



Meeting Minutes
North Hampton Planning Board
Thursday, April 7, 2011 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; Shep Kroner, Joseph Arena, Laurel Pohl, Mike Hornsby, and Jim Maggiore, Selectmen’s Representative (arrived at 7:15pm).

Members absent: Barbara Kohl

Alternates present: Michael Coutu

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

Mr. Wilson convened the meeting at 6:35pm, and noted for the record that the agenda was properly posted.

Mr. Wilson seated Mr. Coutu for Ms. Kohl.

The Board was in receipt of a request from the Heritage Commission to consider nominating Donna Etela as an Alternate Member to the Heritage Commission. Mr. Wilson explained that when the Town voted to establish a Heritage Commission it was considered to be an affiliate to the Planning Board, therefore the Planning Board is tasked with reviewing the candidates nominated by the Heritage Commission and voting to make a recommendation to the Board of Selectmen for the nominees they wish to be appointed.

Ms. Jenifer Landman, Heritage Commission Chair, said that the Commission advises the Planning Board when an application before them is a historic site or in a historic area. She explained that the Commission nominated Ms. Etela to finish out Mr. Ben King’s term because he no longer resides in North Hampton. Ms. Landman said that Ms. Etela lives in one of the oldest houses in North Hampton and has already been working closely with the Heritage Commission. Ms. Landman opined that Ms. Etela would be an asset and a driving member of the Commission. She said that the term would expire in May 2011, and at that time they will nominate her to fill a full term.

Dr. Arena moved and Mr. Coutu seconded the motion to recommend that the Select Board appoint Ms. Donna Etela as an Alternate Member to the Heritage Commission with a term to expire in May 2011.

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

46 Ms. Chase will draft a letter to the Select Board with the Planning Board's decision so that they can place
47 the topic on their next Agenda.

48

49 **11:05 – William Braunlich, President, Epilepsy Foundation New England Donation Center, LLC, 357**
50 **Middlesex Ave., Wilmington, MA 01887.** Conditional Use Sign Application. The Applicant requests the
51 following waivers: (1) Article V, Section 506.6K –Wall Signs, to allow two (2) wall signs on the building
52 where only one (1) would be permitted and that exceed the size limitation; the front building sign
53 proposed to be 20.56' x 3.0'; the second sign located on the southwest corner of the building proposed
54 to be 13.22' x 1.93'. (2) Article V, Section 506.6Q – Color, to allow their proposed shade of green. (3)
55 Article V, Section 506.6O – Window signs, to allow "window cling" signage that occupies 100% of the
56 windows. (4) Article V; Section 506.5G – Internally lighted signs, to allow the use of the existing
57 internally lighted pylon sign. Property owner: Donna McGarry, 11 Badgers Island West, Kittery, ME
58 03904; property location: 251 Atlantic Ave., M/L 007-126-000; zoning district I-B/R.

59

60 In attendance for this application:

61 William Braunlich, Applicant/President, Epilepsy Foundation New England

62 Angelo Feblon, Representative Epilepsy Foundation New England

63

64 Mr. Wilson explained to the applicants the Board's waiver request process. There are three (3) steps: 1)
65 open a Public Hearing on each waiver request; 2) decide whether they have enough information to take
66 jurisdiction and 3) review of the application. He said that the process would be extended due to the
67 amount of waivers requested.

68

69 Mr. Kroner said that in his opinion the Applicant should have been advised by the Building Inspector to
70 apply to the Planning Board with a Change of Use Application. He said that there are fundamental
71 changes that make this use different from a retail use; the proposed business has trucks picking up and
72 dropping off product and there are clear changes in parking requirements and number of employees;
73 things the Planning Board should review.

74

75 Ms. Chase confirmed that the Change of Business was approved around the same time the waiver
76 requests were applied for (March 17, 2011).

77

78 Mr. Wilson reminded Mr. Kroner and any other Board member that, as town residents, they had time to
79 file an appeal with the Building Inspector if they so wished.

80

81 Mr. Braunlich explained that the Epilepsy Foundation Donation Center does pick up clothes and other
82 household items with the trucks, but they don't bring the items back to the North Hampton facility. The
83 North Hampton Facility is for people to come and drop off their donated items. The Epilepsy
84 Foundation Massachusetts, Rhode Island, New Hampshire & Maine, Inc. (EFMARINHME) sole member is
85 the Epilepsy Foundation New England Donation Center, LLC. The single and only purpose of the LLC is to
86 raise money for the Foundation which provides numerous services to the 136,000 people with epilepsy
87 in its four State area.

88

89 Mr. Braunlich explained that the Attended Donation Site (ADS) needs signage that is highly visible to
90 motorists on Route 1 traveling north and south and on Atlantic Avenue. He said they receive no
91 Government funding, so each year they need to raise \$500,000 for their annual budget.

92 The hours of operation at the 251 Atlantic Avenue site will be:

- 93 • Monday – Friday 7:00am – 8:00pm
- 94 • Saturday 7:00am – 5:00pm
- 95 • Sunday 10:00am – 4:00pm

96

97 Mr. Wilson suggested Mr. Braunlich go through his entire application, and then the Board will go
98 through their process.

99

100 Mr. Braunlich explained that first waiver request from Article V, Section 506.6.K – Wall Signs is to allow
101 not only a larger sign but to also allow an additional wall sign. The proposed size for the front of the
102 building sign is 20.56 ft. x 3.0 ft. which is similar to the Enterprise Car Rental sign (previous tenant). The
103 second sign on the western corner of the building will provide some visibility to south bound motorists
104 on Route 1 and is proposed to be 13.22 ft. x 1.93.ft. The letters will be made of a plastic material in the
105 color white and the background of the sign will be painted green. There will be no structural changes to
106 the building or to the building’s façade. There will be no lighting of, or on the wall signs.

107

108 Mr. Braunlich explained that the facility has three trucks with the epilepsy colors and logo on their sides
109 and are moving billboards for the foundation. He said that the foundation mails out postcards indicating
110 when the trucks will be in a particular area so that people can leave furniture outside at the curb or bags
111 of clothes to be picked up by the trucks. He said that the 3 trucks would be out on the road daily, but
112 parked at the facility at night.

113

114 Mr. Wilson spoke on behalf of the Board and said that they are deeply sympathetic to the epilepsy cause
115 but also deeply sympathetic to the townspeople’s desire to improve Route 1. He said that the Board
116 needs to treat like things alike, and that the purpose of a sign is to convey information and nothing
117 more.

118

119 Mr. Braunlich said that the second waiver request to Article V, Section 506.6.q – Colors is requested to
120 remain consistent with the color. He said everything from the truck signage to the Attended Donation
121 Sites and Bins are identical in format and color. He said the colors used are attractive, attention getting,
122 but not obtrusive.

123

124 Mr. Braunlich said that the third waiver request to Article V, Section 506.6.O – Window Signs is needed
125 because the two major criteria for a successful facility are location and visibility. He said the window
126 signs are “window clings” and are fully transparent from the inside of the building looking out. The
127 “window clings” would occupy 100% of the windows. Mr. Braunlich said that the facility only accepts
128 clothing and household goods, and never has cash in the facility for security reasons.

129

130 Mr. Braunlich said that the pylon sign is in working order and he has had it inspected by an electrician.
131 He said it would be nice to use for visibility after hours because it is lighted. He said that if the Board
132 would allow him to use the pylon sign with the condition that it be externally lighted with downward
133 lighting he would honor that even though it would be costly to the Foundation.

134

135 Mr. Hornsby commented that the sign on the pylon spins around.

136

137 Dr. Arena commented that the pylon sign extends over a section of Route 111.

138 Mr. Kroner said that the pylon sign was put in a long time ago when the facility was occupied by
139 Cumberland Farms.

140
141 Mr. Wilson commented that the pylon sign is an abandoned sign. He questioned whether the Board had
142 authority to waive that standard. The pylon sign is nonconforming.

143
144 The Board discussed the color green that is proposed.

145
146 Mr. Kroner said that he doesn't have an issue with the color because it is similar to the leaves on the
147 trees that will be blooming soon.

148
149 Mr. Maggiore agreed with Mr. Kroner.

150
151 Dr. Arena commented that the color green proposed is a clever color to use because it sticks out like a
152 "sore thumb".

153
154 Mr. Coutu said that the proposed color is the least problematic situation with the application.

155
156 Ms. Pohl said that she did not like the color shown in the pictures presented to the Board. Mr. Braunlich
157 said that the color was better depicted on the posters they presented at the meeting.

158
159 Mr. Hornsby had no issues with the color presented.

160
161 Mr. Wilson commented that the proposal shows that a large space would be colored green.

162
163 Mr. Wilson opened the Public Hearing on waiver request Article V, Section 506.6.Q – Color at 7:43pm.

164
165 **Lisa Wilson, 9 Runnymede Drive** – voiced concern about the proposed color green. She said that she is
166 not convinced that the size and color of a sign creates success. She suggested that the Board request
167 the applicant to produce a sample of the color before determining whether or not to grant the waiver.
168 She also suggested that the applicant try to "tone down" the color green.

169
170 **Joseph Walsh, 128 Post Road** – said that in his opinion the proposed color is a little too "loud" for his
171 taste and that it should be "toned down" a little. He said the bigger problem is the amount of "green"
172 being proposed on the site.

173
174 **Craig Salomon, 100 Woodland Road** – said that the proposed color green is an appropriate color. He
175 said that considering the current economy it is important to have a "logo" and encouraged the Board to
176 grant the color with a condition that the applicant provide the number of the paint color they plan to
177 use to submit as part of the record.

178
179 Mr. Wilson closed the Public Hearing at 7:52pm.

180
181 Mr. Braunlich mentioned the current economic times and agreed that it's tough for businesses, but it's
182 even tougher for charities.

183

184 It was a consensus of the Board that the proposed color green was not the issue; it is the amount of the
185 color green they propose to use on the site.

186

187 The Board reiterated their sympathy toward the cause and wanted to work with the applicant to come
188 up with a compromise that would benefit both the Applicant and the Town. They gave the following
189 “feedback” to the applicant:

- 190 • The color green should be “toned” down
- 191 • The pylon sign should be eliminated
- 192 • Totality of the signage – too many signs proposed
- 193 • The Board would like to see a sample of the proposed color green

194

195 Mr. Wilson opened the Public Hearing to Article V, Sections 506.6.K. – Wall Signs, 506.6.O. – Window
196 Signs, and 506.5.G. – Internally lighted signs at 8:30pm.

197

198 **Lisa Wilson, 9 Runnymede Drive** – said that the current pylon sign is protruding into the road. She said
199 as a potential patron, she feels that with all the window signage it is difficult to determine whether or
200 not the facility is open to receive donations. She asked the Board to move toward compliance and allow
201 a 24-square foot wall sign and eliminate the use of the pylon sign.

202

203 **Joseph Walsh, 142 Post Road** – said that the green background looks like it is part of the wall sign which
204 makes the sign look overwhelming on the site. He agreed with Ms. Wilson that it’s difficult to determine
205 whether the facility is open until you reach the door.

206

207 Mr. Wilson closed the Public Hearing at 8:38pm.

208

209 It was a consensus of the Board that the applicant proposes too much signage for that site.

210

211 Mr. Maggiore said that the window signs of the children playing does grab attention, and would not like
212 to see that portion eliminated.

213

214 Mr. Wilson suggested putting the pictures of the children on each side of the wall sign instead of in the
215 windows.

216

217 Mr. Wilson said that if the applicant wishes to include the use of the pylon sign he would have to apply
218 for a waiver to Section 506.2.A. – Abandoned sign.

219

220 **Mr. Coutu moved and Dr. Arena seconded the motion to continue Case #11:05 – Epilepsy Foundation**
221 **to the May 5, 2011 Meeting.**

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

223

224 Mr. Braunlich will have his additional waiver request and other information in to the Board by April 14,
225 2011.

226

227 Mr. Wilson called for a five minute recess at 8:51pm.

228 Mr. Wilson reconvened the meeting at 8:56pm.

229

230 **Preliminary Consultation submitted by Attorney Peter Saari on behalf of his client Brian Thibeault, 300**
231 **Gay Street, Manchester, NH 03013.** The conceptual Site Plan shows an approximate layout of a
232 proposed Bank on the site adjacent to the Verizon building. Property location: 25 Lafayette Road; M/L
233 003-087-000; property owner: Brian Thibeault, 300 Gay Street, Manchester, NH 03013.

234

235 In attendance for this consultation:

236 Attorney Peter Saari, Casassa & Ryan on behalf of his client, Brian Thibeault

237

238 Mr. Saari was before the Board seeking guidance on the proposed project of adding a bank to the old
239 Mitsubishi site located at 25 Lafayette Road. He also wanted to discuss with the Board the proposed
240 changes suggested by the Fire Chief on the fence to be constructed on that site as a condition of
241 approval. The Board was in receipt of a letter from Chief Cote suggesting that the fence added as a
242 condition of approval on Case #10:20 – First Student, be changed to leave the front building open by
243 extending the fence five more existing parking spaces, turn at 90 degrees and continue across the front
244 of the building ending where it would be best suited for the owner of the property.

245

246 Discussion ensued on adding the proposed bank to the site.

247

248 Mr. Kroner said that the buildings on the site would have to conform to the parking requirements. He
249 said that the proposal would not create more impervious surface, in fact there would be less. He
250 suggested that the applicant hone in on traffic generation in that area.

251

252 Mr. Maggiore thought it unusual to propose another bank when there is one down the street and across
253 the street from this site. He said that he has no tremendous problems with the proposal.

254

255 Mr. Saari agreed that there are a lot of banks in the area. He said that studies were done and the data
256 proved that the area could use another bank. He said that it would be a retail bank.

257

258 Mr. Wilson said that banks usually build substantial buildings; they provide good jobs with good
259 benefits. He said a bank is good for the tax base, and they don't generate huge amounts of traffic. He
260 said that it would a significant addition to the commercial community in Town.

261

262 Mr. Kroner said that there are still outstanding conditions to be completed on the site, i.e. plantings
263 along Cedar Road, and the Board should keep that in mind.

264

265 Mr. Groth recommended that the parking spaces on the site be identified as to which spots are
266 dedicated to which business. He referred to the Architectural Standards under the Site Plan Regulations
267 that the Applicant must comply with.

268

269 Dr. Arena asked how patrons will enter and exit the proposed bank's site. Mr. Saari said that they need
270 to work on the traffic pattern.

271

272 Mr. Wilson referred to note #10 on the plan submitted by Mr. Saari. He read it into the record:
273 *notwithstanding the lot line merger effectuated herein, applicant reserves the right to maintain two*
274 *signs as existing on the premises. This merger is without prejudice to the Applicant's right to seek future*
275 *relief from the provisions of the Town of North Hampton Zoning Ordinance regarding the size and design*
276 *of said signs.*

277
278 Mr. Wilson asked Mr. Saari what the merger is that has been effectuated. Mr. Saari did not know.
279
280 **Other Business**
281
282 **Master Plan Update**
283
284 The Board was in receipt of copies of the 1999 Master Plan recommendations. Mr. Kroner explained
285 that he had highlighted the recommendations that he was not sure whether they were ever acted upon.
286 He asked the Board to review the sections, and if they considered a particular section has been acted
287 upon then they should recommend that section be removed from the 2011 Master Plan update.
288
289 Mr. Kroner said that he and Mr. Groth finished the Transportation Chapter and the first Public Hearing
290 for consideration of its adoption will be on April 21, 2011, with the Work Session to immediately follow.
291
292 Mr. Kroner said that the Conservation Chapter and the Recreation Chapter are close to completion and
293 ready for a Public Hearing at the May 5, 2011 Planning Board Meeting.
294
295 Mr. Wilson worked on the Conservation Chapter and he said that he asked Chris Ganotis, Chair of the
296 Conservation Commission to write some of the paragraphs which he did. He said that it is almost
297 complete; they just need information on the number of Aquarion wells in Town.
298
299 Mr. Groth said that Chief Brian Page was extremely helpful in providing data on the Transportation
300 Chapter.
301
302 Mr. Kroner said that the Community Services and Facilities Chapter is pretty much up to date except for
303 the Public Works Facility. He said that he has those specifications to “plug in “.
304
305 Mr. Kroner said that he has not received any requested data from the School yet. He said it is a good
306 opportunity for them to express their desires.
307
308 Mr. Kroner asked Mr. Maggiore to check with the Town Administrator to comment on what Chapters of
309 the Master Plan he thinks have been acted upon.
310
311 Dr. Arena asked if the Transportation Chapter incorporates the Route 1 Corridor plan. Mr. Groth
312 answered, “No”. The Route 1 Corridor plan has not been completed.
313
314 Mr. Coutu said that the appropriate people need to invest time to some of the Master Plan
315 recommendations. The Board agreed.
316
317 Mr. Wilson said that much of the Master Plan is done by volunteers.
318
319 The Board agreed that the Board of Selectmen need to get more involved with the Master Plan.
320
321 Mr. Kroner said that the two MPO Representatives should be briefed on the Master Plan and they
322 should go to every MPO meeting and push the recommendations.

323
324 Mr. Coutu said that there should be a road plan in place.
325
326 Mr. Maggiore said that there was a plan in place and he would get more information on it and report
327 back to the Planning Board.
328
329 Ms. Lisa Wilson suggested making the labeling section clear on each of the sections.
330
331 Mr. Groth advised the Members to review the Transportation Chapter and be prepared to make any
332 changes or recommendations at the April 21, 2011 Public Hearing.
333
334 The meeting adjourned at 10:05 without objection.
335
336 Respectfully submitted,
337
338 Wendy V. Chase
339 Recording Secretary
340
341 **Approved April 21, 2011**