



Meeting Minutes
North Hampton Planning Board
Tuesday, May 3, 2022 at 6:00pm
Town Hall, 231 Atlantic Avenue

5
6 These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a
7 transcription.

8
9 **In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Shep Kroner,
10 Lauri Etela, Valerie Gamache; Alternate Member Rob Omberg; Jennifer Rowden, RPC Circuit Rider; and
11 Rick Milner, Recording Secretary.

12 Chair Harned called the meeting to order at 6:03pm.

13
14
15 **I. Public Hearing**

16 **1. Town of North Hampton, NH.** Planning Board consideration of adoption of revisions to the Town of
17 North Hampton Site Plan Regulations regarding temporary outdoor dining permits.

18
19 Ms. Rowden presented proposed Site Plan Regulations language which detailed procedures regarding
20 the issuance of temporary outdoor dining permits on sites with commercial restaurants. The temporary
21 outdoor dining permits issued by the Building Inspector would be effective only from May 1, 2022 to
22 November 1, 2022. The proposed language listed parking, septic system, noise, lighting, and application
23 information requirements that must be met in order for a restaurant business to receive a temporary
24 outdoor dining permit.

25
26 Mr. Harned opened the public hearing at 6:08pm.

27
28 Resident and Hampton Area Chamber of Commerce member Kirsten Larsen Schultz addressed the
29 Board. Ms. Schultz stated that it was important to the success of restaurants to allow both inside and
30 outside dining options. Approval of the proposed temporary outdoor dining regulations would provide
31 valuable support to local community businesses.

32
33 Resident and North Hampton Business Association (NHBA) member Nancy-Jane Luff addressed the
34 Board. Ms. Luff thanked the Planning Board for creating a resolution that would accommodate outdoor
35 dining for the May to November 2022 season. The proposed regulations are critical for continued
36 success of businesses. She stated her hope that the proposed regulations would create an expedited
37 process for approving an outdoor dining permit.

38
39 Mr. Harned closed the public hearing at 6:11pm.

40
41 **Mr. Wilson moved that the Planning Board adopt the proposed language revisions to the Town of**
42 **North Hampton Site Plan Regulations regarding temporary outdoor dining permits as presented.**
43 **Second by Ms. Monaghan. The vote was unanimous in favor of the motion (6-0).**

44 The adopted language is attached as Appendix A to these minutes.
45

46 **Mr. Kroner moved to adjourn the current portion of the meeting at 6:16pm with the understanding**
47 **that the Board will begin hearing scheduled cases at 6:30pm. Second by Mr. Etela. The vote was**
48 **unanimous in favor of the motion (6-0).**
49

50 Chair Harned called the meeting to order at 6:35pm. Mr. Harned announced that the application
51 associated with Case 22:07 to allow placement of a septic system within the Wetlands Conservation
52 District buffer zone at 71 North Road had been withdrawn by the applicant.
53

54 **II. Old Business**

55 **1. Case #21:22 – Applicants: Millie Bauer, LLC and Prince Corner Garage, P.O. Box 1351, North**
56 **Hampton, NH 03862.** The Applicant requests a Site Plan Review to amend previous site plan approval
57 with a change of use and site improvements. The Applicants also request a Conditional Use Permit to
58 allow proposed uses within the Aquifer Protection District. Property Owner: Millie Bauer, LLC, 16
59 Woodknoll Drive, North Hampton, NH 03862. Property Location: 50-52 Lafayette Road, North Hampton,
60 NH 03862; M/L: 008-024-000; Zoning Districts: I-B/R, Industrial – Business/Residential District and R-1,
61 High Density District.
62

63 In attendance for this application:

64 Greg Bauer, property owner; Scott Prince, applicant; Tim Phoenix, attorney; and John Chagnon,
65 engineer.
66

67 Mr. Chagnon addressed the Board. Mr. Chagnon presented a revised site plan which indicated the
68 following:

- 69 a. A new business, Prince Corner Garage, within the existing maintenance building on the site. The new
70 business activities include snowplow installation and repair and general motor vehicle repair services.
- 71 b. Storage area for snowplow inventory on concrete slab adjacent to the rear of the maintenance
72 building.
- 73 c. Revised parking calculations for the site which account for the addition of the new business activities.
- 74 d. Proposed re-location of a fuel shed from its existing location within the R-1 High Density Zoning
75 District (R-1) to a location outside of the wetland buffer area within the Industrial-Business/Residential
76 Zoning District (I-B/R) section of the site.
- 77 e. Proposed re-location of granite block storage area from its existing location within the R-1 High
78 Density Zoning District (R-1) to a location adjacent to the parking locations within the Industrial-
79 Business/Residential Zoning District (I-B/R) section of the site.
- 80 f. Various locations for parking of trucks/trailers and storage of equipment.
- 81 g. Location of stone wall and associated landscaping features along the southerly lot line of the 50-52
82 Lafayette Road property and crossing over onto the 1 Fern Road property.
- 83 h. Expanded area around the southerly side of the existing maintenance building to allow improved
84 access on this side of the building. The expanded area lies on both the 50-52 Lafayette Road and 1 Fern
85 Road properties. An access easement has been agreed to and established by owners for both properties.
86

87 Mr. Chagnon noted the following approved and requested land use board permissions associated with
88 this site plan application:

- 89 a. A Special Exception has been granted by the Zoning Board of Adjustment (ZBA) to allow the proposed
90 motor vehicle services facility business, Prince Corner Garage, on the site.

91 b. An Equitable Waiver has been granted by the ZBA to allow the existing stone wall and associated
92 landscaping features to remain within the side yard structure setbacks on both the 50-52 Lafayette Road
93 and 1 Fern Road properties as indicated on the revised site plan.

94 c. The applicant is requesting a Conditional Use Permit to allow proposed uses associated with Prince
95 Corner Garage business within the Aquifer Protection District.

96 Mr. Chagnon also noted the following:

97 a. The Town Engineer has provided a review letter which indicates that the applicant's procedure for
98 moving the fuel shed is safe and orderly.

99 b. The applicant is seeking to have site features depicted on the current revised site plan proposal which
100 have already been constructed or placed on the site and are not in conformance with previous site
101 plans, or have not been approved on previous site plans, to be allowed on the site with the approval of
102 this amended site plan application.

103

104 Ms. Rowden suggested that proposed snow storage areas shown on the proposed site plan as being
105 within the wetlands buffer area be moved to a location outside of the wetlands buffer area.

106

107 Mr. Kroner asked if the applicant could provide a list of all of the uses approved on various site plans
108 over the past several years.

109

110 Mr. Chagnon explained the various industrial, commercial, and residential uses, structures, and
111 equipment/material storage areas approved for the Map/Lot 008-024-000 site over the past several
112 years. The various buildings on the site contained seven residential units, one retail space, one office
113 space, one industrial space, and one vehicle service bay.

114

115 Ms. Monaghan stated her opinion that the proposed Prince Corner Garage use is not an expansion of
116 the previously approved vehicle maintenance use currently allowed on the property as the applicant
117 states in the application materials. It is a new proposed use which is different from the previously
118 approved use.

119

120 Mr. Harned suggested that the Board consider taking jurisdiction of the applications.

121

122 **Mr. Kroner moved that the Planning Board find that the applications for Case #21:22 are complete**
123 **and take jurisdiction of the Site Plan Review application to amend previous site plan approvals as**
124 **represented in the amended site plan presented to the Board and the Conditional Use Permit**
125 **application to allow proposed uses associated with Prince Corner Garage business within the Aquifer**
126 **Protection District. Second by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).**

127

128 Mr. Kroner suggested that green giant type of arbor vitae be used along southeasterly landscaping
129 border of the residential duplex section of the site.

130

131 Mr. Bauer confirmed that green giant type of arbor vitae will be used along southeasterly landscaping
132 border of the residential duplex section of the site.

133

134 Mr. Wilson asked for clarification regarding the containment features and storage capacity of the fuel
135 tanks within the fuel shed on the site.

136

137 Mr. Bauer stated that the two 500 gallon fuel tanks are double-lined and insulated.

138 Ms. Monaghan asked if the proposed re-location of the fuel shed has been approved by the Building
139 Inspector.

140
141 Mr. Bauer stated that the Building Inspector approved the proposed re-location of the fuel shed as
142 shown on the revised site plan during a site visit. Mr. Milner confirmed that the Building Inspector
143 visited the site and approved of the proposed location for the fuel shed.

144
145 Mr. Harned opened the public hearing regarding the amended site plan application at 7:15pm. No public
146 comments were made.

147
148 Mr. Milner stated that the Planning and Zoning office received several letters from the public in support
149 of and opposed to the application. Mr. Milner read a letter from resident Deb Sillay opposed to the
150 application. Mr. Milner then read a letter from abutter Jarrod Patten supporting the application.

151
152 Mr. Harned closed the public hearing regarding the amended site plan application at 7:29pm.

153
154 Mr. Harned suggested that the Board consider the Conditional Use Permit application to allow proposed
155 Prince Corner Garage uses within the Aquifer Protection District.

156
157 Ms. Rowden explained that the Conditional Use Permit to allow motor vehicle maintenance within the
158 Aquifer Protection District was not required for previous Map/Lot 008-024-000 site plan approvals
159 because the Aquifer Protection District boundaries did not extend onto this property in previous years.
160 The Aquifer Protection District boundaries have been revised in the time since the previous site plan
161 approvals. The Aquifer Protection District boundary now extends to the Map/Lot 008-024-000 site. The
162 Conditional Use Permit is now required to allow the proposed Prince Corner Garage uses on the site.

163
164 Mr. Phoenix addressed the Board. Mr. Phoenix stated that the proposed Prince Corner Garage use will
165 result in a minimal adverse impact on the local aquifer, especially when compared to the numerous
166 other activities, businesses, and traffic within the adjacent Route 1 commercial corridor. Mr. Phoenix
167 addressed the criteria for granting the conditional use permit.

168 a. The proposed use will not detrimentally affect the quality of the groundwater in that the activities
169 associated with Prince Corner Garage will occur within the existing maintenance building. The
170 equipment and other material associated with the Prince Corner Garage business are already being used
171 and stored on the site by Mr. Bauer's approved business.

172 b. The proposed use does not increase impervious surface coverage to a degree which would reduce the
173 volume of water or storage capacity in the aquifer in that there will only be a marginal increase in
174 activity on the site.

175 c. The proposed activity of a single person associated with the Prince Corner garage business will not
176 meaningfully change approved wastewater discharge on the site. There will be no harm to the aquifer
177 by the proposed use due to the protections and procedures to be used to prevent groundwater
178 contamination.

179 d. The proposed use complies with applicable language within the Aquifer Protection District section of
180 the zoning ordinance.

181
182 Ms. Rowden suggested that, if the Conditional Use Permit application was approved, a condition
183 requiring the proposed business to follow New Hampshire Department of Environmental Services

184 (NHDES) best management practices for handling hazardous substances be added to the approval
185 language.

186

187 Ms. Monaghan asked for clarification regarding the number of customers per day and hours of
188 operation associated with the Prince Corner garage business.

189

190 Mr. Phoenix stated that the proposed business only has the ability to service one vehicle at a time
191 resulting in a one to three vehicle per day volume. The hours of operation for the proposed business
192 may vary due to the need to service snowplow and other maintenance vehicles during off-hour
193 emergency situations.

194

195 Mr. Harned opened the public hearing regarding the Conditional Use Permit application at 7:50pm. No
196 comments were made. Mr. Harned closed the public hearing regarding the Conditional Use Permit
197 application at 7:51pm.

198

199 The Board considered the Conditional Use Permit application.

200

201 Mr. Kroner stated that the existing approved use on the Map/Lot 008-024-000 site is not altered in any
202 significant way by the proposed new use.

203

204 Ms. Monaghan stated that she is not in favor of approving the Conditional Use Permit application due to
205 the fact that activities on the Map/Lot 008-024-000 site have not conformed to approved site plans over
206 several years. The applicant has not shown the ability to maintain compliance with approved site plans
207 in the past. This pattern of non-compliance raises doubt that required standards will be followed and
208 the aquifer will not be harmed.

209

210 Mr. Wilson stated that the site is currently very intensely used. However, in his opinion, the addition of
211 the proposed use will result in a minimal adverse impact on the aquifer or disruption to the surrounding
212 neighborhood. If best management practices and other measures to protect the aquifer are adopted as
213 conditions of approval, then he is in favor of approving the Conditional Use Permit application.

214

215 Mr. Harned stated his opinion that he agrees that the proposed use will create a minimal increase in the
216 activities occurring on the site. However, many times over several years approved site plans have not
217 been followed by the applicant. He has difficulty supporting the Conditional Use Permit application due
218 to his concerns regarding possible future non-compliance with the conditions and requirements of
219 approved site plans.

220

221 **Mr. Wilson moved that the Planning Board approve the Conditional Use Permit application for Case**
222 **#21:22 as presented to allow snow plow installation-servicing and other motor vehicle servicing uses**
223 **associated with Prince Corner Garage business within the Aquifer Protection District at 50-52**
224 **Lafayette Road subject to the following conditions:**

225 **1. Snow plows shall be stored only on the concrete slab as depicted on the site plan, if approved by**
226 **the Planning Board on May 3, 2022, or inside the maintenance building.**

227 **2. All toxic or hazardous substances and chemicals shall be handled according to best management**
228 **practices as provided by the New Hampshire Department of Environmental Services for this type of**
229 **business operation.**

230 **3. Prince Corner Garage shall consistently operate according to the procedures specified and provided**
231 **as a part of the application for this Conditional Use Permit.**

232 **Second by Mr. Etela. The vote was 4-2 in favor of the motion with Mr. Harned and Ms. Monaghan**
233 **opposed.**

234

235 Mr. Harned suggested that the Board consider the amended site plan application.

236

237 Ms. Monaghan re-stated her concern that previous site plans have not been followed by the applicant.

238 The applicant is now asking for after-the-fact approval of structures and activities that have been put
239 into place without the appropriate approvals prior to beginning the construction or activity. Approval of
240 the proposed amended site plan would set a bad precedent and may render future site plan approvals
241 meaningless.

242

243 Mr. Kroner stated that he understands concerns of Board members regarding changes being made to a
244 site without the proper approvals being granted prior to the beginning of the activities. However, he has
245 seen many instances of such changes on various properties over the years. It is not an unusual
246 occurrence and does not set a precedent.

247

248 Mr. Wilson stated that he is in favor of approving the amended site plan application as long as certain
249 conditions are added to an approval. The proposed fuel shed re-location and the emergency vehicle
250 access on the south side of the maintenance building are improvements to the site. Approval of the
251 proposed plan does not set a precedent. Each site has conditions which make it unique. However, a list
252 of the changes that have been made to the site must be created and added to the site plan, if approved.
253 The site plan approval date for each feature change should be included on the list as well. If the current
254 proposed site plan is approved, site changes/features that are on the current proposed site plan and
255 have not yet been approved on previous site plans will be noted as having been approved on the date
256 that this proposed site plan is approved.

257

258 Mr. Harned stated his concern with trying to get site features approved after they have already been
259 installed. The changes to the site over the years have not been minor in nature, especially the large
260 amount of commercial storage space that has been used within the R-1 residential zoning district
261 without obtaining approvals. Also, there have been multiple occurrences of changes to the site without
262 approvals over several years. If the site plan is approved, he is in favor of a condition requiring a
263 complete list of changes to the site being added to the approved site plan.

264

265 Ms. Rowden suggested that the snow storage areas indicated on the proposed site plan be moved to a
266 location which:

267 a. lies outside of the wetlands buffer area,

268 b. does not impede traffic flow, and

269 c. does not cover parking spaces.

270 Ms. Rowden also suggested that the Board discuss possible hours of operation for businesses on the
271 site. The various ZBA and Planning Board approvals should be listed on the site plan, if approved.

272

273 Mr. Wilson suggested that the list of site changes should be incorporated on the recorded page of the
274 site plan, if approved, as a spreadsheet listing the changes and their date of approval.

275

276 The Board discussed with the applicant several options for snow storage on the site that would be
277 outside of the wetlands buffer area and not impede traffic flow or parking. Mr. Chagnon suggested that
278 an area near the sedimentation basin/water detention pond would be a viable option. The purpose of
279 the basin is to treat stormwater prior to draining into the wetlands. The melting snow would
280 immediately be treated prior to following the natural drainage pattern to the wetlands at the rear of the
281 property.

282
283 Mr. Wilson suggested that the snow storage areas be removed from the wetlands buffer area and the
284 parking spaces. Snow could be stored near the corner of the detention pond between the two
285 equipment storage areas and in the southeast corner of the lot.

286
287 **Mr. Wilson moved that the Planning Board approve the Site Plan Review application to amend**
288 **previous site plan approvals for change of use and site improvements on property located at 50-52**
289 **Lafayette Road as represented in the amended site plan presented to the Board subject to the**
290 **following conditions:**

291 **1. A spreadsheet providing a sequential list of all modifications that have been made to this site since**
292 **the approval of the site plan recorded as Plan #D-39030 at the Rockingham County Registry of Deeds**
293 **including specific references indicating on which site plan the modifications were approved shall be**
294 **added to the recorded page of the plan.**

295 **2. The dimensions of the concrete pad shall be noted on the recorded page of the plan or added as a**
296 **note to the recorded page of the plan.**

297 **3. A note shall be added to the recorded page of the plan indicating that the proposed location of the**
298 **fuel shed was approved by the Building Inspector as affirmed by the Planning and Zoning**
299 **Administrator at the May 3, 2022 public hearing.**

300
301 Prior to adopting condition #4, the Board and the applicant discussed hours of operation in detail. Mr.
302 Bauer stated that the needs of his business and Mr. Prince's business required maintenance of vehicles
303 due to emergency situations during hours outside of the normal business day.

304
305 Ms. Monaghan stated that the Board has a duty to pay attention to the neighbors' concerns about noise
306 emanating from the business operations on the site.

307
308 Mr. Wilson stated that he was in favor of hours that were consistent with the Town of North Hampton
309 Noise Ordinance as a means to balance the rights of the business owner and the rights of the neighbors.

310
311 Ms. Gamache stated that she was in favor of adopting hours of operation that were more stringent than
312 the noise ordinance allows.

313
314 The Board came to a consensus without objection to adopt the following language in condition #4
315 regarding hours of operation created by Mr. Wilson.

316
317 **4. The normal hours of operation on the Map/Lot 008-024-000 site shall be 7:00am to 6:00pm except**
318 **in circumstances which require emergency service by any approved business on the lot.**

319 **5. The applicant shall provide an as-built plan when construction and modifications according to the**
320 **approved plan are completed.**

- 321 **6. Snow storage areas shall be located outside of the wetlands buffer area as approved during the**
322 **May 3, 2022 public hearing. The recorded page of the plan shall depict the approved snow storage**
323 **areas.**
- 324 **7. A note shall be added to the recorded page of the plan indicating all Zoning Board of Adjustment**
325 **and Planning Board approvals associated with the plan including, but not limited to, recent Equitable**
326 **Waiver, Special Exception, and Conditional Use Permit decisions.**
- 327 **8. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of**
328 **all licensed professionals whose names appear on the plan. All conditions of approval shall be listed**
329 **on the Mylar pursuant to NH RSA 676:3.III.**
- 330 **9. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed Land**
331 **Surveyor, certifying that all monuments depicted on the plan have been properly set.**
- 332 **10. Applicant shall submit evidence of receipt of all required federal, state, and local permits**
333 **including, but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note**
334 **their numbers, as appropriate, on the recorded page of the plan.**
- 335 **11. Applicant shall submit checks made payable to the Rockingham County Registry of Deeds for**
336 **required Land and Community Heritage Investment Program (LCHIP) and recording fees.**
- 337 **12. All fees incurred by the Planning Board including, but not limited to, consulting, engineering and**
338 **legal fees, have been paid by the applicant.**
- 339 **13. There shall be no changes to the approved site plan on the recordable mylar except to meet these**
340 **conditions of approval.**
- 341 **Second by Ms. Gamache. The vote was 4-2 in favor of the motion with Mr. Harned and Ms. Monaghan**
342 **opposed.**

343
344 **III. New Business**

345 **1. Case #22:05 – Applicant: Sundance Sign Company, 89 Oak Street, Dover, NH 03820.** The Applicant
346 requests a Conditional Use Permit to allow two wall signs, both approximately 70 to 71 square feet in
347 size, on the retail sales building at 35 Lafayette Road. Property Owner: W/S North Hampton Properties
348 OP, LLC, 33 Boylston Street, Suite 3000, Chestnut Hill, MA 02467; Property Location: 35 Lafayette Road,
349 North Hampton, NH 03862; M/L: 007-052-000; Zoning District: I-B/R, Industrial – Business/Residential
350 District.

351
352 In attendance for this application:
353 Chris Mulcahy, sign contractor.

354
355 Mr. Mulcahy addressed the Board. Mr. Mulcahy presented an application depicting two wall signs to be
356 placed over the front entrance and on the westerly wall facing Lafayette Road of the Mill 77 retail sales
357 building at 35 Lafayette Road. Both proposed signs would indicate the company name in a four foot high
358 by 212 inch wide display. The signs would be lit using the existing dark sky compliant light fixtures in the
359 proposed sign locations. The applicant was requesting a Conditional Use Permit to allow two wall signs
360 approximately 70-71 square feet in size where the zoning ordinance only allows one, 24 square foot
361 sign.

362
363 Mr. Mulcahy addressed the criteria for granting the Conditional Use Permit.
364 a. The size of the building and the adjacent traffic layout justifies the proposed sign size. The larger sign
365 size is actually safer in that it will be more easily and safely seen by a person travelling in a vehicle on
366 Lafayette Road as opposed to a smaller 24 square foot sign.

367 b. The sign would not be detrimental to the surrounding neighbors. Many of the neighbors are similar
368 retail businesses which have similar size signs on their buildings.

369

370 **Mr. Kroner moved that the Planning Board find that the application for Case #22:05 is complete and**
371 **take jurisdiction of the Conditional Use Permit application to allow two wall signs, both approximately**
372 **70 to 71 square feet in size, on the retail sales building at 35 Lafayette Road. Second by Mr. Wilson.**
373 **The vote was unanimous in favor of the motion (6-0).**

374

375 Mr. Kroner noted that the zoning ordinance allows for a 60 square foot monument sign and a 24 square
376 foot wall sign at the 35 Lafayette Road location. In comparison to what the zoning ordinance allows, the
377 applicant's proposal seems reasonable.

378

379 Ms. Gamache stated that, based on the building's location and orientation adjacent to Lafayette Road,
380 she understands the need for two wall signs.

381

382 Ms. Monaghan stated that the proposed signs are too large for the intended spaces. Also, international
383 sign association standards indicate that a smaller sign can be seen adequately and safely by a person
384 travelling in a vehicle on Lafayette Road. She suggested that the sign size be reduced.

385

386 Mr. Harned agreed that the proposed sign was too large. He suggested that the height of the letters be
387 reduced to three feet with a reduction in the width of the signs in the same proportion as the height.

388

389 **Ms. Monaghan moved that the Planning Board approve the Conditional Use Permit application for**
390 **signage to be installed on the Mill 77 retail sales building at 35 Lafayette Road subject to the following**
391 **conditions:**

392 **1. The height of the sign letters for the wall sign over the front entrance shall be reduced from four (4)**
393 **feet to three (3) feet and the width of the sign shall be reduced by the same proportion as the height.**

394 **2. A second wall sign with the same reduced dimensions as allowed for the front entrance sign is**
395 **allowed on the west wall of the building.**

396 **3. The two wall signs shall only be lit using the existing sign lighting as presented in the application.**

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

398

399 Mr. Harned noted that the current time is 9:38pm. Planning Board rules and procedures require that the
400 Board approve taking up any new business after 9:30pm.

401

402 **Ms. Monaghan moved that the Planning Board approve taking up new business after 9:30pm. Second**
403 **by Mr. Wilson. The vote was unanimous in favor of the motion (6-0).**

404

405 **2. Case #22:06 – Applicant: Squamscott River Academy-Mount Prospect Academy, Inc., 14 Lafayette**
406 **Road, Unit #4, North Hampton, NH 03862.** The Applicant requests a Minor Review for expansion of
407 existing education academy activities into a second building on the 14 Lafayette Road site. Property
408 Owner: 14 Lafayette Realty, LLC, P.O. Box 695, North Hampton, NH 03862; Property Location: 14
409 Lafayette Road, North Hampton, NH 03862; M/L: 003-096-000; Zoning District: I-B/R, Industrial –
410 Business/Residential District.

411

412 In attendance for this application:

413 Nash Reddy, director of academics.

414 Ms. Reddy addressed the Board. Ms. Reddy explained that the Squamscott River Academy is a State of
415 NH certified, non-profit, private school which provides educational needs for up to 24 at-risk students.
416 The academy currently operates within the Unit 4 building on the 14 Lafayette Road site. The academy
417 has received a grant which will allow it to provide more space for students and staff within the Unit 1B
418 building on the site. The space within the Unit 4 building will be converted to office space and multi-
419 function spaces. The space with the Unit 1B building will provide larger size classrooms. Crosswalks will
420 be painted on site for safe passage between the buildings. Students will always be accompanied by staff
421 members. No additional parking will be required as no additional staff will be required for the expanded
422 spaces. Ms. Reddy provided overhead pictures of the site, inside space floor plans, and State of NH
423 certification documents for the Board's consideration.

424
425 Ms. Rowen asked for clarification regarding the use of any outdoor spaces for student activities.

426
427 Ms. Reddy stated that a fenced-in grass area currently exists on the site and is used as a lounging area
428 for students. Outdoor student athletic activities occur at an off-site location.

429
430 **Ms. Monaghan moved that the Planning Board find that the application for Case #22:06 is complete**
431 **and take jurisdiction of the Minor Review application for a change of use by expanding existing**
432 **education academy activities into a second building on the 14 Lafayette Road site. Second by Mr.**
433 **Wilson. The vote was unanimous in favor of the motion (6-0).**

434
435 Mr. Etela stated his concern that the application seems to indicate that a lot of people may be using the
436 proposed spaces at the same time.

437
438 Mr. Milner stated that Fire and Building Department review and approval of the applicant's planned use
439 for the spaces be added as a condition of approval in order to address Mr. Etela's concern.

440
441 Mr. Harned opened the public hearing at 9:48pm. No comments were made. Mr. Harned closed the
442 public hearing at 9:49pm.

443
444 **Mr. Wilson moved that the Planning Board approve the Minor Review application for a change of use**
445 **by expanding existing education activities into a second building on the 14 Lafayette Road site as**
446 **represented in the application presented to the Board subject to the following condition:**

447 **1. The Planning and Zoning Administrator receives a letter from relevant Town of North Hampton**
448 **officials which states that the proposed use for Unit #1B complies with applicable fire, safety, and**
449 **septic system requirements.**

450 **Second by Ms. Monaghan. The vote was unanimous in favor of the motion (6-0).**

451
452 **IV. Other Business**

453 1. Minutes.

454 Ms. Monaghan presented the minutes of the April 19, 2022 meeting.

455 **Mr. Wilson moved that the Planning Board accept the minutes of the April 19, 2022 meeting as**
456 **written. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (6-0).**

457

458 The meeting was adjourned at 9:52pm without objection.

459 Respectfully submitted,

460 Rick Milner, Recording Secretary

APPENDIX A

Outdoor Dining Temporary Regulations DRAFT 5/3/2022

Existing Text ~~Text to Be Removed~~ **Text to Be Added** *Optional Text*

Section V – Site Plan Requirements (Amended 4/16/19)

A. Applicability

The following criteria specify the level of review for a proposal to develop or expand a non-residential or multi-family dwelling site. When Planning Board review is required, the Planning Board shall have the final decision whether a proposal qualifies for Minor Review or Major Review.

B. No Planning Board Review Required

Proposed activities or uses are exempt from Minor and Major Review by the Planning Board provided that the proposed activities or uses comply with all other applicable federal, state, and Town regulations. Proposed activities or uses that appear to qualify for no review by the Planning Board shall require consultation with the Building Inspector to ensure the proposed activities or uses qualify for no review by the Planning Board. Any proposed temporary outdoor activities or uses which, in the opinion of the Building Inspector, require Planning Board approval in order to safeguard the health, welfare, morals, convenience and safety of North Hampton's citizens shall require Planning Board approval.

1. Temporary outdoor activities or uses that require no permanent alterations to the site. Criteria for temporary outdoor activities or uses shall include:

- a. The proposed activities or uses can function safely within the approved configuration of the site as determined by the Building Inspector.
- b. The temporary outdoor activity or use is an approved permitted use on the site.
- c. A Large Gathering Permit is obtained as required by North Hampton Large Gathering Ordinance. **This criterion does not apply to temporary outdoor dining as described in Section V.B.2.**
- d. Any temporary structures erected in association with proposed outdoor activities or uses comply with Zoning Ordinance 302 – Temporary Structures.
- e. Temporary outdoor activities or uses are limited on non-residential sites to a total of no more than 45 days per calendar year and no more than five (5) events on non-consecutive days per calendar year. **This time limitation does not apply to temporary outdoor dining as described in Section V.B.2.**

2. Temporary outdoor dining between May 1, 2022 to November 1, 2022, provided that the *North Hampton Outdoor Seating Authorization* form is approved by the Building Inspector, or the Select Board's designated agent. Criteria for temporary outdoor dining shall include all requirements listed in Section V.B.1 above except V.B.1.c & e and include:

- a. **The addition of temporary outdoor dining may increase the seating capacity of the eating and drinking establishment if and only if the increased capacity meets all site plan regulations.**
- b. **The temporary outdoor dining location configuration on the site shall allow for adequate on-site parking that complies with the number of parking spaces required by Section XII.**
- c. **Amplified music or speaker systems for outside dining areas are prohibited.**

- d. Proposed lighting shall not trespass onto adjacent properties and comply with Zoning Ordinance 305 – Outdoor Lighting**
 - e. Existing hours of operation shall not be exceeded.**
 - f. Existing septic facilities must comply with applicable NH Department of Environmental Services requirements for an eating and drinking establishment with the proposed increase in capacity.**
 - g. Information included with any North Hampton Outdoor Seating Authorization form shall include:
 - 1. Name and contact information of the property owner and business operator (if different than owner).**
 - 2. An approximately-to-scale sketch of the property showing street frontage, building location, parking, proposed outdoor dining area, driveways, traffic flow, loading spaces and walkways.**
 - 3. Number of existing seats and proposed number of seats.**
 - 4. Hours of operation.**
 - 5. A description of proposed lighting change, if applicable.**
 - 6. Proposed use of a tent or other temporary structure. All temporary structures are required to follow requirements of Zoning Ordinance 302-Temporary Structures. A temporary structure to be used for more than two weeks requires a Conditional Use Permit approved by the Planning Board.****
 - h. As of November 2, 2022, this Section V.B.2 shall no longer be in effect. All language associated with Section V.B.2 requirements shall be removed from the Site Plan Review Regulations on this date.**
-
- 3. Home Occupations. Home Occupations must receive a Special Exemption from the Zoning Board of Appeals under the North Hampton Zoning Ordinance.
 - 4. Changes in landscaping that do not decrease the amount, area or height of approved plantings for sites with approved site plans and are in compliance with Section X.B and C - Parking Lot Design and Landscaping and Screening.
 - 5. Changes to architectural appearances that do not result in increased building height, building footprint, decreased building setbacks, and are in compliance with Section X.E - Architecture/ Appearance Standards.
 - 6. Conversion of up to 500 square feet from one non-residential use to another legal use and of a non-residential nature in a legally existing buildings that does not change the number of parking spaces required by Section XII – Parking Requirements.
 - 7. Temporary structures placed on a property in compliance with Zoning Ordinance 302 – Temporary Structures.