



Meeting Minutes
North Hampton Planning Board
Tuesday, May 7, 2013 at 6:30pm
Town Hall, 231 Atlantic Avenue

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

Members present: Shep Kroner, Chair; Laurel Pohl, Vice Chair, Joseph Arena, Tim Harned, Dan Derby and Phil Wilson, Select Board Representative.

Members absent: Mike Hornsby

Alternates present: None

Others present: Jennifer Rowden, RPC Circuit Rider, and Wendy Chase, Recording Secretary

I. Old Business

Case #12:12 – Richard Chorebanian, Ipswich Bay Yacht Sales, 6 Scott Road, Hampton, NH 03942. The Applicant received conditional approval from the Planning Board on July 2, 2012 with a Change of Use from a School Bus storage/repairs/maintenance facility to Boat Sales. The owners, Christopher Bolton and Gary Smith seek approval of an updated Site Plan to satisfy condition #1 of Case #12:12. Property owners: Christopher Bolton, Woodridge Properties, LLC, 1225 River Road, Weare, NH 03821 and Gary Smith, 353 Ocean Blvd, Hampton, NH 03842; property location: 6 & 8 Lafayette Road, North Hampton, NH and 7 Post Road, North Hampton, NH ; M/L 003-090-000, 003-091-000 & 003-092-000; Zoning District: I-B/R and R-1. This Case is continued from the April 2, 2013 meeting, pending ZBA approval for an Equitable Waiver.

In attendance for this application:

Christopher Bolton, Owner

Attorney Peter Saari, Applicant's Counsel

Mr. Kroner gave a brief synopsis for Case #12:12:

- Richard Chorebanian, owner of Ipswich Bay Yacht Sales came to the Board on July 2, 2012 for a Change of Use Application to sell boats at 6 Lafayette Road previously occupied by a School bus storage/repair maintenance facility.
- The Board approved the Change of Use Application; one of the conditions of approval was that the Owner had to submit an updated Site Plan because there wasn't one on file.
- Through the course of several meetings it was discovered by the Owner, and the abutting Owner (7 Post Road), that the boundary lines were incorrect.
- The Applicants went before the ZBA for an Equitable Waiver request and was granted relief by the ZBA on March 26, 2013.
- The Owner, Christopher Bolton was before the Board for approval of the updated Site Plan.

Attorney Saari explained that, contrary to what the Applicant and Owners were told, the boundary lines went through the building. The boundary issues have been resolved. They received approval for the Equitable Waiver from the ZBA and the new plan depicts the corrected lot lines.

Mr. Kroner commented that the "uses" on the site were not depicted on the plan and that he met with the Building Inspector who suggested that the "uses" be articulated at the meeting in a manner that it would be put into the permanent record. He also mentioned that the stockade fence depicted on the plan is missing a large portion that faces the Cedar Road side, which is residential. Mr. Kroner submitted a picture of the fence that he took earlier in the day into the record.

Mr. Bolton said that a new stockade fence was ordered over a month ago and will be delivered to the site on May 11, 2013.

Mr. Bolton explained that the building he owns is situated in the middle of the two lots he owns and the boundary line runs through the building.

Mr. Wilson asked if there were any reason why he would not want to voluntarily merge the lots together. He commented that one of the Conditions of Approval from the ZBA was that no further subdivision of the lot was permitted without approval from the ZBA. Both Mr. Bolton and Attorney Saari agreed that merging the lots would make sense.

A Voluntary Lot Merger does not require a Public Hearing. The proper form is filled out and approved by the Board and then recorded at the Registry of Deeds.

Mr. Wilson questioned the note on the plan stating "possible title issue" on the northern portion of lot 003-092-000.

Attorney Saari explained that they found a gravestone, but there is no record; nothing has been recorded. He explained that it has been well over twenty (20) years and there has never been an issue; they would do a quiet title if it became an issue.

