



Meeting Minutes
North Hampton Planning Board
Thursday, January 13, 2011 at 6:30pm
Town Hall

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

11

12 **Members present:** Phil Wilson, Chair; Barbara Kohl, Vice Chair; Shep Kroner, arrived at 8:00pm, Joseph
13 Arena, Laurel Pohl, and Jim Maggiore, Selectmen's Representative.

14

15 **Members absent:** Mike Hornsby

16

17 **Alternates present:** Michael Coutu

18

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

20

21 Mr. Wilson convened the Meeting at 6:35pm, and noted for the record that the meeting was properly
22 posted, and there was a quorum. He wished everyone a Happy New Year.

23

24 Mr. Wilson seated Mr. Coutu for Mr. Hornsby.

25

26 **I. Old Business**

27

28 There is no "old business" to be acted upon by the Board.

29

30 **II. New Business**

31

32 1. **08:15 – Richard Skowronski & Leila Hanna** –the Applicants request an extension pursuant to Section
33 VI.E.2 of the Subdivision Regulations, on their conditionally approved Conservation Subdivision on
34 Mill Road. M/L 12-47,78,64,65,67,68,69,70 originally approved by the Planning Board on March 9,
35 2009 and approved for a one-year extension on January 7, 2010.

36

37 In attendance for this request:

38 Leila Hanna and Rich Skowronski, Owners/Applicants

39

40 Mr. Wilson explained that pursuant to the Subdivision Regulation VI.E.2, the Board may grant a one-year
41 extension on a conditional approval prior to the expiration date; Mr. Skowronski and Ms. Hanna
42 requested a two-year extension on their conditionally approved Conservation Subdivision application.

43

44 Mr. Skowronski explained that due to the current poor economy and poor real estate market they have
45 not yet been able to meet the conditions of approval on their Conservation Subdivision Application that

46 is due to expire on March 5, 2011. He respectfully requested a two-year extension to give them the
47 opportunity to complete the conditions when the economy improves.
48

49 **Dr. Arena moved and Ms. Kohl seconded the motion to grant a one-year extension to Richard**
50 **Skowronski and Leila Hanna for the conditionally approved “Rocky Ledge” Conservation Subdivision,**
51 **Case #08:15 to expire on March 5, 2012.**

52 **The vote was unanimous in favor of the motion (6-0).**
53

54 2. **11:01 – GZA GeoEnvironmental, Inc., 202 Kent Place, Newmarket, NH 03857.** The Applicant
55 requests a Conditional Use Permit under Article IV, Section 409.12 to allow the expansion of an
56 existing structure located within the wetlands conservation district freshwater and tidal buffer zones.
57 Property owner: Richard Clark; property location: 1 Appledore Avenue; M/L 001-022-000; zoning
58 district: R-2.
59

60 In attendance for this application:

61 Attorney Timothy Phoenix, Hoefle, Phoenix & Gormley
62 Richard Clark, Owner/Applicant
63

64 Mr. Phoenix explained that he would probably request a continuance to the next meeting, but asked if
65 the Board would be able to answer some questions pertaining to the application at this meeting. He
66 referred to criterion “B” under Section 409.12 – *the new structure or expansion is not otherwise*
67 *prohibited under the zoning ordinance* and said that the “new area” is 44-feet from the wetland. He
68 questioned if the addition is closer to the wetland than any other heated portion on the premises, and if
69 so, they may need a variance. He also said that they are unsure if the addition on the other end of the
70 house is the same distance, or a foot closer to the wetland, and they would like to request a
71 continuance so that they may come back to the Board with the correct answer. Mr. Phoenix also
72 questioned whether the Board required an Applicant to get approval(s) from Little Boars Head Village
73 District prior to Town Planning Board approval if the property is located in the Village District.
74

75 Mr. Wilson explained that in the past, as a matter of practice. the Board sent the Applicant to Little
76 Boars Head Village District first if the Application fell within Little Boar’s Head Village District to be heard
77 and approved by their Board prior to the Town Planning Board, but there was a recent statute enacted
78 by the General Court that provides that a Board cannot not proceed because another permit, or another
79 Board’s approval is needed, and because of that the Applicant would not need to go before the Little
80 Boars Head Village District Zoning Board first.
81

82 Mr. Wilson received permission from the Board to raise other issues with the proposed application.

- 83 • He referred to criterion “D” under Section 409.12 *no reasonable and economically viable use of*
84 *the lot can be made without the exception.* The Applicant states that the current use of the
85 property is an economically viable use, essentially saying that criterion “D” is not applicable to
86 the proposal. Mr. Wilson said that his interpretation is that the Applicant is expanding the use;
87 therefore it is a change in the use, so criterion “D” does apply. He suggests that the Applicant
88 come back prepared to address that criterion.
- 89 • The application indicates that the current building was erected in 2005; after the other structure
90 was removed. It was his opinion that the current structure is not an expansion on the previous

91 structure which was a mobile or manufactured home that was totally removed; the current
92 structure is a new structure erected in 2005. The provision is for lots of record prior to March 8,
93 1988.

- 94 • The building of the existing structure, as Mr. Wilson recalled, required a number of variances
95 and/or special exceptions (not indicated in the application) that were granted. He suggested the
96 Applicant look at the portion of the heated structure that is outside the 75-foot tidal wetland
97 setback, and look at the portion of the heated structure within the tidal wetland setback, and
98 calculate the ratio of the portion of the heated structure within the setback. It appears that a
99 larger portion of the footprint of the heated structure lies within the setback than lies outside it.
100 Consequently, seeking further relief does not appear to be consistent with the spirit of the
101 ordinance, which is to protect the wetlands.
- 102 • The lot has already been granted significant relief by the Zoning Ordinance itself; when the
103 setback was increased to 100-foot restrictions on existing lots like the one in question where the
104 building envelope would have been less than 16,000 square feet remained at the 50-foot (inland
105 wetlands) and 75-foot (tidal wetlands) setbacks.

106
107 Dr. Arena said that there was a raised home on the lot prior to the existing structure and it was
108 relocated to its current site in back of the "Rite Aid" building. He questioned the elevation of the
109 proposal. Mr. Phoenix explained that the elevation on the plan is from "sea level" not "ground level"
110 and said that they will show that on the plan if they are continued to next month.

111
112 Mr. Groth suggested that the Applicant include on the plan the previous history of the property with all
113 approved variances and special exceptions. He also questioned the calculation of the reduction of
114 coverage of impervious surfaces. Mr. Phoenix said that the Applicant would be removing a deck, which
115 would result in a reduction of impervious surface coverage.

116
117 Mr. Wilson said that he would like the following information if the case is continued to next month:

- 118
- 119 • Total square footage of the footprint of the heated structure
- 120 • Total square footage of the portion of the footprint of the heated structure that is within the 75-
121 foot buffer currently
- 122 • Total square footage of the portion of the footprint of the heated structure outside of the 75-
123 foot buffer currently
- 124 • The percentages of those as they currently exist – that is, as built
- 125 • The same numbers above for what is proposed

126
127 **Dr. Arena moved and Ms. Kohl seconded the motion to continue case #11:01 to the February 3, 2011**
128 **meeting.**

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

130
131 **3. 11:02 – Signarama, 3125 Spring Garden St., Greensboro, NC 27407.** The Applicant requests a
132 Conditional Use Sign Application with the following waivers: (1) Article V, Section 506.6.k. to allow a
133 55 square-foot wall sign, where 24 square-feet is the limit, and (2) Article V, Section 506.5.G –
134 Internally lighted signs are prohibited, to allow an internally lighted sign. Property owner: Joseph's

135 Equipment C/O Brian Thibeault, 300 Gay Street, Manchester, NH 03103; property location: 25
136 Lafayette Road; M/L: 003-087-000; zoning district: I-B/R.

137

138 In attendance for this application:

139 Attorney Peter Saari

140 Brett Haven, Verizon Wireless

141 Anthony Mills, Verizon Wireless

142 Dr. Arena pointed out that neither the Applicant nor the Owner was present for the Meeting and asked
143 if Mr. Haven had authorization to present the case from the Applicant or the Owner; he did not.

144

145 Mr. Wilson explained that since the Owner signed the application which gave the Applicant (Signarama)
146 permission to present the case Mr. Haven would need authorization from the Applicant or the Owner to
147 present the case.

148

149 Mr. Haven said that he would be able to get authorization from Signarama by email to Ms. Chase to
150 present the case.

151

152 Mr. Wilson tabled case #11:02 to give Mr. Haven the opportunity to obtain the authorization.

153

154 **4. 11:03 – Aquarion Water Company, One Merrill Industrial Drive, Hampton, NH 03842.** The Applicant
155 requests a Conditional Use Permit under Article IV, Section 409.10 to allow the replacement of the
156 existing eight inch diameter cast iron water main on Atlantic Avenue from 117 Atlantic Avenue to the
157 intersection of Atlantic Avenue and Maple Road.

158

159 In attendance for this application:

160 Carl McMorran, Aquarion Water Company

161 Jeffrey Murawski, P.E. Tata and Howard

162

163 Mr. Murawski submitted copies of the sedimentation basin detail which was omitted from sheet C4 of
164 the plan.

165

166 Mr. Murawski explained that Aquarion Water Company will be replacing the existing 8" diameter cast
167 iron water main on Atlantic Avenue from 117 Atlantic Ave to the intersection of Atlantic Ave and Maple
168 Road. Mr. McMorran said that the Water Company plans to begin the project in the middle of April and
169 be done by Memorial Day.

170

171 Project Description:

172

- 173
- 174 • Aquarion Water Company to replace approximately 3,850 linear feet of existing 8" diameter
 - 175 water mains with new 12" and 16" diameter water mains.
 - 176 • The project's starting point will be approximately 1,450 feet west of the intersection of Atlantic
 - 177 Ave and Woodland Road, and the end point will be at the intersection of Atlantic Ave and Maple
 - 178 Road.
 - 179 • The proposed work will be the installation of new ductile iron water mains continuing from the
 - eastern end of existing replacement water mains installed in the summer of 2010.

- 180 • The project will include installation of new water mains, fire hydrants, valves and
181 appurtenances.
182 • After the new mains are tested, disinfected and accepted for service, the potable water service
183 lines will be connected to the new water mains and the existing water mains will be abandoned
184 in place.
185 • Construction is outside the resource areas, both within the 100-foot buffer zone of the
186 bordering vegetated wetlands.
187 • All construction is within the paved public roadway, with the exception of 60-feet, where the
188 water main alignment goes off the paved roadway to cross the existing concrete culvert
189 (approximately 350-feet east of the Atlantic Ave/Woodland Rd intersection), therefore, no
190 increase in impervious area is anticipated.

191

192 Mr. McMorran explained that the water through the piping will not freeze so long as water is flowing
193 through the pipe because it is ground water and usually stays around the same temperature – low 50s.
194 He also said that water service to the residents will be maintained while constructing the new main.

195

196 Mr. Wilson asked what they planned on doing to protect the wetlands.

197

198 Mr. Murawski said they would use Best Management Practices by installing hay bales and a siltation
199 fence along both sides of Atlantic Avenue, and if trench dewatering is required, a sedimentation basin
200 will be constructed to filter groundwater prior to discharging to a location determined by the Contractor
201 and approved by both the Engineer and the North Hampton Planning Board.

202

203 Mr. Wilson explained that in order for the Board to act on the Application; they must determine that the
204 criteria for the Conditional Use Permit have been met.

205

206 A. **The proposed construction is essential to the productive use of land not within the wetlands;**
207 *The water mains need to be replaced.*

208 B. **Design and construction methods will be such as to minimize detrimental impact upon the**
209 **wetland site and include restoration of the site as nearly as possible to its original grade and**
210 **condition;**

211 *The Contractor, at his expense, shall brace utility poles if required, and repair any damage to*
212 *existing sidewalks, curbs, paving, shrubs, trees, stone walls, lawns, etc. All excavated areas shall*
213 *be restored to equal or better than prior condition by the Contractor.*

214 C. **No alternative, which does not cross a wetland or has less detrimental impact on the wetland**
215 **is feasible;**

216 *Minimal impact will occur to the wetlands and sedimentation and erosion control plans will be*
217 *used throughout the project.*

218 D. **All other necessary permits have been obtained.**

219 *A “trench opening” permit is required from NHDOT and the Contractor will file it prior to*
220 *construction.*

221

222 Mr. Wilson questioned whether the Board felt the plan should be reviewed by the Town’s Engineer.

223

224 Dr. Arena said that the plan shows they will be doing a cost effective project and an Engineering review
225 from the Town's Engineer is not necessary. The entire Board agreed.
226

227 Ms. Kohl asked if there were going to be road closures during construction. Mr. Murawski said that
228 there may be, and that they had a contract for police details if road closures were needed.
229

230 Dr. Arena commented that the last project done with replacing the water mains was "cleaned up" very
231 nicely at the end of each day.

232 **Dr. Arena moved and Ms. Kohl seconded the motion to take jurisdiction of the Conditional Use Permit**
233 **Application, case #11:03.**

234 **The vote was unanimous in favor of the motion (6-0).**
235

236 Mr. Wilson opened the Public Hearing at 7:59pm.
237

238 **Michele Peckham, 82 Atlantic Avenue** – said that the apron on her driveway is made of decorative
239 pavers, and asked if they would be replaced if disturbed. Mr. Murawski said that the pavers would be
240 replaced to their original state. She also asked if the culvert would be visible from the road. Mr.
241 Murawski said that it would be seen; the pipe will match the culvert vertically. The water line will be set
242 20" off the culvert.
243

244 Questions arose about potential problems with the water flow and Mr. Murawski said that there are
245 isolation valves to shut off the water in case there is a problem with any of the pipes.
246

247 Mr. Wilson closed the Public Hearing at 8:06pm.
248

249 **Dr. Arena moved and Ms. Kohl seconded the motion to approve the Conditional Use Permit**
250 **Application for case #11:03 – Aquarion Water Company.**

251 **The vote was unanimous in favor of the motion (6-0).**
252

253 Ms. Chase received an email from Signarama authorizing Brett Haven, of Verizon, to represent the
254 Applicant on the Conditional Use Sign Application, Case #11:02
255

256 Mr. Wilson took Case #11:02 off the table.
257

258 Mr. Kroner was seated at 8:07pm.
259

260 Mr. Haven thanked the Board for giving him the opportunity to obtain authorization to proceed with the
261 case.
262

263 Mr. Haven explained that the building at 25 Lafayette Road will be used as Verizon's New England
264 headquarters. He said that the back offices in the building will be used for staff, and they will have a
265 store in the front. Verizon plans to employ 40 people to work at that location. He said that Verizon is
266 expecting a large growth, especially with release of the "iPhone", and plan to have 40 stores up and
267 running over the next five years.
268

269 Mr. Mills said that the next evolution with wireless is the 4G, which will address a lot of the signal
270 problems; the signal will carry much farther and be able to penetrate buildings more effectively.
271

272 Mr. Kroner commented that the change to the architectural design of the building needs to be
273 presented to the Board as a separate application. The Applicant's were before the Board with a sign
274 application, but the renderings show significant changes to the façade of the building.
275

276 Mr. Haven said that the roof line will not be changed; the sign will sit on a mounted board to make the
277 front of the building more uniformed.
278

279 Mr. Wilson said that the Board is looking for traditional New England design and suggested that the
280 Applicants look at the architectural standards under the Site Plan Regulations.
281

282 Mr. Groth asked if there was any flexibility on the Applicant's part to mute the colors of the awnings.
283

284 The Board discussed the waiver request under Article V, Section 506.6.k – size. Mr. Haven explained
285 that the original sign proposal was for a 142 square feet sign and they scaled it down to 55 square feet,
286 which is the same size as the previous "Mitsubishi" sign. He said that they will have no monument sign
287 or window signage.
288

289 Mr. Wilson opened the Public Hearing at 8:35pm.
290

291 **Lisa Wilson, 9 Runnymede Drive** – asked what the depth of the channel letters on the proposed sign
292 were. It was determined that the depth is 4-inches.
293

294 Mr. Haven handed out pictures of signs on Woodbury Ave in daytime and nighttime conditions. He said
295 the Verizon sign is the same; made of the same materials.
296

297 Mr. Maggiore said that he Verizon sign on the Store in Epping, NH has "goose neck" lighting, situated on
298 a brick face and is aesthetically pleasing.
299

300 Mr. Wilson closed the Public Hearing at 8:40pm.
301

302 Mr. Kroner said that the sign could be smaller.

303 Mr. Coutu said that the proposed is no bigger than the previous Mitsubishi sign therefore, has no
304 problem with the size.

305 Ms. Kohl said that the proposed sign is too big.

306 Mr. Maggiore said that he is fine with the size of the sign, but has concerns with the proposed changes
307 to the building.
308

309 **Dr. Arena moved and Mr. Coutu seconded the motion to approve the waiver request to Article V,**
310 **Section 506.6.k to allow 55 square feet sign where 24 square feet is permitted.**
311

312 Mr. Kroner said that he is prepared to vote on the waiver, but is not sure if they can conditionally
313 approve the waiver. He is concerned if he votes in favor of the waiver that he would be voting in favor
314 of the façade change, and he is not willing to do that.

315

316 Mr. Wilson said that they would be voting on the waiver request on the size of the sign only.

317

318 **The vote passed in favor of the motion (4 in favor, 2 opposed and 1 abstention). Ms. Kohl and Ms.**
319 **Pohl voted against; Mr. Wilson abstained.**

320

321 The Board took up the waiver request from Article V, Section 506.5.G. – internally lighted signs are
322 prohibited.

323

324 Mr. Haven explained that they intend to use “goose neck” lighting, but would also like to have the sign
325 internally lighted. He said that each channel letter is 4-inches thick and has their own led that can be
326 easily controlled.

327

328 Dr. Arena said that the led’s in the sign will be controlled, and there would not be any light spillage
329 anywhere else.

330

331 Mr. Coutu said that he did not see anything objectionable with the proposed sign illumination, but the
332 Board has a statutory obligation, and if they approved the waiver request, it would set a precedent.

333

334 Mr. Groth said that the Board has consistently denied waiver requests for internally illuminated signs.

335

336 Mr. Wilson said that he is a firm believer in fairness and treating like things alike.

337

338 Ms. Kohl said that the lighting of the sign can be accomplished with just the “goose neck” lighting.

339

340 Dr. Arena said that instead of “white washing” the sign with lights the internal lighting using leds is the
341 least insult on the dark sky standards.

342

343 Mr. Maggiore agrees that the proposed lighting is very good, but can’t vote in favor of it because it
344 would set a precedent. He urged Mr. Haven to look at the Verizon sign on the Store in Epping, NH.

345

346 Ms. Pohl referred to the pictures that were submitted and said that the signs shown with “goose neck”
347 lighting look bad but the internally lighted signs look worse.

348

349 Mr. Wilson opened the Public Hearing at 9:11pm.

350 Mr. Wilson closed the Public Hearing at 9:11:05pm without public comment.

351

352 **Ms. Kohl moved and Ms. Pohl seconded the motion to deny the waiver request from Article V, Section**
353 **506.5.G. – internally lighted signs.**

354

355 Dr. Arena said that it was the way the signs were once constructed and back lit infringed on the night
356 sky; it is not the case with the proposal before the Board for the Verizon sign.

357 **The vote passed in favor of the motion (5 in favor, 1 opposed and 1 abstention). Dr. Arena voted**
358 **against; Mr. Wilson abstained.**

359

360 Mr. Haven said that he appreciates the Board's time, but a Store of this Magnitude (Verizon) has to
361 adhere to a corporate standard and he is not sure if they will agree not to internally light the sign, and
362 not sure if they will move their headquarters to North Hampton. He asked the Board for direction.

363

364 Mr. Wilson said that they can still use the sign; just don't turn on the illumination. He said that it is not
365 impossible to fine external lighting that would illuminate the sign consistently with standards and
366 aesthetic values. The fault with the AutoZone and Dollar Tree examples presented by the applicant lies
367 with the implementation of exterior lighting, not with the concept of exterior lighting, which can be
368 accomplished in many ways.

369

370 The Board discussed the issue with the façade changes.

371

372 Mr. Haven said that Corporate would be flexible with changes to the building, but not the sign.

373

374 **Dr. Arena moved and Mr. Coutu seconded the motion to take jurisdiction of the Conditional Use Sign**
375 **Permit Application for Case #11:02.**

376 **The vote was unanimous in favor of the motion (7-0).**

377

378 **Dr. Arena moved and Mr. Coutu seconded the motion to continue Case #11:02 to the February 3, 2011**
379 **Meeting.**

380 **The vote was unanimous in favor of the motion (7-0).**

381

382 Mr. Haven said that Verizon has a clause in the lease that states if they do not get approval for their
383 sign; the lease is null and void. He asked if they could come back to the Board sooner than February 3rd.

384

385 Ms. Kohl had no problem adding them to the January 20, 2011 Work Session Agenda.

386

387 **Mr. Kroner moved and Mr. Coutu seconded the motion to reconsider the motion to continue to**
388 **February 3, 2011.**

389 **The vote was unanimous in favor of the motion (7-0).**

390

391 **Mr. Kroner moved and Mr. Coutu seconded the motion to continue Case #11:02 to the January 20,**
392 **2011 Work Session rather than the February 3, 2011 meeting.**

393 **The vote was unanimous in favor of the motion (7-0).**

394

395 **III. Other Business**

396 Master Plan update – Mr. Kroner encouraged everyone to attend next week's Work Session where he
397 will present a PowerPoint presentation on the 2010 Community survey results.

398

399 Mr. Kroner said the he went on "google" maps and noticed potential zoning violations on a property on
400 Mill Road, and said that the Code Enforcement Officer has visited the site on several occasions.

401 Mr. Coutu suggested that the Select Board ask the Code Enforcement Officer to give them a report on
402 the site.

403

404 Mr. Maggiore said that he would look into it.

405

406 Ms. Chase directed the Board to Article V, Section 506.3 – Change of Tenant, regarding signs. Ms. Chase
407 was asked to add it to the next Work Session for discussion.

408

409 The Meeting adjourned at 9:50pm.

410

411 Respectfully submitted,

412

413 Wendy V. Chase

414 Recording Secretary

415