



Meeting Minutes
North Hampton Planning Board
Tuesday, October 6, 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.

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12 **Members present:** Shep Kroner, Chair; Tim Harned, Vice Chair, Dan Derby, Phil Wilson, and Josh Jeffrey.

13
14 **Members absent:** Nancy Monaghan and Jim Maggiore, Select Board Representative

15
16 **Alternates present:** None

17
18 **Others present:** Jennifer Rowden, RPC Circuit Rider, and Wendy Chase, Recording Secretary

19
20 Chair Kroner called the meeting to order at 6:35pm.

21
22 Chair Kroner acknowledged the passing of a beloved Board Member and close colleague Dr. Joseph
23 Arena, Jr. Dr. Arena passed away July 2, 2015. He was a member of the Planning Board for more than a
24 decade and was an admired individual in our community; he was fiercely independent. He brought
25 continuity and fortitude to the Planning Board. Chair Kroner wanted to officially, within the context of
26 this Board, to acknowledge that they were all saddened by this loss.

27
28 **I. Old Business**

29 **1. None**

30
31 **II. New Business**

- 32 **1. Case #15:13 – Applicant RE Davis Automobile Sales for property located at 172 Lafayette**
33 **Road, North Hampton, NH, submits a Site Plan Review Application to expand the auto**
34 **display area 8,000 square feet with porous asphalt.** The Applicant requests the following
35 waivers from the Site Plan Review Regulations: Section X.D.5- Interior Parking Landscaping,
36 and X.C.2 – 100-year Stormwater System Design. Property owners: E. Dean Stevens & Cora
37 A. Stevens 1994 Rev Trust; Property location: 172 Lafayette Road, North Hampton, NH; M/L
38 017-084-001; Zoning District: I-B/R Industrial Business Residential.

39
40 In attendance for this application:

41 Raymond Davis, Applicant

42 Jeff McTique, MSC Engineering

43
44 Mr. McTique said that they decided on porous asphalt for the expansion of the auto display area
45 because they have had a lot of success with it and there is not a lot of space on the lot to put in storm
46 water drainage control mechanisms. He said that the use of the property is not changing; it will remain
47 at its existing use – auto sales.

48 Mr. McTique confirmed that he did receive a copy of the town's engineer, Steven Keach's report.

49

50 Chair Kroner noted for the record that the Board received two letters of concern from abutters (Mr. Jay
51 McFarland and Mr. Joseph Fitzgerald) over the management of stormwater runoff.

52

53 The Board discussed the waiver request from Section X.C.2 – 100-year Stormwater System Design.

54

55 Chair Kroner asked how porous pavement handles heavy rains.

56

57 Mr. McTique explained that most management plans deal with the first inch of water and after that
58 there is sheet flow even from grass lawns. He said that they've discovered it is better to let the water
59 absorb into the ground instead of constructing detention ponds allowing water to sit and become
60 stagnant. He said that there is a layer of sand and a layer of crushed rock under the porous pavement.
61 The crushed rock offers some storage of water before infiltrating into the ground.

62

63 Mr. Derby asked if the design specifications could be added to the plan.

64

65 Mr. McTique said they will install the pavement pursuant to UNH guidelines and that does appear on the
66 plan. He said that they would be improving the area by installing porous pavement.

67

68 Mr. McTique remarked that the proposed construction of the porous pavement at the site will not solve
69 the existing water problems in that area. He suggested that a joint effort be made to put in a drainage
70 system to fix the existing problems in that area.

71

72 Mr. McTique referred to the test pits that were taken and said the perk rates were 3 inches per hour
73 which he considers an average perk rate.

74

75 Mr. McTique confirmed that the porous pavement must be vacuumed yearly in order to keep the
76 surface from becoming impervious.

77

78 Mr. Wilson said that before he could consider granting the waiver he would like scientific calculations
79 supporting that putting in porous pavement will not increase the rate of water flow onto the property.
80 The Planning Board needs to ensure that it will not make it worse for the abutting properties. He would
81 also like to see a document that the Board can add as a condition of approval of a regimen that
82 maintains the surface of the porous pavement that the town can ensure that it is happening.

83

84 Chair Kroner opened the Public Hearing to the waiver request from Section X.C.2 – 100 year Storm
85 Water System Design at 7:58pm, and noted for the record that the letters from Joe Fitzgerald and Jay
86 McFarland indicating that they are against granting such a waiver.

87 Mr. Korner closed the Public Hearing at 7:59pm.

88

89 Mr. Derby referred to the Steven Keach's review letter and quoted, "we recommend the design
90 engineer provide the Board with comparative estimates (on a per square foot basis) of both the
91 permeability of the existing ground surface and the planned pavement surface. In order of the
92 applicant's argument to hold water (no pun intended), the permeability of the proposed porous
93 pavement surface will need to be greater than or equal to that of the existing lawn. If the design
94 engineer is able to suggest such a conclusion, we would support granting the waiver as requested."

95
96 Ms. Rowden said that using porous pavement could be valid but the maintenance schedule has not been
97 provided and without proper maintenance the porous pavement becomes useless.

98
99 Ms. Rowden said that the application is technically complete because the applicant has requested a
100 waiver. The Board has 65 days to render a decision and that would give the applicant time to do a
101 stormwater drainage control plan.

102
103 The general consensus of the Board was to table taking action on the stormwater design waiver request.

104
105 Chair Kroner referred to the second waiver request from Section X.D.5 – Interior Parking Landscaping.
106 He commented that in his view it ties into the greater understanding of where people are going to be
107 parking.

108
109 Mr. McTigue said that no one will be driving in the expanded area; the area will be used for vehicle
110 display. The display area can fit 36 vehicles and they don't want to add an island; they want to display 30
111 cars there.

112
113 Mr. Wilson said that he doesn't think the Board ever required landscaping in a parking area, so this is
114 really an amendment to the 2004 site plan.

115
116 Ms. Rowden agreed, and said that the proposal is for a parking area not a parking lot.

117
118 Chair Kroner opened the Public Hearing at 7:16pm.
119 Chair Kroner closed the Public Hearing at 7:16:05pm without public comment.

120
121 Mr. Wilson said that he didn't think it made sense to require interior landscaping in the proposed
122 expanded display area. He said that there has always been a problem displaying vehicles in the 10-foot
123 landscape buffer, so in respect to landscaping, the Board should require some kind of low-growing
124 plantings in the 10-foot wide buffer to prevent cars from parking on it.

125
126 **Mr. Wilson moved and Mr. Harned seconded the motion to approve the waiver request from Section**
127 **X.D.5 – Interior Parking Landscaping.**
128 **The vote was unanimous in favor of the motion (5-0).**

129
130 Mr. Wilson suggested the case be continued to the November 3rd meeting to give the applicant time to
131 come back to the Board with a storm management plan or data to prove the porous pavement will not
132 produce more water runoff than what exists currently.

133
134 Mr. Harned would like the Town's Engineer to review any updates the applicant makes to present to the
135 Board.

136
137 Mr. McTigue was advised to come back with more specificity in the way the porous pavement works
138 and a maintenance regime approved by the Town's Engineer.

139
140 Mr. Derby said that the Board can add the low-growing vegetation in the 10-foot buffer as a condition of
141 approval.

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Mr. Wilson moved and Mr. Harned seconded the motion to continue case #15:13 – RE Davis Auto to the November 3, 2015 meeting.

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

Chair Kroner asked that the applicant submit a letter requesting the continuance for the official record.

Mr. McTigue said he would send a letter to the Recording Secretary.

2. **Case # 15:14 – Applicants John Normand and Colleen Lawson, 75 South Road, North Hampton, NH, propose a Site Plan Review Application under Essential Services to install a solar array garden in the rear of their property.** The applicants request the following waivers from the Site Plan Review Regulations: VIII.B.15 – Topographic Map; IV.E.2.a – buffers used to screen from neighboring property; VIII.B.3 – Plan format – Scale 1” = 100-feet. Property owners: John Normand and Colleen Lawson; property location: 75 South Road, North Hampton, NH; M/L: 008-109-000; Zoning District: R-1 High Density Residential District.

In attendance for this application:

John Normand, Owner/Applicant

Mr. Normand explained that he was before the Planning Board for a Preliminary Consultation and is back before the Board with a formal application.

Chair Kroner referred to the waiver request to Section VIII.B.15 – topographic contour boundaries.

Mr. Normand explained that the area is completely flat. He said that at one point gravel was taken out when they built the interstate.

Ms. Rowden said that because of the nature of the proposal it is not unreasonable to grant the waiver. The solar panels won't affect storm water runoff and the area is very flat.

Chair Kroner opened the Public Hearing at 7:35pm.

Chair Kroner closed the Public Hearing at 7:36pm without public comment.

Mr. Wilson moved and Mr. Harned seconded the motion to approve the waiver request to Section VIII.B.15 – topo contour boundaries.

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

Chair Kroner referred to waiver request Section IV.E.2.a – Appropriate screening from neighboring properties.

Chair Kroner opened the Public Hearing at 7:38pm.

186 Steve Pearce, 73 South Road – said that he has issues regarding the waiver to the neighboring
187 buffer. He said that the purpose of the buffer is to hide the entire array from neighboring
188 properties. He said the current tree line buffer is on his property and doesn't think its right to
189 use the trees that are on his property as the buffer. He said that if he chose to cut down his
190 trees the solar array panels would be exposed. He opined that the solar panels are not
191 attractive and he will be able to view it on three sides. He said that he is not opposed to the
192 process; he just doesn't think the location is particularly ideal; it is right in the middle of an R-1
193 residential area used as a for-profit venture. He said he is also concerned with the EMI
194 emissions produced from the arrays. He reiterated that he does not think his trees should count
195 as Mr. Normand's buffer. He would like to see a solid buffer on the southern, norther and
196 eastern side of the solar array garden.

197
198 Chair Kroner said that the applicant plans to put in some hedges on the southwest side. Mr.
199 Normand said that he planned to plant arborvitae trees that have to be 16-feet away from the
200 arrays, so they don't cast a shadow on the panels.

201
202 Chair Kroner closed the Public Hearing at 7:51pm.

203
204 Mr. Normand said he has no objection to putting in trees along the right edge of the property.
205 He said there is enough of a buffer on the back side and said he would be agreeable with a
206 condition of approval that if the neighbors cut their trees he will put in a buffer.

207
208 Mr. Wilson said that Mr. Normand's proposed condition seems like an unenforceable condition.
209 He said that he didn't the Board could grant the waiver to the buffer requirement if the buffer
210 is on the abutting property; the abutters can do what they want on their property. He said that
211 the Applicant is responsible to install and maintain the buffers, not the abutters. He also
212 commented that the solar array garden has doubled since Mr. Normand presented a draft plan
213 at the Preliminary Consultation with the Board. Mr. Normand confirmed that to be true. Mr.
214 Wilson said that it's starting to look more like a commercial operation and they have had
215 trouble in the past with commercial operations operating without sufficient buffers.

216
217 Ms. Rowden commented that a site walk of the property would be a good idea.

218
219 It was a general consensus of the Board not to grant the waiver request to Section IV.E.2.a –
220 buffers to screen *use* from neighboring properties.

221
222 **Mr. Harned moved and Mr. Wilson seconded the motion to deny the waiver request from**
223 **Section IV.E.2.a.**

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

225
226 The Board addressed the waiver request from Section VIII.B.3 – Plan format – Scale
227 requirement.

228

229 Chair Kroner voiced concern that the plan Mr. Normand submitted was an aerial photograph
230 that showed the lot and location of the solar array garden, but would not meet the plan
231 requirements of the Rockingham County Registry of Deeds.

232

233 Chair Kroner opened the Public Hearing at 8:03pm.

234 Chair Kroner closed the Public Hearing at 8:03:05pm without public comment.

235

236 Mr. Wilson said that the requested waiver doesn't have anything to do with a Recordable
237 Mylar; it has to do with the plan submitted to the Board for review. He informed Mr. Normand
238 if the application is approved it is a standard condition of the Board that a Recordable Mylar be
239 submitted for recording at the Registry of Deeds.

240

241 Ms. Rowden said that a Recordable Mylar is one of the Board's standard requirements, but it is
242 not a legal requirement.

243

244 Chair Kroner said it is in the Applicant's best interest, when dealing with essential services, to
245 have a recorded Mylar tied to the property.

