



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, June 27, 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 Mark Janos, and Phelps Fullerton; Alternate Members Donna McCay, Jonathan Howe, and Deb Sillay; and Recording Secretary Rick Milner.

I. Preliminary Matters.

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

Ms. McCay was seated for Mr. Miller.

Ms. Reid presented the minutes of the May 23, 2023 meeting.

Mr. Janos moved that the ZBA accept the minutes of the May 23, 2023 meeting as written. Second by Mr. Clifford. The vote was 4-0-1 in favor of the motion with Ms. McCay abstaining.

II. New Business.

1. Case #23:05 – Applicant: Red Barn Dog Ops MA, LLC, 855 Main Street, Suite 1030, Bridgeport, CT 06604. The Applicant requests a variance from Section 202.4 of the Town of North Hampton Zoning Ordinance to allow a proposed dog day care, spa, and overnight boarding business not listed as a permitted use in the zoning ordinance. Property Owners: W/S North Hampton Properties OP, LLC, c/o WS Asset Management, Inc., 33 Boylston Street, Suite 3000, Chestnut Hill, MA 02467; Property Location: 45 Lafayette Road, Unit 3, North Hampton, NH 03862; M/L: 007-053-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

James Riley and Kayla Seely, applicant representatives.

All potential witnesses were sworn in.

Mr. Riley addressed the Board. Mr. Riley stated that he is the real estate development director for the applicant. The applicant operates 29 Dogtopia dog care franchises throughout the eastern seaboard states. Mr. Riley presented a site plan, unit floor plans, and business operations details for a proposed dog day care, spa, and overnight boarding business in the former Olympia Sports retail store unit next to the Shaw's Supermarket in the Lafayette Crossing shopping center. The floor plan for the 4,733 square foot unit indicated the following business features:

- a. a 1,289 square foot gym room capable of holding a maximum of 32 dogs at one time,
- b. a 1,037 square foot romper room capable of holding a maximum of 34 dogs at one time,
- c. a 627 square foot toy room capable of holding a maximum of 31 dogs at one time,
- d. a 171 square foot room for grooming and spa services,
- e. 210 square feet of dog evaluation space, and

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 f. customer lobby, office, and laundry spaces.
48

49 Ms. Seely addressed the Board. Ms. Seely stated that she is the business operations manager for the
50 applicant. Ms. Seely stated that the business focuses on socialization and exercise activities for dogs. As
51 explained in the business operations outline submitted with the application, the business model pays
52 particular attention to maintaining clean facilities, especially in its animal play and meal areas. The
53 business has been certified by national animal care councils regarding safety and infectious disease
54 management. Ms. Seely explained the following business operations details:

55 a. Business will be open 7:00am to 7:00pm, seven days per week, for dog care and grooming services
56 with overnight boarding of dogs provided as well.

57 b. Staff have injury and illness training.

58 c. The business space has cameras which monitor the dogs at all times.

59 d. The unit will include an air cleaning system with a specialized cleaning solution to kill viruses.

60 e. The units will be cleaned with biological enzyme based, not chemical based, solutions to control
61 odors.

62 f. Solid and liquid animal waste will be cleaned immediately and disposed of in a dumpster dedicated to
63 the dog care business with regularly scheduled pick-ups. There will be no adverse impact on the site's
64 septic system.

65 g. The business will employ 20-25 full time and part time staff members. Dog to staff member ratios will
66 follow State of NH Best Management Practices.

67 h. The business activities will be conducted entirely indoors within a climate and sound-controlled
68 environment. The Dogtopia dog day care business has not received any noise or nuisance complaints as
69 the result of operations in its 200 nationwide locations.
70

71 Mr. Milner asked for clarification regarding the maximum number of dogs that will be within the unit at
72 any one time during daytime and overnight boarding hours.
73

74 Ms. Seely stated that generally there are approximately 30 dogs on site during daytime hours and 10-12
75 dogs during overnight boarding hours. However, the square footage of the unit would allow a maximum
76 of up to 97 dogs on site during daytime hours. Overnight boarding stays average one to two days.
77 However, overnight boarding stays of one to two weeks to accommodate customer vacations may be
78 provided.
79

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

81 1. The variance will not be contrary to the public interest in that the proposed business will be located in
82 a commercial retail plaza. The business will provide greater access to socialization and exercise for the
83 community's pets.
84

85 2. The spirit of the ordinance is observed in that the proposed commercial use is compatible with the
86 adjacent commercial uses.
87

88 3. Substantial justice is done in that the proposed business operates with strict health, safety, and
89 training standards. Training methods are certified by international associations. All waste is double
90 bagged and removed from the facility without infiltrating the septic system. Cleaning solutions are pet
91 and people safe.
92

93 4. The values of surrounding properties are not diminished in that the proposed commercial use is
94 consistent with the commercial uses in the adjacent units. There are no residential units adjacent to the
95 proposed business location. The following methods are used to control noise and odor:
96 a. Sound attenuation with proven acoustical details to prevent noise emission outside the space.
97 b. Specialty HVAC equipment that allows for 100% fresh air exchange in each room of the unit.
98 c. An antimicrobial biodefense system which kills viruses and bacteria.
99

100 5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship in that
101 the proposed business location has special conditions that would allow the reasonable use. The location
102 is remote from residential properties, has a large parking area, and is setback from the road with no
103 street signage. Granting the variance will not alter the character of the surrounding district areas and
104 will allow for reasonable and beneficial use of the property.
105

106 Ms. McCay asked for clarification regarding the staff to dog ratio for the proposed business activities.
107

108 Ms. Seely responded that the staff to dog ratio will range from 1 to 10 to 1 to 20 plus two additional
109 staff members.
110

111 Ms. Reid asked for clarification regarding the business plan to address dog waste in the parking lot.
112

113 Ms. Seely responded that staff members check the parking lot at least four times a day. Dog waste in the
114 parking lot is a rare occurrence since the dogs are only in the parking area for a short amount of time
115 and are generally acclimated to the site.
116

117 Ms. Reid asked for clarification regarding sound proofing methods for the unit. Ms. Reid expressed her
118 concern with noise from dogs disrupting business operations in adjoining retail units.
119

120 Mr. Riley responded that the interior and exterior walls are insulated with acoustical partitions that
121 reduce noise vibrations. The noise reduction technology has been effective in a wide variety of locations,
122 including units on the ground floor of residential apartment buildings. The applicant wants to be a good
123 neighbor. Making sure that the proposed dog care business does not disrupt neighboring businesses is
124 advantageous for the long-term sustainability of its business model.
125

126 Ms. Reid asked for public comments.
127

128 Deb Sillay addressed the Board as an abutter and North Hampton resident. Ms. Sillay expressed her
129 concern with the accumulation of waste by many dogs in one location both inside and outside the unit.
130 Ms. Sillay expressed her concern with the business finding enough employees in the current economic
131 environment to adequately care for a large number of dogs in one location. Ms. Sillay also asked for
132 clarification regarding supervision of dogs staying overnight.
133

134 Ms. Seely responded that:

135 a. The staff members and canine coaches are well-trained and dedicated to cleanliness. The applicant is
136 focused on the safety of the dogs that stay in its facilities overnight. There are motion activated cameras
137 and water and temperature monitoring systems that monitor dog activity and site conditions. Staff are
138 generally on site until 10:00pm at night and back in by 5:00am the next morning. Staff members are on
139 call to respond to any nighttime incident in a short period of time.

b. The business operates a curbside drop-off program in which an employee meets up to 80% of the customers in the parking lot and escorts their dogs into the facility. This activity eliminates potential outdoor dog waste issues.

c. The applicant has found no issue with adequately staffing its facilities due to the large amount of individuals who are passionate and dedicated to animals in their regions.

Ms. Reid closed the public hearing at 7:33pm.

Mr. Fullerton stated that the proposed dog care business is a good fit for North Hampton's Industrial-Business/Residential (I-B/R) District. The applicants are experienced in the dog care business. The applicants provided a thorough presentation to the Board. In his opinion, the proposed dog care business will be an asset to the business community in North Hampton.

Ms. McCay stated that, based on her experience frequenting a dog grooming business in the same shopping center, any potential waste problems outside of the proposed unit would be a rare occurrence in her opinion.

Mr. Janos stated that, in general, the proposed dog day care use is appropriate within the I-B/R District. However, he has some concern with the proposed business being located in a unit next to a supermarket.

Mr. Clifford stated that the variance request application satisfies the five criteria for granting a variance. In his opinion, the proposed location cannot be differentiated from other I-B/R District locations in a way that would not allow the variance request to be granted.

Ms. Reid expressed her concern with dog noise possibly disrupting adjacent businesses. However, it appears that dog safety in a parking lot and outdoor waste issues have not been a problem at other North Hampton animal care businesses such as the veterinary clinic or dog groomer. Dog care services are needed in the community.

Mr. Janos moved that the ZBA grant a variance from Town of North Hampton Zoning Ordinance Section 202.4 to allow a proposed dog day care, spa, and overnight boarding business not listed as a permitted use in the zoning ordinance as represented in the application presented to the Board subject to the condition that the applicant receives all required federal, state, and local permits and approvals including, but not limited to, Planning Board, Building Department, and Fire Department permits and approvals. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (5-0).

III. Other Business.

1. Town of North Hampton, NH – Zoning Board of Adjustment review of proposed ZBA Rules and Procedures revisions.

Mr. Milner presented a complete revision of the Zoning Board of Adjustment Rules and Procedures document prompted by a review of the document to ensure that it is in conformance with State of New Hampshire RSA's and the Town of North Hampton Zoning Ordinance.

Mr. Janos stated that he is in favor of the proposed changes to the Rules of Procedure. The proposed revisions simplify the document and clarify many of the Board's procedures.

Mr. Milner asked if the Board wanted to retain the rule that a super majority of four members voting in the affirmative was necessary to change the Rules of Procedure or change the language to allow a simple majority voting in the affirmative to change the rules.

After some discussion, Board members stated that the Rules of Procedure could be amended by the same voting process as other actions taken by the Board according to NHRSA's. The Board came to a consensus without objection that the Rules of Procedure may be amended or revised by an affirmative vote of three (3) regular board members.

Mr. Clifford moved that the Zoning Board of Adjustment approve the revisions to the ZBA Rules of Procedure as presented and amended at the June 27, 2023 ZBA meeting. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (5-0).

2. Town of North Hampton, NH – Land Use Board Summit.

Ms. Reid informed the Board about the meeting between the various land use boards held on June 22. Several land use issues were discussed including the Heritage Commission barn audit program to help preserve historical features of North Hampton.

Mr. Janos moved to adjourn the meeting at 8:00pm. Second by Mr. Fullerton. The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,

Rick Milner
Recording Secretary