. Arena moved and Mr. Hornsby seconded the motion to accept jurisdiction of the application.

Ms. Pohl asked if the Applicant intended on adding additional signage. Mr. Janiak answered, "No".

Mr. Wilson said that the Board should determine whether or not they are confident that there are enough parking spaces without parking calculation data to review.

Dr. Arena asked if the Board would consider adding a condition of approval that the Applicant shall prove that there are enough parking spaces.

Mr. Groth commented that the Board cannot add a condition of approval for something the Board may waive.

Mr. Wilson said that a waiver from the parking requirement was not requested by the Applicant; therefore it was not properly posted. He also said that if something in the regulations is required, the Board cannot waive it, but if the regulations states that the Board may waive it, then the Board has the power to waive it.

The Chair recessed the meeting at 6:48pm so that the Recording Secretary could go upstairs and pull the Harley Davidson file so that the Board could review the original approved site plan to determine if there would be enough parking to accommodate the proposed change from storage to retail space (3 additional parking spaces).

The Chair reconvened the meeting at 6:53pm.

After thorough review of prior approved site plans the Board verified that the parking was adequate.

Mr. Hornsby withdrew his second to the motion, and Dr. Arena withdrew his motion.

Mr. Wilson moved and Mr. Hornsby seconded the motion that after review of the parking regulations, the Board has determined that there is adequate parking.

The vote passed in favor of the motion (5 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained and noted for the record that as acting Chair he would only vote to satisfy a tie vote.

Mr. Wilson moved and Dr. Arena seconded the motion to take jurisdiction of the application for Harley Davidson, Case #12:01.

The vote passed in favor of the motion (5 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained.

Mr. Kroner opened the Public Hearing at 7:05pm.
Mr. Kroner closed the Public Hearing at 7:06pm without public comment.

Dr. Arena moved and Mr. Wilson seconded the motion to approve the application for Case #12:01 – Harley Davidson.

The vote passed in favor of the motion (5 in favor, 0 opposed, and 1 abstention). Mr. Kroner abstained.

2. #12:02 – Heather Hughes, Sea Hagg Distillery, LLC, 12 Willow Lane, Hampton, NH 03842. The Applicant proposes a Change of Use from storage space to a micro distillery. Property location: 135 Lafayette Road (Victory Park), Unit #9; Property owner: Raymond and Eileen Piet Trustees, Raymond G. Piet Revocable Trust, 124 Kings Highway, Hampton, NH 03842; M/L -17-041-021; Zoning District: I-B/R.

In attendance for this application:

Heather Hughes, Applicant and Owner of Sea Hagg Distillery

Ms. Hughes explained that the unit is currently being used for a wood-working shop and she proposes a change of that use to a micro-distillery.

Ms. Hughes said that she is not a chemist, but has taken courses in bio-chemistry and organic chemistry; she has also taken classes in distilling. She explained that the distilling business is heavily regulated through the State and explained the process:

- She first becomes licensed by the Federal TTB
- She then is licensed through the State of New Hampshire
- Once licensed through the State to produce, she will have to present Label with product composition and have to conduct tests on a regular basis, and turn the chemical analysis into the State on a monthly basis.

Ms. Hughes went over the proposed water usage, she said that 100 gallons of water per distillation is used for creating the fermenting wash; this will produce 25 gallons of spirits and 75 gallons of waste. She said that 300 gallons are used for cooling water which will be directly recycled and used for the next fermentation and/or cleaning cycle. She said that the total usage per distillation would be less than 400 gallons of water consumed for product, waste and cleaning. The 100% organic waste will be collected in holding vessels and that they anticipate 60 one-gallon containers of solid waste from production per distillation that will be separated for composting; the solid waste has a high protein count. The liquid waste will be pH tested and treated to neutralize, if necessary, and then discharged into the septic. She explained that her plan is to use the waste water as a cleaner for the tanks, and if the pH levels are good she may be able to use the water for another “batch”.

Dr. Arena suggested that she use a closed cooling system that would allow her to reuse the water eliminating the need to discard the water waste into the septic system.

Mr. Groth questioned whether or not there would be ample parking. He mentioned that there is 1,300 square feet of warehouse and retail space. Ms. Hughes said that she was informed by the Manager of the Condo units that she would have ample parking. She said that she will be offering “tasting” sessions three (3) times per week.

Ms. Hughes explained that she is allowed to sell her product at the site but the wholesale sales have to go directly through the NH State Liquor Commission.

Ms. Hughes explained that when she's not offering "tasting" sessions she will be brewing. She said it takes six (6) hours to brew a batch and she plans to brew a barrel per week (53 gallons). She will need to run the still twice a week to fill one (1) barrel.

Ms. Hughes explained that she is a "one woman operation" and that she would only be able to produce one (1) barrel per week, even though the max production capability is much more than that, because she does all her own marketing and advertising as well as conducting the "taste tests".

Mr. Hornsby asked what would prevent her from expanding her business and doubling her production. Ms. Hughes said that because she holds a license for a micro-distillery she is allowed to produce no more than 5,000 cases per year. She said that she is also limited because of the size of the septic system.

Ms. Hughes said that there is a loading dock in the back and that she plans to adhere to the sign ordinance regarding a wall sign and a sandwich board sign that she plans to use during her "taste tests".

The Board discussed the distillery "use". It was not listed under the "permitted uses" in the I-B/R zoning district.

Mr. Groth said that the "use" could fall under light manufacturing, which requires a Special Exception from the Zoning Board of Adjustment.

Ms. Hughes mentioned that "Throwback Brewery" came before the Board with a Change of Use application and wondered why her application would be different. The Board explained that the warehouse units where Throwback Brewery is located was previously approved and used for light manufacturing.

