



REGULAR MEETING MINUTES
TOWN OF NORTH HAMPTON
ZONING BOARD OF ADJUSTMENT
January 15, 2003

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The Town of North Hampton Zoning Board of Adjustment ("Board") met on Wednesday, January 15, 2003 at the North Hampton Town Hall to conduct a Regular Meeting of the Board ("Meeting"). Notice of the Meeting had been properly noticed in the Portsmouth Herald on January 4, 2003.

Member(s) Present: Robert B. Field, Jr., Chairman; Dick Wollmar; Richard Luff; and Ted Turchan. (4)

Member(s) Absent: Mark Johnson, Vice-Chairman

Alternate(s) Present: James Kierstead (1).

Staff Present: Krystina Deren Arrain, Recording Secretary; and, Richard Mabey, Building Inspector.

Mr. Field called the meeting to order at 7:02 PM; declared a Quorum present, which Quorum remained present and voting throughout the Meeting; and, then proceeded to the business of the Meeting. It was noted that each Applicant coming before the Board is entitled to have the Application/Appeal considered by a Board consisting of five (5) members; although Board action may be taken by a unanimous vote of a Quorum of three (3) members.

I. Procedure; Swearing in of Witnesses

- A. Chairman Field explained the standard Rules of Procedure that would be applicable to this Meeting to members of the audience, including Applicants and/or their representatives.
- B. Pursuant to RSA 673:15 Chairman Field swore in all persons present who would be giving testimony or presenting comment on matters to be considered by the Board at the Meeting.
- C. The Chairman announced that an audio recording of the Meeting would be maintained by the Recording Secretary and that any Applicant, or member of the public, who wishes to listen to such recording, should make arrangements to do so with the Secretary.
- D. Minutes of the Meeting shall be deemed to be "preliminary" in form and unofficial until the Board votes to approve same.
- E. The form of "Application For Relief", adopted by the Board on September 18, 2002, prescribes certain actions to be taken, and assumes several representations are made, by the Applicant as part of

the filing of an “Application For Relief”. Applicant’s who are in “non-compliance” with prior Orders, Findings or Decisions of the Board, will, in most instances, have any requests for further relief deferred until full compliance is attained or waived by the Board.

II. Acceptance of Minutes

- A. October 16, 2002 - Regular Meeting of the Board
- B. November 20, 2002 –Regular Meeting of the Board

Voted: Upon motion duly made by Mr. Wollmar, and seconded by Mr. Turchan, it was voted to accept the Minutes of the Regular Meeting(s) of the Board of October 16, 2002 and November 20, 2002, in the form distributed to the Members.

The Vote was 4-0. Mr. Field abstained.

III. Preliminary Matters/General Correspondence

- A. Case #2002:38 -- Merrill Family Trust/J. Carl and M. Theresa Merrill, 20 Lafayette Terrace, North Hampton 03862, [Tax Map #021-014-000] – Have withdrawn their Application effective January 2, 2003.
- B. Case #2002:40 – Keith Sheehan, Rivers & Sheehan Construction Company, 186-A Lafayette Road, North Hampton, NH 03862, [Tax Map #017-087-000] – Has withdrawn his Application, effective January 15, 2003.

Voted: Upon motion duly made by Mr. Turchan, and seconded by Mr. Luff, it was voted to accept the withdrawals of Case #2002:38 and Case #2002:40, “without prejudice”, as requested by the Applicants in such Case(s).

The Vote was 5-0, with no abstentions.

- C. Case #2003-02 – Al Silva, McFarland Realty Trust, d/b/a Hampton-Ford Hyundai, 177 Lafayette Road, North Hampton, NH 03862, [Tax Map #017-110-000] -- Requested their Application be tabled until the February 19, 2003 meeting.

Voted: Upon motion duly made by Mr. Wollmar, and seconded by Mr. Luff, it was voted to Table the Application in Case#2003:02 until February 19, 2003.

The Vote was 4-0. Mr. Field abstained.

IV. Continued Business

- (A) **Case #2002:43 – North Hampton Acura, [Tax Map #017-041-000]** —
Requesting a Variance to Article V, Section 506.3(e) to allow for the installation of a third sign composed of individually illuminated letters of 18 inches in height spelling “North Hampton Acura” encompassing a total area of 37.5 square feet where two (2) 12 square foot each wall signs are permitted. The property is located at 137 Lafayette within the I-B/R [Industrial-Business/ Residential] zoning district.

- (i) Jurisdiction. Properly before the Board.
- (ii) Case Presentation. Mr. Don Reed, Senior Designer, Barlo Sign, Hudson, NH introduced himself speaking on behalf of Richard Shulman of North Hampton Acura. Mr. Reed indicated that Mr. Shulman attempted to locate historical records at the Town Offices. With the assistance of the Planning & Zoning Administrator and Building Inspector, they discovered that historical records for this site are apparently incomplete. Along with signage examples of previous owners, Mr. Reed referred to the presentation folder prepared by Mr. Shulman that contained a visual chronology of the signage up to the current date.

Mr. Reed emphasized that the lack of signage from the south-facing façade of the building presents both a disadvantage to business visibility/identification and a driving safety hazard for those traveling north on Lafayette Road.. He presented photos of the south and north facades of dealership building as it currently exists. Mr. Reed referenced how the lack of signage makes identification of the business nearly impossible. He then presented photos of the same views with the proposed blue sign lettering superimposed on the building. He demonstrated the difference in visibility between his two examples. Mr. Reed re-emphasized that traffic is fast moving on Lafayette Road/Rte. 1. He commented that motorists need ample time in which to make the decision if they want to turn into the dealership; otherwise, driving safety could be compromised. Mr. Reed stated that appropriate signage would improve both the business identity and driving safety issues.

- (iii) Five (5) Conditions. Ms. Reed addressed the five (5) conditions, which must be satisfied to enable the granting of a Variance. The Board concluded that the five (5) conditions had been met.
- (iv) Board Observations/Special Considerations. Chairman Field commented that Mr. Shulman’s effort in locating and presenting this additional information to the Board has made it easier to understand the nature of the issue. He thanked the Applicant for making the effort. Mr. Turchan added that there are similar signs in the I-B/R zone district and they are visually appealing. He was especially pleased that the dealership sign included the town’s name prominently featured on the building. From his experience as a local businessman, motorists have asked him “what Town are they in”!

(v) Public Comment. None.

Voted: Upon motion duly made by Mr. Turchan, and seconded by Mr. Luff, it was voted to grant a Variance to Article V, Section 506.3(e) of the Zoning Ordinance, to approve the signage that exceeds the allowed square footage for the following: (a) “Acura” street sign, (b) “Acura” signage on the building front, (c) 18” internally-illuminated blue-letters spelling “North Hampton” on the north-facing side and (d) 18” internally-illuminated blue-letters spelling “North Hampton Acura” on the south-facing side.

The Vote was 4-0. Chairman Field abstained.

V. New Business

(A) Case #2003:01 – Joseph Walsh, Friends of Centennial Hall P.O. Box 200, North Hampton, NH 03862 [Tax Map #014-049-000] — Requests (A) a Variance to Article V, Section 506.3(e) for the installation of two (2) 3-foot by 5-foot signs and two (2) 3-foot by 4-foot signs attached to building walls; and (B) a Variance to Article V, Section 506.4(a) and 506.4(b) for a 4-foot by 4-foot freestanding, sandwich-type board sign. The property is located at 105 Post Road within the R-1 (Residential — High Density) zoning district.

(i) Jurisdiction. Not properly before the Board. The Application was not properly Noticed in the published Notice; and, accordingly a member of the public could object should that issue be considered; a portion of the request for Variance(s) had been inadvertently omitted. Chairman Field suggested that, although they were entitled to have the properly Noticed parts of the Application heard at the Meeting, the Applicant consider waiting until the February 19, 2003, Meeting of the Board to present their case in its entirety rather than “piece meal”. Because the administrative error is the responsibility of the Town, the Applicant will not bear the expense of re-notifying the abutters for the February meeting.

Voted: Upon motion duly made by Mr. Turchan, and seconded by Mr. Wollmar, it was voted to Table consideration of Case #2002:01 until the February 19, 2003, Regular Meeting of the Board, as agreed by the Applicant.
The Vote was 5-0.

VI. Next Meeting.

The next Regular Meeting of the North Hampton Zoning Board of Adjustment will be held

on Wednesday February 19, 2003 at 7:00 p.m. in the Town Hall.

VII. Adjournment.

Chairman Field invited a Motion to “adjourn”.

Voted: Upon motion duly made by Mr. Luff, and seconded by Mr. Turchan, it was voted to adjourn the Meeting.

The Vote was 5-0.

The Meeting was adjourned at 7:43 PM.

A true record, attest

**NORTH HAMPTON ZONING
BOARD OF ADJUSTMENT**

By: _____
**Krystina Deren Arrain,
Recording Secretary**