



**Meeting Minutes  
Town of North Hampton  
Zoning Board of Adjustment  
Tuesday, May 23, 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 Jonathan Howe; and Recording Secretary Rick Milner.

**I. Preliminary Matters.**

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

Ms. Reid presented the minutes of the April 25, 2023 meeting.

**Mr. Miller moved that the ZBA accept the minutes of the April 25, 2023 meeting as written. Second by Mr. Janos. The vote was unanimous in favor of the motion (5-0).**

**II. New Business.**

**1. Case #23:04 – Applicant: Route One Convenience Store, LLC, 39 Freetown Road, Unit 1, Raymond, NH 03077.** The Applicant requests a special exception as required by Section 202.4 and Section 409 of the Town of North Hampton Zoning Ordinance to allow a motor vehicle refueling facility on the property. The Applicant also requests a variance to allow a motor vehicle refueling facility on a site with frontage only along Lafayette Road and not one other town road as required by Section 409.8.

Property Owners:

Arlene A. Jewett, Trustee, The Arlene A. Jewett Revocable Trust of 2002

Edward Jewett, Trustee, The Edward Jewett Revocable Trust of 2002

Kellie A. Jewett, Trustee, The Kellie A. Jewett Living Trust

Timothy J. Wallace, Trustee, The Timothy J. Wallace Living Trust

Twilight Years, LLC

All owners above c/o 39 Freetown Road, Unit 1, Raymond, NH 03077

David E. Howard, Trustee, The David E. Howard Revocable Trust

c/o P.O. Box 3385, Concord, NH 03302;

Property Location: 180 Lafayette Road, North Hampton, NH 03862; M/L: 017-086-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Kellie A. Jewett, property owner; Curt Neufeld, engineer.

Ms. Reid swore in Mr. Neufeld.

Mr. Fullerton stated that, for minor legal matters in the past, his family has hired the law firm which prepared some of the applicant's application information. Mr. Fullerton stated that he does not believe

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that he has a conflict and can consider the case without prejudice. No objections were raised to Mr. Fullerton's participation in consideration of the case.

Mr. Neufeld addressed the Board. Mr. Neufeld presented a site plan and associated information for the large, multi-use commercial property at 180 Lafayette Road which included the following:

- a. demolition of an existing gas station/convenience store building, existing gas pumps, and existing restaurant/thrift shop building,
- b. construction of a new 4,350 square foot gas station/convenience store/food service building, eight new gas pump stations, and 38 parking spaces on 62,200 square foot area at front of property along Route 1/Lafayette Road,
- c. expanded motor vehicle fuel storage capacity from 24,000 gallons to 40,000 gallons,
- d. new septic system, updated site lighting, and commercial signage,
- e. new stormwater management system which will infiltrate and treat stormwater on the site,
- f. improved green space landscaping, tree screening plantings, revised traffic flow patterns, and improved traffic flow signage, and
- g. New England style architectural building design features.

Mr. Neufeld also presented a plan page which showed the proposed new construction overlayed on an aerial photo of the existing buildings and other site features to illustrate how the new building and other site features will be moved away from the road and how space will be created for improved vehicle and pedestrian travel lanes on the site.

Mr. Neufeld noted that the proposed site plan had been changed and improved from the original version of the plan not approved during the previous ZBA consideration of the proposed project. The revisions were the result of Planning Board review and conditional approval of the project and feedback from ZBA members during the initial consideration of the proposed plan. Changes to the plan include the following:

- a. location of underground fuel storage tanks moved to the southerly side of the proposed construction area in order to move storage tank refilling activities away from the traffic lanes near the main northerly entrance to the site off of Route 1,
- b. location of stormwater management system features moved to the northerly side of the site,
- c. access/egress driveway behind the new building re-configured to discourage vehicular traffic from using the area as a cut through to the commercial buildings on the back portion of the 180 Lafayette Road site,
- d. fence installed to prevent vehicular traffic from crossing over gravel area behind the new building,
- e. traffic flow at northerly access point changed to enter only, and
- f. traffic flow at the central access point changed to exit only.

Mr. Neufeld noted the following site features to be installed to prevent ground water contamination and enhance overall site safety:

- a. catch basins with cut-off valves and oil separator apparatus included in the stormwater management system to minimize risk of ground water contamination,
- b. underground fuel storage tanks and fuel piping lines constructed with double wall technology to minimize risk of fuel leakage,
- c. sensors installed throughout fuel storage and piping system to immediately notify personnel of possible leak in the system,
- d. fuel cut-off features within pumping stations, and

e. emergency preparedness training and procedures established for vehicle and fuel storage refilling operations.

Mr. Neufeld noted that no instances of fuel leaks into groundwater have occurred since the 2015 establishment of double wall technology requirements in the State of New Hampshire. Mr. Neufeld also noted that the proposed construction, site improvements and motor vehicle refueling facility use have been reviewed by a professional hydrogeologist, the Town of North Hampton Circuit Rider Planner, and the Town of North Hampton Town Engineer.

Mr. Neufeld reviewed the proposed landscaping and building architectural features with the Board.

Mr. Miller asked for clarification regarding proposed traffic flow signage on the site.

Mr. Neufeld indicated the locations of the traffic flow signage on the proposed site plan.

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

1. The proposed business will not diminish the value of the surrounding properties in that the project entails redevelopment of an existing store and motor vehicle refueling facility. Modern architecture and landscaping associated with the new development would improve the value of the subject site and surrounding properties.

2. The proposed business will not adversely affect the public interest, safety, health, or welfare in that the upgrades to fuel storage tanks, dispensers, vapor capture devices, and fire suppression systems will minimize any possible contamination or adverse impacts. A new stormwater management system will collect and treat stormwater run-off on-site. This will be an improvement of the current site conditions. New lighting fixtures will be dark sky compliant and eliminate light spillage off of the property. The site layout and traffic flow patterns will provide more space and better sightlines between pedestrians and vehicles on the site.

Mr. Milner read a memorandum prepared by the applicant's attorney, Justin Pasay, which addressed the criteria identified in the State of NH RSA's for granting a variance to allow a motor vehicle refueling facility on a site with frontage only along Lafayette Road and not one other town road as required by Section 409.8.

1. The variances will not be contrary to the public interest in that the proposed improvements associated with the project will facilitate safe and reasonable access to the site. Also, due to the existing conditions of the subject site and the surrounding properties, the proposed project is consistent with the characteristics of the surrounding neighborhood. The proposed project also revitalizes an existing use in a more environmentally sensitive manner.

2. The spirit of the ordinance is observed in that the proposed project is a reasonable use within the zoning district that the subject property lies and is consistent with the objectives of the Motor Vehicle Refueling Facility section of the zoning ordinance.

3. Substantial justice is done by granting the variance request in that the property owners will be allowed to make improvements to the existing business and better serve the public. There is no gain to the public by not granting the variance request. The public will benefit from the improvements to an existing, reasonable use which will create a safer, more environmentally friendly site.

142 4. The values of the surrounding properties will not be diminished in that improvements to the existing  
143 business will at least maintain, and most likely increase, property values in the surrounding commercial  
144 district.

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146 5. Literal enforcement of the provisions would result in an unnecessary hardship in that a use which has  
147 existed on the site for many years would not be allowed to make improvements that are beneficial to  
148 both the property owner and the public. The current gas station use has existed in the same location  
149 within the 180 Lafayette Road site with frontage on only one road for many years. The proposed gas  
150 station/convenience store use is a reasonable expansion to the current gas station/convenience store  
151 use.

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153 Ms. Reid asked for comments from the public. No comments were made.

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155 Ms. Reid asked if the State of New Hampshire Department of Transportation (NHDOT) has reviewed the  
156 proposed access/egress locations, traffic flow plan, and fuel delivery truck maneuvering plan.

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158 Mr. Neufeld stated that NHDOT has reviewed the proposed plan.

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160 Ms. Reid stated her concern with the proposed fuel delivery truck maneuvering plan. The plan indicates  
161 that the fuel delivery trucks will cross between the fuel pumping stations and the convenience store  
162 which most likely will be an area of heavy pedestrian and vehicular traffic.

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164 Mr. Neufeld stated that this type of fuel delivery truck maneuvering plan is not uncommon in the  
165 industry. At least 50 percent of the plans that his company creates include a similar fuel delivery truck  
166 maneuvering plan. The circle/loop traffic plan for the fuel delivery truck is necessary since the fuel is  
167 dispensed from only one side of the truck and facilitates entry and exit from the site with minimal  
168 additional maneuvering into traffic areas. In his opinion, there is no safety issue with this type of fuel  
169 delivery truck maneuvering plan.

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171 Ms. Reid asked for clarification regarding how the proposed fuel delivery truck maneuvering plan is a  
172 safer option than the plan previously presented to the Board.

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174 Mr. Neufeld explained that, by moving the location of the underground fuel storage tanks to the  
175 southerly side of the site, the fuel storage tank refilling activities were moved away from the primary  
176 entrance to the site. This greatly reduces any possible vehicular traffic accidents in the area of the  
177 northerly entrance to the site as the result of motorists quickly coming off of Route 1 and not noticing  
178 the parked fuel delivery truck. The greater chance of this type of accident outweighed the limited  
179 chance of a truck-pedestrian accident in the storefront area.

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181 Mr. Miller and Mr. Janos stated that the current proposed plan was a much better plan than the original  
182 plan previously proposed to the Board. The traffic flow and fuel delivery truck maneuvering plans are  
183 the best options for the site and should not adversely impact pedestrian safety on the site in their  
184 opinion.

185  
186 Ms. Reid stated that the one way in (northerly access point) and one way out (central access point)  
187 currently proposed traffic flow plan is an improvement on the original plan previously presented to the  
188 Board.

Mr. Janos stated that the existing long and extensive traffic sightlines along the site's Route 1/Lafayette Road entrance and exit locations provide adequate traffic safety sightline distance and will prevent traffic congestion at the site.

Ms. Reid closed the public hearing at 7:38pm.

**Mr. Miller moved that the Zoning Board of Adjustment grant a variance from Town of North Hampton Zoning Ordinance Section 409.8 to allow a motor vehicle refueling facility on a site with frontage only along Lafayette Road and not one other town road as represented in the application presented to the Board based on the finding that all five criteria for granting a variance contained in NH RSA 674:33 have been satisfied. Second by Mr. Janos. The vote was unanimous in favor of the motion (5-0).**

**Mr. Janos moved that the Zoning Board of Adjustment grant a special exception, as required by Section 202.4 and Section 409 of the Town of North Hampton Zoning Ordinance, to allow a motor vehicle refueling facility on the 180 Lafayette Road property as represented in the application presented to the Board based on the following findings:**

**1. The proposed use satisfies the criteria for granting a special exception as contained in Town of North Hampton Zoning Ordinance Section 711.**

**2. The proposed use meets the spirit and intent of the Town of North Hampton Zoning Ordinance. Second by Mr. Clifford.**

Discussion of the motion – Mr. Janos stated his opinion that the proposed plan greatly enhances the conditions of the site and the surrounding area.

**The vote was unanimous in favor of the motion (5-0).**

**Mr. Janos moved to adjourn the meeting at 7:42pm. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (5-0).**

Respectfully submitted,

Rick Milner  
Recording Secretary