Ms. Hughes said that the prior "use" for her unit was a wood manufacturing facility.

Ms. Pohl commented that Ms. Hughes would be using half of the unit as a drinking establishment, which is a permitted use and half for manufacturing, which would need a Special Exception approved by the ZBA.

Mr. Wilson said that one of the Board's responsibilities is to interpret the Zoning Ordinance and render a decision based on that interpretation, and if someone does not agree with it they can appeal to the Zoning Board of Adjustment. He said that the proposal for the micro-distillery could fall under the wholesale, retail and eating and drinking establishment that are all permitted uses in the I-B/R Zoning District.

Dr. Arena moved and Mr. Wilson seconded the motion to accept jurisdiction of the Change of Use Application, case #12:02.

The vote was in favor of the motion (5 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained.

Mr. Kroner opened the Public Hearing.

Mr. Kroner closed the Public Hearing without public comment.

Mr. Groth said that the combination of things Ms. Hughes proposes to do, retail, wholesale and drinking establishment, falls under the permitted uses. He said there is a significant "gray area" where the Board's discretion comes into play.

Mr. Harned said that he is not in the position to say that the proposal needs to go before the Zoning Board, but he thinks that the Board needs more verification of what the permitted use currently is in that space and if it's consistent with the proposed new use.

Mr. Kroner read the definition of light manufacturing into the record: *Light Manufacturing: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances, electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods musical instruments; novelties; wood products, printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; lightweight nonferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products, but not animal slaughtering, curing, nor rendering of fats.*

Mr. Wilson moved and Dr. Arena seconded the motion to approve the Change of Use Application conditioned on receipt of a letter from the Building Inspector verifying that the prior use of this unit, in this facility, was associated with a light manufacturing operation.

Mr. Wilson said that if the Building Inspector cannot make that verification then the Applicant will have to apply for a Special Exception through the Zoning Board of Adjustment.

Ms. Pohl made a friendly amendment to the motion by adding, *or, the Applicant secures approval from the Zoning Board of Adjustment.* Mr. Wilson and Dr. Arena accepted Ms. Pohl's friendly amendment.

Mr. Wilson explained that Ms. Pohl's friendly amendment was added so the Applicant does not have to come back to the Planning Board for further approval.

The vote was in favor of the motion (5 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained.

Richard Skowronski Request a one (1) year extension for the Conditional Use Application, Case #08:15 – Rocky Ledge Conservation Subdivision -

The Board was in receipt of a letter from Richard Skowronski requesting a one (1) year extension for his approved Conditional Use Permit for a Conservation Subdivision. He noted in his letter that he would be unable to meet the conditions of approval by the March 5, 2012 expiration date granted by the Board last year.

Mr. Kroner voiced concern over the open-ended approval.

Mr. Wilson said that the question is, “would the Board reconsider the approval if the application was before them now?” He commented that it is the first and only approved conservation subdivision in Town and is considered very beneficial to the Town; it allowed them to put forty-five (45) acres of land into permanent conservation.

Mr. Kroner commented that the public is not allowed to access the conservation land.

Mr. Wilson said that that is important to some people, but to others it’s important that the land is in permanent conservation rather than being eligible for development.

Mr. Kroner commented that he would like to see this conservation subdivision come into fruition.

Mr. Hornsby moved and Ms. Pohl seconded the motion to approve the one (1) year extension for Case #08:15 – Rocky Ledge Conservation subdivision to expire March 5, 2013.

The vote passed in favor of the motion (5 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained.

Joint Meeting between the Planning Board, Zoning Board of Adjustment and Conservation Commission -

Mr. Wilson suggested that the Board determine a date certain for a “joint meeting” between the Planning Board, Zoning Board and Conservation Commission to discuss proposed zoning amendments prepared by the Zoning Board.

The Board agreed to schedule a “joint meeting” on Tuesday, February 14, 2012 at 6:30pm at the Town Hall. The Conservation Commission has there regularly scheduled meeting on that night at 7:00pm in the Mary Herbert room. Mr. Kroner said that he will contact Mr. Field, Chair of the ZBA and Mr. Ganotis, Chair of the Conservation Commission and let them know of the scheduled meeting. He said that they would give Mr. Ganotis the opportunity to speak first at 6:30pm before his meeting at 7:00pm, if he chooses to do so.

RPC Commissioners –

The Board was in receipt of a communication from the Rockingham Planning Commission informing the Board that Mr. Wilson’s term as a RPC Commissioner is going to expire in August 2012, and the Town has one (1) vacant appointment on the Commission.

There were no volunteers to fill the vacancy. Mr. Wilson said that he would like to continue serving as a Commissioner after his term expires in August.

Mr. Harned moved and Dr. Arena seconded the motion to recommend to the Select Board that they appoint Mr. Wilson as the Town representative to the Rockingham Planning Commission for a four (4) year term to expire August 2016.

The vote was unanimous in favor of the motion (5-0). Mr. Wilson did not vote.

The Board held off on recommending an appointment for the vacant position.

292 Mr. Groth informed the Board that there is a Public Hearing on Thursday, February 9, 2012
293 regarding the House Bill to eliminate the nine Rockingham Planning Commissions.
294

295 Junk Yard Update –
296

297 Mr. Wilson said that Town Counsel is continuing to work on the proposed “junk yards”. He said
298 that he shares the Board’s frustration that it is taking so long.
299

300 The Board signed the Verizon Mylar for the approved site plan amendment.
301

302 The meeting adjourned at 9:20pm without objection.
303

304 Respectfully submitted,
305

306 Wendy V. Chase
307 Recording Secretary
308

309 **Approved 02/21/2012**
310
311
312
313