



**MEETING MINUTES**  
**NORTH HAMPTON PLANNING BOARD**  
**Thursday, June 19, 2008**  
**Mary Herbert Conference Room**

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

**Members present:** Shep Kroner, Vice Chairman; Joseph Arena, Laurel Pohl, Barbara Kohl and Tom McManus.

**Others present:** Wendy Chase, Recording Secretary.

**Members Absent:** Phil Wilson and Craig Salomon

**Alternates present:** None

Mr. Kroner convened the meeting at 7:05pm.

**#08:08 – Le Chat Savage, LLC, 215 Lafayette Road, North Hampton, NH.** Site Plan Review Application. The Applicant, Cory Nadilo, Wings your Way Restaurant, 4 Conley Rd., Atkinson, NH 03811 proposes to add 19 parking spaces to the parking lot and add a deck for outside dining at the Wings your Way Restaurant. Property location: 215 Lafayette Road, zoning district I-B/R, M/L 021-003. This application is continued from the June 5, 2008 Planning Board meeting.

In attendance for this application:

Steve Oles, MSC Engineers

Cory Nadilo, Applicant and owner of Wings your Way

Mr. Kroner reopened the public hearing for this application.

Mr. Kroner asked if the applicant intended on having live entertainment on the proposed deck. Mr. Nadilo said that he does not intend on having live entertainment at this time. He said if he has any entertainment in the future it would be an acoustic band. He also explained that having live entertainment would require the State of NH Liquor Commission's approval as well as the Town's.

There was some confusion over the plan presented. The applicant originally proposed a two-phase project to expand the parking and add a deck and to add additional parking and landscaping in phase two. Mr. Nadilo explained that he does not intend to continue with phase two and withdrew that portion of the proposal. He further explained that he is aware that if the application were approved he would have up to two years to build the added deck.

Mr. Nadilo explained that the proposed deck would be 24' x 60' = 1,400 square feet, and only be raised off the ground around 8 inches. He said that the deck would be enclosed with emergency exits off the deck. Patrons would enter the deck through the restaurant and that it would be an open air deck with no smoking allowed.

Mr. Oles explained that there would be a small portion of the lot that would be paved to provide the correct turn radius for the isles, the rest of the improvements to the parking lot would be made of impervious material.

Mr. McManus voiced concerns over the size of the deck and Ms. Kohl referred to the letter from the Fire Department. Mr. Nadilo said that the conditions recommended by the Fire Department would need to be satisfied during the building permitting process and that the amount of parking spaces satisfies the proposed added seating on the deck.

Mr. Kroner opened the public hearing.

Mr. Kroner closed the public hearing without public comment.

**Ms. Pohl moved and Dr. Arena seconded the motion to approve the application for case 08:08 with the following conditions:**

- 1. Recordable Mylar of the plan with required signatures and seals affixed of all licensed professionals whose names appear on the plan.**
- 2. The Mylar to show the building envelope of the deck and to show the bollards within the deck envelope.**
- 3. The applicant to return to the board prior to construction of the deck with architectural renderings.**
- 4. The board is not approving phase II.**

**Ms. Pohl withdrew her motion and Dr. Arena withdrew is second to that motion.**

**Ms. Pohl moved and Dr. Arena seconded the motion to approve the application for Site Plan Review for case 08:08 to add 19 gravel parking spaces to the existing parking lot, and the envelope for the deck, which would include bollards with the following conditions:**

- 1. The Applicant shall submit a recordable Mylar of the plan with required signatures and seals affixed of all licensed professionals whose names appear on the plan.**
- 2. The Applicant shall return to the Planning Board with architectural renderings and elevations for the deck prior to any construction.**
- 3. There is no phase II approval.**

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

## **Other Business**

The Federated Companies – discussion on Site Plan amendment

Mr. Joseph Coronati from Jones and Beach Engineers was present for the discussion. The Federated Companies came before the board with a Site Plan Review application and was approved to develop 26 Lafayette Road with five retail units and a bank. The board approved the application with 13 conditions with one of the conditions as follows: Condition 12) The canopy on the proposed “bank” building shall be modified on the plan so that it does not encroach upon the setback.

Mr. Coronati explained that the Applicant went before the Zoning Board of Adjustment and was granted a variance to allow the canopy to encroach in the 35-foot required side setback.

Discussion ensued between the board members on whether or not the applicant would need to come back before the board for a public hearing where proper notification would be given to the Town and the abutters to the site. Mr. Coronati explained that the abutters were notified for the ZBA hearing and Ms. Kohl said that the Planning Board is a separate board and Ms. Pohl concurred by stating that notification from the Zoning Board does not constitute that notification was made for the Planning Board.

Mr. Coronati argued that the plan approved by the Planning Board originally has not been changed; hence a new hearing would not be necessary.

Ms. Kohl opined that the abutters should be notified in order to give them the opportunity to review and comment. She further commented on the fact that the Planning Board has always been very respectful of abutter's opinions and should continue to do so regarding this application.

Ms. Pohl opined that not notifying the abutters regarding this case could cause a procedural error.

Dr. Arena commented that the abutters were notified when the application was originally heard and the plan hasn't changed. He said that the variance granted by the ZBA takes care of the issue of encroaching on the side setback.

It was determined that it was a unique circumstance because the original plan brought before the Planning Board at a public hearing is the same exact plan the Applicant has brought forth to the board to sign and record at the registry, and that it is more of a technical issue because normally any changes to the site plan would need Planning Board approval.

Mr. Richard Stanton spoke from the audience and suggested that the board remove the original condition based upon the variance granted by the ZBA so that the board could sign the Mylar and the Building Inspector could grant the building permit.

Mr. Kroner, Dr. Arena, Mr. McManus and Ms. Pohl signed the Mylar.

**Ms. Pohl moved and Ms. Kohl seconded the motion to table the June 5, 2008 meeting minutes to the July 17, 2008 Work Session. The vote was unanimous in favor of the motion (5-0).**

Mr. Kroner said that the board needed to decide whether or not to add to the next agenda whether or not to ratify the motion made on the Salomon case #07:28 at the June 5, 2008 meeting. He explained that Ms. Pohl referred to the Site Plan Regulations in her motion when she meant to refer to the Subdivision Regulations. He further explained that both

Attorney Whitelaw and Attorney Christine Fillmore from the Local Government Center agreed that the motion should be ratified at the next meeting. The decision letter went out within the legal 144 hours with [sic] after the words Site Plan Review and a cover letter explaining the mistake. Attorney Fillmore also said that a public hearing and notifying abutters to ratify the motion was not necessary.

Dr. Arena recused himself.

Mr. Kroner said that the case may go to Superior Court and opined that it would be better to have a correct record in case that happens.

**Ms. Pohl moved and Ms. Kohl seconded the motion to ratify Ms. Pohl's original motion made at the June 5, 2008 meeting on the Salomon case #07:28 by substituting the technical language of the "Site Plan Review Regulations" cited in the motion and replacing it with "Subdivision Regulations".  
The vote was unanimous in favor of motion (4-0).**

The board discussed the Planning Board's surety bond reduction process. Dr. Arena said that it is written in the RSA's that it is the sole responsibility of the Planning Board to determine the surety amounts and the management of the bond. The Selectmen have nothing to do with the process. The board agreed that the Selectmen do not have a role in the Planning Board surety process.

Mr. Kroner informed the board that the Rockingham Planning Commission is giving out grants for inclusionary zoning assistance, which the board would probably not be interested in. He asked that the board take into consideration for the future to eliminate a zoning district in Town by combining R-2 with R-3 because the law regarding workforce housing states that the majority of the districts must allow workforce housing. He said that they would address it at the next Work Session meeting.

### **Committee Updates**

Ms. Pohl updated the board on the Long Range Planning Committee. She said that the last meeting was cancelled but will schedule a meeting within the next couple of weeks. Ms. Pohl said that she hasn't received the fiscal information from Steve Fournier that was due June 1<sup>st</sup>.

**Dr. Arena moved and Mr. McManus seconded the motion to authorize Ms. Pohl to write a formal letter to the Town Administrator requesting the financial information.**

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

**Mr. McManus moved and Dr. Arena seconded the motion to adjourn at 9:00pm.  
The vote was unanimous in favor of the motion (5-0).**

Respectfully submitted,

Wendy V. Chase

Recording Secretary

Minutes approved September 16, 2008