



Minutes

NORTH HAMPTON PLANNING BOARD Work Session March 17, 2003

Page 1 of 8

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription. An audio recording of the meeting is available in the Town Office. In the event that a question arises about verbatim comments, it can be answered by listening to the recording.

Attendance

Present: (1) Phil Wilson, Chair; (2) Judy Day, Vice Chair; (3) Allen Hines, Selectman; (4) Joseph Arena; (5) Ron Todd; (6) Shep Kroner (7); Beth Church, Alternate, seated for Don Gould; Krystina Arrain, Recording Secretary.

Absent: (1) Don Gould, (2) Richard Place, Alternate

Visitors: It was noted by the Recording Secretary that ten (10) community members attended and participated in the meeting at various times and on various topics.

Mr. Wilson called the meeting to order at 7:05 PM.

Items Considered

Organization of Board and Sub-Committees for 2003-2004

Mr. Wilson commented that Dr. Arena and Mr. Kroner had been sworn-in earlier by the Town Clerk. He added that the Selectman's ex-officio is Mr. Hines and his alternate is Mr. Sullivan. Mr. Wilson opened the floor to nominations for Board Chair.

Ms. Day moved and Dr. Arena seconded the motion to nominate Mr. Wilson as Chair.

Both Dr. Arena and Mr. Todd strongly supported Mr. Wilson's nomination. Mr. Todd added that the Board should have a substitute for the Recording Secretary when she is not available. Mr. Hines added that other committees and boards have requested recording secretarial support and the Board of Selectmen are investigating the issue.

The vote was 6-0 with Mr. Hines abstaining.

Following the vote, Mr. Wilson thanked the Board for their vote of confidence.

Ms. Day moved and Dr. Arena seconded the motion to nominate Mr. Todd as Vice-Chair.

Mr. Hines moved to nominate Mr. Gould. With no second forthcoming, Mr. Hines asked for a second for the purpose of discussing the nomination. Mr. Todd seconded the motion.

Mr. Hines noted that Mr. Gould has many years of Planning Board experience whereas Mr. Todd has only served on the Board for a year. He added that Mr. Gould is a former Board Chair, a retired attorney and maintains an excellent relationship with the business community; all abilities which would be a benefit to the Board as a Vice-Chair.

Both Dr. Arena and Mr. Kroner opposed Mr. Gould's nomination. Ms. Day and Mr. Kroner supported Mr. Todd's nomination and Ms. Church had no comment.

The vote for Mr. Todd was 6-0

The vote for Mr. Gould was 1-0 with Mr. Hines voting.

Mr. Wilson commented that the position of Clerk of the Board was not filled last year. The position includes working with not replacing the Recording Secretary in regard to insuring the correctness and timeliness of board minutes. Ms. Day indicated her interest in the Clerk's position for the purpose of contributing information to the Planning Board website, library newsletter and other general information into the community.

Dr. Arena moved and Mr. Todd seconded the nomination of Ms. Day as Clerk of the Board.

The vote was 6-0 with Mr. Hines abstaining.

Mr. Wilson noted that the Board has much work to complete. The primary goal is the review of the zoning ordinance as well as additional work on the Capital Improvement Plan and Long-Range Planning. Ms. Day distributed a list she compiled featuring the issues she and members of her committee had worked on over the past year, those including: (a) CIP, (b) Master Plan, (c) Growth Management, (d) Storm Water Information from Board of Selectman Rep, (e) Written Overview of Wetlands Protection [E. Ann Poole], (f) Architecture, (g) Landscaping, (h) As-Built, (i) Greenspace and (j) Noise. She added that the following issues should be reviewed or considered by the Board. They include (a) municipal complex liaison, (b) Route 1 information – curbing, impact, etc., fire, police; (c) change of use information – three months initial timeframe for reviewing the definition of change of use, (d) general communications between Boards, etc.; and (e) code of ethics.

Mr. Wilson endorsed Mr. Todd as Chair of the Applications Review Committee /ARC serving with Mr. Kroner and Dr. Arena. Mr. Wilson tabled the appointment of the Long-Range Planning Committee until the April 21, 2003 work session meeting.

Minutes from prior meetings

Mr. Wilson commented about the rules of procedure for reviewing minutes and defining a process that would make it easier and more efficient. He referred to the February 18, 2003 work session meeting in which the Board took over an hour reviewing three sets of minutes. Mr. Wilson had suggested the following procedure:

In my view the Board's review of minutes in our last work session was frustrating and inefficient. To at least begin discussion of how best to remedy this persistent problem, I propose a new policy to be written into our Rules of Procedure (a new Section X.3). My proposal is:

Minutes will normally be reviewed in work sessions of the Board. Suggestions for revisions to the Recording Secretary's draft of Planning Board minutes will be submitted to the Recording Secretary in written form (e-mail is acceptable) at least five (5) work days before the work session in which the minutes are to be reviewed. The Recording Secretary will compile all proposed revisions and distribute them to members by close of business on the work day prior to the work session in which they are to be considered. During work sessions, only revisions thus submitted will be ruled "in order" for discussion.

Thus, our edits should normally be submitted by the close of business on the Monday one week before each work session, and the compilation of them will be distributed on the Friday prior to each Monday work session.

During work sessions we will consider only written suggestions that were submitted and changes in those suggestions that are proposed during deliberations. Any other proposed revisions will normally be ruled "out of order" by the Chair.

This process should expedite review and approval of minutes and avoid the embarrassment I hope we all felt at our last meeting – that is, from reviewing only three sets of minutes in an hour of "deliberation" as members of the public watched. With this process, I am confident we shall conduct more deliberate, thoughtful and efficient consideration of minutes under review.

Mr. Wilson commented that Board members should review and consider the suggested process. This item will be placed on the April 21, 2003 work session agenda.

Minutes of the January 21, 2003 Regular Meeting

**Dr. Arena moved and Ms. Day seconded the motion to accept the minutes as amended.
The vote was unanimous.**

Minutes of the February 4, 2003 Regular Meeting

**Dr. Arena moved and Mr. Kroner seconded the motion to accept the minutes.
The vote was unanimous.**

Minutes of the February 18, 2003 Work Session Meeting

**Dr. Arena moved and Ms. Day seconded the motion to accept the minutes as amended.
The vote was unanimous.**

Minutes of the March 4, 2003 Regular Meeting

**Dr. Arena moved and Ms. Church seconded the motion to accept the minutes.
The vote was unanimous.**

Heritage Commission Nominations

Mr. Wilson noted that Jane Palmer of the Heritage Commission has submitted the following Heritage Commission nominees for the Planning Board to recommend their appointment by the Board of Selectmen. They are the following:

Three-year term, Jane Palmer until 2006
One-year term alternate, Penelope Kennedy until 2004
One-year term alternate, Barbara Hobby until 2004

Ms. Palmer also submitted the following information and qualifications on the nominees;

Barbara Hobby, 17 Fern Road, is one of the original members chosen by Forest Griffin because of her long-time volunteerism in town and an interest in preserving the history of the town. She is our treasurer and works on research with the rest of us.

Penelope Kennedy, 25 Winterberry Lane, was appointed to Commission May 2002. She has a background in historic houses and is now doing research on the homes from 1892 to 1902. Also, she has computer expertise of which the Heritage Commission has need.

Jane Palmer, 65 Walnut Avenue, Chair of Commission--1997-98;1999; 2000; 2002-2003. Ms. Palmer is one of original members of the Commission who has historic expertise in age and experience. She is involved because of a long-time commitment to town and interest in preserving history of North Hampton.

Dr. Arena moved and Ms. Day seconded the motion to recommend the appointment of Jane Palmer, Penelope Kennedy and Barbara Hobby for the Heritage Commission to the Board of Selectmen.

Mr. Hines inquired if the Board members knew the nominees and were confident enough in their qualifications to recommend them to the Board of Selectmen. Dr. Arena responded that from the information provided to him, he was confident in providing the recommendation. Mr. Wilson added that the members of the Heritage Commission do a good job. He also added that the purpose of the Planning Board is not to recruit volunteers but just to act on recommending commission nominees. Ms. Day commented that she applauds all volunteers and Dr. Arena added he would like to see the Board of Selectmen encourage more volunteerism. Mr. Todd noted that the current recommendation process is appropriate and has seen the Board of Selectmen approve recommendations using similar information.

Mr. Wilson noted that a warrant article set the parameters for the process. He asked if anyone in the audience wanted to comment. Ms. Joanne Lamprey commented that both Jane Palmer and Barbara Hobby were eminently qualified.

The vote was 6-0 with Ms. Church abstaining

Presentation by E. Ann Poole, Consulting Ecologist and Environmental Planner

Ms. Poole commented that she has been working with the Board since October 2002 on subdivision regulations in regard to landscaping requirements. She pointed out that there are three (3) basic type of landscaping surety: (a) performance bond, (b) irrevocable letter of credit and (c) other types of security including cash and other asset(s) held in trust. She noted that the NH Office of State Planning [NH OSP] does not recommend cash as a surety instrument.

Ms. Poole provided information on “prime wetland” regulation analysis providing an overview of the process and procedures for a town designating prime wetlands through the Department of Environmental Services [DES]. She added that regarding federal wetland regulations, the State of NH is designated to act on behalf of the federal government.

Ms. Day asked if the Zoning Board of Adjustment/ZBA could grant variances regarding prime wetland areas. Ms. Poole responded that the ZBA would have no jurisdiction regarding prime wetlands. She further added that conditional use or driveway permits would require state approval. Ms. Poole noted that the towns of Exeter, Barrington and Tamworth have both prime wetland and buffer setback regulations in their respective communities. Mr. Kroner noted that the Rockingham Planning Commission is conducting a mapping study that will be completed in three years.

When discussion was raised about the difference between prime wetlands and wetland setbacks, Ms. Poole answered that these regulations are complementary not exclusionary to each other. She added that they perform two different functions.

Ms. Poole added that the Board has indicated its intent to continue their work on the Master Plan regarding (1) blasting on bedrock, (2) lighting, (3) noise and (4) signs. She was to provide written copies of her presentation.

Continuation of Public Hearing

[Addressing Proposed Site Plan Review Regulation Amendments]

Mr. Wilson welcomed the public to the continuation of the public hearing for the architectural standards, noise, landscaping and as-built amendments to the site plan review regulations. Over the course of the public hearings on these issues, the Board has received inputs from the public which are taken into consideration when re-editing the amendments. Currently the landscaping, as-built and greenspace amendments have undergone sufficient review and will be posted for a final public hearing at the April 21, 2003 work session meeting.

Greenspace

Mr. Todd reported that he, Richard Luff and Richard Mabey, Building Inspector, met to discuss the greenspace amendment. Michael Iafolla intended to attend another scheduled meeting but was unable to attend. The outcome of that meeting follows from Mr. Todd’s memo to the Planning Board dated March 17, 2003:

Per our last meeting on the topic, I agreed to meet with Richard Luff and Michael Iafolla to get their inputs on the amendment regarding greenspace. Although Mr. Iafolla had to cancel our meeting scheduled for Friday, I was able to meet with Mr. Luff and our Building Inspector. I also received a fax from Mr. Iafolla outlining his suggestion.

Our proposed amendment is shown below followed by regulation examples used by other towns and finally a recommendation for your consideration.

Proposed Amendment

GREENSPACE

DEFINITION: A permeable area of vegetated ground surface.

Greenspace shall compromise no less than 25% of the total lot area, exclusive of wetlands and slopes in excess of 25%.

As you know, our proposed amendment is the same as that used in Greenland. It should be noted that Greenland's Industrial Business zone is much larger than ours enabling them to have, what on comparison, is quite restrictive.

You will see that some regulations approach the concept of greenspace or open space with a regulation limiting "lot coverage". Our Building Inspector said this is a more common approach to address the concern and you will note that it seems to be a more positive way of addressing the concern. It also makes more sense from an engineering perspective when designing a site plan.

Other Examples

- 1. Model Site Plan Regulation from Nashua RPC: "A minimum of __% of land shall remain in its natural state or be maintained as appropriately landscaped area. Undisturbed wooded areas may be included in this calculation."*
- 2. Clarimont Section 22-355.6: "Lot Coverage. All buildings, including accessory buildings, shall cover in the aggregate not more than sixty (60) percent of the lot area."*
- 3. Brookline Section 503.04: "Site Coverage. No more than seventy-five percent (75%) of the gross area of any lot may be occupied by structures and impervious surfaces. Commercial buildings, structures and parking areas in existence as of March 12, 1996 that exceed the permitted lot coverage within the district may be maintained at, or rebuilt to, the existing level. Any increase in impervious area will not be permitted."*
- 4. Concord: Maximum Lot coverage. No buildings, structures, or impervious surfaces or combination thereof shall be constructed on a lot such that the area of the lot covered by buildings, structures, and impervious surfaces, when calculated as a percentage of the total lot area, shall exceed (refers to a table) 80%.*

5. *Michael Iafolia's recommendation: The percentage of green space required after subtracting the required buffer be capped at 10% of the remaining land."*

Recommendation

Recommend that we adopt a regulation similar to #3 above. It is stated in a more positive manner (maximum of 75% lot coverage) and allows existing developments to be grandfathered.

Public Comments

Michael Iafolia, 125 Woodland Road, suggested that after the buffer strip is applied, cap the additional greenspace at 10%. Richard Luff, 79 North Road, inquired if slopes and wetlands are removed from greenspace calculations. Mr. Todd responded that they would not be included in the calculation.

Ted Turchan, 125 Lafayette Road, commented that the Town of Greenland's business district is underdeveloped whereas the North Hampton business district is almost completely developed. He suggested that we should develop greenspace regulations that are specific to our situation rather than looking at other communities.

Mr. Wilson asked about the impervious surface coverage at the 9 Lafayette Road site. Both Tina Montgomery and Mike Iafolia indicated that the entire area is paved; whereas, after they complete their proposed development, there will be 25% greenspace on the lot.

Mr. Turchan commented about the drainage system at the 9 Lafayette Road site stating that it should be underground. Mr. Kroner asked if setback would be part of the 25% and Mr. Todd responded that setbacks would, yet slopes and wetlands would not.

In closing, Mr. Wilson suggested that we continue with the 10 foot buffer requirement with the percentage of remaining land be capped at 10% but in no case would it go below 15% of the area.

Landscaping

Ms. Day added that she has been unsuccessful in contacting A.J. Dupere, Community Forester of the Urban Forestry Center to provide the Board with additional information about landscaping guidelines. Ms. Day requested that Krystina Arrain, Planning & Zoning Administrator to followup with Mr. Dupere and report back to the Board.

Public Comments

Regarding tree planting coverage, Mike Iafolia noted that the Board has to decide what it wants to accomplish when establishing the site plan requirement. Mr. Wilson responded that the Board wants to restore the rural aspect of the business district. He referred to a statement by Ms Simmons that Rte 1 has been denuded of trees and would like to see the area re-forested.

Mr. Turchan followed by citing the example of tree coverage in the Post Office parking lot. He further commented the tree canopy is quite extensive, yet the trees were planted only fourteen years ago. Peter Killhefer, 70 Post Road, suggested that the regulation should stipulate the result to be achieved, not the details on how to achieve it, but rather a timeline for the results.

Glen Martin, 12 Kimberly Drive, inquired where the trees would be planted, in the front or back of the property. Mr. Wilson responded by commenting that trees would not be planted in the "sight triangle." Mr. Kroner suggested that developers use existing trees as much as possible. Mr. Martin brought up the issue that power lines need to be taken into consideration. He also added that he believes professional landscapers should be left to design a reasonable plan for the community. Mr. Martin added that he supports these kinds of improvements, but believes in compromise. He would rather see landscaping guidelines rather than inflexible requirements.

Ms. Day noted that the Board needs to continue its work on architectural standards and noise. She also asked the Planning & Zoning Administrator to inquire of the Building Inspector to provide a change of use report.

In concluding the public hearing portion of the meeting, Mr. Wilson thanked the audience for attending and participating in the meeting. He added that he felt these types of sessions are very helpful.

Mr. Wilson entertained a motion to adjourn.

Dr. Arena moved and Ms. Day seconded the motion to adjourn.

The vote was unanimous.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary