



Meeting Minutes
North Hampton Planning Board
Thursday, December 2, 2010 at 6:30pm
Town Hall

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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: Phil Wilson, Chair; Barbara Kohl, Vice Chair; Shep Kroner, Joseph Arena, Mike Hornsby, and Jim Maggiore, Selectmen’s Representative.

Members absent: Laurel Pohl

Alternates present: Michael Coutu

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

Mr. Wilson convened the Meeting at 6:40pm, and noted for the record that the Agenda was properly posted and that there was a quorum.

Mr. Wilson seated Mr. Coutu for Ms. Pohl.

Case #10:16 - J & S Greystone Village, LLC, PO Box 1627, North Hampton, NH. The Applicant, Joseph Roy, requests a change of use from an approved club house to leased office space. Property owner: J&S Greystone Village, LLC. Property location: 223 Lafayette Road, M/L 021-001; zoning district: I-B/R. This case was continued from the November 4, 2010 Meeting.

In attendance for this application:

- Joseph Roy, Owner
- Sean Roy, Project Manager
- Attorney Peter Saari, Casassa & Ryan

Mr. Hornsby recused himself.
Dr. Arena recused himself.

Mr. Wilson explained that case #10:16 – Greystone Village, LLC was continued from the November 4, 2010 Meeting to give the Applicant the opportunity to seek relief from the Zoning Board under Section 406.5 to allow a commercial use and a residential use on the same parcel.

The Board was in receipt of a draft copy of a decision letter from the Zoning Board granting a Variance to Mr. Roy from Section 406.5 with the following conditions: 1. The building is to be used only for professional office space by professional occupations that limit the consumption and discharge of water when providing or performing services, such as, by way of example, architects, attorneys, accountants,

47 and providers of financial services and products. 2. No assessments, charges or fees of any kind
48 associated with the maintenance and operation of the building will be passed on to tenants, including
49 but not limited to, insurance, taxes, snow removal and repairs/maintenance. 3. The reception and
50 servicing of clients/customers will be limited to the hours of 7:00am to 8:00pm. 4. The within special
51 conditions shall be specifically set forth in writing as terms and conditions of the Landlord's lease or
52 rental agreement with any and all tenants of the building.

53

54 Mr. Roy presented his case and explained that there will be no structural changes to the 2,200 s.f.
55 building ("clubhouse"). He said that there are 30 parking spaces available.

56

57 The Board agreed that they have enough information to take jurisdiction of the application.

58

59 **Mr. Kroner moved and Mr. Coutu seconded the motion to take jurisdiction of the application for case**
60 **#10:16 – J&S Greystone Village, LLC.**

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

62

63 Mr. Groth said that an office building is appropriate for Route 1, but the Board needs to decide whether
64 it's appropriate to dissolve the "clubhouse" feature of Greystone Village.

65

66 Mr. Coutu asked whether or not the "clubhouse" is a feature the resident's feel is part of the design of
67 Greystone Village.

68

69 Mr. Wilson explained that the "clubhouse" was included in the development because it satisfied a State
70 requirement that in order to operate an age restricted development the park must offer a "special"
71 service to the residents. The Board discovered that the services Mr. Roy offers and continues to offer,
72 such as plowing and lawn maintenance, fulfill the State's requirement. Mr. Roy took ownership of
73 Greystone Village and realized the "clubhouse" was not economically viable and the current residents
74 agreed. Each of the residents signed a waiver releasing any rights to a "clubhouse" and the "clubhouse"
75 is not offered in the new lease. Mr. Wilson said that if (1) one resident of Greystone Village had come
76 forward and said that they wanted the "clubhouse" to remain he would have opposed to removing it.
77 The majority of the Board felt that it was reasonable to remove the "clubhouse" with all the amenities
78 the Residents receive from Mr. Roy. He commented that Dr. Arena was not favorably inclined with that
79 decision.

80

81 Mr. Roy said that he has someone waiting to sign a lease on the building tomorrow. The Company
82 interested is a classical music recording company. They work with world-renowned artist to record
83 music in locations worldwide. They fine tune unedited versions of classical music electronically in the
84 office, and claim to work in a "quiet zone" setting with sound engineers using headsets to listen to the
85 music.

86

87 Mr. Roy said that there will be no additional traffic, and there will be no customers coming and going,
88 but there will be (7) seven employees.

89

90 The Board determined that there would be enough parking spaces for (7) seven employees.

91

92 Ms. Kohl asked if Mr. Roy would consider converting the building (if approved for the change of use)
93 back to a "clubhouse" when all of the units are sold. Mr. Roy said that if he sold the park he would

94 include the building as a “clubhouse” as part of the sale. He explained that it is a State Law that the
95 tenants of a Mobile Home Park receive “first refusal” when selling the park.

96
97 Mr. Groth asked if the tenants would be allowed to use the “clubhouse” parking lot, and Mr. Roy said
98 that they would not because it would be unfair to the people renting the building and there is ample
99 parking for the residents within the park.

100
101 Mr. Roy explained that the Resident’s mailboxes will be moved further into the community and set up
102 like mailboxes at a condominium development.

103
104 Mr. Roy stated that J&S Greystone Village owns the “clubhouse”. Mr. Wilson commented that the
105 approved variance “runs” with the land.

106
107 Mr. Wilson opened the Public Hearing at 7:02pm.

108 Mr. Wilson closed the Public Hearing at 7:03pm without public comment.

109
110 Mr. Kroner suggested that if the Board approves the Change of Use that they add a condition that the
111 Mylar include a note stating that the Variance from Section 406.5 was granted by the ZBA on November
112 30., 2010.

113
114 **Mr. Coutu moved and Mr. Maggiore seconded the motion to approve the Change of Use Application**
115 **for case #10:16 – J&S Greystone Village, LLC with the following conditions: (1) The Applicant shall**
116 **submit a recordable Mylar indicating the variance that was approved by the ZBA on November 30,**
117 **2010 to allow the mixed use on the property and (2) final approval of the variance which requires**
118 **waiting 30-days to the end of the appeal period on December 30, 2010.**
119 **The vote passed in favor of the motion (4 in favor 1 opposed and 0 abstentions). Ms. Kohl opposed.**

120
121 The Board took up other business involving Mr. Roy before continuing with the next order of business.

122
123 Mr. Roy requested the final release of the landscape surety he put into place for Maple Leaf Village
124 Mobile Home Park in June of 2008 in the amount of \$7,000.00. The Board approved a release of
125 \$5,250.00 after the trees were planted in December of 2008 and the Town held \$1,750.00 for a two year
126 growing season to expire December 4, 2010. Ms. Chase informed the Board that the Building Inspector
127 inspected the site and reported that the plantings have been maintained as required and will put his
128 findings in writing.

129
130 Dr. Arena commented that the Board does not normally approve the release of surety without written
131 documentation from the Building Inspector.

132
133 Ms. Chase informed the Board that the Town’s Treasurer will not release the monies without approval
134 from the Planning Board and a letter by the Building Inspector recommending release of the surety. The
135 form of surety was a cash deposit from the Applicant.

136
137 **Dr. Arena moved and Ms. Kohl seconded the motion to approve the release of the remainder of the**
138 **landscape surety for Maple Leaf Village in the amount of \$1,750.00 plus interest with the condition**
139 **that the Building Inspector submits a written statement that the landscaping has been maintained as**
140 **required.**

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

142 Mr. Roy requested release of the escrow account for Greystone Village in the amount of \$27,000.00 plus
143 interest. The escrow account was established in December of 2009 to complete the 1" roadway paving
144 and Cape Cod berm in phase I of the development. A condition was added in the approval of the
145 modifications to the originally approved site plan (August 5, 2010) that the Applicant shall agree in
146 writing that no building permits shall be issued prior to the completion of Phase II infrastructure
147 improvements, and residual surety from Phase I shall not be released prior to such completion.

148

149 Mr. Roy said that Mr. Clifford from Altus Engineering did the final inspection on the site on Monday,
150 November 29, 2010. The Board was not in receipt of the Engineer's report on that inspection.

151

152 Mr. Roy said that the conditions have been met with the exception of the detention pond and the
153 connecting road, which is 50% done. He said that he is in receipt of a letter from PSNH stating that they
154 will begin their work on December 9, 2010. Mr. Roy was in receipt of a letter from Severino stating that
155 they will be completely done with Phase II by December 10, 2010.

156

157 **Dr. Arena moved and Mr. Maggiore seconded the motion to approve the release of the surety for J&S**
158 **Greystone Village, LLC in the amount of \$27,000.00 plus interest upon confirmation by the Town's**
159 **Engineer or the Building Inspector, that work in Phase I and Phase II has been completed.**

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

161

162 Mr. Hornsby was reseated.

163

164 **#10:19 – Philbrick's Fresh Market North Hampton, LLC, 775 Lafayette Road, Portsmouth, NH 03801.**

165 Conditional Use Sign Application. The Applicant requests the following waiver: Article V, Section
166 506.6.k – wall sign to allow 3 wall signs totaling approximately 447.06 square feet. Property owner: E.
167 Stevens Inc.; Property location: 69 Lafayette Road; M/L 007-065-000; zoning district: I-B/R. This case is
168 continued from the November 4, 2010 meeting.

169

170 In attendance for this application:

171 Attorney Bernard Pelech, Wholey & Pelech Law Offices

172 Phil Philbrick, Owner of Fresh Market grocery

173

174 Mr. Kroner recused himself.

175 Mr. Wilson replaced the seating of Mr. Coutu from Ms. Pohl to Mr. Kroner.

176

177 Mr. Pelech submitted revised renditions of the proposed sign that measured smaller than the original
178 submission in November. The total square footage was reduced from 447.06 square feet to 171.06
179 square feet.

180

181 Mr. Pelech submitted a copy of an aerial photo of the proposed site showing the intersection of Route 1
182 and Atlantic Avenue. He used the scale at the bottom of the *bing* map and plotted 220-feet into the
183 southbound lane of Route 1 and 220-feet in the northbound lane of Route 1. Mr. Pelech said that the
184 only feasible entrance to the site coming southbound off of Route 1 is a left onto Atlantic Avenue and
185 then a right into the parking lot.

186

187 Mr. Pelech said that there are a lot of factors that go into a formula to determine how far away a sign
188 should be for a motorist to safely see it.

189
190 Mr. Pelech said that when you consider the distance at which a motorist, traveling at a certain rate of
191 speed, has to recognize the store and make a determination whether or not they are going to pull into
192 the parking lot it becomes obvious that there needs to be relatively large letters on the sign to be
193 identifiable.

194
195 Mr. Pelech submitted a copy of On-Premise Signs Guideline Standards by the United States Sign Council.
196 He also submitted copies of the "Fresh Market" sign located at Mr. Philbrick's Portsmouth Store.

197
198 Mr. Pelech explained that because they were denied by the Planning Board to have internally lighted
199 letters, they decided to go with green letters on a white background. He said that he spoke to the
200 Building Inspector and he measures around the perimeter of the letters to determine the size.

201
202 Mr. Pelech said that there will be downward lighting and one upward light on the sign, but it will comply
203 with the "dark sky" standards.

204
205 Mr. Pelech said that they may consider erecting a monument sign in close proximity to the intersection
206 of Route 1 and Atlantic Avenue in the future.

207
208 Mr. Wilson said that a monument sign is appropriate for "Fresh Market's" kind of business.

209
210 Mr. Pelech said that the sign has been reduced by 50% from the original submission and will not be out
211 of character with the surrounding businesses.

212
213 Mr. Wilson referred to the chart Mr. Pelech submitted and it states that letters of 36 inches are at a
214 readable distance from maximum impact of 360-feet.

215
216 Mr. Pelech said that the chart does not take into consideration the response time or recognition time of
217 a motorist, and the speed in which they are traveling.

218
219 Ms. Kohl commented that because of the type of business that it is, if she drives by it, she would just
220 turn around and go back. She said that she thought the sign could be smaller and be closer to
221 compliance with the sign ordinance, which the Planning Board strives to do.

222
223 Mr. Wilson opened the Public Hearing at 7:37pm.

224
225 **Lisa Wilson, 9 Runnymede Drive** – asked how big the letter "F" is in the sign. Mr. Pelech estimated it to
226 be 55 inches and the letter "F" in the sign at the Portsmouth location is 47 inches. The "Fresh Market"
227 sign with the white background is 120 square feet. Ms. Wilson said that the "Staples" sign down the
228 Street is supposedly 80 square feet. Ms. Wilson said that it was her opinion that the proposed "Fresh
229 Market" sign is too large for the building and dwarfs the other signs in the shopping center. She asked
230 the Board to consider suggesting that the Applicant reduce the size of the proposed sign to be the same
231 size as the sign at their Portsmouth store.

232
233 Mr. Wilson closed the Public Hearing at 7:42pm.

234
235 Mr. Groth said an important consideration for the Board is to determine whether the size of the sign is
236 proportionate to the size of the building. Mr. Groth questioned why the white panel background on the
237 letters was needed.

238 Mr. Philbrick said that because the font of the letters is so narrow, they do not respond well to external
239 illumination.

240
241 Mr. Hornsby suggested using individual letters outlined in white and to remove the white panel.

242
243 Mr. Philbrick said that he has been using the same company to build his signs and trusts their work, but
244 would be willing to take a technical risk and light the individual letters in an acceptable way with the
245 outrigger, because in the daylight it would look much better without the white panel. He said that there
246 are so many choices for lighting now. He said backlit lighting tends to create a halo around the letters.

247
248 The Board agreed that the white panel in back of the "Fresh Market" letters looks like a bill board.

249
250 Mr. Coutu summarized what he thought the Board was looking for:

- 251 • The white panel backboard will be eliminated, showing the scripted letters only (*Fresh Market*)
- 252 • As opposed to a vinyl flat dimension, the letters will be raised (Portsmouth Store letters are 8
253 inches in depth)
- 254 • The side of the letters that forms the return will have a white trim and the face of the letters will
255 be green as indicated on the plan.

256
257 Ms. Wilson said that she is concerned with increasing the depth of the letters. She said that it may be
258 helpful to the Board to ask the Applicant to put up a banner so that the Board would be able to see what
259 it will actually look like.

260
261 The Board discussed the "produce...Seafood...Meat portion of the sign.

262
263 Ms. Kohl said that she objects to that sign because it is additional wall signage.

264
265 The Board had no objections to the "Philbricks" sign.

266
267 Mr. Groth said that to comply with the Ordinance the sign could not be larger than 24 square feet and
268 that would not look good because of the size of the building. The Board agreed.

269
270 Dr. Arena moved to continue case #10:19 to the next meeting and that the Applicant come back to the
271 Board with a rendition of the sign for the Board to get a better visual understanding of how it would
272 look.

273
274 The Board discussed allowing Mr. Philbrick to continue his case to the next Work Session on December
275 16, 2010.

276
277 **Mr. Coutu moved and Dr. Arena seconded the motion to continue case #10:19 – Philbrick's Fresh**
278 **Market to the December 16, 2010 Work Session and to have the Applicant submit a rendering of the**
279 **signage depicting the letters of the sign not to exceed 52 inches in height and a depth not to exceed 8**
280 **inches; the color of the trim on the letters shall be white.**

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

282

283 Mr. Kroner was reseated.

284 Mr. Coutu was reseated for Ms. Pohl.

285

286 **#10:20 – First Student (Michael Cline), 600 Vine St., Suite 1400, Cincinnati, OH 45202.** The Applicant
287 requests a change of use from a car dealership to a bus depot/office/maintenance facility. Property
288 owner: Brian Tebault c/o Joseph Equipment Co., 300 Gay St., Manchester, NH 03103; property location:
289 25 Lafayette Road; M/L 003-087; zoning district I-B/R. This case is continued from the November 4,
290 2010 meeting.

291

292 The case was continued from the November 4, 2010 meeting to give the Applicant the opportunity to
293 apply for a variance from Section 405.3 and 405.1 from the ZBA. The ZBA granted the variance to allow
294 an otherwise prohibited use to be permitted. The Board was in receipt of a draft copy of the ZBA's
295 decision letter.

296

297 In attendance for this application:

298 Attorney Peter Saari, Casassa & Ryan

299 Joseph Coronati, Jones and Beach Engineering

300 Dispatcher from First Student

301

302 Mr. Saari said that when they met with the Planning Board last month, the Board had two particular
303 concerns, (1) the Board wanted a better idea of the traffic flow in and out of the proposed location, and
304 (2) and they wanted the Applicant to go before the Zoning Board for an interpretation of Section 405.1
305 and 406.3.

306

307 Mr. Saari said that submitted a bus schedule showing the comings and goings of the buses throughout
308 the day. He explained that the buses leave at scattered times over the period of 1.5 hours each day of
309 the week. There is only one bus that goes down Cedar Road and over the bridge. Mr. Saari said that
310 their Variance was granted by the ZBA but they wanted the Applicant to present to the Planning Board
311 some evidence on the environmental impacts on the site.

312

313 Mr. Kroner said that the plan depicts a cement wall on the site west to east along Cedar Road. He said
314 that a stone wall was supposed to be reinstated but instead they put a cement plant container. He
315 suggested there be an increased vegetated buffer area added along the Cedar Road side. He said that it
316 is stated in the Master Plan the desire to improve the appearance of Route 1 and the Board should take
317 proper steps to ensure that the site has some sort of buffer because even though it is surrounded by
318 commercial property there is a residential property across the Street.

319

320 Ms. Kohl said that she has serious concerns with the buses turning onto Route 1.

321

322 The Dispatcher said that the bus depot has been on Route 1 for 10-years and have never experienced a
323 "back up" of traffic on Route, and have never had an accident. She said at the current site (1/8 of a mile
324 south of the proposed site) the buses drive directly onto Route 1 from the site, and the proposed site
325 will be better because the buses will drive out onto Cedar Road first and then onto Route 1.

326

327 Mr. Coronati said that Jones and Beach Engineering designed the site for the front building in 1997, and
328 then in 2001 designed site with the back building. Mr. Coronati said that he worked on both projects at
329 that time. He said they were required to obtain a site specific permit from the State when designing the
330 site for the back building, which is basically a drainage permit to go over storm water quality and
331 treatment. They designed the entire back of the property to be a detention pond. He said that the
332 storm water does not drain onto neighboring properties.

333
334 Mr. Coronati said that there are 50 buses in the fleet and the company rotates them out every 10-years.
335 He said that the staff is very well versed in spill prevention programs. He said that the fuel tanks are
336 inspected on a monthly basis and the staff is trained on a yearly basis. There will be a 6000 gallon fuel
337 tank that they would like to relocate onto the proposed site to refuel the buses (each bus driver refuels
338 their own bus and is properly trained). The tank will sit in a fenced-in area in back of the site in a
339 cement containment system on a concrete pad and the tank is double walled. The tank containment
340 system will have a roof, with asphalt shingles, to protect it from the weather. First Student will need to
341 register the refueling location with the State and there are yearly inspections to make sure they are in
342 compliance with DES regulations.

343
344 Dr. Arena asked if the Applicant planned to have any signage. The Applicant does not plan to have
345 signage.

346
347 **Dr. Arena moved and Mr. Coutu seconded the motion to take jurisdiction of the Application for First**
348 **Student, case #10:20.**
349 **The vote was unanimous in favor of the motion (7-0).**

350
351 The Board discussed adding a vegetative buffer of abrovite trees between the existing Maple trees along
352 Cedar Road. The Board also discussed fencing between the two buildings to prevent cars from driving
353 through the bus parking lot to the other entrance.

354
355 Mr. Wilson opened the Public Hearing at 9:25pm.

356
357 **Lisa Wilson, 9 Runnymede Drive** – said that she supports all the “screening” suggestions.

358
359 Mr. Wilson closed the Public Hearing at 9:27pm.

360
361 Dr. Arena asked where the material associated with maintaining the buses is stored. The Manager from
362 First Student said that the tires and batteries are taken off site by reliable companies and all fluids are
363 contained in double walled tanks. He said that First Student intends to put in two new garage doors for
364 the buses to access the garage more easily and the hours of operation for maintenance are 6:00am to
365 4:30pm Monday through Friday and 6:00am to 2:30pm in the summer months.

366
367 Mr. Hornsby suggested they plant at least 30 Emerald Green arborvitae trees between the existing
368 Maple trees.

369
370 Mr. Wilson suggested a stockade style fence made with material of the Applicant’s choice, but of natural
371 appearance.

372

373 **Dr. Arena moved and Ms. Kohl seconded the motion to approve the Change of Use Application for**
374 **First Student, Case #10:20 with the following conditions: (1) The Applicant shall submit a plan for the**
375 **site that shows the planting of (30) thirty Emerald Green Arborvitae trees spread out evenly on the**
376 **northerly boundary along the stone wall, and (2) The plan will show that there is a stockade fence of**
377 **natural appearance, but of the material of the Applicant's choice, separating the bus parking lot from**
378 **the parking lot on the other site as indicated on the plan presented to the Board.**
379 **The vote was unanimous in favor of the motion (7-0).**

380

381 **Other business**

382

383 Dr. Arena commented that there is a lot of light spillage at the North East Motors location North on
384 Route 1 at night. He said that at the corner of Atlantic Avenue and Route 1 there is a light that is
385 erected very high and shines right onto Route 1. Mr. Wilson said that he will talk to the Code
386 Enforcement Officer about it.

387

388 The Board was in receipt of the 2011 Planning Board Meeting Schedule and Application Submittal
389 Schedule. Mr. Wilson commented that the Meetings remain to be on the first and third Thursdays of
390 the month and when the new Board gets elected they can change it if they wish to do so.

391

392 Mr. Wilson adjourned the meeting without objection at 9:45pm.

393

394 Respectfully submitted,

395

396 Wendy V. Chase

397 Recording Secretary

398