



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, March 28, 2023 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862**

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

In attendance: Robin Reid, Chair; Bill Clifford, Vice Chair; Members Larry Miller and Phelps Fullerton; Alternate Member Charles Hoyt; and Recording Secretary Rick Milner.

I. Preliminary Matters.

Ms. Reid called the meeting to order at 6:35pm.

Mr. Hoyt seated for Mr. Janos.

Ms. Reid thanked former member Audrey Prior for her three years of service on the Zoning Board of Adjustment.

Ms. Reid presented the minutes of the February 28, 2023 meeting.

Mr. Clifford moved that the ZBA accept the minutes of the February 28, 2023 meeting as written. Second by Mr. Miller. The vote was 4-0-1 in favor of the motion with Mr. Fullerton abstaining.

II. Organizational Meeting of the Board.

1. Election of Chair and Vice Chair.

Mr. Miller nominated Robin Reid to serve as Chair for a one year term. No other nominations were made. The vote was unanimous in favor of the nomination (5-0).

Mr. Fullerton nominated Bill Clifford to serve as Vice Chair for a one year term. No other nominations were made. The vote was unanimous in favor of the motion (5-0).

III. New Business.

Case #23:03 - Applicant: Jessica King, The Honey Tree Learning Center, LLC, 135 High Street, Exeter, NH 03833. The Applicant requests a variance from Section 203.8 of the Town of North Hampton Zoning Ordinance to allow a proposed child day care business prohibited by the zoning ordinance. Property Owner: J & S Greystone Village, LLC, P.O. Box 1627, North Hampton, NH 03862; Property Location: 223 Lafayette Road, North Hampton, NH 03862; M/L: 021-001-000; Zoning Districts: I-B/R, Industrial – Business/Residential District and R-1, High Density District.

In attendance for this application:

Jessica King, applicant.

Ms. Reid swore in all potential speakers.

Ms. King addressed the Board. Ms. King stated that she would like to operate a child care facility for no more than 40 children at any one time within the building and surrounding grass area at the front of the 223 Lafayette Road lot adjacent to Route 1 (Lafayette Road). Ms. King stated that the proposed child care facility at 223 Lafayette Road will be the second location for the business that she owns. The State of NH has a great need for child care. There is only one other child care business located in North Hampton. The proposed learning center will focus on educating children and serve a great need for the community and the area workforce.

Ms. King requested that the ZBA consider granting a variance to allow a commercial business as described in the application materials on the lot which also contains 60 residential manufactured home locations within the Greystone Village community.

Ms. King addressed the five criteria for granting a variance identified in the State of NH RSA's.

1. The variance, if granted, will not be contrary to the public interest. The proposed business will not alter the essential character of the locality. There are various other commercial uses in the locality that already exist in close proximity including storage facilities, memory care units, garden centers, restaurants, and car dealerships. The proposal does not threaten public health, safety, or welfare.

The proposed parking layout is consistent with other buildings of its size and allows for the facilitation of internal traffic flow while still providing adequate parking for staff members. The current 26 spaces create ample room for the 12.5 spaces required by the Town of North Hampton parking regulations for a private school use.

2. The spirit of the ordinance is observed. The parking design facilitates access and convenience without detracting from the character of the area nor detracting from the peaceable enjoyment of the neighboring residential properties. There will be no visual or other impacts that will disrupt the locality's character and environment.

3. Substantial justice is done. Granting the variance will cause no harm to the general public. This is a feasible location for the proposed use due to the ability to maintain an attractive streetscape and to cause little to no disturbance to the neighborhood located to the rear of the property. Due diligence will be conducted by NHDES and NHDOT, as well as the Town of North Hampton and The State of New Hampshire Childcare Licensing Unit, in order to ensure the safety of the children in care and also that of surrounding residents and businesses.

4. The values of surrounding properties are not diminished. Granting the variance will not diminish surrounding property values. The property is located along a major traffic route in a prominent commercially zoned area. The location abuts a mobile home park, a storage facility, a newly constructed memory care unit, and other small businesses. The proposed use may help bring new workforce aged families into the town and potentially increase property values due to the availability of childcare. There will be no significant changes to the property itself. Any installed fencing or barriers will match those that are already established on the property.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. There are many unique factors to the property and its proposed use. The area at the front of the property is proposed to be used in such a way that would not cause a negative impact to those surrounding it. Operating on a strict 7:30am – 5:00pm Monday through Friday schedule, the proposed use will allow for the peaceable enjoyment of the surrounding neighborhood during times at which most individuals will be at home. The proposed use would also maintain an attractive visual appearance and would not

94 create a sense of overcrowding or negative impact on the surrounding neighborhood or commercial
95 properties. The proposed use would create another layer of the Town of North Hampton community
96 and allow for potential relationships to be created between members of the 55+ community and the
97 youth of North Hampton. In essence, the proposed use would be beneficial in creating a sub-
98 community, if you will, amongst a larger, already established community.
99

100 The State of New Hampshire is facing a critical shortage of childcare facilities and prioritizing the
101 licensure and opening of new facilities. Without the proposed use, the Town will continue to only have
102 one licensed group child care center, which will make it difficult for the town to attract younger families
103 due to a shortage of childcare options.
104

105 Ms. Reid asked for clarification regarding the process for the New Hampshire Department of
106 Transportation (NHDOT) to allow access and egress to and from the proposed business within the
107 Greystone Way intersection with Route 1 (Lafayette Road).
108

