



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

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

Members present: Shep Kroner, Chair (arrived at 7:28pm); Tim Harned, Vice Chair, Dan Derby, Phil Wilson,
Nancy Monaghan, Josh Jeffrey and Jim Maggiore, Select Board Representative.

Members absent:

Alternates present: None

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

Vice Chair Harned called the meeting to order at 6:30pm.

- 1. Case #15:13 – Applicant RE Davis Automobile Sales for property located at 172 Lafayette Road, North Hampton, NH, submits a Site Plan Review Application to expand the auto display area 8,000 square feet with porous asphalt.** The Applicant requests the following waiver from the Site Plan Review Regulations: X.C.2 – 100-year Stormwater System Design. Property owners: E. Dean Stevens & Cora A. Stevens 1994 Rev Trust; Property location: 172 Lafayette Road, North Hampton, NH; M/L 017-084-001; Zoning District: I-B/R Industrial Business Residential. The Waiver request to X.C.2 and the Application is continued from the November 3, 2015 meeting.

In attendance for this application:

There was no one in attendance for this application.

The Board was in receipt of a communication from Mr. McTigue requesting a continuance to the January 5, 2016 meeting.

Mr. Wilson moved and Mr. Derby seconded the motion to grant the continuance request and continue Case #15:13 to the January 5, 2016 meeting.
The vote was unanimous in favor of the motion (6-0).

- 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: 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. The Board denied the Waiver Request to Section IV.E.2.a and

voted to take jurisdiction of the plan on October 6, 2015. The Case is continued from the November 3, 2015 meeting.

In attendance for this application:

John Normand, Owner/Applicant

Mr. Harned explained that the landscape waiver request from Site Plan Regulation Section IV.E.2.a, was denied by the Board at the November 3, 2015 meeting, and the Board took jurisdiction of the plan at the October 6, 2015 meeting.

Mr. Normand handed out copies of the updated landscape plan and explained that he intends to install a 4-foot berm and plant 7' to 8' arborvitae trees on the berm. He may put up a temporary screen while the trees are growing to minimize the gaps. The landscape company assured that the berm will support the arborvitae trees. Mr. Normand plans to plant the trees in the spring.

Mr. Maggiore asked whether the neighbors reviewed the updated plan. Mr. Normand said that they did not. (Ms. Chase gave a copy to Steve Pearce, Mr. Normand's direct abutter).

Ms. Rowden suggested Mr. Normand provide the Board with a cross-section of the plan that shows how wide and high the berm will be and that specifies the types of arborvitae he intends to plant.

Mr. Wilson voiced concern over the fact that the Board has not seen a complete site plan for this proposal. He said that in his opinion a Recordable Mylar should be required. He also believes a landscape surety amount should be held in escrow for a two year growing season according to Site Plan Regulation X.D.2.g.

Mr. Normand was under the impression that a Recordable Mylar was only required if erecting a permanent building on the property.

Ms. Rowden explained that a Recordable Mylar is not a legal requirement and opined that a Mylar is not necessary for this project. She further explained that the Board has no authority to revoke a Site Plan if a Mylar is not recorded. She said that another option is to keep the approved Site Plan on file and record the Decision Letter.

Mr. Wilson said that the Board has consistently request a Recordable Mylar. He said Mr. Normand will not own the property forever and the new owner may not know what the conditions are if the final approved plan is not recorded at the Registry of Deeds.

Mr. Harned opened the Public Hearing at 6:49pm.

Steve Pearce, 73 South Road – voiced concern that there is no plan and no specifications supplied for this project. He agreed that the berm aspect is an acceptable process, but not aesthetically pleasing. Not sure it is a viable operation to begin with more of a commercial operation in a residential district. He was confused why it fell under Essential Services because the project is not a public utility. He wondered what will prevent other neighbors from putting in solar array gardens if this is approved and said that the Board is charged with making sure a project does not cause a detrimental impact to surrounding properties.

Mr. Harned closed the Public Hearing at 7:58pm.

Ms. Rowden reminded the Board that the 65 day application deadline clock is ticking away.

Mr. Wilson said that it is up to the Applicant to request a continuance.

Mr. Normand said that the PUC makes the final determination and he is waiting to hear from them. He said the result of what they come up with will determine whether he will "scale back" his proposal.

Mr. Jeffrey moved and Ms. Monaghan seconded the motion to grant a three month extension for Case #15:14.

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

Chair Kroner arrived at 7:28pm.

Vice Chair Harned called for a five minute recess when Chair Kroner arrived.

Chair Kroner assumed the Chair.

I. New Business

1. Case #15:16 – Applicant Donald Knowles, 8 Birch Road, North Hampton, NH, for property located at 3 Cherry Road and Cherry Road Rear, North Hampton, NH, requests a lot line adjustment between Tax Map and Lots 018-011 and 014-102. The applicant requests the following waivers: VIII.B.3 – Scale on plan; VIII.B.20 – Stormwater drainage control plan and VIII.B.18 – Size and location of sewage disposal facilities. Property Owner: Knowles Family Revocable Trust of 2007, 3 Cherry Road, North Hampton, NH. Property location: 3 Cherry Road and Cherry Road Rear; zoning district: R-1; M/L 018-011- and 014-102.

In attendance for this application:

Alex Ross, Ross Engineering

Attorney Peter Saari, Counsel to the Applicant

Mr. Wilson pointed out that the two lots involved in the lot line adjustment application are under the same ownership. He explained that the property owner can create a voluntary lot line adjustment without Planning Board approval.

Mr. Wilson moved and Mr. Maggiore seconded the motion that the requested waivers are not necessary and to approve the lot line adjustment.

Mr. Maggiore withdrew his seconded and Mr. Wilson withdrew his motion to complete the formal approval process.

Mr. Harned moved and Mr. Wilson seconded the motion to take jurisdiction of the application. The vote was unanimous in favor of the motion (7-0).

Mr. Kroner opened the Public Hearing at 7:40pm.

Mr. Kroner closed the Public Hearing at 7:41pm.

**Mr. Wilson moved and Mr. Harned seconded the motion the Board finds the waiver requests are not required because it is a voluntary lot merger owned by the same owner.
The vote was unanimous in favor of the motion (7-0).**

**Mr. Wilson moved and Mr. Harned seconded the motion to approve the application as a voluntary lot line adjustment that does not require waivers to the regulations.
The vote was unanimous in favor of the motion (7-0).**

2. Case #15:17 – Applicant Houssam Aboukhater, 8 Cotton Farm Lane, North Hampton, NH , for property located at 6 & 8 Cotton Farm Road, North Hampton, NH requests a lot line adjustment to exchange equal land area to address existing encroachments. The applicant requests the following waivers: VIII.B.15 – Existing contours; VIII.B.16 – Natural features; VIII.B.18 – utilities; VIII.B.20- Stormwater drainage control plan; VIII.B.21 – location of hydrants; VIII.B.25 – test pits. Property location: 6 & 8 Cotton Farm Road, North Hampton, NH; Property owner: Houssam Aboukhater, 8 Cotton Farm Lane, North Hampton, NH; M/L 006-133-003 and 006-133-004; zoning district: R-2.

In attendance for this application:

Houssam Aboukhater, owner/applicant

The Board determined that this application is a voluntary lot merger because both lots are under the same ownership.

**Mr. Wilson moved and Mr. Harned seconded the motion that the application is a voluntary lot line adjustment because the two lots are owned by the same property owner and not necessary for waivers to the regulations.
The vote was unanimous in favor of the motion (7-0).**

**Mr. Wilson moved and Mr. Harned seconded the motion to take jurisdiction of the plan.
The vote was unanimous in favor of the motion (7-0).**

Mr. Kroner opened the Public Hearing at 7:50pm.

