



Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, April 25, 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, Mark Janos, 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.

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

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

Consideration of Alternate Member appointments.

Ms. Reid presented requests from three North Hampton residents (Deborah Sillay, Jonathan Howe, and Donna McCay) to be appointed to one of the three available ZBA alternate member positions.

Mr. Miller moved that the ZBA appoint Deborah Sillay (three year term), Jonathan Howe (two year term), and Donna McCay (two year term) to serve as Alternate Members of the ZBA. Second by Mr. Janos. The vote was unanimous in favor of the motion (5-0).

II. Continued 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 noted that this meeting was a continuation of the previous public meeting to consider the variance request to operate a child day care facility 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 building size, indoor space, and outdoor space have been determined to

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be adequate for the day care of up to 40 children (2 to 5 years old) by the state licensing authority. The septic system has a capacity of 1000 gallons/day of effluent. The proposed child day care use is estimated to produce only 430 gallons/day of effluent. The outdoor play area will be fenced in with a fence that matches the style of the current fence around the building area. According to Town regulations, the proposed use requires 12.5 parking spaces. There are 26 available parking spaces on the site.

Ms. King presented a traffic flow study prepared by a professional engineer which estimated the amount of traffic that the proposed child day care use would produce and the hours of peak traffic volume. This information was submitted to the State of New Hampshire Department of Transportation (NHDOT) for review and approval of the child day care business' use of the existing Greystone Way entrance for access and egress from the business onto Lafayette Road/Route 1. Ms. King also presented an approved NHDOT driveway permit for the business to use the Greystone Way entrance in its current configuration with the addition of a stop sign and painted stop line.

Ms. Reid asked for public comments.

Mr. Milner read emails from residents of Greystone Village stating their concerns with the increased vehicular traffic that the proposed child care business use would create at the entrance of Greystone Way adjacent to Route 1 and along the narrow width of Greystone Way adjacent to the child care business parking lot entrance. This narrow area could produce traffic congestion and accidents. Traffic could also travel through the community searching for a way to avoid the congestion at the road entrance. The residents also expressed their concern with the noise created by numerous children at one location in close proximity to Greystone Village homes. The noise and increased activity on the site will adversely impact the quality of life in the quiet 55+ residential community.

Mr. Milner read an email from the property owner, Joseph Roy, in which Mr. Roy stated the following:

- a. The traffic pattern study shows that any increased traffic to the site will have no adverse effect on traffic safety along Greystone Way.
- b. The proposed use will not have a detrimental impact on home values in the 55+ community due to large fence and tree screening along the business site's border with the residential homes. Homes within the community have greatly increased in value in recent years even though abutting commercial/industrial properties and constant traffic along Lafayette Road/Route 1 produce noise and other adverse impacts.
- c. Professional office space is no longer in demand in the current work environment. Child day care business locations are currently in great demand.

Mr. Milner read an email from Fire Chief Jason Lajoie in which Mr. Lajoie stated that the proposed child day care business and any potential increase in traffic at the Greystone Way entrance will have no effect on emergency vehicle response times to the homes in the 55+ residential community.

The following residents of the Greystone Village 55+ residential community addressed the Board to express their opposition to the variance request:

Maria Vitone, Robert Trejano, Dorothy McCarthy, Alan Buntig, Marcia Considine, Bonnie Agrodnia, Judith Kline, Gina Shea, Frank Slover, Jean Davis, and Carlene Filomeno.

The residents expressed the following concerns with the proposed child day care business use in the building adjacent to the front of the Greystone Village 55+ residential community:

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- a. adverse impact on traffic and pedestrian safety along Greystone Way,
- b. increased traffic congestion will adversely impact residents' ability to exit Greystone Way in a timely manner,
- c. outdoor activities of the children will create disruptive noise,
- d. snow plowing activities on the site may move to earlier morning hours to accommodate the business and disrupt the neighbors,
- e. home values will be diminished,
- f. the proposed use is not consistent with the other uses in the area, and
- g. the quiet quality of life in the elderly residential community will be diminished.

Ms. King responded to the residents' concerns with the following comments:

- a. Parents of young children will not put their own children in harm's way by driving unsafely along Greystone Way.
- b. The proposed business location is separated from the residential community by a large tree line and fencing.
- c. The child day care business will institute a drop-off/pick-up procedure in which the parents will use 22 parking spaces to transfer their children; not wait in a loop line for their turn to transfer their children. Also, staggered drop-off/pick-up times will be assigned to individual parents. In this way, the possibility of vehicle lines creating traffic back-ups at the Greystone Way entrance will be minimized.

Ms. Reid stated her opinion that she does not foresee customers of the child day care business travelling down Greystone Way into the residential community.

Mr. Miller stated his concern with vehicles making left turns into the child day care business parking lot being blocked by vehicles trying to leave the Greystone Village community. This congestion could back-up onto Lafayette Road/Route 1.

Ms. King stated that she will be working full time at the 223 Lafayette Road location. She will personally supervise traffic during peak drop-off/pick-up times.

The public hearing was closed at 8:07pm.

Mr. Miller stated that he was not concerned with the possibility of the proposed child day care business creating more noise in the area. There are multiple existing noise issues within the commercial/industrial properties along Lafayette Road/Route 1 that abut the Greystone Village community. However, Mr. Miller stated that he has a concern with the narrow ways in and out of the business location and the left hand turns off of Lafayette Road/Route 1 and into the proposed business parking lot that could create back-ups and adversely impact traffic flow and safety. He does not agree with the state permitting report and traffic studies that conclude that the size of the Greystone Way entrance is adequate for the proposed increase in traffic. The property was not originally designed or intended to have commercial uses.

Mr. Fullerton stated that the residents of the Greystone Village community supported the original 2010 variance because that variance allowed only a professional office use which was considered less intensive and create no adverse impacts on the residential community.

Ms. Reid stated that she defers to the expertise of NHDOT when determining the adequacy of the Greystone Way entrance for the proposed traffic which may frequent the proposed child day care

business site. Ms. Reid further stated that there is already a significant amount of noise along Route 1 and in the commercial/industrial area abutting the Greystone Village community. Any noise that the outdoor activities of children may create is minimal compared to the existing noise in the area.

Ms. Reid stated that, based on her knowledge of the real estate and job market, professional office space is not in demand. There is a need to find more space for child day care businesses.

Mr. Clifford stated that the Board must balance the public need for child care services against the quality of life for the residents of the Greystone Village community. In his opinion, the existing noise issues in the area cannot be overcome. Mr. Clifford further stated that the narrow entrance of Greystone Way could create traffic issues. However, the traffic issues may be addressed by the staggered drop-off/pick-up schedule proposals suggested by Ms. King.

Mr. Janos stated his concerns that property values may be diminished and that the proposed child day care business use is more intensive than uses originally contemplated for the site. However, these concerns must be balanced with considerations of whether the essential character of the area will be changed by granting the variance and whether the spirit of the ordinance will be observed by granting the variance. The property has unique characteristics due to the location of the front building of the property lying within the commercial/industrial zone and the abutting homes lying in the residential zone.

Mr. Fullerton stated that, even though granting the variance would be in the interest of the general public, granting the variance will not be in the interest of the public that abuts the proposed use. If the proposed child day care use is allowed, the property values of the four homes immediately abutting the proposed business site will be diminished in his opinion.

Mr. Miller stated that he does not believe property values will be diminished if the variance is granted. However, traffic issues adversely impacting the quality of life for the Greystone Village residents will occur in his opinion. He does not support the application as presented.

The Board further discussed how the application does or does not satisfy the five criteria for granting a variance according to State of NH RSA's.

Mr. Janos moved that the Zoning Board of Adjustment grant a variance from Town of North Hampton Zoning Ordinance Section 203.8 to allow a child day care facility use at 223 Lafayette Road as represented in the application presented to the Board subject to the condition that the child day care business establish a staggered drop-off and pick-up schedule in order to mitigate traffic concerns associated with the proposed child day care facility use. Second by Ms. Reid. The vote was 3-2 in favor of the motion. Ms. Reid, Mr. Clifford, and Mr. Janos in favor. Mr. Miller and Mr. Fullerton opposed.

Mr. Janos moved to adjourn the meeting at 9:19pm. Second by Mr. Clifford. The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,
Rick Milner, Recording Secretary