246

247 Mr. Wilson said that it is in the best interest of the Town and Board to remain consistent in
248 requiring a Recordable Mylar. He said it is not a State requirement, but it is a Planning Board
249 requirement.

250

251 Mr. Harned clarified and said that the waiver request for the scale of 1" = 100 is for the
252 application submitted by the applicant and not for a Recordable Mylar.

253

254 Ms. Rowden said that it in her professional opinion a Recordable Mylar is not necessary for this
255 application, and understands that it is a general policy of the Board.

256

257 Mr. Wilson disagreed and said that since they are requiring a landscape buffer it needs to be
258 recorded at the Registry for future owners and successors as well as future abutters. He said
259 the Board started requiring recording plans because of having problems with data not stored
260 sufficiently. He said it is a good idea and strongly feels that it should be maintained.

261

262 **Mr. Derby moved and Mr. Harned seconded the motion to approve the waiver request from**
263 **Section VIII.B.15.**

264 **The vote passed in favor of the motion (4 in favor, 1 opposed and 0 abstention). Chair Kroner**
265 **abstained.**

266

267 It was determined that the wrong waiver section was voted on.

268

269 **Mr. Wilson moved and Mr. Harned seconded the motion to rescind the motion Mr. Derby**
270 **made above.**

271 **The vote passed in favor of the motion (4 in favor, 0 opposed and 1 abstention). Mr. Derby**
272 **abstained.**

273

274 **Mr. Derby moved and Mr. Jeffrey seconded the motion to grant the waiver request from**
275 **Section VIII.B.3 – plan scale 1" = 100.**

276 **The vote passed in favor of the motion (4 in favor, 1 opposed and 0 abstention). Chair Kroner**
277 **opposed.**

278

279 **Mr. Wilson moved and Mr. Harned seconded the motion to take jurisdiction of the**
280 **application.**

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

282

283 Mr. Normand explained that the array is facing south and is concerned with a buffer along the
284 eastside of the solar array garden because of shading. He said shading doesn't come into play
285 on the back side of it.

286

287 It was decided that Mr. Normand would prepare a plan and submit it by the end of the week.
288 The Board will conduct a site walk of the property on Monday, October 19, 2015 at 4:00pm. The
289 Planning Administrator will post it accordingly.

290

291 **Mr. Harned moved and Mr. Wilson seconded the motion to continue case #15:14 – John**
292 **Normand, 75 South Road, to the November 3, 2015 meeting.**

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

294

295 **III. Other Business**

296 **1. Items left on the table**

297 **a. Proposed Zoning Ordinance amendments/additions and/or Regulation**
298 **amendments/additions Discussion.**

299

300 Chair Kroner said that ZBA Member, Phelps Fullerton submitted some suggested changes, additions to
301 the zoning ordinances to the Planning Board for the Board's review. The Zoning Board voted to
302 authorize the Chair and Vice Chair to represent the Zoning Board as a joint meeting of the Boards. Mr.
303 Fullerton put in an extensive amount of work. Chair Kroner was seeking direction from the Planning
304 Board.

305

306 Mr. Harned said that Mr. Fullerton did an outstanding job, in his opinion. He said the Planning Board is
307 already addressing a few of the issues Mr. Fullerton included in his proposed changes.

308

309 Mr. Derby would like to meet with the Zoning Board and hear the background of the proposed changes.

310

311 Mr. Wilson said that the Zoning Board has always requested that the Planning Board to request the
312 Select Board to hire an attorney to go over the entire Zoning Ordinances. He said that there is no time to
313 work on the suggested changes this year. He suggested the Zoning Board and Planning Board hold a

314 Joint Meeting after the March 2016 election and set up subcommittees and prioritize and work on the
315 most important issues.

316

317 **Mr. Wilson moved and Mr. Harned seconded the motion to authorize Chair Kroner to write a letter to**
318 **the Zoning Board requesting a Joint Meeting of the two Boards after the March 2016 Election.**

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

320

321 **Mr. Wilson moved and Mr. Derby seconded the motion to adjourn the meeting at 8:45pm.**

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

323

324 Respectfully submitted,

325

326 Wendy V. Chase

327 Recording Secretary

328

329

DRAFT