



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, April 5, 2022 at 6:30pm**  
**Town Hall, 231 Atlantic Avenue**

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

**In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Shep Kroner, Lauri Etela, Valerie Gamache, and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

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

**I. Old Business**

**1. Case #21:22 – Applicants: Millie Bauer, LLC and Prince Corner Garage, P.O. Box 1351, North Hampton, NH 03862.** The Applicant requests a Site Plan Review to amend previous site plan approval with a change of use and site improvements. The Applicants also request a Conditional Use Permit to allow proposed uses within the Aquifer Protection District. Property Owner: Millie Bauer, LLC, 16 Woodknoll Drive, North Hampton, NH 03862. Property Location: 50-52 Lafayette Road, North Hampton, NH 03862; M/L: 008-024-000; Zoning Districts: I-B/R, Industrial – Business/Residential District and R-1, High Density District.

In attendance for this application:

Greg Bauer, property owner; John Chagnon, engineer.

Mr. Milner informed the Board that the applicant has requested that the Planning Board continue consideration of the application to the May 3, 2022 Planning Board meeting date due to the recent decision of the Zoning Board of Adjustment (ZBA) case associated with the 50-52 Lafayette Road project which required changes be made to the site plan. The applicant needs more time to submit revised plans and application documents for professional consultant and Board member review prior to the meeting.

**Ms. Monaghan moved that the Planning Board continue Case #21:22 to the May 3, 2022 meeting date. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).**

**II. New Business**

**1. Case #22:04 – Applicant: Sabbia, LLC, 2 Walnut Hill Park, Suite 4, Woburn, MA 01801.** The Applicant requests a Minor Review for office, warehousing, woodworking, and carpentry uses associated with Otter Creek Homes and Portside Carpentry, LLC businesses. The Applicant also requests a Conditional Use Permit to allow office, warehousing, and carpentry uses associated with Otter Creek Homes, Portside Carpentry, LLC, Homeland Heroes Foundation, and Benevento Companies businesses within the Aquifer Protection District. Property Owner: Sabbia, LLC, 2 Walnut Hill Park, Suite 4, Woburn, MA 01801; Property Location: 198 Lafayette Road, North Hampton, NH 03862; M/L: 021-026-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Jay Surianello, property owner; John Chagnon, engineer.

Mr. Chagnon addressed the Board. Mr. Chagnon stated that the applicant was requesting a minor review due to the use changes proposed for the site. The applicant proposes to lease space as follows:  
Unit #1 front building – Residential construction and interior design business. The proposed business will include office space, conference room, storage area, and woodworking shop.

Unit #2 front building – Warehouse use.

Unit #3 front building – Carpentry shop and office use.

The proposed use changes for three out of the four proposed new businesses on the site necessitate minor changes to the use table and the parking calculations indicated on the conditionally approved site plan. A new warehouse use proposed within Unit #4 in the rear building is similar to the use approved on the previous version of the site plan.

Mr. Milner noted that the woodworking and carpentry uses have been granted special exceptions by the ZBA to allow these light manufacturing uses on the site. Mr. Milner also noted that conditions and required notes detailed in the October 5, 2021 and February 1, 2022 amended site plan approvals for the 198 Lafayette Road site should be added to the current amended plan if approved.

Ms. Monaghan asked for clarification regarding finishing products or solvents that may be used by the light manufacturing businesses.

Mr. Chagnon stated that no solvents will be stored on the site. Some products will be sent out to other locations for finishing. Other products will be painted at the customer installation location.

Mr. Chagnon presented the conditional use permit application to allow the four proposed businesses to operate within the Aquifer Protection District. Mr. Chagnon stated the proposed businesses will engage in relatively benign activities and greatly reduce any potential adverse impacts on the local aquifer as compared to the previous auto repair business use. Mr. Chagnon addressed the criteria for granting the conditional use permit.

a. The proposed uses will not detrimentally affect the quality of the groundwater in that the proposed uses will be entirely contained within the units. No discharges, other than domestic wastewater from bathrooms treated by a standard leaching field, will be produced.

b. The project does not increase impervious surface coverage to a degree which would reduce the volume of water or storage capacity in the aquifer.

c. The proposed uses will not involve on-site storage or disposal of toxic or hazardous wastes.

d. The proposed uses comply with other sections of the Aquifer Protection District Ordinance.

**Mr. Kroner moved that the Planning Board find that the application is complete and take jurisdiction of the Conditional Use Permit application for Case #22:04 to allow office, warehousing, woodworking, and carpentry uses associated with Otter Creek Homes, Portside Carpentry, LLC, Homeland Heroes Foundation, and Benevento Companies businesses within the Aquifer Protection District at 198 Lafayette Road. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).**

Mr. Harned opened the public hearing regarding the conditional use permit at 6:50pm. No comments were made. Mr. Harned closed the public hearing at 6:51pm.

Mr. Wilson moved that the Planning Board approve the Conditional Use Permit application for Case #22:04 as presented to allow office, warehousing, woodworking, and carpentry uses associated with Otter Creek Homes, Portside Carpentry, LLC, Homeland Heroes Foundation, and Benevento Companies businesses within the Aquifer Protection District at 198 Lafayette Road subject to the condition that no solvents, chemicals, or other potentially hazardous materials shall be used or stored on the site without prior Planning Board review and approval. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

Mr. Harned suggested that the Board consider the minor review application.

Mr. Wilson moved that the Planning Board find that the application is complete and take jurisdiction of the Minor Review application for Case #22:04 as presented. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing regarding the minor review application at 6:54pm. No comments were made. Mr. Harned closed the public hearing at 6:55pm.

Mr. Wilson moved that the Planning Board approve the Minor Review application for Case #22:04 as presented subject to the condition that all prior ZBA and Planning Board approvals shall be noted on the recorded page of the plan including, but not limited to, any conditional use permits and special exceptions. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

**2. Case #22:05 – Applicant: North Hampton Business Association, North Hampton, NH 03862.** The Applicant requests a preliminary consultation to discuss procedures for allowing outdoor dining on sites with commercial restaurants. No specific properties or property owners associated with the application.

In attendance for this application:

Nancy-Jane Luff, North Hampton Business Association (NHBA).

Ms. Luff addressed the Board. Ms. Luff stated that the NHBA was seeking an extension of the temporary approvals that allowed outdoor dining during the 2021 pandemic. The extension would last only for the April to November 2022 season. Ms. Luff stated that other area towns handled similar approvals administratively without the need for land use board approvals at public meetings. Ms. Luff further stated her opinion that the minor review process indicated in the Planning Board's review process is an undertaking that presents undue monetary and time hardships on a business owner to file applications and attend meetings to obtain a temporary approval that the business may never need again.

Ms. Rowden stated that the zoning ordinance and the site plan review regulations require a minor review process at a public hearing to approve the type of site activities suggested by the NHBA.

Mr. Wilson asked if there was a method for changing the site plan regulations which would help expedite the review process for outdoor dining proposed by individual property owners.

Ms. Rowden and Mr. Milner stated that in order for the actual site review process to occur in an expedited manner, new regulations would need to authorize the Building Inspector, not the Planning Board, to issue the initial temporary permission for outdoor dining on a specific site. This would allow an approval process without the need for a public hearing and delays caused by the legal public notification

period. Any extension of an outdoor dining permission beyond the April to November 2022 season would follow the current site plan review process which requires a Planning Board review at a public hearing. In order to incorporate a change in the site plan regulations in time for the upcoming outdoor dining season, the Planning Board would need to present proposed language at the April 19 work session and then adopt the language at a public hearing on May 3.

Mr. Harned stated that the Planning Board does not have the legal authority to make a change in the regulations at this precise moment. The Board must follow the law and the appropriate process for changing regulations in order to ensure that the public is aware of and may comment on any proposal. Also, the Board has a responsibility to ensure that site reviews of specific outdoor dining proposals on individual sites are evaluated properly with regards to parking, septic system, safety, noise, and lighting concerns.

Ms. Luff stated that she understands the need for following a site specific review process in the long term. However, she hopes that an expedited process can be established on a temporary basis for the April to November 2022 season.

Ms. Rowden suggested regulations language changes for the Board's consideration.

Ms. Monaghan asked Ms. Luff if she understood and agreed that any regulations change regarding outdoor dining on an individual site would be effective on a temporary basis only for the April to November 2022 season. Any proposal to have outdoor dining on an individual site after this time frame would be required to follow the current Planning Board review process as stated in the current site plan review regulations.

Ms. Luff stated that she understood and agreed with the proposal that outdoor dining on an individual site after the April to November 2022 season would require Planning Board review as stated in the current site plan review regulations.

Mr. Wilson suggested that a list of required application submittal information (such as site drawings, proposed additional lighting, proof of liability insurance, etc.) be included in the proposed regulations change language. Also, any proposed outdoor dining application should provide information that assures customer parking and septic system capacity requirements are met.

The Board came to a consensus without objection that Ms. Rowden will provide the Board with a final draft of proposed site plan review regulations changes regarding issuance of temporary outdoor dining permits for individual sites during the April to November 2022 season at the April 19 work session.

### III. Other Business

#### 1. Minutes.

Ms. Monaghan presented the minutes of the March 15, 2022 meeting.

**Mr. Wilson moved that the Planning Board accept the minutes of the March 15, 2022 meeting as written. Second by Ms. Gamache. The vote was 6-0-1 in favor of the motion with Mr. Maggiore abstaining.**

The meeting was adjourned at 7:49pm without objection.

Respectfully submitted,

Rick Milner, Recording Secretary