



Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, October 25, 2022 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862

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

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

I. Preliminary Matters.

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

Mr. Janos seated for Mr. Clifford.

Ms. Reid presented the minutes of the June 28, 2022 meeting.

Mr. Janos moved that the ZBA accept the minutes of the June 28, 2022 meeting as written. Second by Ms. Prior. The vote was 3-0-1 in favor of the motion with Mr. Stanton abstaining.

Ms. Reid presented the proposed 2023 ZBA meeting schedule.

Mr. Janos moved that the ZBA accept the proposed 2023 ZBA meeting schedule as presented. Second by Mr. Stanton. The vote was unanimous in favor of the motion (4-0).

II. New Business.

1. Case #22:06 – Applicant: Route One Convenience Store, LLC, 39 Freetown Road, Unit 1, Raymond, NH 03077. The Applicant requests a special exception as required by Section 202.4 and Section 409 of the Town of North Hampton Zoning Ordinance to allow a motor vehicle refueling facility on the property. The Applicant also requests a variance to allow a motor vehicle refueling facility on a site with frontage only along Lafayette Road and not one other town road as required by Section 409.8.

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.

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.

Ms. Reid swore in Mr. Neufeld. Mr. Neufeld addressed the Board. Mr. Neufeld presented a site plan and associated information for the large, multi-use commercial property at 180 Lafayette Road which included the following:

- a. demolition of an existing gas station/convenience store building, existing gas pumps, and existing restaurant/thrift shop building,
- b. construction of a new 4,350 square foot gas station/convenience store/food service building, new gas pumps, and 38 parking spots on 62,200 square foot area at front of property along Route 1/Lafayette Road,
- c. expanded motor vehicle fuel storage capacity,
- d. new septic system, signage, and updated site lighting,
- e. new stormwater management system which will infiltrate and treat stormwater on the site,
- f. improved green space landscaping, outdoor seating areas, and traffic flow patterns, and
- g. New England style architectural building design features.

Mr. Neufeld 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 project entails redevelopment of an existing store and motor vehicle refueling facility. Modern architecture and landscaping associated with the new development would improve the value of surrounding properties.

2. The proposed business will not adversely affect the public interest, safety, health, or welfare in that the upgrades to fuel storage tanks, dispensers, vapor capture devices, and fire suppression systems will minimize any possible contamination or adverse impacts. A new stormwater management system will collect and treat stormwater run-off on-site. This will be an improvement of the current site conditions. New lighting fixtures will be dark sky compliant and eliminate light spillage off of the property. The site layout and traffic flow patterns will provide more space and better sightlines between pedestrians and vehicles on the site.

Mr. Neufeld addressed the criteria identified in the State of NH RSA's for granting a variance to allow a motor vehicle refueling facility on a site with frontage only along Lafayette Road and not one other town road as required by Section 409.8.

1. The variances will not be contrary to the public interest.

2. The spirit of the ordinance is observed.

Renovating and upgrading an existing gas station to current technological and environmental standards will provide greater public safety and improve the appearance of the site.

3. Substantial justice is done by granting the variance request in that the property owners will be allowed to make improvements to the existing business and better serve the public. There is no gain to the public by not granting the variance request.

4. The values of the surrounding properties will not be diminished in that improvements to the existing business will at least maintain, and most likely increase, property values in the surrounding commercial district.

5. Literal enforcement of the provisions would result in an unnecessary hardship in that a use which has existed on the site for many years would not be allowed to make improvements that are beneficial to both the property owner and the public. The current gas station use has existed in the same location within the 180 Lafayette Road site with frontage on only one road for many years. The proposed gas

station/convenience store use is a reasonable expansion to the current gas station/convenience store use.

Mr. Stanton asked for clarification regarding the process to remove and replace the current fuel tanks.

Mr. Neufeld explained how the State of New Hampshire Department of Environmental Services (NHDES) performs soil analysis and supervises removal, clean-up, and replacement operations. Also, state and local permitting regulations will be followed and overseen by other various state and local departments.

Mr. Stanton asked for clarification regarding plans to improve the existing slope on the site and traffic flow patterns.

Mr. Neufeld explained how the slope will be re-graded for proper stormwater management to the rear of the proposed construction site and matched to the proposed green space area to the left side of the site. Existing curb cuts will most likely be maintained. Mr. Neufeld also identified the improved traffic flow patterns on the plan.

Mr. Stanton stated that he was in favor of the proposed upgrades to the site.

Mr. Janos stated that he was in favor of the proposed upgrades to the site.

Ms. Prior stated that she was in favor of the proposed technological and environmental upgrades to the facility and its equipment and improved traffic patterns on the site which will be beneficial to the public's health and safety.

Ms. Reid asked for clarification regarding the capacity of the proposed fuel storage tanks compared to the current fuel storage tanks.

Mr. Neufeld stated that the proposed plan indicates that two tanks totaling 40,000 gallons of fuel will be installed underground in the same location as the two current tanks which hold 24,000 gallons of fuel.

Ms. Reid stated that she believes a site walk would be helpful in understanding all of the many details associated with the proposed plan. Also, it appears that the proposed location for the new fuel storage tanks will not comply with the required side yard lot line structural setbacks.

Mr. Stanton stated that he does not believe that a site walk is necessary. Mr. Neufeld and Mr. Milner stated that they would be willing to visit the site with Ms. Reid in order to address any of her concerns.

Mr. Janos stated that, even though he does not believe a site walk is necessary, he is willing to defer making any decision regarding this application until Board members have had a chance to view the site.

Mr. Stanton moved that the Zoning Board of Adjustment continue Case #22:06 to the November 22, 2022 meeting date. Second by Mr. Janos. The vote was unanimous in favor of the motion (4-0).

Mr. Janos moved to adjourn the meeting at 7:33pm. Second by Ms. Prior. The vote was unanimous in favor of the motion (4-0).

Respectfully submitted, Rick Milner, Recording Secretary