



Meeting Minutes
North Hampton Planning Board
Tuesday, April 4, 2023 at 6:30pm
Town Hall, 231 Atlantic Avenue

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

In attendance: Phil Wilson, Chair; Rob Omberg, Vice Chair; Members Nancy Monaghan, Shep Kroner, Lauri Etela, and Jim Maggiore, Select Board Representative; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

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

I. Continued Business

1. Case #22:10 – Applicant: Glenn A. Martin, P.O. Box 281, North Hampton, NH 03862. The Applicant requests a four (4) lot Subdivision with associated roadway and utility improvements through the implementation of Town of North Hampton Zoning Ordinance Section 603 – Conservation Subdivision Design. Property Owner: Glenn A. Martin, P.O. Box 281, North Hampton, NH 03862; Property Location: Lot 007-168-000 off of Atlantic Avenue east of the school property; M/L: 007-168-000; Zoning District: R-1, High Density District.

In attendance for this application:

Glenn Martin, property owner; Tim Phoenix, attorney; Erik Saari, engineer; Charles Moreno, forester.

Mr. Phoenix addressed the Board. Mr. Phoenix presented a revised conservation easement document based on Board member comments at the previous meeting. The document provided details regarding the preservation and conservation of the 10.3 acres of open space associated with the conservation subdivision application, particularly the conservation of forestland and wetlands of which the open space area consists and of the wildlife habitat thereon. Mr. Phoenix stated that the Rockingham County Conservation District (RCCD) has agreed to monitor the conservation area in the future.

Mr. Phoenix also presented documents detailing the bylaws, covenants, conditions, and restrictions for the homeowners association proposed for ownership of the conservation subdivision. Mr. Phoenix stated that Mr. Martin had come to an agreement in principle with the gun club at the rear of the property regarding limited access to the portion of the 300 foot safety perimeter buffer from the rifle range on the gun club property which lies within the conservation open space area on the M/L 007-168-000 property. The agreement language will most likely be presented to the Board at the next meeting.

Mr. Omberg asked for clarification regarding who would be able to access the conservation open space area.

Mr. Phoenix stated that only residents of the property and their guests would be able to access the open space area.

Mr. Kroner and Mr. Maggiore stated that it will be important to know the specific details of any restrictions that may be imposed upon the portion of the 300 foot safety perimeter buffer from the rifle range on the gun club property which lies within the conservation open space area in order to make an informed decision regarding the subdivision application.

Mr. Wilson asked for clarification regarding forestry activities allowed by the conservation easement document.

Mr. Phoenix explained that forestry within the open space area may be authorized by the RCCD monitoring agent to improve safety on the site and enhance conservation goals.

Mr. Wilson suggested that the easements for access to the gun club property and Mr. Martin's other property at the rear of the M/L 007-168-000 property be added to the documents to be reviewed by the Board.

Mr. Omberg asked how the homeowners association bylaws and the conservation easement regulations will relate to one another.

Mr. Phoenix explained that one of the goals of the homeowners association declaration document is to incorporate the purpose and goals of the conservation easement document. In this way, the members of the homeowners association will have a clear understanding of how the conservation open space area will be governed and their responsibilities with regards to maintaining the open space area. The members of the homeowners association will be legally bound to adhere to the language contained within the conservation easement.

Mr. Omberg asked for clarification regarding the gun club provisions included in the conservation easement and homeowners association documents.

Mr. Phoenix explained that it is dangerous for someone to wander too close to the gun club property. The goal of the provisions is to ensure safety and limit the gun club organization's liability for normal operation of its activities.

Mr. Maggiore asked if short term rentals will be allowed in the dwelling units.

Mr. Phoenix explained that the homeowners association document mandates that an owner may not lease his property for less than six months.

Mr. Wilson asked for clarification regarding the obligations of future purchasers of the property.

Mr. Phoenix stated that future purchasers of the property will be legally bound to adhere to the provisions of the easement and homeowners association documents.

Mr. Moreno addressed the Board. Mr. Moreno presented a forest restoration and management plan.