109 Mr. Milner explained how NHDOT will seek information from the applicant and property owner
110 regarding the estimated amount and times of the traffic flow to the proposed business location and the
111 traffic flow to the residential community. NHDOT will then evaluate the information within its
112 established data parameters to provide a plan of action for how the Greystone Way access point to
113 Route 1 should be re-configured or remain unchanged to safely accommodate vehicular traffic in the
114 area.
115

116 Mr. Fullerton asked for clarification regarding the ratio of outdoor play hours to indoor instruction
117 hours.
118

119 Ms. King stated that, out of a 9.5 hour day, one hour is scheduled for outdoor play as indicated on the
120 proposed schedule included in the application materials. The time for outdoor play could extend to a
121 second late afternoon one hour session if the weather permits.
122

123 Ms. Reid asked for clarification regarding the location of the outdoor play area and surrounding fencing.
124

125 Ms. King indicated the location of the outdoor play area and surrounding fencing adjacent to the
126 northerly side of the building on the photos and plans submitted in the application materials.
127

128 Ms. Reid asked for public comments.
129

130 Mr. Milner read four emails from residents of Greystone Village stating their concerns with the
131 increased vehicular traffic that the proposed child care business use would create at the entrance of
132 Greystone Way adjacent to Route 1 and along the narrow width of Greystone Way adjacent to the child
133 care business parking lot entrance.
134

135 Maria Vitone, a resident of Greystone Village, addressed the Board. Ms. Vitone expressed her concern
136 with increased traffic entering and exiting the narrow entrance of Greystone Way. Vehicles making a left
137 turn into the child care business parking lot may not yield to oncoming traffic exiting Greystone Village
138 and create an accident with an elderly resident of the community.
139

140 Carlene Filomeno, a resident of Greystone Village, addressed the Board. Ms. Filomeno stated her
141 concern that vehicular traffic congestion will create vehicle lines down Greystone Way and out onto

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Route 1. In addition, many children playing outdoors will be loud and disrupt the quiet nature of the 55+ elderly resident community.

Daniel Bissonnette, a resident of Greystone Village, addressed the Board. Mr. Bissonnette stated his concerns with increased traffic at the narrow entrance area of Greystone Way and the proposed business parking lot.

Gina Shea, a resident of Greystone Village, addressed the Board. Ms. Shea stated that there is only two car lengths between the Greystone Way entrance at Route 1 and the proposed business parking lot. This small area will create cars backing up onto Route 1 and back down Greystone Way during busy child drop-off and pick-up hours.

Ms. King stated that she was willing to talk to Greystone Village residents to work out a child drop-off and pick-up schedule and monitor the traffic situation during these hours to avoid creating disruptions for the residents of the community.

Ms. King also stated that the children will not be leaving the front building area site for any reason. The limited amount of outdoor play time should mitigate noise concerns of the neighbors.

Ms. Reid asked Ms. King for an estimate of the number of cars that will enter and exit the site per day.

Ms. King estimated that approximately 28 cars will enter and exit the site per day.

Ms. Reid closed the public hearing at 7:15pm.

Mr. Miller suggested that the NHDOT plan for the Greystone Way access point off of Route 1 may be very relevant information for the ZBA to consider in order to make an informed decision regarding the variance request. The Board may need to wait until the NHDOT driveway plan is available for review before making a decision.

Mr. Fullerton explained that a previous variance to specifically allow only a professional office use was granted for the same building and site location in 2010. The professional office use was allowed because it was considered to be a less intensive and disruptive use. Many of the details concerning adequate parking, traffic flow, and screening were reviewed by the Planning Board at that time. Planning Board review of the proposed child care business use may be necessary.

Mr. Milner confirmed that the Planning Board will review the proposed use.

Mr. Hoyt expressed his concern with possible safety issues associated with the proposed increased traffic flow to the site. He would also like to review a NHDOT plan prior to making a decision.

Mr. Milner explained that the State of NH RSA's require that the ZBA make a decision within 90 days of receiving an application. If the NHDOT driveway permit review process takes longer than 90 days, the Board will be required to make a decision without receiving the NHDOT information unless the applicant agrees to an extension.

Mr. Fullerton noted that the State of NH RSA's state that zoning ordinances should facilitate child day care uses. However, the proposed child care use is more intensive than the previous office space use.

The residents' concerns regarding traffic safety must be taken into account when considering the variance request.

Ms. Reid noted that professional office space is not as desirable and economically feasible in the current work environment as it was in 2010 when the original variance was granted. The ZBA may want to consider allowing other types of uses for the building and the site. However, she agrees that the ZBA should continue the case until such time as a NHDOT driveway plan is received by the Board.

Mr. Fullerton asked if the proposed business could use a satellite location for child drop-off and pick-up with a shuttle transporting the children to the 223 Lafayette Road site.

Mr. Clifford moved that the ZBA re-open the public hearing at 7:36pm for a question to the applicant. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (5-0).

Ms. King stated that creating a shuttle service to the child care facility is possible. However, the proposed business needs Town of North Hampton approvals prior to submitting documents for State of NH licensing process. The time frame for receiving State of NH licensing and securing a lease for the 223 Lafayette Road site make setting up such additional services such as a shuttle program in order to receive Town of North Hampton approval problematic.

Ms. Reid closed the public hearing at 7:39pm.

Mr. Clifford stated that traffic safety is not the only concern raised by Greystone Village residents. The additional outdoor activity and the noise that it generates has also been stated as a concern in the comments presented to the Board.

Mr. Miller moved that the Zoning Board of Adjustment continue Case #23:03 to the April 25, 2023 meeting date in order to allow time for the applicant to present NHDOT driveway permit and traffic flow information associated with the proposed child care business at 223 Lafayette Road. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (5-0).

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

Respectfully submitted,

Rick Milner
Recording Secretary