



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, May 6, 2014 at 6:30pm**  
**Town Hall, 231 Atlantic Avenue**

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

---

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

**Members present:** Shep Kroner, Chair; Tim Harned, Vice Chair, Joseph Arena, Mike Hornsby (arrived at 7:30 p.m.), Dan Derby, and Barry Donohoe.

**Members absent:** Jim Maggiore, Select Board Representative

**Alternates present:** Nancy Monaghan

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

Chair Kroner called the meeting to order at 6:35pm.

Chair Kroner asked that the Board act on appointments of alternates.

**Mr. Derby moved and Dr. Arena seconded the motion to appoint Nancy Monaghan for a three-year term as Alternate Member to the Planning Board – term to expire in March 2017. The vote was unanimous in favor of the motion (6-0).**

Chair Kroner seated Ms. Monaghan for Mr. Hornsby.

**I. Old Business**

- 1. Case #13:02 – Harbor Street Limited Partnership, 7B Emery Lane, Stratham, NH 03885.** The Applicant, Joseph Falzone, Harbor Street Limited Partnership, pre-application Design Review continued from the February 4, 2014 meeting. 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.

Mr. Harned said that the closing on the purchase of the conservation easement on the property at 160-186 Post Road was scheduled for May 8, 2014.

**Ms. Monaghan moved and Dr. Arena seconded the motion to continue Case #13:02 to the June 3, 2014 meeting. The vote was unanimous in favor of the motion (6-0).**

46           **2. Case #14:03 – Annette Lee and Nicole Carrier, 2 Elm Road, North Hampton, NH 03862.** The  
47 Applicants request an amendment to the Site Plan (Case #13:05), approved by the Planning  
48 Board on June 4, 2013, to add a building adjacent to the existing barn. The existing brewery  
49 would be relocated to this proposed new building to produce beer and operate a tasting  
50 room/event space. The Applicants request the following Waiver to the Site Plan Review  
51 Regulations, Section VIII.B.20. – Stormwater Drainage Control Plan; a Stormwater Drainage  
52 Control Plan was submitted with the original approved Site Plan Review application. Property  
53 Owners: Same as Applicants; Property location: 2 Elm Road, North Hampton, NH; M/L: 013-009-  
54 000; Zoning District: I-B/R & R-1. This Case is continued from the April 1, 2014 Meeting.  
55

56           In attendance for this application:

57           Annette Lee, Owner/Applicant  
58

59 Chair Kroner explained this continued Case, #14:03, is an amendment to the conditionally approved site  
60 plan of June 4, 2013.  
61

62 Ms. Lee said that she explained at the April 1, 2014 meeting that they determined the cost of renovating  
63 the existing barn to create the initial design of a brewery, tasting room and indoor event space to be too  
64 costly at this time. They have been considering different options, including building a new barn adjacent  
65 to the existing one. Instead of building a new barn they have come up with a plan to put the brewery  
66 operations in the existing barn on the first floor, postponing the development of the 160-person event  
67 space. Other minor amendments include the removal of one of the three approved parking areas and  
68 the relocation of the entrance and outdoor seating area to the west end of the barn. The area is  
69 between 700 and 800 square feet. They will be working with a landscape architect to screen the parking  
70 areas. They will have lighting along the walkway and it will be “dark sky” compliant.  
71

72 Ms. Rowden said that they will be reducing the amount of impervious surface by eliminating one of the  
73 parking areas. She reminded the Board that the original approval allowed for two of the three parking  
74 areas to be gravel, and the Board waived the requirement that all parking areas are to be paved (Section  
75 X.B.1). The waiver was originally recommended to help minimize impervious surfaces on the site and to  
76 better maintain the rural character of the parcel. The amended plan will have only two parking areas,  
77 one will be a gravel parking lot and one will be a gravel/grass parking lot. Ms. Rowden suggested the  
78 Board consider if the original waiver is still reasonable, given that the gravel parking lot will now serve as  
79 the main parking lot for the site.  
80

81 Ms. Lee said that she is not concerned with the gravel driveway because oil spills get washed away with  
82 the rain into the ground anyway even off of pavement. The two handicapped parking areas and the  
83 driveway will be paved.  
84

85 Dr. Arena inquired how the parking spaces would be designed on the gravel lots so they know how many  
86 parking spaces they have and guiding vehicles to park appropriately.  
87

88 Ms. Lee said that she was not going to *mark* the parking spaces.  
89

90 Ms. Rowden said that the lots are large enough to accommodate the required number of parking  
91 spaces.  
92

93 Ms. Lee said that the outdoor seating area will accommodate 30 to 40 people; the tables will be set up  
94 "family style". She explained that they host tasting events inside the tasting room with food, and in the  
95 nice weather months they will erect a tent near the outside seating area. She plans to host receptions,  
96 private parties and special events. Ms. Lee said that if it is for a larger event she would apply for a Large  
97 Assembly permit with the Town. She said that the Special Event activities were discussed and approved  
98 in the original application; there will be music, but not late into the night.

99  
100 Ms. Rowden said that a large event would require a Large Assembly Permit with the Town and is outside  
101 the realm of the Planning Board. Ms. Rowden said that the Board could put a limit on the amount of  
102 events as a condition of approval, but said she doesn't believe it to be a concern on the site.

103  
104 Ms. Lee said the parking area will be surrounded by grass as a perimeter to maintain the rural character.  
105 The gravel parking areas are common with similar area venues.

106  
107 Ms. Monaghan asked how many "events" they plan to hold per year. Ms. Lee said approximately 2 to 3  
108 per month. She said Beer is the prominent money maker, not the "events".

109  
110 Ms. Lee said that any type of alcohol operating establishment is heavily regulated by the State Liquor  
111 Commission.

112  
113 **Dr. Arena moved and Mr. Derby seconded the motion to take jurisdiction of the application.**  
114 **The vote was unanimous in favor of the motion (6-0).**

115  
116 Ms. Lee explained that she requested a waiver to the stormwater control plan because the original  
117 amended plan proposed a new barn structure on the lot; this new amended plan does not propose any  
118 new structures, in fact it eliminates a parking area.

119  
120 It was a general consensus of the Board that the waiver to the Storm Water Control Plan they requested  
121 was not necessary.

122  
123 **Dr. Arena moved that the waiver was not necessary and Mr. Harned seconded the motion with a**  
124 **friendly amendment, that it is the finding of this Board that the waiver is not necessary for this case,**  
125 **specifically because the Board granted the same waiver on the previous plan, and the changes to this**  
126 **plan are so minor it will cause less of a runoff issue. Dr. Arena accepted the friendly amendment.**  
127 **The vote was unanimous in favor of the motion (6-0).**

128  
129 The Board discussed conditions of approval.

130  
131 Ms. Rowden suggested that the outdoor seating area be depicted on the plan and the landscape plan  
132 updated.

133  
134 Mr. Harned suggested limiting the outdoor seating area.

135  
136 Ms. Lee said that the outdoor seating area is smaller than what was approved on the original plan.

137

138 Mr. Derby said that instead of limiting the applicant on the area, in case the business grows, that the  
139 Board adds a condition that the outdoor seating area be depicted on the plan with a note that states it  
140 will not exceed the size of the original approval.

141  
142 Ms. Rowden said the original approval allowed for two of the three parking areas to be gravel, and the  
143 Board waived the requirement that all parking areas are to be paved per Site Plan Review Regulation  
144 X.B.1. The waiver was originally recommended to help minimize impervious surfaces on the site and to  
145 better maintain the rural character of the parcel. The amended plan will only have two parking areas  
146 with one being gravel and the other gravel/grass. She recommended the Board vote on whether the  
147 waiver is still reasonable given that the gravel parking lot will now serve as the main parking lot for the  
148 site.

149  
150 Ms. Lee said that there will be trees and shrubs to screen the parking areas.

151  
152 Mr. Harned asked if Ms. Lee would have a problem constructing the parking areas with gravel, without  
153 grass. Ms. Lee said, "No".

154  
155 Ms. Lee said that electric service will come off of Elm Road and the water service will come off of Hobbs  
156 Road. The same as what was approved on the original plan.

157

158 **Mr. Derby moved and Dr. Arena seconded the motion to allow a gravel parking area where a paved**  
159 **parking area is prescribed pursuant to Site Plan Review Regulation X.B.1.**

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

161

162 **Dr. Arena moved and Mr. Harned seconded the motion to approve the Amended Site Plan for Case**  
163 **#14:03 – Annette Lee and Nicole Carrier, 2 Elm Road, North Hampton with the following conditions:**

- 164 1. **Recordable Mylar.** Applicant shall submit a recordable Mylar of the approved plan with  
165 signatures and seals affixed of all licensed professionals whose names appear on the plan.  
166 All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.
- 167 2. **Certificate of Monumentation.** Applicant shall provide a copy of the Certificate of  
168 Monumentation, stamped and signed by a NH LLS, certifying that all monuments depicted  
169 on the plan have been properly set in accordance with the subdivision regulations.
- 170 3. **State Permits.** Applicant shall submit evidence of receipt of all required federal, state, and  
171 local permits, including but not limited to, NH DES Construction Approval for subsurface  
172 sewage disposal (septic) system, NH DES Alteration Terrain Permit (AOT), and NH DOT  
173 Driveway Permit on Hobbs Road, and shall note their numbers, as appropriate, on the plan.
- 174 4. **Landscape Surety.** Surety in the amount of \$4,000 shall be submitted to the Town and  
175 retained by the Town for a period of two growing seasons after installation of plantings to  
176 ensure that any dead plantings are properly replaced.
- 177 5. Update plan to depict the outdoor seating area, not to exceed original approved plan.
- 178 6. **L-CHIP Fee.** Applicant shall submit a check made payable to the Rockingham County  
179 Registry of Deeds for \$25.00. (This mandatory State Fee is to fund The Land and  
180 Community Heritage Investment Program).
- 181 7. **Fees.** All fees incurred by the Planning Board, including but not limited to, Consulting,  
182 Engineering and Legal fees, have been paid by the Applicant.

183 **The vote passed in favor of the motion (6-0).**

184 **II. New Business**

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

- 1. Case #14:04 – Dietrich H. Ebert, Trustee of the Dietrich H. Ebert Revocable Trust of 1995, 80 Lovering Road, North Hampton, NH 03862.** The Applicant requests approval of a Site Plan Review pursuant to Article III, Section 302.12 – Essential Services, for the purpose of constructing a Community Solar Garden to share the power with the Ebert Family. Property Owners Dietrich Ebert and Kathleen Ebert, 80 Lovering Road, North Hampton, NH 03862; property location: 78 Lovering Road, North Hampton, NH 03862; M/L 019-037-001; Zoning District: R-2 Residential Medium Density District.

In attendance for this application:

Dieter Ebert, Applicant

Andrew Kellar, Founder, NH Solar Garden

Mr. Harned recused himself because he is an abutter to the subject property.

Mr. Hornsby arrived at 7:30 p.m.

Chair Kroner announced that Ms. Monaghan was seated for Mr. Harned.

Mr. Ebert said that he was speaking on behalf of himself and his parents. The family has been interested in sustainable energy and he and his Father attended a conference on D.I.Y. solar arrays and learned of the new law enacted in NH providing for the solar garden concept. He and his family contacted Andrew Kellar, Founder of NhSolarGarden.com (NHSG) and started the process to build one array to provide power for a number of people. He believes it is good for the earth, the community and themselves.

Mr. Kellar went over the proposed project. He explained that New Hampshire recently passed the SB 98 law referred to as “Group Net Metering” which allows us to develop a community solar array to power one location and share the value of the excess power to another location. Mr. Kellar said he was fortunate enough to develop one of the largest solar projects in New Hampshire, a rooftop solar array in Somersworth that is still there today.

Mr. Kellar explained the process:

- Find a host location to build the array.
- Approval from the State includes finding group members to participate. They need enough participants involved to support the size of the array in order to get State Approval.
- The participants have to be serviced by the same utility company, i.e. PSNH.
- All participants receive a “solar rebate” for the equivalent of up to 1.5 cents off their current electric kWh rate.

Mr. Kellar said that they realized the solar garden meets the definition of Essential Services and would not require any relief from the Zoning Board of Adjustment. He referred to NH RSA 363:2.

Mr. Kellar went over the Site Plan Review Regulations as they pertain to the proposed Solar Garden:

- The array will meet all setback requirements.
- There will be no signage.
- Traffic Impact Analysis is not applicable due to the fact that they will not be providing any type of public parking for the community to visit.

- 230 • The construction of the solar garden will have little impact on the subsurface because they plan  
231 to install pile driven posts or earth screws into the soil or set it on ballast blocks to allow the  
232 solar array to be attached.
- 233 • Steps to minimize the visual impact to the community have been addressed in the site plan  
234 along the road side, but leave the side abutters view partially open so not to impact the sun  
235 exposure the array requires. The current abutters on both sides are the Ebert Family.
- 236 • The access to the array will be 15-20 feet away from the pole on the road which is required by  
237 the Utility Company. There will be easy access to the meter and shut off switches.
- 238 • All equipment shut offs will be next to the Utility's meter for easy access to fire, police or line  
239 workers in case of an emergency.
- 240 • The owners of the project live next door so there will be onsite surveillance in case of any  
241 vandalism. All electrical items would be in closed and locked units to reduce tampering with or  
242 damaging the equipment.
- 243 • The NH laws have placed a program cap of 5 acres of land for solar array gardens.
- 244 • Maintenance is minimal; annual inspection of equipment by an electrician may be required, and  
245 mowing the property a few time per year.
- 246 • The equipment is expected to last at least 30-35 years with a 25 year warranty included.
- 247 • Once the equipment is obsolete it will be scrapped for its raw material recycling value and the  
248 land will be returned to its original state.
- 249 • The equipment uses natural convection to cool the system and does not have moving parts;  
250 therefore the system will not produce any sound.
- 251 • The equipment is set up in a way to absorb all available light to increase the production of a  
252 solar array.
- 253 • Once the installation has reached the end of its useful life it will be removed. The owner shall  
254 remove the installation no more than 150 days after the date of discontinued operations and  
255 the owner shall notify the Planning Board by certified mail of the proposed date of discontinued  
256 operations.

257  
258 The Fire Chief, in his report to the Board, wrote that he is concerned with shortages. Mr. Kellar said that  
259 the way the panels are designed they cannot create an arc to start a fire. They produce no more than 57  
260 volts.

261  
262 Dr. Arena mentioned a discrepancy in the application. In one section it states the solar panels being 66  
263 kW and the plan shows 57 kW.

264  
265 Mr. Ebert said that they updated the plan so that it is 66 kW, by adding 160 solar panels. They added 8  
266 panels to the west and 12 panels to the east. He said each panel is 3'x6' and 410 Watts. The panels are  
267 5-feet off the ground and there will be no fencing around it. He said the solar garden will service 6 Ebert  
268 family members and once through the permitting process more people can sign on; they have to be  
269 PSNH customers. The size of this garden can service up to 12 families.

270  
271 Mr. Donahue mentioned the rise of the Winnicut River at certain times of year. Mr. Ebert said that the  
272 property is quite a bit higher than the Winnicut River. There is a monitoring system that can be checked  
273 online.

274

275 Mr. Kellar said that the solar panels cannot stand up against hail of 1" or more in diameter. He said the  
276 glass starts to fade after 25 years and degrades a certain percentage each year. He said the warranty is  
277 based on the seals around the glass because moisture can be damaging to the panels.

278  
279 Dr. Arena asked about the effects of snow drifts in the winter months. Mr. Kellar said that the backs of  
280 the panels are made of aluminum that disperses the snow three times faster than other solar panels.

281  
282 Mr. Kroner mentioned that the Board approved, and the Town adopted, a small wind energy ordinance  
283 and the Board may want to consider developing an ordinance over the next year for solar array gardens  
284 to implement standards such as screening.

285  
286 Mr. Ebert said that they would like to be able to earn enough money to pay the taxes on the lot. Each  
287 panel costs \$410.00.

288  
289 **Ms. Monaghan moved and Dr. Arena seconded the motion to take jurisdiction of the application.**  
290 **The vote was unanimous in favor of the motion (6-0).**

291  
292 Mr. Kroner opened the Public Hearing at 8:20pm.

293  
294 **Kathy Grant, 66 Lovering Road** – asked the following questions: 1) will there be added screening of the  
295 solar garden from the street, specifically the neighbor across the street. The Ebert family owns the  
296 subject lot as well as both lots on either side of it, she asked if the family sells the lot what would be the  
297 rights and responsibilities of the successors of the property. The driveway access is through the Ebert's  
298 property at 80 Lovering Road.

299  
300 Mr. Ebert said that there will be year-round tree screening and that the property is considered a long-  
301 term ownership; the proposal is an Ebert Family investment and they have no intention of selling the  
302 property. He said once it is constructed there will be no need of access for vehicles except a lawn mower  
303 that they would drive across from their adjacent lot.

304  
305 Chair Kroner closed the public hearing at 8:28pm.

306  
307 Mr. Donahoe opined that the driveway depicted on the plan should be installed in case they have to do  
308 any type of maintenance to the panels; he said he is concerned with vehicles parking along Lovering  
309 Road.

310  
311 Mr. Ebert said the driveway is not depicted on the original subdivision plan and they will access the lot  
312 from their home property.

313  
314 Dr. Arena commented that it is a commercial enterprise on a residential lot.

315  
316 Ms. Rowden disagreed and said that it is permitted in the residential zone under Essential Services and is  
317 not a commercial venture. She also stated that PSNH has a right-of-way is already in place for them to  
318 access and a driveway is not necessary.

319  
320 Ms. Rowden said that because this falls under Essential Services, the Board has to approve it, but can  
321 add conditions of approval. She said the proposal does not meet the 25-foot screening in the Site Plan

322 Review Regulations but Essential Services is allowed in the Zoning Ordinance and Zoning is stricter than  
323 the Regulations.

324

325 Discussion ensued on adding a condition that screening is put into place around the solar array in case  
326 the Ebert's sell their adjacent properties.

327

328 Mr. Derby said that it was not necessary because a potential buyer would take that into consideration  
329 when looking at the property; there would be no surprises of the buyers view.

330

331 Mr. Kellar said that any type of screening causing shading would have to be placed back away from the  
332 panels at least 3 times its size so not to interfere with the solar array generated power.

333

334 Mr. Ebert said that the family would not prefer putting in screening at this time because they enjoy the  
335 three lots as one lot. If the property were to be sold they could negotiate at the time of sale for  
336 potential screening. He said he would add a note to the plan that if the property sold they would install  
337 fencing to screen the solar garden.

338

339 Dr. Arena commented that there is a type of glass on the market called "gorilla glass" that would outlive  
340 the 25-year lifespan of the proposed glass panels.

341

342 **Ms. Monaghan moved and Mr. Donohoe seconded the motion to approve the Application**  
343 **for Essential Services to construct a Solar Array Garden with the following conditions:**

344

345 **1. Recordable Mylar.** Applicant shall submit a recordable Mylar of the approved plan with  
346 signatures and seals affixed of all licensed professionals whose names appear on the plan. All  
347 conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.

348 **2. State Permits.** State approval for group metering for Solar Array.

349 **3. Landscape Surety.** Surety in the amount of \$1,000 shall be submitted to the Town and  
350 retained by the Town for a period of two (2) growing seasons after installation of plantings to  
351 ensure that any dead plantings are properly replaced.

352 **4.** At the end of the useful life of the Solar Array, or at any time, that all associated equipment  
353 be removed from the property within 150 days.

354 **5.** If either property on either side of lot 19-37-1, known as lots 19-37 and 19-38 are sold, that  
355 screening be added at the site unless the buyer of the lots objects.

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

357 Mr. Ebert commented to the Board that the costs associated with the application were very high. It was  
358 based on the site plan review application at \$50 per sq. ft.

359

360 Ms. Rowden explained that the Applicant could apply for a waiver to fees of the application for the  
361 Board to take action on at a public meeting.

362

363 Mr. Ebert commented that the site plan review application process is cumbersome and the Board might  
364 want to consider working on a checklist for the applications. He said the prints for the plans he was  
365 required to submit with the application costs \$1,000.00.

366

367 The meeting adjourned at 9:11pm without objection.



368  
369 Respectfully submitted,  
370  
371 Wendy V. Chase  
372 Recording Secretary  
373  
374 Approved May 22, 2014