



Minutes

NORTH HAMPTON PLANNING BOARD

Work Session

Tuesday, August 26, 2003

Page 1 of 6

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) Ron Todd, Vice Chair; (3) Joseph Arena; (4) Shep Kroner (5) Richard Place seated for Don Gould; Krystina Deren Arrain, Recording Secretary/Planning & Zoning Administrator

Absent: (1) Judy Day; (2) Jenifer Landman, Selectman; (3) Beth Church, Alternate; (4) Laurel Pohl, Alternate

Mr. Wilson called the meeting to order at 7:00 PM.

Items Considered

Other Business/General Correspondence

Request for Clarification of Architectural Standard

Andrew Janiak and John McGonagle of Seacoast Harley Davidson requested clarification of architectural standards referencing their recent appearance before the Board. Mr. Wilson indicated that in the Board's attempt to be sensitive to their business' need, their request was being addressed under this agenda item. He further added that no implicit guarantees would be part of this request for clarification.

Messrs. Janiak and McGonagle expressed concern that a pitched roof would make the storage building more visible and twice the height of the proposed building, whereas a flat roof building would be barely visible from Lafayette Road. Additionally, a berm would camouflage the building from the Blake Chevrolet and Cedar Road view. Dr. Arena suggested that the applicant consider a "green roof" which is an innovative roofing solution of live vegetation on a flat roof. Mr. Janiak indicated a pitched roof could create a safety problem by increasing the chance of large snow masses sliding off the roof and causing injury. Mr. McGonagle indicated he prefers pitched roofs, but not for the storage building he has proposed and for the reasons he cited. Attempting to support environmental innovation, Mr. McGonagle noted that he maintained a waste oil heating system at Seacoast Harley recycling waste oil used previously at his business. The experiment was fraught with inefficiencies and difficulties and had to be abandoned.

Because of this experience, he is hesitant to embrace Dr. Arena's "green roof" suggestion until more U.S. research and use is conducted.

Messrs. Todd and Kroner were not opposed to the flat roof for the reasons cited but expressed concern that they did not want a precedent established that pitched roofs are unsafe. Mr. Todd stated that applicants can apply for waivers, but the Board can also initiate a waiver without the requisite posting notice. Mr. Wilson noted that Seacoast Harley Davidson has attempted to meet the spirit of the architectural standard regarding the roof and building materials. He agreed with Mr. Todd's concern about not setting a precedent regarding the safety of pitched roofs. Mr. Wilson also added that the windows and doors proposed are appropriate for a storage building.

Minutes from prior meetings

Minutes of the June 16, 2003 Work Session Meeting

Discussion about the billing procedure for KNA/Town Engineer engineering services ensued. Mr. Wilson suggested that Ms. Arrain author a procedural memo outlining the process. Mr. Todd suggested that a brief description of the process should be included on the applications for subdivision, excavation and site plan reviews. Dr. Arena suggested that a handling fee could be charged to applicants. Mr. Todd suggested raising the application fees to cover the additional billing costs.

Dr. Arena moved and Mr. Todd seconded the motion to accept the minutes as amended.
The vote was 4-0 with Mr. Place abstaining because he was not in attendance at this meeting.

Minutes of the July 21, 2003 Regular Meeting

Discussion ensued about the "Discussion of Joint Meeting with ZBA to Review Section 512 of the Zoning Ordinance."

Mr. Peter Simmons, 29 Ocean Boulevard, stated that the July 21, 2003 minutes and the August 5, 2003 minutes are not fully representative of what went on during those meetings. He added that items that were not on the agenda were discussed and as the subject of some of the discussion, Mr. Simmons was not notified. Mr. Todd asked what issues did Mr. Simmons want the minutes to reflect. Mr. Simmons indicated that he needed a few weeks to have the information transcribed. Mr. Simmons stated there is a difference between the minutes and the audiotape. Mr. Wilson commented that Mr. Simmons should submit an addendum that could be added to the minutes if the Board agrees that the addendum is appropriate.

Dr. Arena moved and Mr. Kroner seconded the motion to accept the minutes as amended.
The vote was 4-0 with Mr. Place abstaining because he was not in attendance at this meeting.

Minutes of the August 5, 2003 Regular Meeting

Discussion ensued regarding the first paragraph. Mr. Wilson asked Ms. Arrain if she thought the paragraph should remain. Ms. Arrain stated that the paragraph reflected a meeting activity and should remain. Messrs. Todd and Arena stated that the paragraph did not pertain to the business of the meeting.

Dr. Arena moved and Mr. Kroner seconded the motion to delete the first paragraph of the draft minutes as prepared by Ms. Arrain, Recording Secretary.

The vote was 3-0 with Mr. Wilson and Mr. Place abstaining.

Dr. Arena moved and Mr. Place seconded the motion to accept the minutes as amended.

The vote was 4-0 with Mr. Todd abstaining because he was not in attendance at this meeting.

Mr. Wilson related the Section 406.8 variance difficulty regarding Joe Kutt's [Joe's Meat Shoppe] application that the Planning Board had approved at the August 5 meeting and expressed his frustration with the inefficiency and unnecessary costs caused to applicants by the Board of Selectmen's policy prohibiting direct access to NHMA by Planning Board members. The Board agreed that the Chair would draft a letter to the Board of Selectmen regarding access to the NHMA by Board members.

Heritage Commission Nominations

Dr. Arena moved and Mr. Todd seconded the motion to recommend to the Board of Selectmen the appointment of (1) Carolyn Brooks to serve the remainder of Peter Parker's Heritage Commission term (2005); and (2) Ruth Donais as an alternate delegate for the remainder of the one-year term of Penelope Kennedy's Heritage Commission term (2004).

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

Note: The Heritage Commission nominated Carolyn Brooks to serve the remainder of Peter Parker's term--2005. She served many years as Supervisor of the checklist and Planning Board secretary, served on the first Board of Directors of Centennial Hall as its treasurer, and was a garden club member who worked to restore the Town Common. She is a native and a valuable resource for town history.

Also, the Commission nominated Ruth Donais as an alternate delegate for the remainder of the one-year term of Penelope Kennedy. She has lived in North Hampton for many years and is related to the older names in town of Batchelders and Leavitts. Her grandfather was Ed Smith who served as tax collector for many years and surveyed the entire town in 1942.

Discussion of Violations of Section 505.2, General Regulations of Zoning Ordinance

Mr. Wilson reiterated his concerns about the violations that were noted in the June 16, 2003 minutes, commenting that nothing has been done at the following cited locations:

- (a) Display trailer of gas stoves, etc. at the Hearth Shop,
- (b) Furniture Warehouse trailers (3) at Tilton Equipment,
- (c) 3 trailers, possibly being used for storage at Rollins Furniture,
- (d) Cars at Bob Hendry's Auto Repair located across from Irving Oil,
- (e) Cars and trailers between ExxonMobil and Kimball's Garage,
- (f) Cars and/or trailers between Lupoli Excavation and Port City Roasters,
- (g) Tractor Trailer and/or landscaping equipment at Fern Road,
- (h) RV's and Trailers around Wilbur's Restaurant, and finally,
- (i) Cars and Trailers at the Old Bowling Alley site that should be cleaned up shortly.

Mr. Wilson added a trailer located behind Wayne's Autobody to the above list. Board members noted they have seen an abundance of balloons and sandwich board signs and questioned if the Building Inspector approved them or if they are displayed illegally. Mr. Kroner referenced a recent Portsmouth Herald article citing similar violations in Kittery, ME. Mr. Wilson suggested writing a letter to the Board of Selectmen noting that the Planning Board has become aware of numerous violations of Section 505.2 and requesting that the Board of Selectmen instruct the Building Inspector/Code Enforcement Officer to remedy these violations.

Dr. Arena stated that he believed it is the responsibility and duty of the Planning Board to address these violations. Mr. Wilson noted that he wanted more effective code enforcement and that the Planning Board wanted to start a process to encourage the Board of Selectmen to address this issue. Dr. Arena added that the Town requires a written complaint and he suggested that the Planning Board submit a written complaint. Mr. Wilson commented that the Planning Board must be reasonable and present violations that can be corrected. He suggested that the Building Inspector would likely be able to devote some time each day to code enforcement, but that the Planning Board should not expect the Building Inspector to take too much time away from other responsibilities to take up this responsibility. Mr. Wilson wanted the most egregious violations resolved as a first step toward more comprehensive enforcement.

An extended discussion between Mr. Wilson and Dr. Arena ensued about whose responsibility is (1) code enforcement violation notification and (2) how extensive a list should be submitted. Mr. Wilson referenced Allen Hines' statement that code enforcement is not politically popular. Dr. Arena suggested that an all-inclusive list of violations should be submitted. Such a list would prove/validate the need for a dedicated code enforcement officer. Mr. Wilson suggested that Board members submit a list of violations for the next meeting. He predicted that if the Board submitted a lengthy list of violations, it would overwhelm the Town and cause even more inertia.

Mr. Wilson commented that he would write a personal letter to the Building Inspector, copying the Board of Selectmen, requesting that the Building Inspector attend to the violations. Mr.

Wilson commented that in best practices of project management, segmenting tasks into achievable actions, generates the best results.

Mr. Todd moved and Mr. Kroner seconded the motion to authorize the Chairman to draft a letter to the Board of Selectmen addressing the issue of Section 505.2 violations.

As an alternative approach, Mr. Place suggested submitting a list of specific violations pertaining to one site to the Building Inspector. He also suggested submitting on a regular basis other site-specific violations to the Building Inspector for remedy. Mr. Place noted that the purpose of this repeated consistent action would be to emphasize the urgent need to act on the numerous violations. Mr. Wilson suggested starting with one ordinance rather than multiple ordinance infractions. He also noted that the Board couldn't trespass on business properties in evaluating ordinance violations. Mr. Todd commented that a code enforcement officer could reference that fact in pointing out to one violator who questions why his/her property was cited, while other violators are not cited. Mr. Todd stated that he believed citing ordinance violations, rather than citing lists of properties in violation of a variety of sections of the Ordinance, is an equitable and fair approach. Dr. Arena commented that he has received many comments from townspeople asking about what the Board is doing when issues such as these need to be addressed to make North Hampton the town they want it to be.

The vote was unanimous (5-0).

Mr. Wilson asked the Board to contribute a list of ordinance violations for the next work session meeting. Mr. Place re-emphasized that this process must be continued and championed by the Board. Mr. Kroner disagreed with Mr. Hines' statement and emphasized that in his opinion this issue is politically popular.

Other Business

Mr. Wilson recounted that he had a discussion with John Anthony Simmons, ZBA Chairman, regarding the Planning Board's initiative to review the Zoning Ordinance as part of the work plan for 2003-2004. Mr. Simmons asked if the Board was interested in a joint meeting with the ZBA to discuss the zoning ordinance. Mr. Wilson requested that Ms. Arrain provide a copy of John Krebs' RPC Zoning Ordinance Review dated October 10, 2002, to each member of the ZBA. Mr. Wilson asked if the Board should arrange a joint meeting with the ZBA on the issue of working jointly with the ZBA on this project. Mr. Wilson, as examples of items to be discussed, suggested addressing the following topics:

- a) Revision of gas stations Section 512
- b) Revision of Landscape Buffer Section 406.8
- c) Revision and Clarification of Definition, for example, differences between gas stations and service stations

Mr. Wilson entertained a motion to adjourn.

**Dr. Arena moved and Mr. Todd seconded the motion to adjourn.
The vote was unanimous (5-0).**

Meeting adjourned at 9:45 PM

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary