



**Meeting Minutes**  
**North Hampton Planning Board**  
**Thursday, May 5, 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; Barbara Kohl, Vice Chair; Shep Kroner, Joseph Arena, Laurel Pohl, and Jim Maggiore, Selectmen’s Representative.

**Members absent:** Mike Hornsby

**Alternates present:** None

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

Mr. Wilson convened the meeting at 6:30pm and noted for the record that the Agenda was properly posted and he also noted that the meeting was being streamed live via the Town’s website.

**I. Old Business**

- 1. **11:05 – William Braunlich, President, Epilepsy Foundation New England Donation Center, LLC, 357 Middlesex Ave., Wilmington, MA 01887.** Conditional Use Sign Application. The Applicant requests the following waivers: (1) Article V, Section 506.6K –Wall Signs, to allow two (2) wall signs on the building where only one (1) would be permitted and that exceed the size limitation; the front building sign proposed to be 20.56’ x 3.0’; the second sign located on the southwest corner of the building proposed to be 13.22’ x 1.93’. (2) Article V, Section 506.6Q – Color, to allow their proposed shade of green. (3) Article V, Section 506.6O – Window signs, to allow “window cling” signage that occupies 100% of the windows. (4) Article V; Section 506.5G – Internally lighted signs, to allow the use of the existing internally lighted pylon sign. Property owner: Donna McGarry, 11 Badgers Island West, Kittery, ME 03904; property location: 251 Atlantic Ave., M/L 007-126-000; zoning district I-B/R. This case is continued from the April 7, 2011 Meeting.

In attendance for this application:  
William Braunlich, Applicant/President, Epilepsy Foundation New England  
Angelo Feblon, Representative Epilepsy Foundation New England

Mr. Braunlich referred to the discussion that took place on the color green they’d like to use on the building from the April 7, 2011 meeting. The color’s name and color chart number is Pantone #361. He distributed a sample of the color to the Board.

46 Mr. Braunlich referenced the letter he sent to the Board on April 21, 2011 that states their withdrawal  
47 from the waiver request to Section 506.5.G – internally lighted signs and to abandon, all together, the  
48 proposed use of the pylon sign. He also stated in the letter that by eliminating the use of the pylon sign  
49 it reduces the overall signage and color volume at the facility putting more pressure on them to create  
50 ways of making them more visible to people. He requested that the Board approve the wall signs and  
51 window signs the size and color as originally proposed.

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53 Mr. Braunlich submitted samples of material used on the letters of the sign and window clings to the  
54 Board.

55  
56 Mr. Wilson asked Mr. Braunlich if the property owner agreed to remove the pylon sign from the  
57 premises. Mr. Braunlich did not know if the owner would be agreeable to removing the pylon sign.

58  
59 Discussion ensued about the actual size of the wall signs. Mr. Wilson explained that the wall signs would  
60 be the imaginary rectangle around the letters; the size does not include the green background.

61  
62 Most of the Board Members felt that there was too much signage on the site. There are trucks parked  
63 in the parking lot a lot of the time that bear the logo on the entire side panels, and they are quite visible.

64  
65 Mr. Wilson suggested the following:

- 66 • The Board allow the color green as presented
- 67 • Reduce the size of the front wall sign down to 36 square-feet and allow the proposed wall sign  
68 on the southwest corner of the building as presented (approximately 21 square-feet).
- 69 • Reduce the window coverage to comply with the current Zoning Ordinance – 506.6.O – 50%  
70 coverage of the entire window area. Mr. Wilson suggested if the Applicant wanted additional  
71 screening in the windows that they could do so by using another color to achieve the objective  
72 of blocking the view from the inside of the building.
- 73 • The entire approval shall be conditioned on the removal of the pylon sign from the property.

74  
75 Mr. Braunlich said he was concerned with reducing the size of the signs and said it would be debilitating  
76 for the foundation. He said that people need time to react in time to pull into the parking lot for traffic  
77 safety reasons.

78  
79 Mr. Kroner said that he is concerned with commercializing charitable causes. He explained that there is  
80 a lot of competition for charities and the Board should not start establishing commercialization of  
81 charitable giving by allowing the utilization of signage beyond what is allowed in the Zoning Ordinance.

82  
83 Mr. Maggiore said that he drove by the Good Will in Dover and Portsmouth and their signage was not  
84 easy to see, but both stores were very busy. He said that the color green will attract people and they  
85 will become familiar with the business. He thought that the cling on signs in the window screened the  
86 inside of the building from the view of the stacked up garbage bags of clothing. He thought the  
87 Chairman's suggestions were adequate.

88  
89 Mr. Braunlich said that they are not using the cling on signs in the window as screening and if they can  
90 only use 50% of the window they will place the cling on signage on the top portion of the window for  
91 better visibility to the public.

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Dr. Arena questioned whether or not the “white band” on the bottom of the wall sign would continue around the building and Mr. Braunlich said that it would.

Ms. Kohl said that she was not present at the last meeting but did review the recorded video of the meeting. She said that she does not approve of the proposed color green. She also commented that it was stated at the last meeting that there is no cash involved with the business; it’s just a “drop off” for clothes and other household items so the building doesn’t need the windows clear for the Police to be able to see in for security reasons. Ms. Kohl disagreed and said that criminals don’t know whether or not there is cash or valuables at a business. She said it is important for the employee’s safety to be visible from outside. She also commented that people are stuck in traffic at that very site every day, due to the traffic light on Route 1/Atlantic Ave intersection, and will learn that the “drop off” site is there.

Ms. Pohl said that reducing the size of the window “cling on” will make it hard to read what it says.

Mr. Wilson said that it’s not within the Board’s purview to determine what is said on the sign; they can only decide on the size of the signs.

Mr. Wilson opened the Public Hearing at 7:18pm.  
Mr. Wilson closed the Public Hearing at 7:19pm without public comment.

Mr. Wilson said that he would entertain a motion so the board could discuss, and come to a final resolution.

Mr. Braunlich proposed to eliminate the window cling on signage from the side windows and allow 3 window panels on the front to be covered 100%.

The Board discussed the square footage of the wall signs. It was determined that the correct measurement was “cut off” on the pictures presented to the Board. Mr. Braunlich Talked about the size of the sign determined that the paper work was “cut off” after determining the correct size.....

Mr. Wilson opened the Public Hearing on each of the waiver requests at 7:25pm, and noted for the record there was no one from the public present, and closed the Public Hearing.

Waiver Request #1 – to allow the front wall sign to be 20.56’ x 3.0’ and the southwest corner sign to be 13.22’ x 1.93’.

Mr. Wilson explained that since they withdrew their request to use the pylon sign; they are allowed to have two wall signs so they only need the waiver request on the wall signs for size only.

**Ms. Kohl moved and Dr. Arena seconded the motion to grant the waiver request and allow the front sign as presented.**

Mr. Maggiore said calculated it to be approximately 60 square feet for the front wall sign and approximately 25 square feet for the side wall sign.

138 Mr. Kroner commented that the Board spent a lot of time on the Philbrick's Fresh Market sign across the  
139 street and the size of the sign granted is not nearly as big as what is being requested from the Epilepsy  
140 Foundation.

141 Ms. Pohl commented that the proposed wall signs are too big.

142

143 **The vote was 2 in favor, 3 opposed and 1 abstention. Mr. Wilson abstained.**

144

145 **Mr. Maggiore moved and Ms. Kohl seconded the motion to approve the waiver conditioned upon**  
146 **allowing the southwest corner sign as proposed, but reduce the front sign down to 40 square feet.**

147

148 **Ms. Pohl presented a friendly amendment to increase the front sign to 48 square feet.**

149 **Ms. Kohl and Mr. Maggiore accepted the friendly amendment.**

150

151 **The vote was 2 in favor 3 opposed and 1 abstention. Mr. Wilson abstained.**

152

153 Ms. Kohl said that she does not care for the color but it seemed that the Board was more sympathetic to  
154 the cause at the last meeting then they are tonight.

155

156 Mr. Wilson said that the Board sympathizes with the charitable cause but is a firm believer in treating  
157 like things alike. He said the people in Town voted for this sign ordinance and it is up to the Board to  
158 impose the ordinance while trying to be fair to the Applicant. He said the Board is struggling because  
159 they have compassion for the cause but also have a responsibility to the Town.

160

161 **Ms. Pohl moved and Mr. Maggiore seconded the motion to allow the two wall signs to exceed the**  
162 **required limit with the following conditions: (1) the side and front wall sign shall not exceed 70**  
163 **square feet combined; (2) the window cling on signage shall comply with the sign ordinance and cover**  
164 **only 50% of the window area; (3) the owner shall remove pylon sign from the property.**

165

166 Mr. Kroner said that the motion represents a decent compromise.

167

168 Dr. Arena did not agree and thought the Board should grant the size requested. He commented that it is  
169 not a commercial venture.

170

171 Mr. Braunlich said that 14,000 people have Epilepsy in this State. He said that if they are unable to raise  
172 the money they need they will not be able to pay the rent and stay at this location.

173

174 Mr. Maggiore commented that he does not like the pylon sign at the site, but questioned what authority  
175 the Board had to make the removal of it a condition of approval.

176

177 Mr. Wilson said that the structure has been abandoned. He said it is appropriate for the Board to  
178 condition the approval on removing the abandoned sign.

179

180 Mr. Braunlich said that he has no authority to make the owner remove the pylon sign.

181

182 Mr. Wilson said that if the owner refuses to remove the pylon sign then the Board will ask the Building  
183 Inspector to condemn the sign and have the owner remove it and not allow the new signage until that is  
184 done.

185  
186 **The vote passed in favor of the motion (5 in favor, 1 opposed and 0 abstention). Dr. Arena opposed.**  
187

188 Mr. Wilson explained the appeal process to the Applicant.  
189 Mr. Braunlich stated that it is written in the lease that if they do not get the signage they want; they will  
190 leave the site.

191  
192 **Ms. Kohl moved and Mr. Maggiore seconded the motion that the abandoned pylon sign, located at**  
193 **251 Atlantic Avenue, M/L 007-126-000 be condemned by the Building Inspector and removed from**  
194 **the site by the owner.**

195 **The vote was unanimous in favor of the motion (6-0).**  
196

197 **I. New Business**

198 1. **11:06 – Durval Salema, 18 Debra Lane, Kittery, ME 03904. 1).** The Applicant proposes a  
199 corporate change to the façade by renovating the exterior of the Dunkin Donuts building, and to  
200 apply for a Conditional Use Sign Application to replace the existing “Dunkin Donuts” sign with  
201 the following waiver requests: 1). 506.2.J. – Materially Altered and 2). 506.5.G. – Internally  
202 Lighted Signs. Property owner: Antonio Salema, Salema Realty Trust, 7 Beech Court, Stratham,  
203 NH 03885; property location: 42 Lafayette Road; M/L 007-115-U14; zoning district I-B/R.

204 In attendance for this application:

205 Durval Salema, Applicant  
206

207 Mr. Salema explained that the Dunkin Donuts business his father owns in Town was recently renovated  
208 inside and they would like to update the exterior due to Dunkin Donuts’ Corporate requirements to  
209 update the building every so many years. The Building Inspector referred them to the Planning Board for  
210 approval because of the proposed façade changes.

211  
212 Mr. Salema said that the Corporation does not want to eliminate the orange color entirely, but does give  
213 some flexibility with the amount of orange and pink franchise colors. He presented a picture of a Dunkin  
214 Donuts in Vermont with earth tone colors.

215  
216 Mr. Salema presented a picture of the awning they would like to have over the drive thru window. The  
217 awning was in a dark brown color with the letters DD in orange and pink. Mr. Wilson explained that the  
218 Site Plan Regulations prohibits the use of awnings using franchise colors and commented that Mr.  
219 Salema did not request a waiver to that Site Plan Regulation. Mr. Salema explained that Corporate  
220 Office informed them that they could either use the dark brown awning with the DD on it or an orange  
221 awning without the DD. He said that he would ask permission from Corporate to use the dark brown  
222 awning without the DD.

223  
224 Discussion ensued on the new updated signs for Dunkin Donuts. Mr. Salema said that they are replacing  
225 the face of the pylon sign with the new updated Dunkin Donuts logo and was concerned that if the  
226 Board did not allow the sign to remain internally illuminated it would not look right because there is  
227 another sign directly below it (Seacoast Cellular) that is internally lighted. Mr. Wilson said that the pylon  
228 sign is “grandfathered”.

229  
230 Mr. Salema said that they are willing to externally illuminate the new wall sign; the dimensions will not  
231 change.

232  
233 **Ms. Pohl moved and Mr. Maggiore seconded the motion that the sign is not materially altered and**  
234 **does not require a waiver.**

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

236  
237 **Mr. Salema withdrew his waiver request from Section 506.5.G – Internally lighted signs.**

238  
239 **Dr. Arena moved and Ms. Pohl seconded the motion to take jurisdiction of Case 11:06.**  
240 **The vote was unanimous in favor of the motion (6-0).**

241  
242 The Board discussed conditions of approval.

243  
244 **Mr. Maggiore moved and Dr. Arena seconded the motion to approve the Site Plan Amendment to**  
245 **allow renovations to the exterior of the “Dunkin Donuts” building and replacement signs with the**  
246 **following conditions: (1) the replacement “Dunkin Donuts” sign shall be externally lighted in a**  
247 **downward direction, (2) the color scheme for the exterior of the building shall be earth tones as**  
248 **presented in the picture of the “Vermont” Dunkin Donuts building, and (3) the awning shall be dark**  
249 **brown as depicted in the picture presented without the letters DD, or any other lettering.**  
250 **The vote was unanimous in favor of the motion (6-0).**

251  
252 **Other Business**

253  
254 Master Plan update – Public Hearing to consider adoption of the following Chapters of the Master Plan:

255 Recreation Chapter – Mr. Wilson opened the Public Hearing at 8:20pm and noted for the record that  
256 there was no one from the public present. Mr. Wilson closed the Public Hearing. He submitted  
257 grammatical changes earlier to Mr. Kroner and said the content of the Chapter was complete. Ms. Kohl  
258 offered corrections, such as, spelling out New Hampshire, replace the word exasperated with  
259 exacerbated in the 3<sup>rd</sup> paragraph of page 5, and to replace insure with ensure in paragraph 9. Beach  
260 parking was discussed and Mr. Wilson said that he learned from the Town Office that three (3) State  
261 parking spots were taken up by the new metering system. Ms. Kohl said that the Town should initiate  
262 efforts to gain more Town parking spots from the State.

263  
264 **Ms. Pohl moved and Mr. Kroner seconded the motion to continue the Public Hearing on the**  
265 **Recreation Chapter of the Master Plan to the June 2, 2011 Meeting.**  
266 **The vote was unanimous in favor of the motion (6-0).**

267  
268 Mr. Kroner thanked Recreation Director Diane Wheeler for her input on the Recreation Chapter. He said  
269 she captured the activities provided today which is quite different from what was provided in the past.  
270 The Board discussed adding Sagamore Golf Course into the Chapter, but they decided that they would  
271 only add recreating assets that have town control. Mr. Kroner said that he would remove Fuller  
272 Gardens.

273

274 Environmental Conservation and Preservation Chapter – Mr. Wilson opened the Public Hearing at  
275 8:37pm, and noted that there was no one from the public present. He closed the Public Hearing at  
276 8:37:05pm.

277  
278 The Board discussed the Natural Resource Inventory (NRI) and decided to reference it in the Chapter.  
279 Ms. Chase will find out where the document is filed. Mr. Wilson said that it is not a substantive change  
280 to reference the NRI.

281  
282 **Dr. Arena moved and Ms. Kohl seconded the motion to adopt the Environmental Conservation and**  
283 **Preservation Chapter of the Master Plan with suggested edits.**  
284 **The vote was unanimous in favor of the motion (6-0).**

285  
286 Transportation Chapter – The discussion to adopt the Transportation Chapter is continued from the April  
287 7, 2011 meeting. The Board decided it would be a good idea to get feedback from Public Works Director  
288 John Hubbard on the Chapter and to also include his 15-year road plan into the Chapter. It was  
289 discussed at the Deliberative Session on April 2, 2011 that he is working on the plan.

290  
291 Mr. Kroner said that Mr. Fournier e-mailed him and told him that he is reviewing the recommendation  
292 piece, but has not given him anything yet.

293  
294 **Ms. Pohl moved and Ms. Kohl seconded the motion to continue the Public Hearing on the**  
295 **Transportation Chapter of the Master Plan to the June 2, 2011 meeting.**  
296 **The vote was unanimous in favor of the motion (6-0).**

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298 **Planning Board nominations for Rockingham Planning Commission Commissioners – Mr.**  
299 Wilson explained the Planning Commissioners nomination process. The Planning Board nominates the  
300 RPC Commissioners and recommend to the Select Board to appoint them. He said that there is one (1)  
301 Commissioner Position available and there are two (2) alternate positions available. He said that there  
302 are meetings once a month on Wednesday, except for two months out of the year, totaling 10 meetings  
303 per year. The Board decided to give anyone interested an opportunity to apply to the Planning Board.  
304 Ms. Chase will connect with Mr. Fournier and advertise the positions available.

305  
306 Mr. Kroner said that there is a meeting next Wednesday at Great Bay College beginning at 7:45am on  
307 the Great Bay, and the entire panel will be UNH Professors. He said that they will discuss the conflicts  
308 between the area Municipalities and the EPA because of their new strict guidelines.

309  
310 Mr. Groth announced that the RPC will be holding their annual meeting on June 8, 2011 with a UNH  
311 Professor as the guest speaker that will be discussing demographics.

312  
313 **Junk Yard Update – Ms. Chase informed the Board that Town Administrator Steve Fournier, Attorney**  
314 **Matt Serge, and Building Inspector Richard Mabey will be attending the May 19, 2011 Work Session to**  
315 **discuss “Junk Yards”.**

316  
317 The Board was in receipt of a copy of a letter addressed to the Select Board and copied to the Planning  
318 Board. It was from Janice Frongillo regarding the Epilepsy Foundation sign application at the April 7,  
319 2011 Planning Board meeting. She voiced dissatisfaction in the way the Board handles sign applications

320 in Town. Mr. Wilson suggested the Members read their copy because input from Town Residents is  
321 always helpful to the Boards.

322

323 The meeting adjourned at 9:10pm without objection.

324

325 The Planning Board Members along with Wendy and Brian thanked Mr. Phil Wilson for all of his hard  
326 work and dedication to the North Hampton Planning Board. He was presented with an engraved cutting  
327 Board and Gift Certificate. Mr. Wilson has been the Chairman of the Planning Board since March 2002  
328 to present. He thanked everyone and stated that it has been a pleasure working with the Board and  
329 staff.

330

331 Respectfully submitted,

332

333 Wendy V. Chase

334 Recording Secretary