Mr. Moreno identified the following four cover types on the M/L 007-168-000 property:

a. Upland Forest – Established, well-stocked, and reasonably dense mixed forest totaling 3.3 acres at the rear and along the edges of the property.

b. Inter-forest – Lightly-stocked area of widely spaced or small groups of trees totaling 4.5 acres of the open space area in the back half of the property.

c. Rough Field – Two areas totaling 1.7 acres adjacent to the proposed development area that were entirely cleared of trees.

d. Delineated Wetlands – Four forested areas along the easterly edge of the open space area totaling 0.6 acres containing water tolerant trees and other vegetation.

Mr. Moreno identified the following objectives of the forest restoration/management plan:

a. A primary restoration plan which ensures that the forest regenerates adequately while moving the forest overstory towards stability.

b. A secondary restoration plan which includes aesthetic restoration and noise/privacy barrier enhancement and diversifying the types of forest regeneration.

Mr. Moreno recommended the following actions:

a. remove many dying trees and tall, unstable pine trees for safety and allow new growth to occur.

b. clear trees within a 100 foot safety zone on both sides of the access way to the gun club for safety along the access way.

c. eliminate exotic or invasive plants to encourage re-growth of the forest.

Ms. Monaghan asked how many more trees may be removed from the property as the result of forest management activities.

Mr. Moreno stated that only compromised trees will be removed from the forested areas. A professional forester, not a logging company, will perform a selective, minor amount of tree cutting to enhance safety and a diversity of re-growth.

Ms. Monaghan asked why there is no mention in the forest restoration report of proposed plantings or fencing to provide screening for the abutters of the project along Atlantic Avenue.

Mr. Moreno stated that natural re-growth of vegetation will work just as well for screening as planting new trees.

Mr. Omberg stated his opinion that screening for the abutters of the project along Atlantic Avenue needs to be provided in the proposed plan. Mr. Omberg asked for clarification regarding the details of the proposed tree planting plan.

Mr. Moreno stated that 10-12 trees will be planted in each of approximately 12 small pockets throughout the forested area in the rear half of the property.

Mr. Milner asked what entity would oversee the forest restoration activity to ensure that the restoration work conforms to the restoration plan.

Mr. Moreno suggested that the county forester could potentially provide oversight for the restoration activities.

Mr. Phoenix stated that the applicant has identified an area to install plantings to aid with screening the subdivision project from the abutter to the westerly side of the property. The proposed screening will be added to a revised version of the plan.

Mr. Wilson opened the public hearing at 7:37pm.

Resident Michael Kotzen addressed the Board. Mr. Kotzen asked if the proposed home and septic system locations are available for review.

Mr. Wilson stated that the proposed home and septic system locations are not known at this time. Only the lot locations upon which the homes and septic systems will lie are known during the consideration of a residential subdivision application. Review of the home and septic system locations are a part of the building permit process.

Mr. Kotzen asked for clarification regarding the location of the stormwater treatment features.

Mr. Saari indicated the location of the stormwater management features.

Colby Monahan addressed the Board. Mr. Monahan asked for clarification regarding percolation tests associated with proposed septic systems for the project. He expressed doubt that the soil on all of the lots could pass a water absorption percolation test in order to have a viable septic system.

Mr. Saari stated that the depths to the groundwater are known on the site. Mr. Saari stated that he is not concerned with the ability of the soil on the lots to pass a percolation test in the future.

Mr. Monahan stated his concern that the proposed size of the lots on the plan will not provide adequate setback distances from the property lines for the septic systems.

Mr. Saari stated that there are several different types of septic system technologies which can be implemented to adjust the size of the septic system and provide setback distances in conformance with regulations.

James Irish, Hampton Rod and Gun Club Board of Directors member, addressed the Board. Mr. Irish stated that he supports the proposed conservation subdivision development once the agreement between Mr. Martin and the gun club is completed. However, Mr. Irish stated that he is not in favor of the proposed forestry management plan. No more trees should be cut on the site, especially along the access road to the gun club. Cutting more trees will eliminate the natural noise buffer between the gun club and the neighboring homes.

Abutter Cindy Dumont addressed the Board. Ms. Dumont stated that, when she moved into the property that abuts the westerly side of the proposed subdivision property along Atlantic Avenue, it was understood that the proposed subdivision property was not buildable. Ms. Dumont stated her concern with the many obstacles that will be faced in an effort to develop the proposed subdivision property, such as blasting, drilling, excessive amounts of rock ledge, increased traffic in the area, increased noise from construction activities, and potential damage to her home as the result of blasting activities in close proximity to her home. The proposed 40-50 days of blasting activities is excessive. Ms. Dumont stated her opinion that the application should be denied.

Ms. Dumont suggested the following revisions to the subdivision plan if the plan is approved:

- a. proposed home locations be moved to the north away from her home for privacy and
- b. sufficient screening features be installed on the subdivision property along the lot line shared with her property such as a 30 inch high berm with trees along the top.

Resident Jennifer Kotzen addressed the Board. Ms. Kotzen stated her opinion that the property was cleared of vegetation prior to the approval of a subdivision plan. In her opinion, this clearing activity is a violation of Town of North Hampton Subdivision Regulations. As a result of this clearing activity, the ability to establish appropriate conservation goals and retain valuable natural assets was lost. Ms. Kotzen suggested that the project be stopped to protect against further damage to the natural environment on the property.

Mr. Milner stated that the timber cut on the M/L 007-168-000 property complied with the requirements of State of NH law. The intent to cut documents were filed with the Town prior to knowledge of a subdivision project.

Mr. Wilson explained that the Planning Board is a quasi-judicial board which must make its decisions based on facts, not supposition. The Planning Board considers the best interests of the Town of North Hampton when it applies the zoning ordinance and Town regulations to a particular project.

Mr. Wilson closed the public hearing at 8:20pm.

Mr. Phoenix requested a continuance to the next meeting date to allow the applicant time to complete information for the Board's consideration. Mr. Phoenix stated that the applicant agrees to waive the NH RSA 65 day clock requirement for the Planning Board to act on the application until the next meeting date.

Mr. Kroner moved that the Planning Board continue Case #22:10 to the May 2, 2023 meeting date as requested by the applicant with the understanding that the Planning Board and the applicant agree to waive the NH RSA 676:4 requirement that the Planning Board act on the conservation subdivision application within 65 days of determination that the application is complete. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (6-0).

2. Case #22:24 – Applicant: Route One Convenience Store, LLC, 39 Freetown Road, Unit 1, Raymond, NH 03077. The Applicant requests a Site Plan Review for proposed demolition of two existing buildings and construction of a 4,350 square foot convenience store building, motor vehicle refueling service facility, and other site improvements within 62,200 square foot area at front of 180 Lafayette Road multi-use commercial property. The Applicant also requests a Conditional Use Permit to allow convenience store and motor vehicle refueling facility uses within the Aquifer Protection District. The Applicant also requests a Conditional Use Permit to allow some lighting fixtures to exceed the maximum height allowed by the zoning ordinance. 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; Huseyin Sevincgil, engineer; Abby Thompson Fopiano, hydrologist; Justin Pasay, attorney.

Mr. Wilson informed the public that the applicant's attorney had submitted a letter at the last meeting indicating the attorney's opinion that the Planning Board did not have jurisdiction to require the applicant to submit a Conditional Use Permit application to allow the proposed convenience store and motor vehicle refueling facility uses in the Aquifer Protection District. Mr. Wilson stated that, based on the advice of the Town Counsel, the Planning Board would be moving forward with consideration of a Conditional Use Permit to allow the proposed uses within the Aquifer Protection District.

Mr. Neufeld addressed the Board. Mr. Neufeld presented a revised site plan to the Board which included the following changes to address concerns expressed by Board members at previous meetings:

- a. underground fuel storage tanks and refilling area moved to the southerly side of the site,
- b. stormwater management features moved to the northerly side of the site,
- c. septic system design reconfigured,
- d. installation of curbing and other features in the fuel tank storage area to contain possible spills during refilling activities,
- e. reconfigured fuel tank refilling operation traffic flow and fuel truck parking location to enhance traffic safety on the site,
- f. clean-up and safety equipment shed located near fuel tank refilling area,
- g. stormwater management features designed to mitigate groundwater contamination including a catch basin flow control valve to stop oil from flowing into the system and an oil separator to capture hydrocarbons prior to flowing into the system,
- h. installation of a fence and reconfiguration of the driveway behind the proposed convenience store building to discourage traffic from passing through the convenience store/gas station area to access the businesses in the rear of the 180 Lafayette Road property,
- i. parking spaces reconfigured, and
- j. traffic flow changes.

Fuel System Engineer Huseyin Sevincgil addressed the Board. Mr. Sevincgil stated that the fuel system design regulations established by the State of New Hampshire to prevent groundwater contamination, with which the proposed fuel system must comply, are the best in the northeast in his opinion. Older fuel storage tank components on the site will be replaced with modern fuel storage tank and piping technology which is constantly monitored and greatly reduce the risk of groundwater contamination. Mr. Sevincgil explained the following fuel system technology features:

- a. spill containment in customer refueling pump areas,
- b. sensors in fuel storage tanks and piping,
- c. shear valves in fuel pump stations to stop fuel flow in the case of a fuel line rupture,
- d. double wall fiberglass underground fuel storage tanks,
- e. double wall underground fuel piping,
- f. double wall spill buckets,
- g. positive limiting barriers to control possible spills, and
- h. fire suppression system in canopy over fuel pump stations.

Ms. Fopiano addressed the Board. Ms. Fopiano stated that the largest threat for adversely impacting the groundwater in the area would be stormwater run-off which contained fuel contaminates. This threat is

addressed by the proposed stormwater management features which separate contaminants from the water run-off and further treat the water prior to dispersal into the ground. In addition, the modern fuel system design is a great improvement for the property. The system is designed to immediately notify authorities of a leak and provide quick response to resolve the issue.

Ms. Monaghan asked how quickly the authorities would respond to notification of a leak in the fuel system.

Ms. Fopiano stated that personnel on site would know of a leak immediately. The State of NH would be alerted within six hours. The removal of any contaminated soils would be accomplished within one day to one week timeframe.

Mr. Etela asked for clarification regarding the appropriate process to remove contaminated soil and other clean-up procedures in the case of a fuel leak.

Mr. Milner explained that the State of New Hampshire Department of Environmental Services supervises the clean-up operations and provides the Town with a notification letter certifying that the appropriate soil removal and clean-up closure processes have been satisfactorily completed.

Mr. Wilson opened the public hearing regarding the Aquifer Protection District Conditional Use Permit at 9:01pm.

Resident Nancy Jane Luff addressed the Board. Ms. Luff asked why approval of a Conditional Use Permit was needed for the gas station use that already existed on the site.

Ms. Rowden explained that the applicant was proposing an expansion of the fuel storage and pumping station capabilities on the site. This expansion of the use required the issuance of a Conditional Use Permit to allow the expanded use within the Aquifer Protection District.

Resident Amy Bailey addressed the Board. Ms. Bailey stated that the proposal is a much needed upgrade for the 180 Lafayette Road site. She hopes that the project moves forward.

Mr. Wilson closed the public hearing regarding the Aquifer Protection District Conditional Use Permit at 9:04pm.

Ms. Monaghan stated her opinion that, since the previous non-conforming gas station use was allowed by a 1982 variance, a variance may be needed for the expansion of the non-conforming use.

Mr. Wilson stated his opinion that the approval of a special exception by the ZBA may satisfy the non-conforming use regulation in the zoning ordinance.

Mr. Milner stated that the Planning and Zoning Department concurs with Mr. Wilson's opinion regarding the non-conforming use language in the zoning ordinance.

Ms. Monaghan asked who is responsible for clean-up of the site in the event of a fuel leak or spill.

Ms. Fopiano stated that the property owner is responsible for clean-up of the site in the event of a fuel leak or spill.

Mr. Wilson read the criteria that needs to be satisfied in order for the Planning Board to grant a Conditional Use Permit to allow the convenience store and motor vehicle refueling facility use in the Aquifer Protection District.

Mr. Maggiore moved that the Planning Board approve the Conditional Use Permit application to allow convenience store and motor vehicle refueling facility uses within the Aquifer Protection District as represented in the site plan presented to the Board. This decision is based on the following findings of fact:

1. The criteria for granting a Conditional Use Permit for a proposed use in the Aquifer Protection District have been satisfied.

2. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants in that the applicant has provided technological specifications for the proposed underground fuel storage tanks and piping and expert testimony which reasonably indicate that any threat to the aquifer has been minimized.

3. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.

4. The proposed use will discharge no wastewater on site other than that typically discharged by domestic wastewater disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined in that the application includes stormwater management features which provide a significant amount of spill and leak prevention and treatment of potential contaminants. In addition, the application does not include on-site storage or disposal of toxic or hazardous wastes.

5. The proposed use complies with all other applicable paragraphs of Section 503 Aquifer Protection District Ordinance.

Second by Mr. Omberg.

Discussion of the motion – Ms. Monaghan stated that, even though the applicant has provided a significant amount of technological detail and expert testimony, she believes that the proposal to store an additional 15,000 gallons of fuel on the site creates a larger threat to the aquifer than currently exists.

The vote was 5-1 in favor of the motion with Ms. Monaghan opposed.

Mr. Wilson noted that the time was 9:24pm. The Planning Board Rules of Procedure state that no new business may begin after 9:30pm. Mr. Wilson suggested that the Board consider suspending the time limit rule.

Mr. Kroner moved that the Planning Board suspend the time limit rule and continue consideration of the items on the agenda. Second by Mr. Etela. The vote was unanimous in favor of the motion (6-0).

Mr. Neufeld presented the 180 Lafayette Road proposed convenience store and motor vehicle refueling station site plan for consideration by the Board. Mr. Neufeld stated that NHDOT driveway and NHDES septic system permits are pending. Mr. Neufeld noted the following revisions to the site plan based on comments by Planning Board members at previous meetings:

a. revised traffic flow,

b. directional signage,
c. landscaping features,
d. proposed business signage, and
e. architectural renderings as shown from the front and rear of the proposed building.

Mr. Kroner asked for clarification regarding the overhead electrical utility lines.

Mr. Neufeld explained that the overhead electrical utility lines will run down the northerly side lot line of the property and then continue underground to connect to the new building.

Ms. Monaghan asked why the two light fixtures at the northerly front and rear corners of the site need to be taller than required by the regulations.

Mr. Neufeld explained that, if the light fixtures conformed to the regulations, areas of the parking lot would not be adequately lit. The proposed light fixtures will not create light spillage onto abutting properties and will conform to other criteria included in the lighting ordinance.

Mr. Wilson opened the public hearing regarding the Lighting Conditional Use Permit at 9:31pm. No comments were made. Mr. Wilson closed the public hearing regarding the Lighting Conditional Use Permit at 9:32pm.

Mr. Kroner and Mr. Wilson explained how the proposed lighting plan satisfied the criteria for granting a Conditional Use Permit and suggested the reasonings be included in a motion to grant the Conditional Use Permit.

Ms. Monaghan moved that the Planning Board approve the Conditional Use Permit application to allow two lighting fixtures to exceed the maximum height allowed by the zoning ordinance as represented in the site plan presented to the Board. This decision is based on the following findings of fact:

1. The proposed lighting will not be detrimental to the public safety, health or welfare or injurious to other property nor contrary to the public interest in that safety on the site will be enhanced and no members of the public have objected to the proposal.

2. Approving the waiver will substantially secure the objectives, standards and requirements of the ordinance in that the proposed lighting will prevent light spillage onto neighboring properties.

3. A particular and identifiable hardship exists with respect to the applicant's premises or property that indicates the waiver should be approved in that the close proximity of the parking lot setback to the property line prevents lighting fixtures of a height that will conform to the zoning ordinance specifications and still provide adequate and safe lighting to the northerly front and rear corners of the site.

Second by Mr. Etela. The vote was unanimous in favor of the motion (6-0).

Mr. Wilson opened the public hearing regarding the Site Plan Review application at 9:39pm. No comments were made. Mr. Wilson closed the public hearing regarding the Site Plan Review application at 9:40pm.

Mr. Kroner moved that the Planning Board approve the Site Plan Review application for proposed demolition of two existing buildings and construction of a 4,350 square foot convenience store

building, motor vehicle refueling service facility, and other site improvements within 62,200 square foot area at front of the 180 Lafayette Road multi-use commercial property as represented in the site plan set dated with February 22, 2023 revisions presented to the Board and on file in the Town Office subject to the following conditions:

1. A note shall be added to the plan indicating all Zoning Board of Adjustment and Planning Board approvals and the date of the approvals.
 2. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan. All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.
 3. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed Land Surveyor, certifying that all monuments depicted on the plan have been properly set.
 4. Applicant shall submit evidence of receipt of all required federal, state, and local permits, including but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note their numbers, as appropriate, on the recorded page of the plan.
 5. Applicant shall submit checks made payable to the Rockingham County Registry of Deeds for mandatory recording fees.
 6. All fees incurred by the Planning Board, including but not limited to, consulting, engineering and legal fees, have been paid by the applicant.
 7. There shall be no changes to the approved site plan on the recordable mylar except to meet these conditions of approval.
 8. Applicant shall provide a landscape performance guarantee in a form acceptable to the Town of North Hampton equal to 25% of the installed cost of the plantings as approved by the Town Engineer to be held by the Town of North Hampton for two growing seasons to ensure prompt replacement of any dead plantings.
- Second by Mr. Omberg. The vote was unanimous in favor of the motion (6-0).

II. New Business

1. Case #23:05 - Applicant: Jessica King, The Honey Tree Learning Center, LLC, 135 High Street, Exeter, NH 03833. The Applicant requests a Minor Review for operation of a child day care business. 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. King addressed the Board. Ms. King stated that she would like to operate a child care facility for no more than 40 children, ages 2-5 years, 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. Ms. King has started the licensing process with the State of NH. Ms. King presented the following information:

- a. hours of operation – Monday thru Friday, 7:30am to 5:00pm,
- b. sample daily schedule of indoor instruction and events with one hour of outdoor play between 11:00am to 12:00pm; a second hour of outdoor play may be scheduled in the late afternoon if weather permits,
- c. proposed fencing around outdoor play area to the northerly side of the building,
- d. no play structures proposed in the outdoor play area,

e. photos indicating the existing 20-30 foot tall evergreen trees which provide screening, privacy, and noise reduction along the easterly border between the building site and the abutting home locations,
f. 26 available parking spaces for private school use which is required to have 12.5 parking spaces according to the Town regulations,
g. proposed traffic flow plan for drop-off and pick-up times,
h. trip generation and peak traffic flow time calculations,
i. NHDES septic system review and NHDOT driveway permit applications are pending, and
j. no signage proposed at this time.

Ms. Monaghan asked for clarification regarding the drop-off and pick-up procedures and the number of employees. Ms. Monaghan asked if Ms. King was confident that there will not be traffic backing up onto Route 1 during peak drop-off/pick-up hours.

Ms. King explained that there will be four employees. There is a sufficient number of employees to supervise the children inside the building and the traffic flow during drop-off and pick-up times. Ms. King stated that, based on her experience at her other business location and knowledge of the procedures used at various similar businesses, she is confident that there will be no traffic back-ups. There is plenty of space in the parking lot to make adjustments to create the most efficient use of the space to mitigate traffic back-ups during peak traffic hours.

Mr. Maggiore stated that he has seen no traffic back-up issues at other child care businesses with which he is familiar.

Ms. Rowden stated her opinion that the proposed use and application qualify for a Minor Review by the Planning Board.

Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Case #23:05 Minor Review application for operation of a child day care business. Second by Mr. Etela. The vote was unanimous in favor of the motion (6-0).

Mr. Wilson opened the public hearing at 10:06pm.

Resident Rocco Filomeno addressed the Board. Mr. Filomeno stated that he is a resident of the Greystone Village 55+ residential community which exists on the same M/L 021-001-000 property as the building which is proposed to be used for the proposed child care business. Mr. Filomeno stated that the original variance in 2010 which allowed a commercial use in the building at the front of the property was for a specific professional office use which had only a few employees and would not disturb the residents of the Greystone Village residential community. The proposed child care business will cause more traffic and possibly interfere with emergency vehicle responses along the narrow Greystone Way access drive. There is not enough space at the Greystone Way entrance and immediate turning point to the 223 Lafayette Road parking lot for the increased traffic that will result from the day care business and normal traffic to and from the Greystone Village residences such as large delivery trucks and other routine community traffic. He is concerned that traffic safety will be compromised.

Mr. Filomeno also stated that the child care business will adversely impact the property values of the Greystone Village residences. No potential senior community resident will want to buy a home in the vicinity of the proposed child care center.

Resident Maria Vitone addressed the Board. Ms. Vitone expressed her concern with the congestion and adverse impact on traffic safety along Greystone Way which will be created by the increase in traffic turning left in front of the outgoing Greystone Village traffic at the small bottleneck area between the proposed business parking lot entrance and the entrance to Greystone Way.

Resident Carlene Filomeno addressed the Board. Based on her experience working in child care facilities, traffic congestion during peak drop-off/pick-up hours will occur if the proposed business is allowed at the 223 Lafayette Road location. In addition, home values will be adversely impacted by the increased traffic and noise created by children playing outdoors in close proximity to senior residential units. The 223 Lafayette Road location is the wrong place to locate a child care business.

Ms. Monaghan asked if children are allowed to live in the homes within the Greystone Village 55+ community.

Ms. Filomeno stated that no one under the age of 18 is allowed to live on the property. Younger children are only allowed to visit for a limited time if they are members of a resident's family.

Mr. Milner read letters from residents Ron and Gay Cohen and Karen Lewis expressing their opposition to the proposed child care business use due to traffic safety concerns.

Resident Pam Davidson addressed the Board. Ms. Davidson stated that Greystone Village is currently a safe retirement community. The children in the proposed child care facility will be outside often creating noise problems for the neighbors. The increased traffic on the site will create an unsafe environment for the children frequenting the business site and the 55+ community's residents.

Mr. Wilson closed the public hearing at 10:29pm.

Mr. Maggiore asked if another curb cut off Route 1 could be created to enter the building site without using Greystone Way.

Ms. Rowden stated that it was unlikely that another curb cut could be created along Route 1.

Mr. Wilson stated that in his experience larger child care facilities could create traffic congestion during peak drop-off/pick-up hours. The entry and exit point in the vicinity of the 223 Lafayette Road parking lot and the Greystone Way entrance is not an optimal location for the proposed child care business and the traffic that would result from the proposed use.

Ms. Monaghan stated her opinion that the proposed child care business is not an appropriate use adjacent to a 55+ residential community. There are too many obstacles to safe operation at the proposed location for the business.

Mr. Omberg stated that he agrees that traffic safety could be compromised by the proposed use at the 223 Lafayette Road location. However, he does not believe that the child care business would be a disruption to the residents of the 55+ residential community.

Mr. Kroner stated that the original goal of the 55+ Greystone Village community was to provide lower priced homes for elderly residents. The commercial building site was originally planned as a clubhouse for the 55+ community residents. The concept of a residential community must be protected.

Mr. Wilson stated that the site, including the front building parking lot area, the Route 1 entrance point, and the Greystone Way roadway, was originally designed for the low traffic volume associated with a residential community; not the high traffic volume of a business site. The proposed location for the child care business cannot be easily converted to uses that produce higher traffic volumes.

Ms. King responded to the concerns of the Board members and the residents of Greystone Village. Ms. King stated that the previous business on the site consistently had a full parking lot and at least 20 employees. Also, drop-off/pick-up schedules are smaller, compacted periods of time. Drop-off/pick-up schedules could be adjusted to limit the number of families doing drop-off/pick-up at any one time. Traffic will not be disruptive for the Greystone Village residents.

Ms. Rowden suggested that the Board could schedule a site walk to better understand the site layout. Board members expressed opinions both in favor of and opposing a site walk.

Mr. Maggiore moved that the Planning Board schedule a site walk at 223 Lafayette Road as part of the Site Plan Review application review process for Case #23:05 on April 18, 2023 at 4:30pm. Second by Mr. Kroner. The vote was 4-2 in favor of the motion with Ms. Monaghan and Mr. Etela opposed.

Ms. Monaghan moved that the Planning Board continue Case #23:05 to the May 2, 2023 meeting date. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (6-0).

2. Case #23:06 - Applicants: Annette Lee and Nicole Carrier, Throwback Brewery, 2 Elm Road, North Hampton, NH 03862. The Applicant requests a Preliminary Consultation to discuss approval process for proposed site improvements. Property Owner: Taste the Local, LLC, 2 Elm Road, North Hampton, NH 03862; Property Location: 2 Elm Road, North Hampton, NH 03862; M/L: 013-009-000; Zoning Districts: I-B/R, Industrial – Business/Residential District and R-1, High Density District.

In attendance for this application:
Annette Lee, property owner.

Ms. Lee addressed the Board. Ms. Lee explained that she was seeking the guidance of the Planning Board as to the appropriate process to approve construction of a proposed deck off the exit doors of a function room building addition and installation of a tent over an outdoor customer seating area at the Throwback Brewery restaurant location. Ms. Lee also asked for guidance regarding construction of a permanent pavilion structure over the outdoor customer seating area in the future.

Mr. Milner noted that the restaurant business has also set up an ice skating rink in the past. He suggested that the Board consider the appropriate process for approving installation of the ice skating rink in the future.

Ms. Monaghan asked for clarification regarding the purpose of the proposed deck.

Ms. Lee stated that there is a large drop-off from the function room exit doors to the ground. The proposed deck would provide a safer exit route for customers leaving the function room area as opposed to a stairway with a steep pitch. The deck structure would also direct customers away from the driveway and truck delivery area when exiting the function room area. The deck would not be used as a customer seating, serving, or eating/drinking area. There will be signage indicating that the deck area is to be used as an emergency exit only.

Ms. Monaghan asked if installation of the proposed tent added seating to the site.

Ms. Lee stated that the installation of the tent reduces seating in the outdoor customer seating area.

The Board discussed various aspects of the proposed new uses on the Throwback Brewery site and the appropriate Planning Board review procedures to approve the new uses. Mr. Wilson stated that the opinions expressed at the preliminary consultation were non-binding. No final decisions could be made.

Mr. Kroner suggested that installation of the permanent pavilion structure would require submittal of an amended site plan application when the business was prepared to erect the structure.

The Board came to a consensus without objection that:

- a. The proposed deck construction would require the submittal of a Minor Review application.
- b. The tent installation would require the submittal of a Conditional Use Permit application for a temporary structure.
- c. The ice skating rink installation would require the submittal of a Conditional Use Permit application for a temporary structure.

III. Other Business.

1. Minutes.

Mr. Wilson presented the minutes of the March 21, 2023 meeting.

Ms. Monaghan moved that the Planning Board accept the minutes of the March 21, 2023 meeting as written. Second by Mr. Etela. The vote was unanimous in favor of the motion (6-0).

The meeting was adjourned at 11:21pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary