



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, June 6, 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, Valerie Gamache, and Jim Maggiore, Select Board Representative; Alternate Members John Sillay and Dan Derby; 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; Erik Saari, engineer; Kevin Baum, attorney; and Marc Jacobs, wetlands scientist.

Mr. Saari addressed the Board. Mr. Saari stated that, as part of an agreement with the abutting property owners at the southwesterly front corner of the M/L 007-168-000 property, the length and height of a berm and the amount of planting coverage will be increased on the proposed plan to provide adequate screening between the proposed subdivision project and the abutting M/L 007-167-000 property.

Mr. Baum addressed the Board. Mr. Baum noted that the Town of North Hampton Town Counsel has reviewed the language of the various easements associated with the project and found that the documents are in acceptable legal form with a few minor edits. Also, the proposed conservation easement deed conforms to the requirements of Zoning Ordinance Section 603 Conservation Subdivision Design.

Mr. Wilson asked for clarification regarding the variable width of the access easements to Mr. Martin's back lot (M/L 013-090-000) and the gun club property at the rear of the proposed subdivision property as indicated on the plan set.

Mr. Saari stated that the access easements to the two properties at the rear of the proposed subdivision property have been delineated with precise metes and bounds. The width will be fixed as now shown by the metes and bounds indicated on the plan set. The plan will be revised to remove the 'variable' and '20 ft nominal' terms associated with the access easements.

Ms. Monaghan stated that the conservation and drainage easement documents did not provide for a third party enforcement of the easement provisions.

Mr. Baum stated that the homeowners' association which will own the subdivision project will be responsible for enforcement of the easement provisions. If the homeowners' association fails to adequately enforce the provisions of the conservation easement, the Town could require enforcement of the provisions through its authority associated with the subdivision plan approval.

Ms. Monaghan suggested that the Board receive a copy of the landscape screening agreement between Mr. Martin and the M/L 007-167-000 abutting property owners.

Mr. Wilson asked if the access easements to the rear abutting properties go through the 300 foot safety perimeter buffer from the rifle range on the gun club property which lies within the conservation open space area.

Mr. Saari confirmed that the access easements to the rear abutting properties go through the 300 foot safety perimeter buffer area which lies within the conservation open space area. The access easement to Mr. Martin's back lot is being placed along an existing path to avoid any further cutting of trees or vegetation in the conservation open space area. This path goes through the 300 foot safety perimeter buffer area. The use of the access easements by Mr. Martin and gun club personnel should not be a safety issue.

Mr. Wilson suggested that the applicant provide more details regarding the actual allowed and prohibited uses associated with the access easements to the rear properties within the easement documents. The Town will be giving the applicant significant and valuable relief from the Town's ordinance and regulation requirements if the project is approved. It is important for the Board to understand what may or may not occur on the access easements which cross through the conservation open space area of the subdivision project in order to evaluate the possible adverse impact of any allowed uses which may devalue the functions and purposes of the conservation land that is created in exchange for the relief provided to a potential developer.

Mr. Wilson also suggested that provisions be established to include that the review of future tree cutting activities be done by a Town appointed forester concurrently with the development's chosen forester prior to commencement of tree cutting activities.

Mr. Wilson expressed his concern that the access easement language allows for paving of the access easement to Mr. Martin's back lot along what is now a gravel path through the proposed conservation open space area. The current path could become a driveway to a home on the back lot with landscaping and structural improvements or other type of future improvements within the conservation open space area. The easement language needs to better clarify the allowed and prohibited uses.

Mr. Wilson opened the public comment session at 6:50pm.

James Irish, Hampton Rod and Gun Club Board of Directors member, addressed the Board. Mr. Irish stated the following:

a. The gun club needs to review the homeowners' association covenants and needs additional communication with Mr. Martin's attorneys to ensure that the final documents conform to the agreement between the gun club and Mr. Martin.

b. The gun club is not in favor of excessive tree cutting along the gun club access drive as indicated by the applicant. He does not agree that all of the trees within a 100 foot distance from the proposed gun club access drive need to be removed for safety reasons as indicated by the applicant. Retention of as many trees as possible is important to provide a sound barrier between the gun club and the proposed residential homes. Only unhealthy trees should be removed.

Mr. Wilson suggested that the applicant revise the proposed tree cutting plan to include only trees deemed hazardous by a town appointed forester.

Resident John Sillay stated that the types of access allowed on and from the site need to be specified in more detail.

Abutter Rick Dumont asked if the landscape screening agreement and plan revisions had been submitted to the Planning Board.

Mr. Saari stated that the landscape screening agreement and plan revisions would be presented on the plan set submitted for the next Planning Board meeting.

Mr. Milner read a letter from resident Mike Kotzen. Mr. Kotzen expressed the following concerns:

a. Rock removal for the subdivision project will create unacceptable noise levels for neighbors.

b. The rock removal operations will last well beyond the 35 days estimated by the applicant's professional consultants for the road construction. A significant amount of time will be needed for rock removal associated with creating house lots and installing foundations.

c. The subdivision plan does not capture the full extent of the amount of rock ledge on the M/L 007-168-000 property.

d. The subdivision plan in its current form should not be accepted by the Planning Board.

Mr. Wilson closed the public comment session at 7:06pm.

Mr. Baum requested a continuance to the next meeting date to allow the applicant time to complete information for the Board's consideration. Mr. Baum 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.

**Ms. Monaghan moved that the Planning Board continue Case #22:10 to the July 18, 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 Mr. Etela. The vote was unanimous in favor of the motion (7-0).**

## **II. New Business**

**1. Case #23:08 - Applicant: Jillian Carroll, 12 Pine Road, North Hampton, NH 03862.** The Applicant requests a Conditional Use Permit to allow installation of an above ground pool within the Wetlands Conservation District buffer area. Property Owner: Jillian Carroll, Trustee, Jillian Carroll Revocable Trust,

12 Pine Road, North Hampton, NH 03862; Property Location: 12 Pine, North Hampton, NH 03862; M/L: 007-106-000; Zoning District: R-1, High Density District.

In attendance for this application:

Richard Langis, Jr., applicant's representative.

Mr. Langis addressed the Board. Mr. Langis presented a signed and notarized letter from the property owner, Jillian Carroll, authorizing him to speak to the Board on her behalf regarding the Conditional Use Permit application.

Mr. Langis stated that the applicant is requesting to install a 24 foot round above ground pool in the southerly side yard of the property and set back further from the road than the home on the property. The pool would be approximately 40 feet from the wetlands which lie immediately behind the back yard fence on the property. The applicant has previously installed a white fence that screens the proposed pool location from the public.

Ms. Rowden stated that the applicant has addressed all of the zoning ordinance criteria in the application information. The application is complete in her opinion.

Ms. Monaghan asked for clarification regarding the relation of the wetlands buffer area to the lot.

Ms. Rowden stated that the 100 foot wetlands buffer zone covers the entire lot area.

Mr. Wilson noted that the property qualifies for a 50 foot wetlands buffer setback due to the lack of buildable area created by the 100 foot wetlands buffer and the age of the property. As a result, the proposal needs 10 feet of relief from the zoning ordinance regulation.

**Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Case #23:08 Conditional Use Permit application to allow installation of an above ground pool within the wetlands buffer at 12 Pine Road. Second by Mr. Maggiore. The vote was 6-1 in favor of the motion with Mr. Kroner opposed.**

Ms. Monaghan asked for clarification regarding the zoning ordinance criteria which states that the proposed activity must be essential to the productive use of the land.

Mr. Langis stated that a pool is a reasonable use commonly associated with the enjoyment of a residential property and home. The pool will be moderate in size and not be visible from the street.

Mr. Omberg asked for clarification regarding the type of filtration system to be used for the pool.

Mr. Langis stated that a sand filter will be used. The pool back wash will infiltrate the ground through rock bed bottom installed under the filter and around the pool. The back wash activity will be done on the road side of the pool away from the wetlands.

Mr. Maggiore asked if there was another possible location to place the pool closer to the road and away from the wetlands.

Mr. Langis stated that such a placement was not possible due to the location of the leach field in the front portion of the side yard.

Ms. Monaghan stated her opinion that pools are exceptional structures due to the discarded chlorinated or salt water used which does damage to the ground water that is the source of the public's drinking water.

Mr. Langis presented the applicant's reasons for how the proposal satisfies the criteria for granting a conditional use permit to allow installation of the pool within the Wetlands Conservation District buffer zone.

a. a. Section 501.9.A.1 – The proposed moderate size pool is essential as a reasonable use commonly associated with the enjoyment of a residential property and home.

b. Section 501.9.A.2 – Detrimental impact on the wetlands buffer area will be minimized by the placement of pool chemicals in the garage and moving pool to furthest point from the wetlands while remaining in the back yard.

c. Section 501.9.A.3 – There is no alternative location which will be less detrimental to the impact on the district due to the fact that the entire property is included within the 100 foot wetlands buffer zone.

d. Section 501.9.A.4 – The proposed pool use is permitted within the underlying zoning district.

e. Section 501.9.A.5 – The proposed pool will not cause a diminution in abutting property values in that the pool will be in the back yard screened by a privacy fence.

f. Section 501.9.A.6 – The necessary permits from state and local authorities will be obtained prior to construction.

g. Section 501.9.B.3.a – The property has unique conditions in that the lot is narrow front to back and the existing home sits close to the wetlands boundary.

h. Section 501.9.B.3.b – The proposed pool use cannot reasonably be carried out on other portions of the property since the entire property lies in the 100 foot wetlands buffer area.

i. Section 501.9.B.3.c – The proposed use meets the requirements of the Wetlands Conservation District except for the construction for which relief is being requested.

j. Section 501.9.B.3.d – The design and construction of the proposed use do not appreciably diminish natural resource values of the Wetlands Conservation District and are consistent with the intent and purpose of the Wetlands Conservation District Ordinance in that no fill will be brought in for pool construction and stone base will infiltrate back wash.

Mr. Maggiore stated that a resident should be allowed the enjoyment of their property with reasonable uses. In his opinion, a moderately sized pool as proposed by the applicant is a reasonable and productive use.

Mr. Kroner stated his opinion that the wetlands adjacent to the lot are critical wetlands. His primary concern is contamination of the wetlands and the groundwater supply from the proposed pool's chlorinated backwash water.

Mr. Wilson opened the public comment session at 7:30pm. No comments were made. Mr. Wilson closed the public comment session at 7:31pm.

Mr. Wilson stated that the responses to the zoning ordinance criteria are consistent with similar projects that have been approved in the past. The primary concern is whether the proposed use is essential to the productive use of the land.

Mr. Kroner stated that other wetlands related projects proposed some sort of design features, such as vegetative buffer plantings, to mitigate the contamination impacts on the wetlands.

Ms. Gamache stated that the applicant's yard is very small and does not have enough room to install a vegetative buffer area. Also, some applicant's may not have the financial resources to install landscaping or other design features to mitigate any potential adverse impacts from their proposed use.

Mr. Wilson suggested that all filtration features associated with this proposal be placed on the side of the pool away from the wetlands and closer to the road. The infiltration of backwash from the pool through crushed stone on the easterly side of the pool away from the wetlands may be an acceptable design feature to mitigate contamination of the wetlands.

**Mr. Maggiore moved that the Planning Board approve the Case #23:08 Conditional Use Permit application to allow installation of an above ground pool within the Wetlands Conservation District buffer zone at 12 Pine Road as represented in the application presented to the Board subject to the following conditions:**

**1. Filtration for the pool backwash shall be located to the east of the pool as far from the wetlands as possible.**

**2. The pool shall be constructed on a bed of sand and gravel or other suitable material to filter backwash as it infiltrates the ground.**

**Second by Mr. Omberg. The vote was 5-2 in favor of the motion with Ms. Monaghan and Mr. Kroner opposed.**

**2. Case #23:09 – Applicant: Colin Peddie, 111 Walnut Avenue, North Hampton, NH 03862.** The Applicant requests a Conditional Use Permit to allow construction of an accessory structure (barn) within the accessory structure setback. Property Owner: Moor Farm, LLC, 102 Wellesley Street, Weston, MA 02493. Property Location: 111 Walnut Avenue, North Hampton, NH 03862; M/L: 019-024-000; Zoning District: R-2, Medium Density District.

In attendance for this application:

Justin Pasay, attorney.

Mr. Wilson informed the Board that the applicant is requesting a continuance to the next meeting date in order to have time to provide additional application information.

**Ms. Monaghan moved that the Planning Board continue Case #23:09 to the July 18, 2023 meeting date as requested by the applicant. Second by Mr. Omberg. The vote was unanimous in favor of the motion (7-0).**

**3. Case #23:10 – Applicants: Chris Broom, Jr. and Taylor Brown, 10 Squier Drive, North Hampton, NH 03862.** The Applicants request a Conditional Use Permit to allow installation of an in-ground pool and associated improvements within the Wetlands Conservation District buffer area. Property Owners: Chris Broom, Jr. and Taylor Brown, 10 Squier Drive, North Hampton, NH 03862. Property Location: 10 Squier Drive, North Hampton, NH 03862; M/L: 012-030-005; Zoning District: R-2, Medium Density District.

In attendance for this application:

Chris Broom, property owner; Justin Pasay, attorney; Henry Boyd, engineer; and Sergio Bonilla, wetlands scientist.

Mr. Wilson recused himself. Vice Chair Omberg acting as Chair. Mr. Sillay seated for Mr. Wilson.

Mr. Pasay addressed the Board. Mr. Pasay presented the following application information to the Board:

- a. existing and proposed conditions plans,
- b. project narrative letter including justifications for satisfaction of the zoning ordinance criteria,
- c. wetlands scientist report including potential wetlands impact and mitigation design features.

Mr. Pasay stated that the applicant was requesting a Conditional Use Permit to allow installation of a 30 foot by 15 foot in-ground pool and associated improvements within 33.9 feet of the wetlands where a 50 foot wetlands setback is allowed due to the lack of buildable area created by imposition of the 100 foot wetlands buffer and the age of the property. The proposal will replace an existing impervious patio area with pervious pavers and coping around the pool immediately adjacent to the rear of the existing home. Only 165 square feet of the improvements will occur within the 50 foot wetlands buffer area. The proposal also includes creation of an 808 square foot wetlands buffer enhancement planting area between the pool and the wetlands in the back of the property.

Mr. Pasay further stated that the applicant is proposing reasonable and moderate use on a property heavily constrained by wetlands and wetlands buffers. The wetlands scientist report indicates that the proposal will better serve the wetlands area by creating improved functions and values for the wetlands than currently exist on the property. There will be no detrimental impact to the wetlands created by the proposed pool installation since a previously disturbed impervious area is being replaced with a pervious surface and a planting area is being created to enhance wildlife habitat potential and nutrient retention/removal.

Mr. Bonilla addressed the Board. Mr. Bonilla stated that the habitat and wetlands buffer mitigation features, such as fruit bearing and flower bearing shrubs in the plantings enhancement area which is now open space, will add vegetative diversity to the wetlands. A cartridge filter will be used for pool water treatment with no backwashing. The pool will use salt water and require minimal draining. The pool water will be safely disposed of, if necessary.

Ms. Rowden stated that the application is complete in her opinion.

**Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Case #23:10 Conditional Use Permit application to allow installation of an in-ground pool within the wetlands buffer at 10 Squier Drive. Second by Ms. Gamache. The vote was unanimous in favor of the motion (7-0).**

Mr. Kroner stated that the application presented a good effort to address wetlands buffer enhancements which will mitigate potential adverse impacts of the pool installation and other improvements.

Mr. Omberg opened the public comment session at 7:57pm. No comments were made. Mr. Omberg closed the public comment session at 7:58pm.

Ms. Monaghan stated that, despite the proposed mitigation features in the application, she was opposed to the application for the following reasons:

- a. She disagrees with the applicant's view that the current condition of the wetlands contributes minimal value or function with relation to groundwater, habitat, and nutrient enhancement.
- b. Man-made conditions, such as housing development in the area, which previously created adverse impacts on the wetlands should not now be used as a reason for allowing further development in a developed area.
- c. The property is not unique from other properties in the area.
- d. The use of a pool is not essential to the productive use of the land.

Ms. Monaghan suggested that, if the application is approved, a condition of approval be added which requires the recording of a deed restriction which provides for the maintenance and retention of the proposed mitigation features on the property.

Mr. Pasay stated that the evidence, based on wetlands expert testimony, supports the finding that the proposal improves the condition of the wetlands beyond what exists today. State of New Hampshire law encourages the reasonable use of land. The applicant's proposal is reasonable and satisfies the criteria for granting a Conditional Use Permit to allow improvements within the Wetlands Conservation District buffer zone.

Mr. Pasay addressed the criteria for granting a Conditional Use Permit to allow installation of the pool within the Wetlands Conservation District buffer zone.

- a. Section 501.9.A.1 – The proposed pool is essential in that the use is reasonable and the net result of the project will be a property that is in better compliance with the zoning ordinance requirements than it is today.
- b. Section 501.9.A.2 – As stated in the wetlands scientist report, no detrimental impact on the wetlands buffer area will result from the proposed pool installation project. The project will enhance the functions and values of the wetlands and the wetlands buffer.
- c. Section 501.9.A.3 – There is no alternative location which will be less detrimental to the impact on the district due to the fact that there is only a small amount of buildable area on the property which is located along the driveway and in front of the home which is not feasible for placement of a pool.
- d. Section 501.9.A.4 – The proposed pool is permitted within the underlying zoning district.
- e. Section 501.9.A.5 – The proposal will not create a diminution in surrounding property values in that the proposed pool location is behind the home and will be indiscernible from the road or surrounding properties considering the large amount of vegetative/wooded buffer between the properties.
- f. Section 501.9.A.6 – The necessary permits from state and local authorities will be obtained prior to construction.
- g. Section 501.9.B.3.a – The property has unique conditions in that the imposition of the 100 foot wetlands buffer area creates a small buildable area in the front of the property. The existing home is pushed back on the property close to the 50 foot wetlands setback boundary.
- h. Section 501.9.B.3.b – For the reason stated above, there are no feasible uplands which can accommodate the installation of the proposed pool.
- i. Section 501.9.B.3.c – The proposed use meets the requirements of the Wetlands Conservation District except for the construction for which relief is being requested.
- j. Section 501.9.B.3.d – The design and construction of the proposed use do not appreciably diminish natural resource values of the Wetlands Conservation District and are consistent with the intent and purpose of the Wetlands Conservation District Ordinance in that the extensive buffer enhancement



proposal adds significant value to the wetlands and wetlands buffer in a manner which is better-aligned with the purpose of the zoning ordinance.

Mr. Kroner stated that the proposed 0.3% increase in the amount of impervious surface on the property is minimal when compared to the significant amount of mitigation features proposed by the application.

**Mr. Maggiore moved that the Planning Board approve the Case #23:10 Conditional Use Permit application to allow installation of an in-ground pool within the Wetlands Conservation District buffer zone at 10 Squier Drive as represented in the application presented to the Board subject to the condition that an amendment to the deed shall be recorded at the County Registry which indicates that the wetlands buffer enhancement planting area adjacent to the wetlands at the rear of the property as depicted in Exhibit #3 of the application shall be maintained and not disturbed. Second by Mr. Etela. The vote was 6-1 in favor of the motion with Ms. Monaghan opposed.**

**4. Case #23:11 – Applicant: Marc Schwartz, 153 Atlantic Avenue, North Hampton, NH 03862.** The Applicant requests a Conditional Use Permit for an accessory dwelling unit. Property Owner: Marc Schwartz, 153 Atlantic Avenue, North Hampton, NH 03862. Property Location: 153 Atlantic Avenue, North Hampton, NH 03862; M/L: 006-144-000; Zoning District: R-2, Medium Density District.

In attendance for this application:  
Marc Schwartz, property owner.

Mr. Wilson returned to Board as Chair.

Mr. Schwartz addressed the Board. Mr. Schwartz presented the following application information:

- a. existing floor plans for all floors in home and attached barn at 153 Atlantic Avenue,
- b. proposed floor plans showing location of proposed 785 square foot, one bedroom accessory dwelling unit (ADU) within the home,
- c. proposed septic system plans, and
- d. letter from Building Inspector indicating suitability of the proposed septic system for the existing home and proposed ADU.

Mr. Schwartz presented statements for how the application satisfies the zoning ordinance criteria to allow an ADU. Mr. Schwartz requested approval of the application for a one bedroom ADU within the home at 153 Atlantic Avenue.

Ms. Rowden asked for confirmation that the ADU was entirely contained within the existing home. There are no proposed external additions.

Mr. Schwartz confirmed that the ADU was entirely contained within the existing home. There are no proposed external additions.

**Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Case #23:11 Conditional Use Permit application to allow an accessory dwelling unit within the home at 153 Atlantic Avenue. Second by Mr. Omberg. The vote was unanimous in favor of the motion (7-0).**

Ms. Monaghan asked for clarification of the required door between the ADU and the primary living area.

Mr. Schwartz indicated the location of the door in the hallway adjacent to the ADU kitchen on the floor plan.

Ms. Monaghan asked if there is any proposed access from the ADU to the attached barn.

Mr. Schwartz replied that there is no proposed access from the ADU to the attached barn.

Ms. Monaghan asked if the owner will be living in the home or the ADU as required by the zoning ordinance criteria.

Mr. Schwartz confirmed that the owner will be living in the home or the ADU as required by the zoning ordinance criteria.

Mr. Kroner asked if there will be an exterior door to the ADU.

Mr. Schwartz confirmed that there will be an exterior door to the ADU.

Mr. Kroner asked if there will be adequate parking for the primary dwelling unit and the ADU.

Mr. Schwartz confirmed that there will be adequate parking for the primary dwelling unit and the ADU.

Ms. Monaghan asked for clarification regarding the use of the existing barn.

Mr. Schwartz explained that the barn contains a game room and areas for personal storage.

Ms. Monaghan asked if Mr. Schwartz had any intention to use the home or the ADU for short term rentals.

Mr. Schwartz stated that he had no intention to use the home or the ADU for short term rentals.

Mr. Wilson opened the public comment session at 8:29pm. No comments were made. Mr. Wilson closed the public comment session at 8:30pm.

Mr. Wilson stated that the application seems to satisfy the provisions of the zoning ordinance which aim to preserve the character of the surrounding neighborhood.

**Ms. Monaghan moved that the Planning Board approve the Case #23:11 Conditional Use Permit application to allow an accessory dwelling unit within the home at 153 Atlantic Avenue as represented in the plan and application materials presented to the Board. Second by Ms. Gamache. The vote was unanimous in favor of the motion (7-0).**

**5. Case #23:12 – Applicant: Carolyn Heps, C'est Cheese, 61 Lafayette Road, North Hampton, NH 03862.** The Applicant requests a Minor Review for outdoor seating. Property Owners: Joseph Guilmette and Nancy Briggs, 67 Exeter Road, North Hampton, NH 03862. Property Location: 61 Lafayette Road, North Hampton, NH 03862; M/L: 007-063-000; Zoning District: I-B/R, Industrial – Business/Residential District.

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 Planning Board.

In attendance for this application:

Carolyn Heps, applicant.

Mr. Wilson recused himself. Vice Chair Omberg acting as Chair. Mr. Sillay seated for Mr. Wilson.

Ms. Heps addressed the Board. Ms. Heps stated that she was seeking approval of eight outdoor seats on the deck extending off the front of the existing retail cheese shop at 61 Lafayette Road. The intent of the outdoor seating was to provide customers with the opportunity to sit and eat cheese, gourmet food, and pre-made sandwich offerings on the site. Waitress service would not be provided. All food and beverages are purchased as retail products. Weather permitting, the outdoor deck will be used from June through September each year. In addition to the eight outdoor seats, three seats will be provided indoors.

Ms. Heps presented the following application information:

- a. existing floor plan showing interior of retail store building including display cases, floor display areas, sales counters, seating area, workspaces, cleaning areas, storage areas, bathroom, and doorways,
- b. proposed outdoor deck seating area including two round tables with four seats each,
- c. overhead satellite photo of building and parking lot area which indicated 11 parking spaces including one handicapped parking space,
- d. NHDES septic system approval allowing a maximum of 11 seats for a restaurant/snack bar use, and
- e. Building Inspector letter stating that the deck was adequate for the eight proposed seats.

**Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Case #23:12 Minor Review application to allow outdoor seating at 61 Lafayette Road. Second by Mr. Etela. The vote was unanimous in favor of the motion (7-0).**

Mr. Omberg opened the public comment session at 8:37pm. No comments were made. Mr. Omberg closed the public comment session at 8:38pm.

Ms. Monaghan asked if the outdoor seats would move inside during the winter months.

Ms. Heps stated that it was possible that the outdoor seats would be used indoors during the winter months.

**Ms. Monaghan moved that the Planning Board approve the Case #23:12 Minor Review application for outdoor seating (8 seats on outdoor deck) at 61 Lafayette Road as represented in the application presented to the Board. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (7-0).**

### **III. Other Business.**

Mr. Wilson returned to Board as Chair.

1. Minutes.

Mr. Wilson presented the minutes of the May 16, 2023 meeting.

**Ms. Monaghan moved that the Planning Board accept the minutes of the May 16, 2023 meeting as written. Second by Mr. Maggiore. The vote was 6-0-1 in favor of the motion with Ms. Gamache abstaining.**

515 The meeting was adjourned at 8:52pm without objection.

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517 Respectfully submitted,

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520 Rick Milner

521 Recording Secretary