



Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, December 28, 2021 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862

7
8 These Minutes were prepared as a reasonable summary of the essential content of the Meeting, not as a
9 transcription. All exhibits mentioned, or incorporated by reference, in these Minutes are a part of the official Case
10 Record and available for inspection at the Town Offices.

11
12 **In attendance:** Robin Reid, Vice Chair; Members Rick Stanton, Audrey Prior, and Bill Clifford; Alternate
13 Member Mark Janos; and Recording Secretary Rick Milner.

14
15 **I. Preliminary Matters.**

16 Vice Chair Reid called the meeting to order at 6:35pm.

17 Mr. Janos seated for Mr. Pinette.

18
19 Ms. Reid presented the minutes of the November 23, 2021 meeting.

20 **Mr. Janos moved that the ZBA accept the minutes of the November 23, 2021 meeting as written.**

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

22
23 Ms. Reid informed the Board that John Chagnon, engineer associated with Case 21:10, has requested to
24 participate in the meeting by electronic connection. Ms. Reid asked if anyone objected to Mr. Chagnon
25 participating in the meeting by electronic connection. No objections were raised.

26
27 Potential witnesses for all cases were sworn in.

28
29 **II. New Business.**

30 **1. Case #21:09 – Applicant: Gregory Middlemiss, 438 State Street, Portsmouth, NH 03801.** The
31 Applicant requests a special exception as required by Section 202.4 of the Town of North Hampton
32 Zoning Ordinance to allow a light manufacturing use (bicycle fabrication) on the property. Property
33 Owner: Norse Properties, LLC, 331 Exeter Road, Hampton Falls, NH 03844; Property Location: 58
34 Lafayette Road; M/L: 007-118-000; Zoning District: I-B/R, Industrial – Business/Residential District.

35
36 In attendance for this application:

37 Gregory Middlemiss, applicant.

38
39 Mr. Middlemiss addressed the Board. Mr. Middlemiss stated that he is requesting that the Board grant a
40 special exception to allow his bicycle fabrication business to occupy Unit #3 within the new building
41 recently constructed at 58 Lafayette Road. Bicycles will be hand-built individually. The fabrication
42 process will involve cutting, metering, filing, sanding, and brazing thin wall steel tubing. The brazing will
43 be done with an oxy/acetylene torch at low temperatures. Cylinders of gas will last an extended period
44 of time. There is no need to store extra cylinders on the site. The chemicals used in the process include
45 lubricating oil and grease, household cleaner, and diluted alcohol rubbing fluid. All painting and chrome
46 work activities will occur off-site.

Disclaimer – these minutes are prepared by the Recording Secretary within five (5) business days as required by NH
RSA 91A:2,II. They will not be finalized until approved by majority vote of the Zoning Board of Adjustment.

47 Mr. Middlemiss further explained that the business would not include a retail outlet component. There
48 will be no walk-in customer traffic. There will be occasional material deliveries and finished product
49 pickups. Mr. Middlemiss will be the only employee.

50

51 Mr. Middlemiss addressed the criteria for granting a special exception identified in the Town of North
52 Hampton Zoning Ordinance.

53 1. The proposed business will not diminish the value of the surrounding properties in that the business
54 activities will not produce any chemical wastes. There will be a very low volume of traffic and no outside
55 business activities.

56 2. The proposed business will not adversely affect the public interest, safety, health , or welfare in that
57 minimal machinery work will be performed. Even if the unit doors were open, the business activities will
58 not produce any noises or fumes that would adversely impact abutting properties.

59

60 Ms. Reid asked for public comments. No comments were made. Ms. Reid closed the public hearing at
61 6:46pm.

62

63 Mr. Janos stated that the proposed business appears to be a very benign activity. There appears to be
64 no noise, fume, or chemical issues associated with the proposed business.

65

66 Ms. Reid stated that she supports this type of business within the I-B/R District.

67

68 **Mr. Stanton moved that the Zoning Board of Adjustment grant a special exception to allow a light**
69 **manufacturing use (bicycle fabrication) on the property located at 58 Lafayette Road as represented in**
70 **the application presented to the Board. Second by Mr. Janos. The vote was unanimous in favor of the**
71 **motion (5-0).**

72

73 **2. Case #21:10 - Applicant: Joseph Surianello, Sabbia, LLC, 2 Walnut Hill Park, Suite 4, Woburn, MA**

74 **01801.** The Applicant requests a variance from Town of North Hampton Zoning Ordinance Section 203.1
75 Yard and Lot Requirements to allow a structure (electrical transformer and concrete pad) within the side
76 yard structural setback. Property Owner: Sabbia, LLC, 2 Walnut Hill Park, Suite 4, Woburn, MA 01801;
77 Property Location: 198 Lafayette Road, North Hampton, NH 03862; M/L: 021-026-000; Zoning District: I-
78 B/R, Industrial – Business/Residential District.

79

80 In attendance for this application:

81 Joe and Jay Surianello, property owners; and John Chagnon, engineer (by electronic connection).

82

83 Mr. Chagnon addressed the Board. Mr. Chagnon presented a site plan for the 198 Lafayette Road
84 property which detailed proposed uses and electrical service upgrades for the site. Mr. Chagnon stated
85 that, in the course of construction associated with the site plan conditionally approved by the Planning
86 Board, the applicant consulted with the local electric utility company regarding the safest way to
87 upgrade the existing electrical service on the site. The utility company suggested that a new utility pole,
88 underground conduit line, and a new transformer mounted on a concrete slab would be the most
89 efficient and safest way to upgrade the electrical service for the proposed uses on the site. The existing
90 overhead electrical lines will be removed. The applicant is requesting that the transformer concrete slab
91 be allowed to be located at a distance of five feet from the southerly side yard lot line where a distance
92 of 35 feet is required.

93

94 Mr. Chagnon addressed the five criteria for granting a variance identified in the State of NH RSA's.

95 1. and 2. Granting the proposed variance would not be contrary to the public interest and would
96 observe the spirit of the ordinance in that the proposed transformer location is the safest location to
97 allow access to the utility equipment, satisfy utility code requirements, and not interfere with the
98 operation of other uses on the site. There is no added benefit for a location which complies with the
99 zoning ordinance requirement. The safe operation of the proposed utility features preserves the spirit of
100 the ordinance as it relates to public safety.

101

102 3. The proposed variance relief will have no adverse impact on the value of the surrounding properties
103 in that existing fencing will obscure the view of the transformer from the southerly abutting property.
104 The proposed site improvements will enhance property values in the area.

105

106 4. There is a special condition of the property that distinguishes it from other properties in the area.
107 There is only a small area on the developed lot that meets safety criteria for placing the transformer
108 which is not currently used by existing development. Compliance with the required setbacks is not
109 feasible due to the fact that the existing building location will restrict safe access to the proposed utility
110 upgrades and proposed parking spaces may be obstructed. No fair and substantial relationship exists
111 between the zoning ordinance setback requirement for the transformer pad location and the zoning
112 ordinance objective to protect adequate light and air space. The proposed electric utility equipment is
113 necessary for the safe functioning of the proposed site activities. Utilities are essential components of
114 uses within a building.

115

116 5. Substantial justice will be done by granting the variance in that the proposed development will be
117 allowed access to safe and efficient electrical service. The modern upgrades will make the site more
118 aesthetically pleasing and thereby increase the property value. Denial of the variance would result in a
119 less safe option for electrical service being installed on the property.

120

121 Mr. Janos asked for the measurements associated with the transformer and concrete pad.

122

123 Jay Surianello responded that the four foot high transformer would be placed on a six inch high concrete
124 pad. The concrete pad will have a six foot by four foot footprint on the ground. A six foot high fence on
125 the neighbor's property will block the view of the transformer.

126

127 Mr. Janos asked if there were any other options for placement of the transformer that would comply
128 with the zoning ordinance.

129

130 Joe Surianello responded that the proposed location for the transformer on the site plan provided the
131 best option due to the proposed location of the new utility pole and replacement of old, hanging
132 overhead electrical wires with underground conduit. The proposed location along the southerly
133 property line will provide the most efficient and safest point to make connection between new utility
134 conduit locations and existing buildings.

135

136 Mr. Stanton asked how close the proposed transformer will be to the nearest abutting home.

137

138 Jay Surianello responded that the proposed transformer location will be approximately 30 feet away
139 from the nearest abutting home.

140

141 Ms. Reid asked for public comments.

142

143 David Choate, the real estate leasing agent for the property, addressed the Board. Mr. Choate stated
144 that the proposed utility and other site improvements were intended to attract high quality, low impact
145 tenants to the site.

146
147 Mr. Clifford asked for clarification regarding the noise that the transformer will produce.

148
149 Mr. Chagnon responded that the transformer will emit a slight humming noise. The adjacent existing
150 fence should dampen the volume of the noise.

151
152 Ms. Reid closed the public hearing at 7:06pm.

153
154 Ms. Reid stated that she agrees that the proposed transformer location is the safest and least obtrusive
155 placement option. Granting the variance will be in the best interest of all parties.

156
157 Mr. Janos stated that the proposed utility upgrades make sense for the efficient and safe use of the site.

158
159 **Mr. Janos moved that the Zoning Board of Adjustment grant a variance from Town of North Hampton**
160 **Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow a structure (electrical**
161 **transformer and concrete pad) within the side yard structural setback on 198 Lafayette Road property**
162 **as represented in the application and site plan presented to the Board. Second by Mr. Clifford. The**
163 **vote was unanimous in favor of the motion (5-0).**

164
165 **3. Case #21:11 – Applicant: Richard Nault, Naults Seacoast, LLC, 420 Second Street, Manchester, NH**
166 **03102.** The Applicant requests a special exception as required by Section 202.4 of the Town of North
167 Hampton Zoning Ordinance to allow a motorcycle service facility on the property. Property Owner:
168 Naults Seacoast, LLC, 420 Second Street, Manchester, NH 03102; Property Location: 32 Lafayette Road,
169 North Hampton, NH 03862; M/L: 007-112-000; Zoning District: I-B/R, Industrial – Business/Residential
170 District.

171
172 In attendance for this application:
173 Curt Grenier, general manager; and Daniel Muller, attorney.

174
175 Mr. Muller addressed the Board. Mr. Muller stated that the applicant proposes to demolish the existing
176 building formerly used as a restaurant and construct a new, two-story 14,400 square foot building to be
177 used for a motorcycle sales, service, and repair business at the 32 Lafayette Road property. The
178 proposed retail sales use for the site is a permitted use within the I-B/R Zoning District. Section 202.4 of
179 the Town of North Hampton Zoning Ordinance requires that a special exception be granted by the ZBA
180 to allow the proposed motorcycle service and repair use on the site.

181
182 Mr. Muller explained that the proposed construction and site uses are currently being reviewed by the
183 Planning Board. The sales and servicing activities associated with the proposed business will be at a
184 much smaller volume than other larger vehicle sales and service businesses. The proposed business
185 intends to direct test drives onto Route 1/Lafayette Road, not toward the residential neighborhood
186 behind the property accessed by South Road.

187
188 Mr. Muller addressed the criteria for granting a special exception identified in the Town of North
189 Hampton Zoning Ordinance.

190 1. Service facility operations will not diminish the value of surrounding properties in that other
191 properties in the area are currently being used for motor vehicle and motorcycle service activities and
192 have been used for similar activities in the past. A variety of other commercial business uses are also
193 located in the immediate surrounding area. Service and repair activities will be limited to the interior of
194 the building. Therefore, noise and visibility concerns associated with the service activities will be
195 mitigated. The proposed development will also reduce the impact to the abutting, residential-
196 commercial mixed use property along the westerly side of the 32 Lafayette Road site. The proposed
197 development reduces the number of parking spaces, reduces the customer volume, and creates a more
198 cohesive, orderly traffic pattern on the site as compared to the previous restaurant use on the site. The
199 applicant intends to comply with zoning ordinance lighting and signage regulations.