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

**Mr. Wilson moved and Mr. Harned seconded the motion to approve the lot line adjustment with the following conditions of approval: Recordable Mylar and Certificate of Monumentation.
The vote was unanimous in favor of the motion (7-0).**

3. Case #15:18 – Applicant Brian Shea for The Barley House Restaurant and Tavern, 132 North Main St., Concord, NH 03301, for property located at 43 Lafayette Road, proposes an amended Site Plan Application to construct a patio for seasonal outdoor seating with associated landscaping and site lighting improvements. The Applicant also submits a Conditional Use Sign Application with the following waiver: Article V, Section 506 to allow two wall signs that exceed the required square footage and amount of signs. Property owner: W/S North Hampton

Properties, OP LLC, c/o WS Asset Management, Inc., 33 Boylston Street, Suite 3000, Chestnut Hill, MA 02467; Property location: 43 Lafayette Road, North Hampton; M/L 007-053-000; zoning district: I-B/R.

In attendance for this application:

Brian Shea, Owner, The Barley House Restaurant

Russ Arberton, Advantage Signs

Mr. Shea explained that the Restaurant has been open for two weeks and is before the Board with proposed signage for the building. He explained that the owners will not allow ground signs for the businesses within their plaza.

The Board was concerned in setting a precedent if allowing the two large wall signs.

Mr. Derby moved and Mr. Jeffrey seconded the motion to take jurisdiction of the Conditional Use Sign Application.

The vote was unanimous in favor of the motion (7-0).

Mr. Shea informed the Board that the owner of the property does not allow monument signs for the businesses within the plaza.

Ms. Monaghan moved and Mr. Harned seconded the motion to deny the request for an additional wall sign.

The vote passed in favor of the motion (4 in favor, 3 opposed and 0 abstentions). Mr. Wilson, Mr. Kroner and Jeffrey voted against).

Mr. Harned moved and Mr. Jeffrey seconded the motion to approve the proposed wall sign on the front of the building up to 10' by 7' 5 1/4 ".

Mr. Jeffrey withdrew his second and Mr. Harned withdrew his motion.

Mr. Kroner opened up the Public Hearing to the waiver to the size of a sign at 8:48pm.

Rex Taylor, owner of Al's Seafood Restaurant said that he has not objection to the proposed sign. He said he understands the importance of signage in helping to attract business.

Mr. Kroner closed the Public Hearing at 8:50pm.

Mr. Wilson moved and Mr. Maggiore seconded the motion to approve the waiver request for a sign larger than the ordinance provides.

The vote was unanimous in favor of the motion (7-0).

Mr. Harned moved and Mr. Jeffrey seconded the motion to grant the conditional use permit for a logo sign as proposed to the Board with a maximum of 10' wide and 7' 51/4" high.

The vote was unanimous in favor of the motion (7-0).

Mr. Wilson moved and Mr. Harned seconded the motion to take jurisdiction of the Site Plan Review application.

The vote was unanimous in favor of the motion (7-0).

Mr. Kroner opened the Public Hearing at 9:12pm on the proposed Site Plan amendment to add outdoor seating on the proposed patio.

Mr. Kroner closed the Public Hearing at 9:13pm without public comment.

Some members of the Board were concerned with loud music that may negatively affect the neighborhood across Route 1.

Mr. Harned moved and Mr. Wilson seconded the motion to approve the Amended Site Plan as proposed to the Board with the following conditions: Recordable Mylar; patio hours of operation shall be no later than 10:00pm and no music audible beyond the property.

The vote was unanimous in favor of the motion (7-0).

The Board was in receipt of a letter from Richard Skowronski and Leila Hanna, dated November 25, 2015.

It was a general consensus of the Board that there are differences of opinions between Mr. Skowronski and Ms. Hanna and the Conservation Commission that they are hopeful will be worked out to meet the Planning Boards condition of approval require a conservation easement for their conservation subdivision, but the Planning Board should not be put in the position of arbitrating it. Mr. Kroner will reach out to Chris Ganotis and let him know.

The meeting adjourned at 9:55pm without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary