

PLANNING BOARD	April 23, 2024, 7:00 PM
TOWN OF HAMPTON FALLS	TOWN HALL

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PLANNING BOARD MEETING

A. CALL TO ORDER:

Chairman Santora called the meeting to order at 7:01 PM.

B. ROLL CALL:

Present: Todd Santora, Chairman; Eric Cimon, Vice-Chairman; Edward B. Beattie, Selectmen’s Representative; Lisa Brown-Kucharski; Abigail Tonry; Jon Ringel; Will Lojek Members.

Non-voting: Mark Sikorski, Building Inspector; Glenn Coppelman, RPC Circuit Rider Planner; Rachel D. Webb, Assistant Administrator.

Absent: Andrew Brubaker, Alternate.

Guests: Stephen and Janice Currier, Currier’s Leather; Fred Pineault, NH Signs.

C. PUBLIC HEARING: Case #24-04-01: Application from **NH Signs, for a Final Public Hearing for a **Site Plan Modification** to allow the relocation of the existing sign (Currier’s Leather Furniture) location closer to Route 1, with a new sign, for property located at **75 Lafayette Rd (Map 8 / Lot 91) in TCD-Town Common District zoning district.****

Chairman Santora opened the Public Hearing and read the legal notice for the application under consideration by the Planning Board. Additionally, he read into the record the Rockingham Planning Commission’s Circuit Rider Planner’s Plan Review Memorandum as follows:

The applicant, NH Signs working on behalf of Elmfield, Inc. (Currier’s Leather) is proposing an amendment to the current Site Plan. Specifically, the existing freestanding sign will be removed and replaced with a new sign placed closer to Route 1 than the existing sign.

Please note that the new sign might not fully comply with the recent changes to the Sign Ordinance as voted in March. However, the sign application for this location was submitted to the Building Inspector before any Legal Notice was issued about the proposed Zoning change. Therefore, it should be evaluated under the Ordinance in place at the time of application. It requires an amended Site Plan due to the sign location changing.

My specific comments on this application are as follows:

1. *The application is complete. The Board should first consider **invoking jurisdiction** before taking further action.*
2. *NHDOT has reviewed the plan and conducted a site visit. Although NHDOT does not provide permits for signs, they made recommendations about sign placement so as not to interfere with driver visibility (**DOT’s recommendations should be a Condition of Approval**). They also confirmed that the proposed new sign location is outside of the 12’ NHDOT maintenance easement.*
3. *NHDOT mentioned the possible need to remove the stone wall/planter base of the existing sign to improve visibility. The Board should confirm if this will be done and, if so, the plan marked accordingly.*

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4. *The Stamp of the Professional Engineer should appear on the final Mylar prior to Recording the Plan.*
5. *The Applicant must obtain a Sign Permit from the Town before installing the new sign.*

Chairman Santora commented that one of the changes as a result of the Zoning Ordinance changes voted/adopted in March 2024 was to prohibit electronic signs in the Town Common zoning district.

E. Cimon clarified that although new sign ordinance regulations were voted/adopted in March 2024, the Planning Board will take those under advisement, because technically this Site Plan modification will not comply with the new sign ordinances. **G. Coppelman** stated that the sign application was filed well before any legal notice of sign ordinance proposed changes in 2023, and the Planning Board was aware of the sign application throughout the proposed zoning change process. **G. Coppelman** stated that M. Sikorski and he met with the applicant several times through several iterations of proposals. He continued, that had the proposal been for a sign change in the same location that it would have been a sign permit with the Building Inspector, but because of the change in location of the proposed sign, that required a Site Plan Modification application. In the meantime, the Town proposed modified sign ordinances, with Public Hearings held in Fall 2023, and with Warrant Articles that were approved in March 2024. What the applicant is requesting will not fully comply with the revised zoning ordinance as written today. **E. Cimon** asked if some of those things were the size of the digital part being a percentage of the total. **G. Coppelman** stated that he believed the proposed sign is within the current and previous ordinance limits. The previous ordinance mandated no flashing, moving, animated signs, and stated that this proposal is not for those type of signs. He clarified what is different about the proposed sign is the lower portion of it is an electronic panel that substitutes for a manual changeable copy sign panel. **E. Cimon** stated that the change panel is present on the existing sign. He wanted to clarify the jurisdictional issues that the sign permit issues are the Building Inspector’s jurisdiction, and the Planning Board has jurisdiction over the location of the sign on the site and what it looks like. Additionally, he stated that there is some enforcement on how digital signs are used in town that need to be discussed.

G. Coppelman read the definition of a digital sign, as adopted at the March 2024 Town Meeting: *“Digital Sign is defined as a video style panel, two sides, capable of displaying either text or photos. Digital signage shall be allowed in place of the change panel as listed in Article IV, Section 3.2.2.2.4 and shall be no greater than thirty-percent (30%) of total allowed freestanding sign size.”* **M. Sikorski** stated that the former ordinance did not state a not-to-exceed percent amount. **G. Coppelman** stated that the proposed sign area digital change panel area is probably greater than thirty-percent (30%), and **E. Cimon** agreed, and said that that was what he wanted to clarify. **G. Coppelman** reiterated that the sign permit application was submitted before any proposed sign ordinance revisions were developed and before any public hearings were held.

Chairman Santora said that some guidelines were developed around digital signs so that drivers would not be distracted; the signage should have no content that constantly moves. He continued

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that the change frequency should be not more than once per sixty-seconds (60-secs) so that when driving, a driver will only see one screen message, and will not see the sign panel change, unless they are stuck in traffic. **S. Currier** stated that he thought the change frequency was four (4) times in sixty-seconds, and **M. Sikorski** corrected him that there was no change of frequency number in the former ordinance, and the new ordinance states one time in sixty seconds.

F. Pineault said that, in his opinion, the sixty-second (60-sec) timeframe is respectable. He stated that the proposed sign can be dimmed, is internally illuminated, and will be used in accordance with the current ordinance.

J. Ringel asked if the sign will be on for 24-hours or will it be shut down after 11:00 PM, for example. **M. Sikorski** stated that the reasoning behind the shutting off of the sign after a certain time at night was to address locations where there may be an adjacent residence for whom an internally illuminated sign would function like an undesirable night light. The brightness and the turning off of the sign is at the discretion of the Building Inspector. **S. Currier** said that their intent was to have it run at 15-20% at night with a community seasonal greeting such as “Merry Christmas”, “Happy New Year”, “Welcome to Hampton Falls”.

E. Cimon said that there are some color restrictions that include: no colors that mimic emergency vehicles, and **M. Sikorski** added no bright florescent colors.

Chairman Santora asked if the document outlining the new guidelines is an official document available to give to someone. **M. Sikorski** responded that the integration of the former zoning ordinance with the newly adopted zoning ordinances is in process, but the guidelines will be incorporated.

MOTION: To invoke jurisdiction for Planning Board case #24-04-01.

MOTION: L. BROWN-KUCHARSKI

SECOND: W. LOJEK

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Chairman Santora requested that the applicant describe the construction materials of the sign and what part is lighted and what part is stagnant or not lighted. **F. Pineault** said that the upper part of the sign is internally illuminated, and the bottom part of the sign is an electronic message center. The proposed sign is a double-sided pylon sign with columns on each side of a square-shaped sign 87”H by 88”W by 24”D. The sign cabinet has white Lexan faces and translucent graphics that is internally illuminated. There is a stone-faced planter located at the base of the sign that is approximately 3.5-ft H and stretches the width of the sign base.

Chairman Santora clarified that there will be a new proposed planter at the base of the sign on both sides. **E. Cimon** asked what is the height of the existing sign, and **F. Pineault** stated that the height of the existing sign is fifteen-feet (15-ft) including the planter base. **E. Cimon** asked if there would be any issues with removing the existing planter at the location of the existing sign, and both **J. and S. Currier** asked if they could leave the existing planter in place for the flagpole

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and flower planting, as it is part of the landscaping of the property. **G. Coppelman** stated that DOT may have made removal of that planter a requirement, but they never received a final answer on that issue from the NH DOT. **F. Pineault** stated that he thought that the NHDOT misunderstood the location of the proposed sign. He said that the existing stone planter is approximately ten-feet (10-ft) behind the proposed sign location. He continued that the NHDOT placed a stake at the edge of the right-of-way (ROW) so the proposed sign location will not be located closer than that stake to Route 1.

E. Cimon asked if the applicant needed to get approval from NHDOT, and **G. Coppelman** responded that NHDOT made it clear that they do not approve this type of permit; however they do verify that the placement of the sign will be outside of their right-of-way.

Chairman Santora confirmed with M. Sikorski that the proposed sign meets the regulations of the former ordinance, because the size of the building is over 9,000-sqft. **M. Sikorski** stated that the proposed sign is approximately sixty-five-sqft (65-sqft) on each side where one-hundred-sqft (100-sqft) is allowed on each side. **G. Coppelman** stated that the maximum sign height allowed is twenty-feet (20-ft) and the proposed sign height is twelve-feet (12-ft) so it is within the guidelines. **E. Cimon** asked the height of the Seacoast Powersports sign, for comparison, and **M. Sikorski** responded twenty-feet (20-ft). **L. Brown-Kucharski** said that part of the sign can change with pictures of furniture.

Chairman Santora opened up the meeting for Public Comment, and there was none.

Chairman Santora stated that if the Planning Board were to approve the Site Plan Modification that it would be subject to the new sign ordinance guidelines for use adopted in March 2024.

M. Sikorski asked if Chairman Santora would like to set aside 3.3.3.1.1 as an exception of the Conditions of Approval, that is the section of the ordinance that states the requirement of a maximum percentage of the sign for digital. **J. Ringel** asked M. Sikorski if it is a fact that the proposed digital sign area exceeds the thirty-percent (30%) threshold, and **M. Sikorski** confirmed.

Chairman Santora asked G. Coppelman if the Motion to Approve should include a note that it is approved under the prior (pre-March 2024) ordinance, and **G. Coppelman** responded that the Minutes will reflect the discussion and the fact that the application was received under the prior ordinance, but the board could include that information in the wording of the approval.

Chairman Santora stated that he knows the sign is internally illuminated but asked the applicant if there is any additional lighting of the sign, externally illuminated pointing down or up, and **F. Pineault** responded no. **M. Sikorski** asked about the flag pole if that was illuminated, and if so, would that remain as is, and **S. Currier** confirmed.

Chairman Santora asked that the following note be added to the Motion, that the applicant filed their original Sign Permit application August 15, 2023 that was later converted to a request for a Site Plan Modification to relocate their existing sign with a new sign, prior to December 19, 2023 (which was the date of the first Public Hearing regarding the proposed sign ordinance amendments). The voting of the motion today is adhering to the zoning ordinance that was in

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effect prior to December 19, 2023, that was also prior to the March 2024 election where the sign ordinance was amended.

MOTION: To approve Case #24-04-01: Application from NH Signs, for a Final Public Hearing for a Site Plan Modification to allow the relocation of the existing sign (Currier’s Leather Furniture) location closer to Route 1, with a new (digital) sign, for property located at 75 Lafayette Rd (Map 8 / Lot 91) in TCD-Town Common District zoning district, subject to the following conditions:

1. That any and all fees due the Town of Hampton Falls and its consultants be paid before the mylar is signed and recorded.
2. The “old” existing sign will be removed within fourteen (14) days of the installation of the new sign; and the existing stone wall, planter bed, and flag pole will remain, and new plantings will be installed in the planter bed.
3. The applicant must secure a sign permit from the Town of Hampton Falls.
4. That, if required, any and all state permits be obtained and made part of the file before the mylar is signed.
5. That a note reading “No additional use or change of use shall be permitted unless approved by the Planning Board.” be added to the final plan.
6. That approval is for a new digital sign that is an overall height of 12-ft tall, with the sign cabinet dimensions of 88-inches wide (7.33-ft) by 87-inches high (7.25-ft) and shall be noted as such on the final plan.
7. Provide a description of all new lighting, labeled as such on the final plan in accordance with Site Plan Review Regulation Article VIII, Section 8, Illumination.
8. That a note reading “The sign will comply with the new sign ordinance, with the exception of Article IV, Section 3.3.3.1.1, as voted in March 2024 by the voters of Hampton Falls.

MOTION: L. BROWN-KUCHARSKI

SECOND: J. RINGEL

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D. OTHER BUSINESS:

1) **5 Kensington Road Subdivision, PB Case # 22-08-01 & 22-08-02;** 5 Kensington, LLC (“Owner”); Request for a one (1) year extension of the conditional approvals to May 23, 2025 in accordance with Section 5.7.2 of the Subdivision Regulations.

Chairman Santora read the following letter, dated April 11, 2024, from Attorney Justin Pasay of DTC Lawyers:

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This follows on our letter of March 5, 2024 with regard to the status of the condition approval of the Wetland Special Use Permit and Subdivision Applications for the above referenced property which the Planning Board granted on May 23, 2023.

As you know, the post-conditional approval work on this matter was sadly delayed by the passing of Mark DePiero, the former owner of the Property, in August of 2023. Since that time, however, Mark’s daughter Maggie McGrady, the new Owner of the Property, has been actively working on completing all of the conditions of approval, has met with the Town’s agents a few times, and as of the writing of this letter, we understand that the only outstanding condition is the posting of the surety bond which we understand our client has already obtained and provided to the Town. We had previously requested that this matter be addressed after final approval but have not received confirmation of same. We have requested a final meeting with the Town and its agents to confirm satisfactory completion of all conditions of approval and await the Town’s response in this context.

We have every expectation that the final plan will be approved, signed and recorded in the immediate future, well before 23 May 2024, but in an abundance of caution, we hereby seek a one (1) year extension of the conditional approvals to 23 May 2025 in accordance with Section 5.7.2 of the Subdivision Regulations.

Chairman Santora inquired of **G. Coppelman** and **M. Sikorski** whether all of the statements in the letter were factually correct, and they confirmed. **W. Lojek** asked about “substantial completion”, and **G. Coppelman** said that applied to vesting protection from future zoning changes and that is separate from what the applicant is asking for in this instance. **G. Coppelman** stated that it was his opinion that the applicant is doing the right thing in asking for the extension.

Chairman Santora said that he thought the request for an extension was reasonable and said that the Planning Board approved their original request so why wouldn’t the Planning Board extend it. **G. Coppelman** agreed, and said that he thought it was the right thing to do, and that the applicant probably would not need a full year. **J. Ringel** said that the applicant seems to be doing all of the right steps.

MOTION: To approve the request from 5 Kensington Road LLC, regarding Planning Board Case #22-08-01 and #22-08-02 for a one-year extension of conditional approvals to May 23, 2025, in accordance with the provisions of Subdivision Regulations Section 5.7.2

MOTION: E. CIMON

SECOND: J. RINGEL

UNANIMOUS

E. REVIEW AND APPROVAL OF PREVIOUS PLANNING BOARD MEETING MINUTES: March 26, 2024.

MOTION: To approve the minutes of the Planning Board’s Meeting from March 26, 2024, as written.

MOTION: L. BROWN-KUCHARSKI

SECOND: E. CIMON

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F. ORDINANCE AND REGULATIONS (Ords & Regs) COMMITTEE MEETING

Vice-Chairman Cimon reported that the Ords & Regs committee is making a list of topics on which to work throughout the year.

G. OTHER BUSINESS:

1) Announcement: Chairman Santora stated that next month for the May 28, 2024 Planning Board meeting, Carol Schutte of the Energy Committee will attend to talk about potential Ords & Regs changes to have any new development in town along Route 1 be Electric Vehicle charging ready.

2) 41 Lafayette Road update: Chairman Santora stated that the owner has completed the stone wall in the front of the property that is parallel to Route 1, and asked M. Sikorski what else is still outstanding so that once completed the Planning Board can try to resolve those issues and return the escrow funds it is holding to the property owner. **M. Sikorski** reviewed the Enforcement Action letter he sent the applicant in November 2023 as follows: 1) and 2) Are complete, that is the location and the storing of vehicles, with the vehicles being parked in the back, as requested. 3) Is done. 4) Is done except for some grading and landscaping around the stone wall. 6) Is done. 5), 7), and 8) are interlaced. 5) Is providing adequate landscaping, and the plantings do not grow to maturity overnight. There has been new shrubbery planted, and he said that he hopes it gets maintained. **M. Sikorski** continued that items 7 & 8 go together with 7) being the provision of the As-Built Plan, and 8) is the provision of the Certificate of Occupation (CO).

Chairman Santora asked if the applicant needs a final inspection from the engineer, Jones & Beach before he gets his CO. **M. Sikorski** responded that typically the As-Built plan is reviewed by the Engineer, to assure that any changes on the As-Built still meet the original intent on the grading and the drainage. **Chairman Santora** confirmed that the As-Built plan comes first. **W. Lojek** asked if the applicant is aware that he needs to provide an As-Built plan, and the response was that he will once he receives the follow-up letter as a result of this meeting.

H. ADJOURNMENT:

MOTION: To adjourn the meeting at 8:00 pm.

MOTION: L. BROWN-KUCHARSKI

SECOND: E. CIMON

UNANIMOUS

NEXT PLANNING BOARD MEETING SCHEDULED TUESDAY, May 28, 2024, at 7:00 PM.

These minutes prepared by Rachel D. Webb, Assistant Administrator.