



Meeting Minutes
North Hampton Planning Board
Thursday, May 6, 2010 at 7:00pm
Mary Herbert Conference Room

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

Members present: Phil Wilson, Chair; Shep Kroner Vice Chair; Joseph Arena, Laurel Pohl, Barbara Kohl, and Jon Rineman, Selectmen's Representative.

Members absent: Tom McManus

Alternates present: None

Others present: Brian Groth, RPC Circuit Rider, and Wendy Chase, Recording Secretary

Mr. Wilson convened the Meeting at 7:05pm.

Mr. Wilson explained that Mr. McManus was unable to make the Meeting due to a work related commitment, and noted that it would be Mr. McManus' last Meeting because his term has expired and he opted not to run for re-election. Mr. Wilson made the following resolution:

Resolved:

Whereas, Tom McManus served as a member of this Planning Board for over three years;

Whereas, during that period he was a regular and diligent and very commonsensical contributor to the deliberations of the board;

Whereas, during that period on the board, he served on a number of committees, including the Long Range Planning Committee, and the Workforce Housing subcommittee;

Now there forth; may it be spread upon the minutes that this board expresses its deepest appreciation, not only for his contribution to our work, but for his friendship, and his expertise and his level-headed attitude toward everything that came before the board during his tenure.

Mr. Wilson moved and Mr. Kroner seconded the motion to approve this resolution.
The vote was unanimous in favor of the motion (6-0).

New Business

1. **#10:03 – AutoZone Inc., 123 South Front Street, Memphis, TN 38103.** The Applicant requests an alteration to the approved site plan by combining the remaining 4 units of retail space into one unit, and to change the façade. Property location: 26 Lafayette Road; property owner: Federated Construction, LLC, 535 Boylston Street, Suite 203, Boston, MA 02116; M/L 003-101; zoning district: I-B/R.

Present for this application:

Geoff Kauertz, Representative of AutoZone Incorporated

Mr. Kauertz explained that AutoZone Incorporated proposes to combine the 4 unit retail space into one unit; change the façade of the building by removing the two gable areas, and replacing it with a raised parapet matching the same material as the Dollar Tree Store; adding an awning in the color red; changing the building color to gray, and constructing a new store front with new store front doors. The store front glass will be a tinted green. He said that the lights above the proposed sign will match the Dollar Tree Store's lights.

Mr. Kauertz said that the AutoZone letters are the color red with the stripe portion of the sign the color orange. The total square-footage of the sign will be 84.31 square-feet.

Dr. Arena mentioned that the Board worked hard with the owners of the building, Federated Construction, to come up a site plan they all agreed with. Mr. Kauertz said that the owners are pleased with the proposal. The Board was in receipt of a letter from Federate Construction authorizing AutoZone to apply to the Planning Board for the modifications to the plan.

Mr. Kroner admitted that the proposal is better than he had originally thought. He said that he is concerned with the color red for the awning, especially since it would be up against the proposed sign with an orange stripe. He said it would be his preference to agree on a color closer to the standards that were set up by the Board.

Mr. Kauertz said that they would be willing to listen to recommendations from the Board, and come up with a plan agreeable to everyone.

Ms. Kohl asked if the Applicant was aware of the memo from the Fire Chief regarding safety issues. Mr. Kauertz said that he received a copy of the memo, and has addressed safety issues, such as proposing to install bollards in front of the building and working with the Fire Chief on installing the required second egress from the building.

Ms. Kohl said she agreed with Dr. Arena and that they were happy with the traditional look of the original plan. She said she would like to see them adapt the current configurations of the front of the building to keep it somewhat traditional.

Mr. Kauertz suggested creating an arch to match what the Dollar Tree Store has. Ms. Pohl said that it would be an improvement to do so.

Mr. Rineman suggested adding two arches to make it more symmetrical.

Mr. Kauerz suggested adding an arch, and removing one set of windows giving it more of a New England traditional look.

Mr. Kauerz asked what colors the Board preferred. Mr. Wilson said that the Board's standard is traditional New England colors. He showed Mr. Kauerz a color chart of classic New England colors.

Mr. Groth said that having the color change would provide visual separation from the two businesses.

Ms. Pohl said that "barn red" would be more aesthetically pleasing than the "bright red", especially when it will be located right next to the green Dollar Tree Store awning.

Dr. Arena asked the Applicant to verify that the awning will not be used as advertisement; that it would be plain. Mr. Kauerz confirmed that the awning would be plain with absolutely no advertisement on it.

Mr. Wilson commented that it would be nice to have the facility filled and welcomes the business to Town. He said that AutoZone has a good reputation and thanked the Applicant for his flexibility in helping the Board preserve the New England character.

Dr. Arena would like to see sketches and drawings for final approval before construction begins.

Dr. Arena moved and Ms. Pohl seconded the motion to take jurisdiction of case ##10:03 – AutoZone. The vote was unanimous in favor of the motion (6-0).

The Board discussed conditions of approval.

Mr. Kroner moved and Ms. Pohl seconded the motion to approve case #10:03 – AutoZone's modified site plan upon receipt of architectural renderings that shows that the Applicant has complied with the following conditions: (1) Bollards to be installed in front of the building; (2) replace the proposed parapet with one arch to match the arch on the other portion of the building; (3) additional set of doors for egress from the retail space installed to the satisfaction of the Fire Chief's requirements; (4) colors shall be traditional New England colors, and be specified for the façade and the awning, and (5) the awning geometry to match the existing Dollar Tree Store awning. The vote was unanimous in favor of the motion (6-0).

2. #10:04 – AutoZone Inc., 123 South Front Street, Memphis, TN 38103. The Applicant requests approval of a Conditional Use Sign Application. The Applicant requests the following waivers (1) Section 506.6.K, the Applicant proposes a sign that exceeds the size requirement, (2) Section 506.6.Q – color, to allow the use of franchise colors, and (3) Section 506.5.G - Prohibits Internally lighted signs. Property location: 26 Lafayette Road; property owner: Federated Construction, LLC, 535 Boylston Street, Suite 203, Boston, MA 02116; M/L 003-101; zoning district: I-B/R.

Present for this application:

Brian Siddal, Sign Manager, AutoZone Incorporated

The Board addressed the waiver requests.

Waiver request from Section 506.6.K – Size – Mr. Siddal said that the code allows for a sign of 12 square-feet and the Applicant is proposing an 84.31 square-foot sign. He said that he thinks that the

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 Planning Board.

Dollar Tree Store's sign is close to 96 square-feet. He pointed out that the sign will be smaller than what is presented on the plan. He said that when AutoZone's sites go through real estate approval the renderings are created to impress the corporate, and the Board should disregard it.

Mr. Siddal said that there is a monument sign in front of the building where they would be allowed to use a panel to place their logo on.

Mr. Wilson said that the Applicant would be allowed a 24-square-foot sign. He thought that the ordinance was written that if the owner had a dedicated monument sign; not a tenant sign, they would be allowed a 24 square-foot wall sign instead of 12 square-feet. He said that Board may wish to clarify that section of the Ordinance over the next year. Mr. Wilson said that if window signs are going to be installed they would have to be considered as part of the application. Mr. Kauertz said that the window signs would not be permanent.

Mr. Siddal said that the proposed sign would be 36" x 35', the A and the Z will be 36" in height and the other letters will be 27" high. Mr. Wilson said that it would be useful to see a scaled drawing.

Mr. Kroner said that the ordinance does not address square footage in proportion with the proposed space. He said that he did not have an issue with the size of the sign on the rendering.

Dr. Arena agreed, and said he had no problem with the size of the sign.

Mr. Wilson agreed, and said that the Board may need to modify the sign ordinance to address specifications of the size of a sign based on the area of the façade.

Ms. Kohl said that she agreed that the sign should be proportionate to the Dollar Tree sign.

Mr. Wilson opened the Public Hearing at 7:54pm.

Mr. Wilson closed the Public Hearing at 7:55pm without public comment.

The Board agreed that the sign needs to be in proportion to the size of the façade and in proportion relative to the size of the Dollar Tree sign.

Dr. Arena moved and Mr. Rineman seconded the motion to grant the waiver request from Section 506.6.K to allow a 36" x approx. 29' wall sign.

The vote passed in favor of the motion (5 in favor, 1 opposed and 0 abstention). Ms. Kohl opposed.

Waiver request to 506.6.Q – Color – Mr. Siddal said that the retainer of the sign and the return will be the color black, with a white separating line. The letters will be the color red with orange racing stripes.

Mr. Kroner said that he is not in favor of the "branding" of buildings. He would prefer if the orange stripe was shortened.

Ms. Pohl and Mr. Rineman agreed that they did not like the color orange in the sign.

Mr. Siddal said that the signs are all pre-fabricated, and computer generated. He said that he could ask if a sign can be custom made.

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 Planning Board.

Mr. Groth said that the next waiver request from illuminated signs should be addressed because the outcome of that request effects the perception of the colors.

Waiver request to Section 506.5.G - internally lighted signs – Mr. Groth said that there is a condition of approval on the site that states that the signs have to follow the “dark sky” standards, which prohibits light spillage horizontally above the sign itself. He said that since it is a condition of approval, if the Board considered granting the waiver, the Board would have to hold a public hearing to change the conditions.

Mr. Siddal said that they propose to have an internally lighted sign with the option to “black out” everything except the actual letters. He said that that would produce significantly less “light wash” than a gooseneck lighting would.

Mr. Siddal said that they use both LED and florescent light bulbs, it depends which factory makes the sign. He said they use lowest lighting possible in the florescent light bulbs, and the signs are only lit from 5:00pm to 9:00pm.

Mr. Wilson said that there are two purposes to prohibit internally lighted signs, (1) dark sky standard, and (2) aesthetic affect.

The Board agreed that they could “live” with the size of the sign if it weren’t internally lighted.

Mr. Groth said that he thought that the letters would have a “softer” look if the sign were externally lighted.

Mr. Wilson opened the Public Hearing at 8:17pm on the waiver requests for 506.6.Q – Color and 506.5.G – internally lighted.

Mr. Wilson closed the Public Hearing at 8:18pm without public comment.

Mr. Kroner commented on the fact that the Board has denied applications in the past for internally lighted signs and thinks the Board should be fair and consistent.

The Board addressed the waiver request from Section 506.5.G – Internally lighted.

Mr. Kroner moved and Ms. Pohl seconded the motion to deny the request from Section 506.5.G because the original approved site plan has a condition that the facility abide by the “dark sky” standard.

Mr. Wilson made a friendly amendment to include another reason being that the Board has denied internally lighted signs and should remain fair and consistent. He quoted “fairness is ultimately treating like things alike”, and explained that the Board recently denied the Dollar Tree’s request for an internally lighted sign.

**Mr. Kroner accepted the friendly amendment.
The vote was unanimous in favor of the motion (6-0).**

Waiver request for Section 506.6.Q – Color

Mr. Kroner moved and to approve the waiver request from Section 506.6.Q – Color, to allow the sign presented due to the fact it would create an undue hardship on the Applicant to have a custom made sign constructed, and in relationship to their acceptance to externally lighted signs.

The vote passed in favor of the motion (5 in favor, 0 opposed and 1 abstention). Ms. Kohl abstained.

It came to the Board's attention that they did not hold a Public Hearing for case #10:03 – AutoZone Inc. modification to the site plan.

Mr. Wilson opened the Public Hearing at 8:23pm for case #10:03.

Mr. Wilson closed the Public Hearing at 8:24pm without public comment.

Mr. Groth commented that Section 506.6.K and 506.6.R are redundant in the ordinance. The Board will take that issue up at a work session.

Dr. Arena moved and Ms. Pohl seconded the motion to take jurisdiction of the application for case #10:04.

The vote was unanimous in favor of the motion (6-0).

Mr. Wilson opened the Public Hearing at 8:25pm.

Mr. Wilson closed the Public Hearing at 8:26pm without public comment.

Mr. Kroner moved and Ms. Pohl seconded the motion to approve the sign application to allow a 36" x approx. 29' wall sign, with AutoZone's standard colors, that is not internally illuminated.

The vote passed in favor of the motion (5 in favor, 1 opposed and 0 abstention). Ms. Kohl opposed.

Mr. Rineman commented on how pleasant it was to have the Applicants so willing to compromise and come up with plans agreeable to the Board.

3. **#10:05 – Mark Montville, 149 Royalston Rd, Baldwinville, MA 01436.** The Applicant requests a change of use from a mini golf course (recreational use) to a retail use (swing-set sales). Property location: 174 Lafayette Road; property owner: E. Dean and Cora A. Stevens Trust, 273 Atlantic Ave., North Hampton; M/L 017-084-001; zoning district: I-B/R.

Present for this Application:

Mark Montville, Applicant

Gary Stevens, Owner

Mr. Montville introduced himself and gave a brief background of the Company to the Board. He said that he was at his current location in Massachusetts for the past 10-years. He owns his business selling Rainbow Play Systems, and offered the following information:

- The Company Is a "green" Company, and a seasonable business only
- They use only North American timber for their swing sets
- People travel far to purchase his swing sets, when they come they will patronize other North Hampton establishments
- The swing sets are very safe; they have no sharp edge
- He would like to set up 8 to 12 swing sets as demos for people to "try out", and he uses playground chips under the sets

- His hours of operation would be 10:00am to 6:00pm
- He sells off all of the demos at the end of the season

The existing building is 14' x 14'. The Board determined that he would need two parking spaces, and the site provides well over the required amount of parking spaces.

Dr. Arena asked what kind of lighting he would need. Mr. Montville said that he did not need outside lighting because he is only open during daylight hours and has never had an issue with theft.

Mr. Rineman asked whether or not the building had a bathroom. Mr. Montville said that he was given written authorization from the owner allowing the use of a bathroom in the building next door.

Mr. Wilson opened the Public Hearing at 8:47pm.

Mr. Wilson closed the Public Hearing at 8:48pm without public comment.

Dr. Arena moved and Ms. Pohl seconded the motion to approve the Change of Use Application for Case #10:05.

The vote was unanimous in favor of the motion (6-0).

4. #10:06 – Mark Montville, 149 Royalston Rd, Baldwinville, MA 01436. The Applicant requests approval of a Condition Use Sign Application. The Applicant requests the following waivers: (1) Section 506.6.K – to allow three wall signs, and (2) 506.6.Q – color, to allow the use of franchise colors. Property location: 174 Lafayette Road; property owner: E. Dean and Cora A. Stevens Trust, 273 Atlantic Ave., North Hampton; M/L 017-084-001; zoning district: I-B/R.

Mr. Montville requests three 24-square-foot signs to be placed on each side of the building, and on the front of the building. He explained that there is manual reader boards sign in front the building that he will have permission to use. He explained that he needed 3 signs because the building is at least 150-feet off of the road and the only place to put a sign on the front of the building is under the window making it hard to see from the road.

The Board addressed the waiver requests.

Waiver request to Section 506.6.K – one sign per business

Mr. Montville said that the signs are made of corrugated plastic, and because they are company signs he would not be able to modify them in any way.

Dr. Arena said that the swing sets displayed on the property will be advertisement in and of itself; there is no need for three signs.

Mr. Wilson said that the best way to expose the sign would be to put it on a gable and hang it off the front peak of the building. Ms. Pohl and Mr. Rineman agreed, and thought it to be a better solution than allowing three signs.

Mr. Wilson opened the Public Hearing at 9:05pm.

Mr. Wilson closed the Public Hearing at 9:06pm without public comment.

Ms. Pohl moved and Dr. Arena seconded the motion to deny the waiver request from Section 506.6.K. The vote was unanimous in favor of the motion (6-0).

Waiver request from Section 506.6.Q – Color

Ms. Pohl said that the rainbow color scheme is not keeping up with the New England color scheme, but considering the product she can't imagine changing anything but the background.

Mr. Montville said that it is the Company's logo, and he would not be able to change any of the colors.

Mr. Wilson opened the Public Hearing at 9:09pm.

Mr. Wilson closed the Public Hearing at 9:10pm without public comment.

Mr. Rineman moved and Ms. Pohl seconded the motion to approve the waiver request from Section 506.6.Q.

The vote was unanimous in favor of the motion (6-0).

Ms. Pohl moved and Dr. Arena seconded the motion to take jurisdiction of the Conditional Use Sign Application.

The vote was unanimous in favor of the motion (6-0).

Mr. Wilson opened the Public Hearing at 9:13pm.

Mr. Wilson closed the Public Hearing at 9:14pm without public comment.

Dr. Arena moved and Mr. Kroner seconded the motion to approve the Conditional Use Sign Application for case #10:06.

The vote was unanimous in favor of the motion (6-0).

Ms. Chase asked the advice from the Board on what application to use for work force housing.

Mr. Wilson said that the Ordinance was written as a Conditional Use Permitting process.

A motion was made and seconded to adjourn at 9:25pm.

The vote was unanimous in favor of the motion (6-0).

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved 5/20/2010