



**Meeting Minutes  
Town of North Hampton  
Zoning Board of Adjustment  
Tuesday, April 28, 2015 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.

**Attendance:**

**Members present:** David Buber, Chair; Phelps Fullerton, Vice Chair, George Lagassa, Charles Gordon and Mark Janos. (5)

**Members absent:** None.

**Alternates present:** Dennis Williams, Jonathan Pinette and Robin Reid. (3)

**Administrative Staff present:** Wendy Chase, Recording Secretary.

**I. Preliminary Matters; Procedure; Swearing in of Witnesses (RSA 673:14 and 15);  
Recording Secretary Report**

Chair Buber Called the Meeting to Order at 6:37 p.m.

Pledge of Allegiance -Chair Buber invited the Board Members and those in attendance to rise for a Pledge of Allegiance and noted that reciting the Pledge of Allegiance is solely for those who choose to do so and failure, neglect or inability to do so will have no bearing on the decision making of the Board or the rights of an individual to appear before, and request relief from, the Board.

Chair Buber then briefly explained the Board's operating Rules and Procedures to those present.

Introduction of Members and Alternates - Chair Buber introduced Members of the Board and the Alternates who were present (as identified above).

Recording Secretary Report - Ms. Chase reported that the April 28, 2015 Meeting Agenda was properly published in the April 15, 2015 edition of the Portsmouth Herald, and, posted at the Library, Town Clerk's Office, Town Office and on the Town's website.

Swearing In Of Witnesses – Pursuant to RSA 673: 14 and 15, Chair Buber swore in all those who were present and who intended to act as witnesses and/or offer evidence to the Board in connection with any Case or matter to be heard at the Meeting.

## II. Minutes

Due to the assignments of Alternate Members presiding over different cases because of absence and recusal, the March 24, 2015 meeting minutes were approved accordingly:

**March 24, 2015 Case 2015:03 – Russell and Susan MacDonald – Mr. Lagassa moved and Mr. Gordon seconded the motion to approve the Section regarding Case #2015:03 – Russell and Susan MacDonald. The vote was unanimous in favor of the motion (Lagassa, Williams, Gordon, Fullerton and Buber (5) in favor, 0 opposed and 0 abstentions).**

**March 24, 2015 Cases #2015:01 and #2015:02 – 14 Maple Road, LLC – Paul and Luke Powell - Motions for Rehearing – Mr. Pinette moved and Mr. Gordon seconded the motion to approve the Section regarding Cases #2015:01 and #2015:02.**

**The vote was unanimous in favor of the motion (Pinette, Gordon, Reid, Fullerton and Buber (5) in favor, 0 opposed and 0 abstentions).**

Mr. Fullerton asked to have the following language inserted at line 322 “It states that the intent of the plat is to subdivide the parcel into 3 building lots, each capable of supporting a duplex. He concluded that the “Notes” appear to identify conditions specific to each individual plat.”

**March 24, 2015 Balance of the meeting minutes – Mr. Lagassa moved and Mr. Gordon seconded the motion to approve the balance of the March 24, 2015 meeting minutes as amended and including the language submitted by Mr. Fullerton.**

**The vote passed in favor of the motion (4 in favor, 0 opposed and 1 abstention). Mr. Janos abstained because he was not present.**

## III. Unfinished Business

There is no Unfinished Business.

## IV. New Business

**1. Case #2015:04 Applicant/Owner: Robert R. MacDonald, 90 Lovering Road, North Hampton, NH 03862. Owner and Property location: 227 Lafayette Road, North Hampton, NH; Map/Lot 020-012-000; Zoning District: I-B/R – Industrial-Business/Residential.** The Applicant is petitioning for a Special Exception, Article IV, Section 405.2 - I-B/R Special Exception Table #4, to allow the light manufacturing use – “Wood Shop”, to occupy 200 square-feet of the proposed mixed use building in the I-B/R Zoning District. The proposed building will consist of 3,800 sq. ft. Retail; 4,000 sq. ft. Accessory Warehouse; 3,000 sq. ft. Office and 200 sq. ft. Light Manufacturing/Wood Shop.

In attendance for this application:

Robert MacDonald, Owner/Applicant

Rick Friberg, PE, TEC, Inc., Representative to the Applicant

Chair Buber explained that at last month's ZBA meeting there was no one from the public to comment on the case before them (2015:05) so he did not formally open a public hearing, and since there is no one from the public present for this case (2015:06) he will waive the public hearing proceedings.

Mr. Friberg explained that the subject lot is the last lot in North Hampton at the Rye Town line. It is located in the I-B/R district and is a vacant lot. The septic system they designed has been reviewed and approved by NH DES.

The Applicant is proposing to construct an 11,000 square-foot mixed use building and has applied to the Planning Board for Site Plan Review. The Applicant is requesting from the ZBA a Special Exception for Light Manufacturing – proposed use "Wood Shop".

Mr. Friberg explained that the proposed wood shop will contain woodworking equipment to create "forms" or cut lumber as need for Mr. MacDonald's construction business.

Mr. MacDonald said it will be used mostly for his personal use. The filtration system is similar to a residential central vacuum system with no outdoor venting and there will no stains or paints used, only raw wood.

Mr. Friberg explained that the retail tenants have not been identified yet and they plan to build the retail space and the office space to "spec". He said that a couple of abutters have complained about idling trucks on the property. He plans to house his vehicles in the proposed warehouse.

Mr. Gordon voiced concerns over the warehouse being used as a garage, specifically to the possibility of oils and fuels leaking on the floor and wondered if there needed to be special drainage put in to mitigate such an occurrence, or whether the Fire Department should review it because *they* may have specific requirements.

Mr. MacDonald said that he has two pickup trucks and a dump truck and will not be servicing or fueling vehicles there.

It came to the Chair's attention that Mr. MacDonald was not officially "sworn in" to give testimony. Chair Buber swore in Mr. MacDonald.

Mr. MacDonald explained that he would use the wood working shop to build specialty forms or built-ins for his residential and commercial construction projects. He is designing the small back portion of the building for his use to clean up the site that currently stores pipe and insulation blankets. The majority of this is a "spec" operation to generate income and provide space for him at the same time, but if a tenant is interested in using the entire site he will not be there.

Chair Buber requested Board input.

Mr. Gordon asked if there would be any hazardous material stored at the site.

Mr. MacDonald said that nothing will be stored at the site.

Mr. Fullerton said that they are aware that there is a residential development immediately next door to the subject lot and he has no problem with the proposed Special Exception for Light Industrial, provided that it adheres to what the Applicant has stated in the application before the Board: "The light manufacturing will be conducted in such a manner that will prevent spillage of any substance, odor light, pollutant, noise, vibration, or other unpleasant byproduct onto neighboring lots."

Mr. Lagassa said that as long as the conditions are met, that there is no additional impact from this one particular use, he has no objection to that one particular use (Wood Working Shop). To the extent that other things are going to go on at the site, they will be required to go before the Planning Board for review and approval.

Mr. Janos agreed with comments made by the Board and said that there will be a Site Plan Review process that will more fully investigate the proposed uses on the property. He suggested that when crafting the final decision that the Board condition any approval on this particular use, Wood Working Use that is being applied for, and any other use, or expansion of this use, they will have to come back before the Zoning Board.

Chair Buber closed the Public Hearing and called for Board deliberations.

Mr. Gordon said he would like the final decision to be specific and approve the Wood Working Shop that will not involve paints and solvents and add the comments Mr. Fullerton expressed earlier.

Mr. Fullerton agreed with Mr. Gordon's comments.

Mr. Janos and Mr. Lagassa also agreed with Mr. Gordon's comments.

Chair Buber said that he will craft the decision letter to include the suggestions made by the Board.

**Mr. Gordon moved and Mr. Janos seconded the motion to grant the Special Exception as requested. The vote was unanimous in favor of the motion (5-0-0).**

Chair Buber reminded the Applicant of the 30-day appeal period.

## **V. Other Business**

Chair Buber informed the Board that he received a communication from Town Administrator Paul Apple this afternoon that 14 Maple Road, LLC has filed for a Merit Hearing with the Superior Court in Rockingham County contesting the ZBA's decisions for Cases #2015:01 and #2015:02. They filed on April 15, 2015, within the 30-day appeal period. The Hearing will be scheduled for early August.

Mr. Williams asked the status of the Historic Runnymede Farm case.

Chair Buber said that the Case is still being adjudicated.

Mr. Gordon moved and Mr. Fullerton seconded the motion to adjourn at 7:20pm.

ZBA Meeting Minutes

188 The vote was unanimous in favor of the motion (5-0-0).

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190 Respectfully submitted,

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192 Wendy V. Chase

193 Recording Secretary

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195 **Approved May 26, 2015**