



Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, December 28, 2021 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862

These Minutes were prepared as a reasonable summary of the essential content of the Meeting, not as a transcription. All exhibits mentioned, or incorporated by reference, in these Minutes are a part of the official Case Record and available for inspection at the Town Offices.

In attendance: Robin Reid, Vice Chair; Members Rick Stanton, Audrey Prior, and Bill Clifford; Alternate Member Mark Janos; and Recording Secretary Rick Milner.

I. Preliminary Matters.

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

Mr. Janos seated for Mr. Pinette.

Ms. Reid presented the minutes of the November 23, 2021 meeting.

Mr. Janos moved that the ZBA accept the minutes of the November 23, 2021 meeting as written.

Second by Mr. Stanton. The vote was unanimous in favor of the motion (5-0).

Ms. Reid informed the Board that John Chagnon, engineer associated with Case 21:10, has requested to participate in the meeting by electronic connection. Ms. Reid asked if anyone objected to Mr. Chagnon participating in the meeting by electronic connection. No objections were raised.

Potential witnesses for all cases were sworn in.

II. New Business.

1. Case #21:09 – Applicant: Gregory Middlemiss, 438 State Street, Portsmouth, NH 03801. The Applicant requests a special exception as required by Section 202.4 of the Town of North Hampton Zoning Ordinance to allow a light manufacturing use (bicycle fabrication) on the property. Property Owner: Norse Properties, LLC, 331 Exeter Road, Hampton Falls, NH 03844; Property Location: 58 Lafayette Road; M/L: 007-118-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Gregory Middlemiss, applicant.

Mr. Middlemiss addressed the Board. Mr. Middlemiss stated that he is requesting that the Board grant a special exception to allow his bicycle fabrication business to occupy Unit #3 within the new building recently constructed at 58 Lafayette Road. Bicycles will be hand-built individually. The fabrication process will involve cutting, metering, filing, sanding, and brazing thin wall steel tubing. The brazing will be done with an oxy/acetylene torch at low temperatures. Cylinders of gas will last an extended period of time. There is no need to store extra cylinders on the site. The chemicals used in the process include lubricating oil and grease, household cleaner, and diluted alcohol rubbing fluid. All painting and chrome work activities will occur off-site.

Disclaimer – these minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91A:2,II. They will not be finalized until approved by majority vote of the Zoning Board of Adjustment.

Mr. Middlemiss further explained that the business would not include a retail outlet component. There will be no walk-in customer traffic. There will be occasional material deliveries and finished product pickups. Mr. Middlemiss will be the only employee.

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

1. The proposed business will not diminish the value of the surrounding properties in that the business activities will not produce any chemical wastes. There will be a very low volume of traffic and no outside business activities.

2. The proposed business will not adversely affect the public interest, safety, health, or welfare in that minimal machinery work will be performed. Even if the unit doors were open, the business activities will not produce any noises or fumes that would adversely impact abutting properties.

Ms. Reid asked for public comments. No comments were made. Ms. Reid closed the public hearing at 6:46pm.

Mr. Janos stated that the proposed business appears to be a very benign activity. There appears to be no noise, fume, or chemical issues associated with the proposed business.

Ms. Reid stated that she supports this type of business within the I-B/R District.

Mr. Stanton moved that the Zoning Board of Adjustment grant a special exception to allow a light manufacturing use (bicycle fabrication) on the property located at 58 Lafayette Road as represented in the application presented to the Board. Second by Mr. Janos. The vote was unanimous in favor of the motion (5-0).

2. Case #21:10 - Applicant: Joseph Surianello, Sabbia, LLC, 2 Walnut Hill Park, Suite 4, Woburn, MA 01801. The Applicant requests a variance from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow a structure (electrical transformer and concrete pad) within the side yard structural setback. Property Owner: Sabbia, LLC, 2 Walnut Hill Park, Suite 4, Woburn, MA 01801; Property Location: 198 Lafayette Road, North Hampton, NH 03862; M/L: 021-026-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Joe and Jay Surianello, property owners; and John Chagnon, engineer (by electronic connection).

Mr. Chagnon addressed the Board. Mr. Chagnon presented a site plan for the 198 Lafayette Road property which detailed proposed uses and electrical service upgrades for the site. Mr. Chagnon stated that, in the course of construction associated with the site plan conditionally approved by the Planning Board, the applicant consulted with the local electric utility company regarding the safest way to upgrade the existing electrical service on the site. The utility company suggested that a new utility pole, underground conduit line, and a new transformer mounted on a concrete slab would be the most efficient and safest way to upgrade the electrical service for the proposed uses on the site. The existing overhead electrical lines will be removed. The applicant is requesting that the transformer concrete slab be allowed to be located at a distance of five feet from the southerly side yard lot line where a distance of 35 feet is required.

Mr. Chagnon addressed the five criteria for granting a variance identified in the State of NH RSA's.

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1. and 2. Granting the proposed variance would not be contrary to the public interest and would observe the spirit of the ordinance in that the proposed transformer location is the safest location to allow access to the utility equipment, satisfy utility code requirements, and not interfere with the operation of other uses on the site. There is no added benefit for a location which complies with the zoning ordinance requirement. The safe operation of the proposed utility features preserves the spirit of the ordinance as it relates to public safety.

3. The proposed variance relief will have no adverse impact on the value of the surrounding properties in that existing fencing will obscure the view of the transformer from the southerly abutting property. The proposed site improvements will enhance property values in the area.

4. There is a special condition of the property that distinguishes it from other properties in the area. There is only a small area on the developed lot that meets safety criteria for placing the transformer which is not currently used by existing development. Compliance with the required setbacks is not feasible due to the fact that the existing building location will restrict safe access to the proposed utility upgrades and proposed parking spaces may be obstructed. No fair and substantial relationship exists between the zoning ordinance setback requirement for the transformer pad location and the zoning ordinance objective to protect adequate light and air space. The proposed electric utility equipment is necessary for the safe functioning of the proposed site activities. Utilities are essential components of uses within a building.

5. Substantial justice will be done by granting the variance in that the proposed development will be allowed access to safe and efficient electrical service. The modern upgrades will make the site more aesthetically pleasing and thereby increase the property value. Denial of the variance would result in a less safe option for electrical service being installed on the property.

Mr. Janos asked for the measurements associated with the transformer and concrete pad.

Jay Surianello responded that the four foot high transformer would be placed on a six inch high concrete pad. The concrete pad will have a six foot by four foot footprint on the ground. A six foot high fence on the neighbor's property will block the view of the transformer.

Mr. Janos asked if there were any other options for placement of the transformer that would comply with the zoning ordinance.

Joe Surianello responded that the proposed location for the transformer on the site plan provided the best option due to the proposed location of the new utility pole and replacement of old, hanging overhead electrical wires with underground conduit. The proposed location along the southerly property line will provide the most efficient and safest point to make connection between new utility conduit locations and existing buildings.

Mr. Stanton asked how close the proposed transformer will be to the nearest abutting home.

Jay Surianello responded that the proposed transformer location will be approximately 30 feet away from the nearest abutting home.

Ms. Reid asked for public comments.

David Choate, the real estate leasing agent for the property, addressed the Board. Mr. Choate stated that the proposed utility and other site improvements were intended to attract high quality, low impact tenants to the site.

Mr. Clifford asked for clarification regarding the noise that the transformer will produce.

Mr. Chagnon responded that the transformer will emit a slight humming noise. The adjacent existing fence should dampen the volume of the noise.

Ms. Reid closed the public hearing at 7:06pm.

Ms. Reid stated that she agrees that the proposed transformer location is the safest and least obtrusive placement option. Granting the variance will be in the best interest of all parties.

Mr. Janos stated that the proposed utility upgrades make sense for the efficient and safe use of the site.

Mr. Janos moved that the Zoning Board of Adjustment grant a variance from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow a structure (electrical transformer and concrete pad) within the side yard structural setback on 198 Lafayette Road property as represented in the application and site plan presented to the Board. Second by Mr. Clifford. The vote was unanimous in favor of the motion (5-0).

3. Case #21:11 – Applicant: Richard Nault, Naults Seacoast, LLC, 420 Second Street, Manchester, NH 03102. The Applicant requests a special exception as required by Section 202.4 of the Town of North Hampton Zoning Ordinance to allow a motorcycle service facility on the property. Property Owner: Naults Seacoast, LLC, 420 Second Street, Manchester, NH 03102; Property Location: 32 Lafayette Road, North Hampton, NH 03862; M/L: 007-112-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Curt Grenier, general manager; and Daniel Muller, attorney.

Mr. Muller addressed the Board. Mr. Muller stated that the applicant proposes to demolish the existing building formerly used as a restaurant and construct a new, two-story 14,400 square foot building to be used for a motorcycle sales, service, and repair business at the 32 Lafayette Road property. The proposed retail sales use for the site is a permitted use within the I-B/R Zoning District. Section 202.4 of the Town of North Hampton Zoning Ordinance requires that a special exception be granted by the ZBA to allow the proposed motorcycle service and repair use on the site.

Mr. Muller explained that the proposed construction and site uses are currently being reviewed by the Planning Board. The sales and servicing activities associated with the proposed business will be at a much smaller volume than other larger vehicle sales and service businesses. The proposed business intends to direct test drives onto Route 1/Lafayette Road, not toward the residential neighborhood behind the property accessed by South Road.

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

1. Service facility operations will not diminish the value of surrounding properties in that other properties in the area are currently being used for motor vehicle and motorcycle service activities and have been used for similar activities in the past. A variety of other commercial business uses are also located in the immediate surrounding area. Service and repair activities will be limited to the interior of the building. Therefore, noise and visibility concerns associated with the service activities will be mitigated. The proposed development will also reduce the impact to the abutting, residential-commercial mixed use property along the westerly side of the 32 Lafayette Road site. The proposed development reduces the number of parking spaces, reduces the customer volume, and creates a more cohesive, orderly traffic pattern on the site as compared to the previous restaurant use on the site. The applicant intends to comply with zoning ordinance lighting and signage regulations.

2. The proposed service facility use will not adversely affect the public interest, safety, health, or welfare in that the service and repair activities will occur inside the building; thereby mitigating noise issues. The applicant operates similar service facilities at other locations within New Hampshire and is aware of the best management practices for storing and disposing of oil, other fluids, and waste products. The proposed service department hours of operation will be Monday through Friday, 9:00am to 6:00pm and Saturdays, 9:00am to 5:00pm. There will be no service department hours of operation on Sundays. The proposed use of the property is a less intense use than the previous restaurant business use on the property. The applicant has begun discussions with the westerly abutting property owners to make improvements to the screening between the two properties.

Ms. Reid asked if the applicant intended to expand the service facility area in the future.

Mr. Greiner responded that there is not enough room on the site to expand service activities. Also, other spaces within the building are fully dedicated to storage, office, and retail space uses.

Ms. Reid asked for clarification regarding noise levels associated with the proposed motorcycle sales and service activities.

Mr. Grenier stated that the type of motorcycles that create louder noise volumes will not frequent this location. The types of motorcycles and parts that the proposed business will sell and service are all compliant with State of New Hampshire law and do not create the louder noise levels that other types of motorcycles create. The applicant has not received any noise complaints at its other business locations.

Ms. Reid asked for clarification regarding spill containment and fluid storage methods.

Mr. Grenier responded that oils and fluids are generally handled in small amounts. Motorcycles require much less oil or fluid than larger motor vehicles. Waste is stored within a 55 gallon metal drum which is located within a safety code compliant containment area.

Mr. Janos stated that the proposed use is consistent with other current uses along Lafayette Road. However, potential adverse impacts to the residential neighborhood in close proximity to the rear of the 32 Lafayette Road site, such as increased noise and traffic, need to be mitigated.

Mr. Clifford asked for clarification regarding the nature and volume of the proposed service activities.

Mr. Grenier responded that he estimates that the proposed business will sell approximately 300 motorcycles in one year. The service volume is estimated to be 25 percent of the sales volume. There

will be no body work or painting done at the site. Service activities will include swapping out pre-made parts, general repairs, general oil-tire maintenance, and upgrading accessories to customize a motorcycle.

Mr. Stanton asked for clarification regarding any noise barrier on the site.

Mr. Grenier stated that there is an old fence currently located along the westerly rear lot line. The applicant intends to install a new panel fence along the westerly rear lot line.

Mr. Stanton suggested that the applicant install a fence that has good sound-proofing qualities.

Ms. Reid asked for public comments.

Abutter John Woodworth addressed the Board. Mr. Woodworth stated that the proposed plan seems like a good plan. He has spoken with the applicant regarding replacing the fence that exists between his property and the westerly section of the 32 Lafayette Road property.

Ms. Reid closed the public hearing at 7:43pm.

Mr. Janos stated that the proposed use is reasonable and would be a substantial improvement to the current conditions on the site. The applicant appears to understand the need to be a good neighbor.

Ms. Prior stated that the service facility use proposed in the application appears to be less obtrusive than other types of service facilities currently existing along the Route 1 corridor.

Mr. Stanton, Mr. Clifford, and Ms. Reid stated their support for the application.

Mr. Janos moved that the Zoning Board of Adjustment grant a special exception to allow a motorcycle service facility use on the property located at 32 Lafayette Road as represented in the application presented to the Board subject to the following conditions:

a. The service facility activities shall be limited to motorcycle parts, sales, and service.

b. The site shall be limited to the four service area bays as indicated in the application presented to the Board and on the proposed site plan.

c. The service department hours of operation shall be Monday through Friday, 9:00am to 6:00pm and Saturday, 9:00am to 5:00pm. There will be no service department hours of operation on Sundays.

Second by Mr. Clifford. The vote was unanimous in favor of the motion (5-0).

Mr. Janos moved to adjourn the meeting at 7:49pm. Second by Mr. Clifford. The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,

Rick Milner
Recording Secretary