



Meeting Minutes
North Hampton Planning Board
Tuesday, September 1, 2015 at 6:30pm
Town Hall, 231 Atlantic Avenue

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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:** Shep Kroner, Chair (arrived at 7:30pm); Tim Harned, Vice Chair, Phil Wilson,
13 Nancy Monaghan, Josh Jeffrey and Jim Maggiore, Select Board Representative.
14

15 **Members absent:** Dan Derby
16

17 **Alternates present:** None
18

19 **Others present:** Jennifer Rowden, RPC Circuit Rider, and Wendy Chase, Recording Secretary
20

21 Vice Chair Harned called the meeting to order at 6:35pm.
22

23 **I. Old Business**

24 1. None
25

26 **II. New Business**

27 1. **Case #15:10 – Applicant Todd Baker, Hampton TCB, LLC, for property located at 9A**
28 **Lafayette Road (Hampton Airfield) requests a Waiver to Site Plan Regulation VI.E.2 for**
29 **Case #13:13 to extend the Conditional Approval the Planning Board granted 7 November**
30 **2013, to allow the expansion and improvements to the existing Airport Café; the Flight**
31 **School, and Offices on the site.** Property owner: Hampton TCB, LLC, 953 Islington Street,
32 Suite 23D, Portsmouth, NH 03801; Applicant: Todd Baker, Manager, Hampton TCB, LLC;
33 property location: Hampton Airfield, 9A Lafayette Road, North Hampton, NH; M/L 003-061-
34 000; Zoning District: I-B/R.
35

36 In attendance for this application:

37 Todd Baker, Manager Hampton TCB, LLC
38

39 Mr. Wilson requested a point of order and asked that the Board consider whether or not they have
40 jurisdiction to act on the requested waiver. He referred to the Site Plan Regulation Section XV.B.2 –
41 Waivers. He said that the regulation states that the applicant shall include a request with a statement of
42 reasons for such request, with the application for approval of the preliminary or final plan. He
43 commented that the conditionally approved plan expired ten (10) months ago. He further referred to
44 Section VI.E.2 (a) “if the conditions are not met within one year, the conditional approval *shall* lapse,
45 unless granted a one-year extension by the Board *prior* to the expiration date. Mr. Wilson said he does
46 not believe the Planning Board was granted the authority by the people of the Town to grant the waiver.
47 He said that the Applicant could have applied for a waiver prior to the expiration of the Conditional

48 Approval; and the Applicant's failure to do so is not a reason for the Board to approve the waiver. He
49 said that the conditions on the ground have changed dramatically since the original approval by paving a
50 significant area at the airfield. He said even if the Board thought they have the authority to approve the
51 waiver, he believes it is not a wise thing to do.

52

53 **Mr. Wilson moved and Ms. Monaghan seconded the motion that the Planning Board find that they**
54 **cannot take jurisdiction of this because it does not comport with the authorities the Board has been**
55 **granted by the Town of North Hampton through the Site Plan Regulations.**

56

57 Mr. Maggiore referred to Section VI.E.2.c – the Board *shall* have the option of holding a public hearing,
58 with notice to abutters and the public... and asked if this section gave the Board "wiggle room" as far as
59 granting the waiver.

60

61 Mr. Wilson said that section VI.E.2.c does not do anything to mitigate the terms on which the Board can
62 grant waivers.

63

64 Mr. Harned said that the Applicant had one year to comply with the conditions of approval and it is now
65 going on two years since the original approval and he is concerned that if the waiver is granted the
66 precedent it would set. He recognizes that each case stands on its own merits, but is still cognizant of
67 precedents being set.

68

69 Ms. Rowden said that the Applicant was told to apply for a waiver and thought that to be the only
70 remedy in her mind in order to receive an extension, but also believes that it has been well over a year
71 and the applicant has been notified multiple times by the Planning Administrator so it's not like the
72 Town did not do it's due diligence in notifying eh Applicant. She recommended that the Board not grant
73 the waiver if they decide to act on it.

74

75 Mr. Baker said that he was advised by the Planning Board Chair to apply for a waiver; which they did in
76 February and the Board decided not to act on it, but would at a later date. They knew at the time of the
77 initial approval that they would not begin construction for a year. The year went by and they started
78 working on the runway. He said that he was just trying to follow the correct procedure.

79

80 Ms. Rowden said that the Applicant was advised by the Board that one remedy to get an extension to
81 the approvals was to request a waiver, which he has done.

82

83 Mr. Wilson said that no one member of the Board has any more power than another member; the
84 Board as a whole makes decisions. He said even if the applicant received advice from the Chair, Circuit
85 Rider or the Planning Administrator; it is the sole discretion of the Board what it does with an
86 application.

87

88 Mr. Baker said that if he knew in March that the Board would not grant the waiver they could have
89 prepared the new site plan application at that time.

90

91 Ms. Monaghan said that it puts the Board in a difficult procedural position; the Applicant was notified
92 more than once that the approval was to lapse and the request for a waiver should have happened a
93 year ago and it wasn't.

94

95 Mr. Wilson said that the fact of the matter is, the Applicant came in for a waiver, as well as, his
96 application to pave the runway, coming in late using the argument that they had to get it done in the
97 summer and the Planning Board bent over backwards so they could accomplish that. He said the Board
98 has policies and procedures that have been adopted by the Legislative Body and it is the Board's role to
99 administer them.

100

101 Mr. Baker asked if he should withdraw his waiver request, and if he does, would he be able to come into
102 the next meeting (October).

103

104 Ms. Chase advised him that the deadline for the October 6, 2015 meeting is September 10, 2015.

105

106 Mr. Wilson suggested if the applicant plans to submit an application to the Board, it should be a full
107 blown site plan review application because of the impact of all of the changes that have taken place
108 from the last approval. He said the Applicant should be prepared to answer questions on where the
109 airport is going; how large the potential growth for the flight school is and what that means with respect
110 to landings and takeoffs.

111

112 Mr. Baker withdrew his waiver request.

113

114 The motion on the floor is moot because of the Applicant's withdrawal.

115

116 **Mr. Wilson moved and Ms. Monaghan seconded the motion that in the event the Applicant submits a**
117 **new Site Plan Application before the end of this calendar year that the Board waives all the fees**
118 **associated with it with the exception of notifying the abutters.**

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

120

- 121 1. **Case #15:11 – Applicant Gregg Bauer, Managing Member, Millie Bauer, LLC, for property**
122 **located at 52 Lafayette Road, North Hampton, proposes an amendment to an approved**
123 **Site Plan to expand the previously approved 50' x 60' two-story garage with a residential**
124 **unit above designated for Workforce housing, by expanding the building 1,000 square**
125 **feet.** Property owner: Millie Bauer, LLC, 16 Woodknoll Drive, North Hampton, NH; Property
126 location: 52 Lafayette Road, North Hampton; M/L 008-024-000; Zoning District I-B/R & R-1.

127

128 In attendance for this application:

129 John Chagnon, Ambit Engineering

130 Gregg Bauer, Applicant/Owner

131

132 Mr. Chagnon explained that the amended plan does not involve changes to the impermeable surface on
133 the lot so there is no need to revise the drainage analysis. The amended plan depicts the fuel area and
134 other items that were not shown on the original plan.

135

136 Mr. Chagnon explained that the original two-story garage the Board approved is a custom design and
137 the larger proposed building is a standard size and less expensive because it is not custom made; hence
138 the proposed amended plan.

139

140 Ms. Rowden said she had nothing to report on the application; the proposal meets all the requirements
141 for parking and drainage.

142 Discussion ensued on the current operation at the site. There are piles of materials at the site that may
143 not be consistent with the original approval by the Board.

144
145 Mr. Bauer explained that there is nothing on the site that was not approved for by the Board. He said
146 there is a lot of material being stored there at the moment because he ran out of room to store
147 materials from a job he is working on.

148
149 Mr. Wilson wanted to make it clear that if the Board approves the amended site plan; they would not be
150 allowing Mr. Bauer to use the site as a transfer station for excavated material from his other job even
151 though he is doing that now.

152
153 Mr. Bauer said that he was granted permission to store material at the site.

154
155 Mr. Chagnon referred to the gravel yard depicted on the originally approved site plan. Materials will be
156 stored there only once the lot is developed.

157
158 Mr. Bauer said that currently there are materials stored temporarily in the vicinity where the proposed
159 new building will be constructed.

160
161 Mr. Harned reiterated that the area marked compacted gravel maintenance/storage yard is where
162 materials will be stored at the site and nowhere else on the site once fully developed. Mr. Bauer
163 confirmed that to be true.

164
165 **Mr. Wilson moved and Mr. Jeffrey seconded the motion to accept jurisdiction for the application.**
166 **The vote was unanimous in favor of the motion (5-0).**

167
168 Mr. Harned opened the Public Hearing at 7:27pm.
169 Mr. Harned closed the Public Hearing at 7:27:05pm without public comment.

170
171 **Mr. Wilson moved and Mr. Jeffrey seconded the motion to accept the application as presented with**
172 **the following conditions:**

- 173 **1. Recordable Mylar of amended Site Plan as considered and approved at the September 1, 2015**
174 **meeting.**
175 **2. A note shall be added to the plan stating there will be no change to the original application**
176 **with respect to the storage and processing of material on the site.**

177 **The vote passed in favor of the motion (4 in favor, 0 opposed and 1 abstention). Ms. Monaghan**
178 **abstained.**

179
180 Mr. Kroner arrived at 7:30pm and assumed the Chair.

- 181
182 **2. Case #15:12 – Preliminary Consultation – John Normand and Colleen Lawson, 75 South**
183 **Road, North Hampton, NH. The owners request a preliminary consultation with the**
184 **Planning Board to discuss installing a solar garden consisting of two rows of panels**
185 **approximately 80-feet long, meeting side lot setbacks, located in the rear of the property.**
186 Property location: 75 South Road, North Hampton, NH; Property owners: John Normand and
187 Colleen Lawson; M/L: 008-109: zoning district: R-1.

188

189 In attendance for this application:

190 John Normand, Owner/Applicant

191 Dan Clapp, Manager, Revision Energy

192

193 Mr. Normand introduced Mr. Clapp from Revision Energy, Exeter, NH and said that he has been a Solar
194 panel installer for over thirteen (13) years.

195

196 Mr. Kroner said that the Board is familiar with solar gardens; the Board recently considered a solar
197 garden proposal and approved it, although the Applicant decided not to install it.

198

199 Ms. Rowden commented that the proposal is an accessory use and would fall under essential services
200 which is allowed by Planning Board approval in the all zoning districts.

201

202 Mr. Normand said that the panels are pitched at a 30-degree angle and will cover an area of
203 approximately 3,400 square-feet. He explained that the panels will be angled toward his house and not
204 visible to the abutting property due to the tree line. The panels will meet setback requirements.

205 Mr. Normand has spoken to his closest abutter and he is on board with the proposal.

206

207 Mr. Normand said he has property in Berlin, NH that he would like to add to the grid and they are
208 looking to add other meters onto it. The object is to have more meters than the amount of power
209 generated.

210

211 Ms. Rowden said that Mr. Normand would have to apply for a Site Plan review under Essential Services.

212

213 Mr. Wilson said that during the review process the Board may consider what will happen if or when the
214 panels are abandoned.

215

216 Mr. Normand said that the panels have a shelf life of approximately 25 to 30 years.

217

218 Mr. Kroner said that the Board was going to work on a solar array ordinance. Mr. Normand said that he
219 would like to participate in the process when the Board begins developing regulations for solar arrays.

220

221 Mr. Normand was reminded that the application deadline date for the October 6, 2015 meeting is
222 September 10, 2015.

223

224 3. **Case #15:13 – Preliminary Consultation – Bel Sorriso, LLC, formally, Two Juniper Road, LLC,**
225 **2 Juniper Road, North Hampton, NH. The owners and/or their Representatives would like**
226 **to discuss revisions to the approved landscape plan approved by the Board on February 3,**
227 **2015 to allow for snow storage and to better screen the abutting properties.** Property
228 owner: Bel Sorriso, LLC, formally, Two Juniper Road, LLC, 1 Woodridge Lane, North
229 Hampton, NH; property location: 2 Juniper Road, North Hampton, NH; M/L 017-001-000;
230 Zoning District: I-B/R.

231

232 In attendance for this application:

233 Eric Buck, Terrain Planning & Design, LLC

234

235 Mr. Kroner recused himself.

236 Mr. Harned assumed the Chair.

237

238 Mr. Buck went over the proposed changes to the originally approved landscape plan.

239

- 240 • Five existing trees on the site were removed during construction.
- 241 • The two oak trees were removed because they were affected by the site grading and would not
- 242 survive long.
- 243 • Trees on the western corner were removed also because excavation got into the root system.
- 244 • The birch tree that was growing in the leach field and diseased was removed.
- 245 • Trees were relocated for better screening to abutting properties.
- 246 • Two linden trees were moved close to where the oak trees came down.
- 247 • The current proposal has more trees on the site than what was originally approved, just not in
- 248 the exact location of what was originally approved.
- 249 • Trees will be put in to replace the ones that were taken down and the location will be more
- 250 desirable to the abutting neighbors; better screening.

251

252 Mr. Buck was before the Board to make sure the amended landscape plan met the Board's expectations
253 before the project is complete.

254

255 Mr. Maggiore thanked Mr. Buck for coming forth with the amended plan and that they are not just
256 removing tress, but replacing them.

257

258 Ms. Rowden said that the new plan makes better screening for the neighbors.

259

260 Mr. Wilson said that he would like to hear what the abutters have to say about the amended plan.

261

262 Mr. Harned said that he has a problem looking at a plan with a bunch of circles on it and is not sure if the
263 plantings are 12-feet high or 2-feet high. He asked if the Board would consider scheduling a site walk of
264 the premises.

265

266 Mr. Harned explained that it is a Preliminary Consultation so technically there is no Public Hearing but
267 invited those who wished to comment on the plan to do so.

268

269 Jayson Spring, 3 Woodridge Lane – said that he acknowledged the fact that trees came down by
270 accident during construction and said it is great that there will be additional trees. He commented that it
271 has been a difficult summer for his family during construction and it has changed the value of his
272 property. He mentioned to the property owners that with the new extension on the back of the building
273 he can now see patients from his porch and living room and the Doctors should take care of that. One of
274 the Dentist's from the audience said that they will put up window shades. He said he is not sure if the
275 tree that came down accidentally that used to block his view from Route 1 will be replaced.

276

277 Jack McCarthy, 3 Juniper Road – said that there is nothing blocking his view from Route 1 or the Two
278 Juniper Road building and did not think that was the intention. He said nothing was put on his side of
279 the property to block his view and asked if that was the Board's intention. He said there used to be an
280 8-foot fence that served as a noise barrier and screening to Route 1 that is not going to be replaced. He

281 said his initial concern at that last meeting was that he did not want to be looking at a parking lot and
282 didn't even consider the possibility that he would be looking at Route 1.
283 Ms. Rowden suggested the Board take a site walk of the property and recommended that even though
284 they propose fairly minor changes, an amended landscape plan is necessary.
285

286 Mr. Wilson said that the landscape surety needs to be adjusted to include all the new plantings.
287 Mr. Buck agreed.
288

289 Mr. Buck commented that they have landscaped the Route 1 corridor as well as they can, and to put up
290 fences like it was before won't work because they want their new building and sign to be visible to
291 drivers passing by on Route 1.
292

293 Ms. Rowden said that there is a benefit to low growing landscape along Route 1. It does have a safety
294 component to it.
295

296 Mr. Wilson said that the landowner has the right to use their property the way they want as long as it
297 comports to the Zoning Ordinances. He said no abutter owns the view even if they have been
298 benefitting from it for years, but that said the Board has always tried hard to balance out the interests of
299 the landowner with the interests of the abutters. He agrees that there should be a scheduled site walk.
300

301 The Applicant was advised to apply for an amended landscape plan according to the site plan
302 regulations. The Board can schedule a site walk after they have taken jurisdiction of the plan. If they
303 apply for the October meeting, they can schedule a site walk and continue the case to the November
304 meeting. Mr. Buck commented that that was not a good time of year to plant trees. Mr. Wilson said he
305 may have to wait until the spring to plant trees.
306

307 Ronald Risman, 6 Woodridge Lane said that he is not an abutter to the subject property but is affected
308 by the changes made. He now has light pollution coming in from the Acura car dealership that floods
309 through Woodridge Lane.
310

311 Mr. Wilson suggested that Mr. Risman consult with Ms. Chase and the Code Enforcement Officer to look
312 at the Acura Dealership Site Plan and see if they are complying with the dark sky standard. Acura is
313 responsible for complying with their approval.
314

315 The meeting adjourned at 8:32pm without objection.
316

317 Respectfully submitted,
318

319 Wendy V. Chase

320 Recording Secretary

321 Approved September 15, 2015
322