Mr. Bolton listed the current "uses" on the site:

- Boat rentals
- Auto repair
- Truck repair and storage
- Apartment above the truck repair facility
- One residential house (occupied)

It was a general consensus of the Board that all of the current uses should be added to the Site Plan in a Legend and Mr. Bolton complete a voluntary lot merger for the Board to approve. The Board discussed continuing the case to the June 4, 2013 meeting.

Mr. Bolton asked if the Board would approve the Site Plan without continuing the Hearing, and he would complete the transaction of voluntarily merging the two lots.

Dr. Arena moved and Mr. Wilson seconded the motion to approve the voluntary lot merger requested by Christopher Bolton, owner of the properties.
The vote was unanimous in favor of the motion (6-0).

Mr. Wilson moved and Ms. Pohl seconded the motion to approve the site plan with the following conditions, (1) Recordable Mylar that includes a Legend listing all the current uses on the site, and (2) Certificate of Monumentation.

Mr. Wilson called for a Point of Order and asked that the Chair open a Public Hearing on Case #12:12.

Mr. Kroner agreed, and opened a Public Hearing at 6:55pm.

Mr. Kroner closed the Public Hearing at 6:56pm without public comment.

The vote was unanimous in favor of the motion (6-0).

Case #13:02 – Harbor Street Limited Partnership, 7B Emery Lane, Stratham, NH 03885. The Applicant, Joseph Falzone, Harbor Street Limited Partnership, submits a pre-application Design Review pursuant to Subdivision Regulation VI.A.2. – Design Review Phase, for a proposed 49-unit residential workforce housing subdivision and proposed road totaling 3,200 feet. Property owner: Field of Dreams at Post Road, LLC, 7B Emery Lane, Stratham, NH 03885; Property location: 160-186 Post Road, North Hampton; M/L 018-038-000; Zoning District R-1: High Density and R-2: Medium Density. This Case is continued from the January 8, 2013 meeting.

In attendance for this application:

There was no one in attendance for this application.

Mr. Wilson explained that Case #13:02 was continued to this meeting pending the outcome of a grant from the US Farm and Ranchland Protection Program; receiving it is contingent on the purchase of the property to permanently conserve the property. The Board agreed to continue the Case until the June 4, 2013 meeting pending the outcome of the funding.

Mr. Wilson moved and Mr. Harned seconded the motion to continue Case #13:02 to the June 4, 2013 meeting.

The vote was unanimous in favor of the motion (6-0).

II. New Business

1. Case #13:05 – Annette Lee and Nicole Carrier, 2 Elm Road, North Hampton, NH, 03862. The Applicants request Site Plan Approval on a proposal to relocate their existing brewery to Hobbs Farm at 2 Elm Road, North Hampton, to produce beer and operate a tasting room/event space. Property owners: Annette Lee and Nicole Carrier; Property location: 2 Elm Road, North Hampton, NH 03862; M/L 013-009-000; Zoning District: I-B/R: Industrial Business Residential and R-1: High Density Residential.

In attendance for this application:

Annette Lee, co-owner, Applicant

Nicole Carrier, co-owner, Applicant

Mike Sievert, MJS Engineering

Brian Murphy, Architect

Ms. Lee and Ms. Carrier currently own and operate Throwback Brewery at 121 Lafayette Road, North Hampton. Ms. Lee explained that they purchased the property at 2 Elm Road (Hobbs) farm with the vision of reviving active farming and relocating their brewery operations from their current location to the barn at 2 Elm Road; they intend to grow food, as well as, ingredients for the brewery. They propose to restore the barn for multiple uses, including the brewery operations, a tasting room with outdoor seating, and an indoor event space. They plan to maintain a portion of the barn for agricultural uses:

- The basement, or lower level, will be used for brewing operations.
- The small two-story “bump out” on the southerly side of the barn that currently houses Jericho the donkey, will serve as the brewery entry and tasting room. (Jericho’s housing and pen will be relocated to another section of the barn).
- The outdoor seating area will also be on the south side of the barn adjacent to the tasting room in the area historically used for the pig pen.
- The remainder of the barn (first floor and up) will largely remain in its current state (aside from repair and restoration) for farming and agricultural use, and as an occasional event space (such as a harvest supper using the farm-grown food).
- Noise, dust vibration, smoke or odors (brewing smells like bread baking) from the brewery operations is minimal and unobtrusive and contained within the barn.
- New utilities will be separate from the house provided by PSHN.
- On-site wastewater treatment will be provided through an appropriately sized septic system. The design will incorporate collection and pretreatment of brewery specific wastewater inside the facility. The brewery wastewater will then be further treated with other wastewater (from the tasting room operation) through several tanks and disposed through leach fields at Hobbs Farm.
- Storm water controls were added on portions of the property that are a little more wet.
- Operating hours are estimated to be from 10:00 a.m. to 10:00 p.m. six days per week.
- In the outside seating area they may have light acoustic style music; not concerts.
- They would like to offer special events, such as weddings.

Mr. Kroner inquired about State liquor requirements. Ms. Lee explained that they are licensed to serve 4 oz. samples of beer; once they begin serving food they will be able to increase the ounces of beer and that will trigger them to apply for a brew pub license.

Mr. Sievert addressed the grading, drainage and erosion control plan:

- The easterly side main parking lot will be paved.
- The access road will be paved.
- The westerly side parking areas will have a gravel or grass surface.
- Drainage comes from the northwest and flows down to the intersection of Hobbs Road and Lafayette Road into the culverts; they plan to add a culvert between the two parking lots.
- The wetland in the lower corner takes water in, treats it, and slowly lets it out.
- The small infiltration area towards the house takes in the flow off the one parking lot; all runoff is treated through those two systems.
- They are finalizing the septic systems for State approval.
- They are coordinating with Aquarion Water to bring in a new water line for the sprinkler system either off of Hobbs Road or Elm Road.

- There will be up to 4 lights on the paved parking areas and the outdoor seating area has low level lighting.
- They are requesting a waiver to Site Plan Regulation X.B.1 – paved parking lots.
- They plan to install a kitchen.
- The lighting complies with “dark sky standards” and will be less than 100 watts.
- The septic system will handle 3,000 gallons per day and is capable of expanding if the brewery expands. It is an aerobic system with pumps.

Mr. Sievert said that the applicants want to maintain the rural aesthetics of the property and would like to keep the overflow parking lots gravel based to allow grass to grow through; hence the waiver request to the paved parking lot requirement.

Mr. Murphy said that there are repairs that need to be done to the barn, but they intend on maintaining its current appearance. The tasting room on the south side of the barn will need work to bring it up to code. The east side of the barn will be used for assembly space and the west end will be used as agriculture, and in between is a section reserved for utilities. There will be a beer garden off of the tasting room. The lower level of the barn will be where the brewing takes place. The tasting room in the barn will be heated; the main barn will not be insulated or heated. Patrons will be able to see the brewing operations from the terrace.

Mr. Kroner opened the Public Hearing to the Waiver Request to Section X.B.1 of the Site Plan Regulations – parking areas shall be paved if public use is intended, at 7:50pm.

Mr. Kroner closed the Public Hearing at 7:51pm without public comment.

Mr. Sievert said that the crushed gravel is modified and will support the growth of grass. The details are shown on Sheet C-5 of the plan.

Mr. Wilson commented that even though the gravel will become compacted it is better than asphalt. He said that the Board should also be cognizant of the fact that not the entire site is in the Aquifer District.

**Mr. Wilson moved and Mr. Harned seconded the motion to approve the waiver request from Site Plan Regulation X.B.1 – parking areas shall be paved if public use is intended.
The vote was unanimous in favor of the motion (6-0).**

Mr. Wilson moved and Dr. Arena seconded the motion to take jurisdiction of the application, Case #13:05.

The vote was unanimous in favor of the motion (6-0).

The Board was in receipt of the engineering report from KNA. The report was forwarded to Mr. Sievert by KNA at the wrong email address and he did not receive it until today. There are 25 comments/suggestions that have to be addressed.

Mr. Wilson suggested continuing the Case until next month to give Mr. Sievert a chance to “button things up” with Aquarion Water Company, get the septic approvals and address the comments in the engineering report.

The Board agreed, but decided to open the Public Hearing.

Mr. Kroner opened the Public Hearing at 8:06pm.

Paul Fitzgibbons, 15 Hobbs Road, North Hampton – said that he generally supports the plan, but is concerned with lighting and whether there would be glaring light on his property. He wanted to know if the lights were going to be on a timer or on all night.

Mr. Sievert said that there would be no light spillage off of the property. The lights will be on timers to conserve money. The lighting complies with the “dark sky standard”, no light radiating above the horizontal plane at the low point of any luminaire.

Ted Turchan, 125 Lafayette Road, North Hampton – said that he supports the application and currently lives next to the existing brewery and has never heard them or experienced any odors from the operations. He said that he would like to see the barn at Hobbs Farm remain the same.

The Board was in receipt of a letter from Arthur Nadeau, owner of 4 Elm Road, adjacent to the subject property. Mr. Nadeau expressed support of the application but asked the Board to consider requiring the applicant to bury the propane tank underground. He also shared concerns of the aesthetics of the detention ponds, and would like the Board to be flexible so that the applicant can design the ponds more aesthetically pleasing.

Mr. Kroner closed the Public Hearing at 8:20pm.

Dr. Arena moved and Mr. Harned seconded the motion to continue Case #2013:05 to the June 4, 2013 meeting.

The vote was unanimous in favor of the motion (6-0).

2. Case #13:06 – Annette Lee and Nicole Carrier, 2 Elm Road, North Hampton, NH 03862. The Applicants request a waiver to Article V, Section 506.R – only one (1) ground sign per business and Article V, Section 506.4.F – Directional signs. The Applicants’ request two (2) ground signs where only one (1) ground sign is permitted per business and the sign exceed the allowed 1.5 square feet for a directional sign. Property owners: Annette Lee and Nicole Carrier; Property location: 2 Elm Road, North Hampton, NH 03862; M/L 013-009-000; Zoning District: I-B/R: Industrial Business Residential and R-1: High Density Residential.

In attendance for this application:

Annette Lee Co-owner/applicant

Nicole Carrier Co-owner/applicant

Mike Sievert, MJS Engineering

Ms. Lee explained that the main ground sign is 6 ½ wide and higher than 12-feet with downward lighting and is two sided. It will be mounted on posts at the entrance of the brewery and complies with the ordinance. She said the second proposed sign is a directional sign located off of Hobbs Road; it will have an arrow and be 32” high, mounted on posts and possibly have downward lighting. It will not be higher than 12-feet. The direction sign does not meet the size requirement of the Zoning Ordinance.

Mr. Wilson commented that the sign was tastefully designed.

Mr. Harned said that the waiver is a reasonable request.

Dr. Arena said that the property is on two main roads that should both have a sign on them. He suggested that they change the color of the black background to a color that would be seen more easily.

Mr. Kroner opened the Public Hearing at 8:33pm for the waiver requests, to allow two signs; one directional sign that is permitted, but does not meet the size requirement of Article V, Section 506.4.F.

Ted Turchan, 125 Lafayette Road, North Hampton – said that “the bigger, the better, so people can see it”.

Paul Fitzgibbons, 15 Hobbs Road – commented that there isn’t even a “Hobbs Road” sign on Hobbs Road.

Mr. Kroner closed the Public Hearing at 8:38pm.

Mr. Wilson moved and Dr. Arena seconded the motion that the waiver request to allow two signs is not necessary because a directional sign is allowed without a permit.

The vote was unanimous in favor of the motion (6-0).

Mr. Wilson moved and Dr. Arena seconded the motion to permit the directional sign as presented. The vote was unanimous in favor of the motion (6-0).

3. Case #13:07 – Peter Flanders, TTAD Enterprises D/B/A Ocean Breeze R.V., PO Box 655, Alfred, ME 04002. The Applicant proposes a Site Plan Review Application to reinstitute a prior use of Motor Homes Sales/Service and Storage at 121 Lafayette Road, North Hampton, NH 03862. The prior R.V. Service and Sales Business ceased operations for over one (1) year and there is no current approved Site Plan on file with the Town. The Applicant requests the following waivers from the Site Plan Regulations: (1) Article X, Section B.1. – Parking lot design; (2) Article X, Section C – Drainage specifications; (3) Article X, Section G – Stormwater Management; (4) Article X, Section D – Landscaping and Screening. Property owner: Mark Smith, Trustee 121 Lafayette Road Realty Trust, 8A Summerwood Drive, Hampton, NH 03842; Property location: 121 Lafayette Road, North Hampton, NH 03862; M/L 013-074-000; Zoning District: I-B/R: Industrial Business Residential.

In attendance for this application:

Henry Boyd, Millennium Engineering
Peter Flanders, Applicant

Mr. Boyd explained that the subject property has operated as an R.V. Center for thirty (30) years, but has not been in operation for over one year. There is no current site plan on file with the Town and the Building Inspector advised the Applicant to apply to the Planning Board for a Site Plan Review. Mr. Boyd thanked the ARC members for meeting with him; he said it was a very constructive meeting. He submitted the following:

- There is mixed use on the site; multi-family residential and commercial; the site is 3.5 acres.
- There is no new construction proposed, or any additional sealed surface areas.

- The site is mainly gravel with two entries and access ways, and although gravel surfaces require maintenance; the current gravel has been suitable for the site for the past thirty (30) years.
- They have requested four 4 waivers; it was determined at the ARC meeting that the request from Section X.D. would also require a variance to Article IV, Section 406.8. The Applicant withdrew the waiver request from Site Plan Regulation X.D. – Landscaping and Screening. It was later determined that the Applicant did comply with Zoning Ordinance 406.8, but did need partial relief from the Site Plan Regulation for landscaping and screening.
- Mr. Boyd added a parking calculation table to the plan demonstrating that they met the parking requirements.
- The two existing light poles that illuminate the entrances on Route 1 are flood lights and do not comply with the “dark sky” standards; those lights will be replaced with lighting the complies with the “dark sky” standards.
- They are requesting waivers from X.C. - Drainage Specifications and X.G.-Stormwater Management. There has never been a problem with water runoff on the site and they will not be adding any impervious surface.
- Mr. Boyd said that he needs to add hours of operation, a dumpster location and list all uses onto the plan.

Mr. Flanders said that he has been in the R.V. Business most of his life. He plans to sell new and used units and eventually they will offer new and used consignment units and possibly de-motorized travel trailers. They plan to offer roof and floor repairs and exterior repairs of the units. They will also offer electrical repairs and generator repairs. They will offer oil changes through the Safety Clean Company that provides a tank for the oil changes and all waste oil will be removed from the site. Mr. Flanders said that he wants the site to look aesthetically pleasing.

Mr. Kroner opened the Public Hearing for the Waiver Request from Section X.B.1 – parking areas and drives shall be paved if public use is intended at 9:12pm.

Mr. Kroner said that he did not see a reason to add asphalt to this particular lot.

Ted Turchan, 125 Lafayette Road, North Hampton – said that he was involved with the engineering when the subdivision of this lot was done and is very familiar with the drainage on the site. He witnessed two near 100-year storm events and everything on the site survived. He said that he abuts the property and there are 20-feet of grass between his property and the subject property. The landscape plan shows plantings of white pine trees and would ask that that be eliminated because there is no sun on that section of the site and he has had to remove trees at that location because of ice buildup. He said that the vegetation out front should be very low to the ground, such as grass, because of visibility problems.

Mr. Kroner closed the public hearing at 9:23pm.

Mr. Wilson moved and Mr. Harned seconded the motion to approve the waiver request from Site Plan Regulation X.B.1 – paved parking areas.

The vote was unanimous in favor of the motion (6-0).

Mr. Kroner opened the Public Hearing for the Waiver Request from Site Plan Regulation X.C. – Drainage Specifications.

Ted Turchan, 125 Lafayette Road, North Hampton – said that he has witnessed intense rain storms and everything survived with minimal damage.

Mr. Kroner closed the Public Hearing at 9:26pm.

Mr. Wilson said that there will be no change to the amount of impervious surface so a drainage analysis would not be required.

Mr. Wilson moved and Mr. Harned seconded the motion to approve the Waiver Requests from Site Plan Regulation X.C. – Drainage Specifications and Regulation X.G. - Stormwater Management plan. The vote was unanimous in favor of the motion (6-0).

Discussion ensued on the landscaping and screening requirements under the Site Plan Regulations. They didn't want plantings that would restrict visibility. Mr. Boyd asked if grass qualified to meet the standard. Ms. Rowden said that it is up to the Board to determine that.

Mr. Harned commented that the landscaping regulations serve as a purpose to have some visual appeal; there should be a border and not with a bunch of crabgrass.

Mr. Derby said that it is important to honor the desire to improve aesthetics, particularly along Route 1 and sightline is an important issue. He suggested that there be conditions that the site use shall not impair the sight view and let the Landscaper provide the landscape plan.

Mr. Harned suggested they add a condition to remove the proposed white pine trees and not allow plantings to impede sight.

Mr. Wilson moved and Mr. Harned seconded the motion to approve the Landscape plan revised to eliminate the white pine trees depicted on the north boundary as shown on the plan, and the Landscaper or Installer shall not install any landscaping on the frontage of the property that interferes with sightlines from either the Abutter's driveway or the northerly driveway from the site. The vote was unanimous in favor of the motion (6-0).

Mr. Wilson moved and Dr. Arena seconded the motion to take jurisdiction of the application. The vote was unanimous in favor of the motion (6-0).

Mr. Kroner opened the Public Hearing for Case #13:07 at 9:52pm.

Ted Turchan, 125 Lafayette Road, North Hampton – said that he has looked at the property for the past 29 years and it has never bothered him before and will not bother him now.

Mr. Kroner closed the Public Hearing at 9:53pm.

Mr. Wilson moved and Ms. Pohl seconded the motion to approve the plan with the following conditions:

1. **Recordable Mylar.** 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.
2. **Certificate of Monumentation.** Applicant shall provide the Board with a Certificate of Monumentation, stamped and signed by a NH LLS, certifying that all monuments depicted on the plan have been properly set in accordance with the subdivision regulations.
3. **The Landscape Plan presented at the May 7, 2013 meeting shall be revised to, (1) eliminate the white pine trees on the north boundary depicted on the plan, (2) include an estimate of the cost of installing the plants and plantings themselves and post a bond equal to 25% of the installed cost of the plantings to be held by the Town for two (2) growing seasons to ensure prompt replacement of any dead plantings, and (3) the Landscaper or Installer shall not install any landscaping on the frontage of the property that interferes with sightlines from either the Abutter's driveway or the northerly driveway from the site.**

Mr. Harned asked if all the "bases were covered" concerning vehicle maintenance engine fluids.

Mr. Flanders said that the Safety Clean Company handles everything for oil changes and supplies him with all the boot socks in case of spills and the drum will sit on a pallet so nothing will leak in the grounds. All the hazardous materials are taken off site and managed by Safety Clean.

Ms. Rowden suggested adding a condition that all hazardous material will be handled in accordance with State Law.

Mr. Wilson accepted that as a friendly amendment. Ms. Pohl accepted the friendly amendment to include the Condition, #4:

4. **All hazardous material involved in this operation shall be handled in accordance with State Laws.**

The vote was unanimous in favor of the motion (6-0).

The meeting adjourned at 10:10pm without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved May 21, 2013