200 2. The proposed service facility use will not adversely affect the public interest, safety, health , or
201 welfare in that the service and repair activities will occur inside the building; thereby mitigating noise
202 issues. The applicant operates similar service facilities at other locations within New Hampshire and is
203 aware of the best management practices for storing and disposing of oil, other fluids, and waste
204 products. The proposed service department hours of operation will be Monday through Friday, 9:00am
205 to 6:00pm and Saturdays, 9:00am to 5:00pm. There will be no service department hours of operation on
206 Sundays. The proposed use of the property is a less intense use than the previous restaurant business
207 use on the property. The applicant has begun discussions with the westerly abutting property owners to
208 make improvements to the screening between the two properties.

209
210 Ms. Reid asked if the applicant intended to expand the service facility area in the future.

211
212 Mr. Greiner responded that there is not enough room on the site to expand service activities. Also, other
213 spaces within the building are fully dedicated to storage, office, and retail space uses.

214
215 Ms. Reid asked for clarification regarding noise levels associated with the proposed motorcycle sales and
216 service activities.

217
218 Mr. Grenier stated that the type of motorcycles that create louder noise volumes will not frequent this
219 location. The types of motorcycles and parts that the proposed business will sell and service are all
220 compliant with State of New Hampshire law and do not create the louder noise levels that other types
221 of motorcycles create. The applicant has not received any noise complaints at its other business
222 locations.

223
224 Ms. Reid asked for clarification regarding spill containment and fluid storage methods.

225
226 Mr. Grenier responded that oils and fluids are generally handled in small amounts. Motorcycles require
227 much less oil or fluid than larger motor vehicles. Waste is stored within a 55 gallon metal drum which is
228 located within a safety code compliant containment area.

229
230 Mr. Janos stated that the proposed use is consistent with other current uses along Lafayette Road.
231 However, potential adverse impacts to the residential neighborhood in close proximity to the rear of the
232 32 Lafayette Road site, such as increased noise and traffic, need to be mitigated.

233
234 Mr. Clifford asked for clarification regarding the nature and volume of the proposed service activities.

235
236 Mr. Grenier responded that he estimates that the proposed business will sell approximately 300
237 motorcycles in one year. The service volume is estimated to be 25 percent of the sales volume. There

238 will be no body work or painting done at the site. Service activities will include swapping out pre-made
239 parts, general repairs, general oil-tire maintenance, and upgrading accessories to customize a
240 motorcycle.

241
242 Mr. Stanton asked for clarification regarding any noise barrier on the site.

243
244 Mr. Grenier stated that there is an old fence currently located along the westerly rear lot line. The
245 applicant intends to install a new panel fence along the westerly rear lot line.

246
247 Mr. Stanton suggested that the applicant install a fence that has good sound-proofing qualities.

248
249 Ms. Reid asked for public comments.

250
251 Abutter John Woodworth addressed the Board. Mr. Woodworth stated that the proposed plan seems
252 like a good plan. He has spoken with the applicant regarding replacing the fence that exists between his
253 property and the westerly section of the 32 Lafayette Road property.

254
255 Ms. Reid closed the public hearing at 7:43pm.

256
257 Mr. Janos stated that the proposed use is reasonable and would be a substantial improvement to the
258 current conditions on the site. The applicant appears to understand the need to be a good neighbor.

259
260 Ms. Prior stated that the service facility use proposed in the application appears to be less obtrusive
261 than other types of service facilities currently existing along the Route 1 corridor.

262
263 Mr. Stanton, Mr. Clifford, and Ms. Reid stated their support for the application.

264
265 **Mr. Janos moved that the Zoning Board of Adjustment grant a special exception to allow a motorcycle**
266 **service facility use on the property located at 32 Lafayette Road as represented in the application**
267 **presented to the Board subject to the following conditions:**

268 **a. The service facility activities shall be limited to motorcycle parts, sales, and service.**

269 **b. The site shall be limited to the four service area bays as indicated in the application presented to**
270 **the Board and on the proposed site plan.**

271 **c. The service department hours of operation shall be Monday through Friday, 9:00am to 6:00pm and**
272 **Saturday, 9:00am to 5:00pm. There will be no service department hours of operation on Sundays.**

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

274
275 **Mr. Janos moved to adjourn the meeting at 7:49pm. Second by Mr. Clifford. The vote was unanimous**
276 **in favor of the motion (5-0).**

277
278 Respectfully submitted,

279

280

281

282 Rick Milner

283 Recording Secretary