



Meeting Minutes
North Hampton Planning Board
Tuesday, August 2, 2016 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 **In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Josh Jeffrey,
13 Terry Belluche, and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider; and
14 Rick Milner, Recording Secretary.

15
16 Chair Harned called the meeting to order at 6:35 pm.

17 **I. Old Business**

- 18 **1. Case #16:08 – Applicants, Annette Lee and Nicole Carrier, 2 Elm Road, North Hampton, NH**
19 **03862.** The Applicants request a site plan review to amend previous site plan approvals by
20 making improvements to current business operations for Throwback Brewery located at 2 Elm
21 Road including building expansion, parking expansion, and creation of outdoor events area. The
22 Applicants request a waiver to the requirements of the Town of North Hampton Site Plan
23 Regulation Section X.B.1 – Parking area pavement. The Applicants also request Conditional Use
24 Permits for monument and wall signs associated with the business. Property Owner: Annette
25 Lee and Nicole Carrier, 2 Elm Road, North Hampton, NH 03862; Property Location: 2 Elm Road,
26 North Hampton, NH 03862; M/L: 013-009-000; Zoning District: I-B/R, Industrial –
27 Business/Residential District, and R-1, High Density District.

28
29 In attendance for this application:

30 Annette Lee, applicant; Nicole Carrier, applicant.

31
32 Mr. Maggiore recused himself from the Board.

33 Ms. Lee addressed the Board. Ms. Lee presented a revised plan to expand the existing brewery and
34 restaurant business. Improvements associated with Phase II of the original proposal (outdoor event
35 area, second floor event area, event area in first floor dairy barn, and grassed overflow event parking
36 area in the R-1 District) were removed from the plan. The following items associated with Phase I of the
37 original proposal remain on the plan:

- 38 a. extend number of parking spaces to 79, including an additional ADA space;
39 b. add 600 square feet of space on the north side of the building to expand kitchen and add a
40 stairwell to the basement and second floor;
41 c. increase size of directional sign at corner of Lafayette Road and Hobbs Road;
42 d. add a 6 foot tall wall sign to the existing silo on the property; and
43 e. add an assembly use to the existing industrial use in the brew house area.

44
45 Ms. Carrier addressed the Board and explained the type of events that the business intended to host in
46 the brew house event space. The events would be limited to less than 30 people. Outdoor events would

47 include activities such as road race charity events and events to support other local businesses such as
48 chocolate and cheese tastings. Weddings may be hosted, but are not likely to be a normal occurrence.
49

50 Mr. Harned informed the public that the Board conducted a site walk at the Throwback Brewery site on
51 July 28, 2016 site to evaluate actual and proposed site conditions.
52

53 Ms. Rowden suggested that the Board consider the sign applications for the business prior to discussing
54 the overall site plan. The Board came to a consensus without objection to consider the sign applications.
55

56 Mr. Harned opened the public hearing connected to the waiver requests for the proposed signs at 6:47
57 pm. No comments were made. Mr. Harned closed the public hearing at 6:48 pm.
58

59 **Mr. Wilson moved that the Planning Board grant the waivers for the directional sign and the wall sign**
60 **as presented by the Throwback Brewery business. Second by Ms. Monaghan. The vote was**
61 **unanimous in favor of the motion (5-0).**
62

63 **Mr. Wilson moved that the Planning Board approve the conditional use permit applications submitted**
64 **by the Throwback Brewery business for the directional sign at the corner of Lafayette Road and Hobbs**
65 **Road and the wall sign to be placed on the silo at the business location. Second by Ms. Monaghan.**
66 **The vote was unanimous in favor of the motion (5-0).**
67

68 Mr. Harned suggested that the Board consider the site plan application.
69

70 Ms. Rowden suggested that the exact square footage of each use be added to the site plan to clarify
71 details and aid permitting for future activities. Mr. Milner noted that the usable floor space for the
72 proposed brew house event space was approximately 754 square feet as measured by the Fire
73 Department and the allowed square footage for the outdoor beer garden area was 1400 square feet.
74

75 Mr. Harned opened the public hearing for consideration of the proposed amended site plan at 6:50 pm.
76 No comments were made. Mr. Harned closed the public hearing at 6:51 pm.
77

78 Ms. Monaghan asked for clarification regarding the Fire Department review letter stating that fire
79 separation must be installed between the proposed customer event floor space and the brewing
80 equipment industrial space prior to the space being allowed for customer event use.
81

82 Ms. Rowden explained that fire and health codes may require the installation of a fire separation wall or
83 a glass wall to allow the current industrial use space to be used for eating, drinking, or other type of
84 assembly use by customers as proposed. Ms. Rowden stated that the business owners must comply with
85 all fire and health codes before they can use the space as proposed. The Board could make compliance
86 with fire and health codes an explicit condition of approval for the proposed amended site plan.
87

88 Ms. Monaghan asked for clarification regarding the statement in the Fire Department review letter that
89 the occupant load could change.
90

91 Mr. Milner explained that if the floor space was approved for event/assembly use, then the allowed
92 occupancy could increase over the current 26 people allowed for the space.
93

94 Ms. Monaghan stated her concern that increasing the number of allowed occupants for the space may
95 require adding parking spaces to the site plan.

96
97 Mr. Harned suggested that the applicant review the proposed parking areas.

98
99 Ms. Lee described the type of shrubs and trees that would be added to provide additional screening
100 along the west side of the parking area closest to Hobbs Road and along the Hobbs Road side of the
101 same parking area.

102
103 Ms. Monaghan asked for clarification on the necessary number of parking spaces due to the possible
104 increased occupancy of the proposed brew house event area.

105
106 Ms. Rowden stated that the Board could limit the allowed occupancy for the brew house assembly
107 space to 26 people. This condition would eliminate the need to revise the number of parking spaces as
108 proposed on the amended site plan.

109
110 **Mr. Belluche moved that the Planning Board approve the Site Plan Review application for Case #16-08**
111 **to amend previous site plan approvals by making improvements to current business operations for**
112 **the Throwback Brewery located at 2 Elm Road subject to the following conditions:**

- 113 a. All uses must meet all applicable federal, state, and local regulations.
- 114 b. The assembly use within the light industrial brew house space is limited to 26 seats.
- 115 c. The square footage of each use shall be noted on the plan.
- 116 d. The applicant obtains a clean letter from the Town Engineer and provides appropriate
117 professional stamps on all pages of the plan.
- 118 e. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals
119 affixed of all licensed professionals whose names appear on the plan. All conditions of
120 approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.
- 121 f. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed
122 Land Surveyor, certifying that all monuments depicted on the plan have been properly set.
- 123 g. Applicant shall obtain all required federal, state, and local permits including, but not limited
124 to, NHDOT driveway and NHDES subsurface system approvals and shall note their numbers, as
125 appropriate, on the recorded page of the plan.
- 126 h. Applicant shall submit a check made payable to the Rockingham County Registry of Deeds in
127 the amount of \$25.00 for mandatory state fee to fund the Land and Community Heritage
128 Investment Program (LCHIP).
- 129 i. All fees incurred by the Planning Board including, but not limited to, consulting, engineering
130 and legal fees, have been paid by the applicant.
- 131 j. There shall be no changes to the approved site plan on the recordable mylar except to meet
132 these conditions of approval.
- 133 k. The Town of North Hampton shall retain the landscaping guarantee in the amount of
134 \$4,000.00 currently being held for a period of two growing seasons beyond the completion of
135 the improvements indicated on the amended site plan.

136 **Second by Mr. Wilson. The vote was unanimous in favor of the motion (5-0).**

137
138 Mr. Maggiore returned to the Board.

139

140 **2. Case #16:09 – Applicant, Hampton TCB, LLC, 953 Islington Street Suite 23D, Portsmouth, NH**
141 **03801.** The Applicant requests a site plan review to amend previous site plan approvals by
142 constructing a 3,500 square foot building for restaurant and offices and a 10,500 square foot
143 hangar with associated pavement improvements at Hampton Airfield. The Applicant also
144 requests a Conditional Use Permit to allow construction of buildings and other site
145 improvements within the Aquifer Protection District. Property Owner: Hampton TCB, LLC, 953
146 Islington Street Suite 23D, Portsmouth, NH 03801; Property Location: Hampton Airfield, Cedar
147 Road and Lafayette Road, North Hampton, NH 03862; M/L: 003-061-000; Zoning District: I-B/R,
148 Industrial – Business/Residential District.

149
150 In attendance for this application:

151 Todd Baker, applicant; Peter Saari, attorney for the applicant; Dennis Quintal, engineer for the applicant

152

153 Mr. Quintal addressed the Board. Mr. Quintal presented the Town Engineer’s project review letter to
154 the Board and discussed several points raised in the letter. Mr. Quintal noted the Town Engineer’s
155 concern regarding the encroachment of the parking area and its access upon property owned by the
156 railroad company. The applicant still believes that the parking area is allowed by prescriptive easement.
157 However, the applicant has an alternative plan if the railroad company requires that the parking area be
158 moved off of its property.

159

160 Mr. Wilson asked if the airfield owner was willing to provide a letter indicating that the parking area
161 would be moved if the railroad company or future owner of the railroad property required that the
162 parking area be moved off of the property.

163

164 Mr. Baker addressed the Board. Mr. Baker agreed to provide the letter suggested by Mr. Wilson.

165

166 Mr. Harned asked for clarification as to what steps the airfield owner takes to ensure users of the
167 airfield property comply with aquifer protection district regulations.

168

169 Mr. Baker responded that all tenants of the airfield must sign a lease making them aware of the
170 regulations. Mr. Baker noted that recent well tests showed no negative impacts to water supply were
171 indicated.

172

173 Ms. Monaghan asked if the tenants were monitored on a regular basis to ensure compliance with the
174 regulations.

175

176 Mr. Baker stated that hangars are inspected annually by his company. However, this inspection is not a
177 thorough inspection to ensure compliance with the aquifer protection district regulations. The last
178 thorough inspection by his company occurred in 2013 when he purchased the property.

179

180 Garrett Miller, Airfield Manager, addressed the Board. Mr. Miller stated that Aquarion Water Company
181 performed a thorough inspection on July 23, 2016 and found no deficiencies. Aquarion’s inspections
182 occur once every three years.

183

184 Mr. Wilson suggested that the airfield property owner engage in a proactive process of thorough
185 inspections on a frequent basis to avoid possible accidents and prevent pollution of the aquifer, not find
186 pollution after it has already occurred.

187 Mr. Belluche suggested that the airfield property owner consider using more environmentally-friendly
188 heating fuels when converting equipment or installing new facilities.

189
190 Mr. Quintal stated that, understanding a letter of approval from the Town of Hampton and a clean letter
191 from the Town Engineer are still outstanding, the amended site plan application is complete.

192
193 Ms. Rowden suggested that a statement be added to the plan indicating the intended uses of the
194 hangars and other areas. The current uses are restaurant, flight school, and storage of aircraft.
195 A clear statement listing the intended uses for the site was necessary to properly evaluate the proposed
196 site plan relative to its conformance with the site plan regulations.

197
198 Ms. Monaghan and Mr. Wilson agreed with Ms. Rowden's suggestion to add an intended uses listing to
199 the amended site plan. Ms. Monaghan asked for clarification regarding the intended uses.

200
201 Mr. Baker stated that the hangars are primarily used for the storage of aircraft. The airfield also provides
202 ancillary services with a restaurant and flight school. However, he supports other accessory uses (such
203 as offices with associated facilities) within the hangars that enhance the economic vitality of the airfield.

204
205 Ms. Rowden stated that the accessory uses are permitted. However, there are implications for the site
206 that these uses create which require review by the Planning Board to ensure conformance to the site
207 plan regulations prior to commencing the activities.

208
209 Mr. Jeffrey stated that the Planning Board needs the information regarding intended uses to ensure that
210 the public's health, safety, and welfare are protected.

211
212 Mr. Harned stated that having a list defining what is and is not an allowed use within the hangars is
213 necessary to provide a clear understanding between the Board and the applicant of what is being
214 approved.

215
216 Mr. Wilson stated that just because a use is permitted does not mean that the use can just happen.
217 Planning Board review and approval is still required based on the many implications that a proposed use
218 may have on a site.

219
220 Ms. Rowden suggested that the Board consider whether to take jurisdiction of the application.

221
222 Mr. Maggiore stated that the hangars that he has visited seem to be used for airplane storage. He has
223 witnessed good maintenance of hangar cleanliness in his visits to the site. However, the Planning Board
224 has a responsibility to protect the Town and public interests.

225
226 **Mr. Wilson moved that the Planning Board take jurisdiction of the amended site plan application for**
227 **improvements to Hampton Airfield located at Cedar Road and Lafayette Road. Second by Mr.**
228 **Maggiore. The vote was unanimous in favor of the motion (6-0).**

229
230 Ms. Rowden suggested that the Board consider the conditional use permit application to allow the
231 airfield improvements within the aquifer protection district. The Board came to a consensus without
232 objection not to consider the conditional use permit at this time.

233

234 **Mr. Wilson moved that the Planning Board continue Case #16:09 to the September 6, 2016 meeting.**
235 **Second by Ms. Monaghan. The vote was unanimous in favor of the motion (6-0).**
236

237 **II. New Business**

238 **1. Case #16:10 – Applicant, Peter Horne, P.O. Box 1435, North Hampton, NH 03862.** The
239 Applicant requests a lot line adjustment for properties located at 112 and 116 Mill Road.
240 Property Owners: F.S. 123 Nominee Trust, P.O. Box 1435, North Hampton, NH 03862 and
241 D.N.O.P., LLC, P.O. Box 1435, North Hampton, NH 03862; Property Locations: 112 and 116 Mill
242 Road, North Hampton, NH; M/L 006-147-002 and 006-148-000; Zoning District: R-2, Medium
243 Density District.

244
245 In attendance for this application:
246 Peter Horne, applicant; Cory Colwell, engineer for the applicant; Tim Phoenix, attorney for the applicant.
247

248 Mr. Colwell addressed the Board. Mr. Colwell presented a lot line adjustment plan for the properties
249 located at 112 Mill Road (Tax Map 006-147-002) and 116 Mill Road (Tax Map 006-148-000). Mr. Colwell
250 explained the following details of the plan:

- 251 a. 112 Mill Road property currently has 4.61 acres of land with a dwelling, garage, and Mill Pond
252 dam. 116 Mill Road property currently has 1.00 acres of land with a dwelling and a garage.
- 253 b. Both properties lie within the R-2 and Wetlands Conservation Districts. Mr. Horne is the
254 controlling owner for both properties.
- 255 c. The proposed lot line adjustment will add 1.57 acres to the 116 Mill Road property, including
256 the Mill Pond dam and two garages.
- 257 d. The proposed lot line adjustment will eliminate two dimensional non-conformities connected to
258 lot area and lot line setbacks for the 116 Mill Road property.
- 259 e. The proposed lot line adjustment will place the dwelling at 116 Mill Road currently used as a
260 rental unit to provide income needed to maintain the dam on the same property as the dam. A
261 garage used as a maintenance building to support the dam's maintenance will also be on the
262 same property as the dam.

263
264 Mr. Harned asked for clarification regarding the shaded areas on the proposed plan.
265

266 Mr. Colwell explained that the shaded areas indicated areas where access easements will be established
267 for the mutual benefit of both properties to allow access across the proposed lot line to dwelling and
268 garages.

269
270 Ms. Rowden stated that waivers from the subdivision regulations are necessary for a complete
271 application. The applicant has not submitted waiver requests. Ms. Rowden also suggested that the area
272 of open water contained on both existing and proposed lots be noted on the plan.
273

274 Mr. Colwell stated that the waivers have no significant relevance to the submitted application. He
275 requested that the Planning Board take jurisdiction of the application.
276

277 Mr. Wilson stated that, if the Board does not believe that the waivers are necessary, it may disregard
278 the waiver requirement. In his opinion, the application satisfies the criteria listed in the regulations.
279

280 **Mr. Wilson moved that the Planning Board finds that waivers from the subdivision regulations are not**
281 **necessary for the proposed lot line adjustment application for properties located at 112 and 116 Mill**
282 **Road. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (6-0).**

283
284 **Mr. Wilson moved that the Planning Board take jurisdiction of the lot line adjustment application for**
285 **properties located at 112 and 116 Mill Road. Second by Ms. Monaghan. The vote was unanimous in**
286 **favor of the motion (6-0).**

287
288 Mr. Harned opened the public hearing at 9:24 pm. No comments were made. Mr. Harned closed the
289 public hearing at 9:25 pm.

290
291 **Mr. Belluche moved that the Planning Board approve the Lot Line Adjustment application for Case**
292 **#16:10 to adjust lot line for properties located at 112 and 116 Mill Road subject to the following**
293 **conditions:**

- 294 a. **The square footage of open water on both properties shall be indicated on the recorded page**
295 **of the plan.**
- 296 b. **Applicant shall submit a recordable Mylar of the approved plan with signatures and seals**
297 **affixed of all licensed professionals whose names appear on the plan. All conditions of**
298 **approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.**
- 299 c. **Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed**
300 **Land Surveyor, certifying that all monuments depicted on the plan have been properly set.**
- 301 d. **Applicant shall submit evidence of receipt of all required federal, state, and local permits**
302 **including, but not limited to, NHDOT driveway and NHDES subsurface system approvals and**
303 **shall note their numbers, as appropriate, on the recorded page of the plan.**
- 304 e. **Applicant shall submit a check made payable to the Rockingham County Registry of Deeds in**
305 **the amount of \$25.00 for mandatory state fee to fund the Land and Community Heritage**
306 **Investment Program (LCHIP).**
- 307 f. **All fees incurred by the Planning Board including, but not limited to, consulting, engineering**
308 **and legal fees, have been paid by the applicant.**
- 309 g. **There shall be no changes to the approved site plan on the recordable mylar except to meet**
310 **these conditions of approval.**

311 **Second by Mr. Jeffrey. The vote was unanimous in favor of the motion (6-0).**

312
313 **III. Other Business**

314 Mr. Harned presented the minutes of the July 19, 2016 Planning Board meeting.

315 Ms. Monaghan requested that the minutes be corrected to indicate the following CIP Committee report:
316 "The CIP Committee has begun its work and will be finished with this year's CIP report in time to submit
317 to the Budget Committee this fall."

318 **Mr. Wilson moved that the Planning Board accept the minutes of the July 19, 2016 Planning Board**
319 **meeting as amended. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (6-0).**

320
321 Mr. Milner presented the minutes of the July 28, 2016 site walk.

322 **Ms. Monaghan moved that the Planning Board accept the minutes of the July 28, 2016 Planning Board**
323 **site walk as written. Second by Mr. Harned. The vote was 2-0-4 in favor of the motion with Mr.**
324 **Jeffrey, Mr. Belluche, Mr. Wilson, and Mr. Maggiore abstaining.**

325
326 The meeting was adjourned at 9:30 pm without objection.

327 Respectfully submitted,
328
329
330
331 Rick Milner
332 Recording Secretary