



## **Minutes**

### **NORTH HAMPTON PLANNING BOARD Public Hearing and Work Session Monday, June 16, 2003**

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*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) Judy Day; (5) Shep Kroner; (6) Allen Hines, Selectman; (7) Beth Church, Alternate, seated for Don Gould; Krystina Deren Arrain, Recording Secretary

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

**Visitors:** None

Mr. Wilson called the meeting to order at 7:02 PM.

### **Items Considered**

#### **All Boards Night Meeting [Tuesday, June 17, 2003]**

Mr. Wilson asked Mr. Hines to provide details or an agenda of the upcoming All Boards' Night meeting scheduled for the next evening. Mr. Hines indicated that he was unclear about the details but expressed hope that the meeting would be beneficial. He commented that a prior meeting focused on sexually-oriented business issues had not been clear and informative. Mr. Hines indicated this meeting would be an opportunity for all town Boards to gather and meet with Town officials as well as representatives from the NH Municipal Association (NHMA) and the NH Department of Revenue Administration (DRA).

Dr. Arena noted that he believed there should be more communication between town boards. Mr. Todd requested the opportunity to prepare questions in advance for future meetings. He cited as an example, the relationship between Little Boar's Head and the Town of North Hampton as issues that he felt should be discussed. Discussion ensued among Board members about the perceived differences between Little Boar's Head and the Town of North Hampton.

**Section 505.2 Ordinance**

Mr. Wilson expressed his concern that there currently exists many violations of Section 505.2 ordinance dealing with temporary structures as defined below:

*505.2 Any vehicle, whether or not powered and whether or not licensed, shall be considered to be a temporary structure. Such vehicle shall be allowed only under the provision of Site Plan Review Regulations or as follows: \*3/11/97*

*505.2(a) In an Industrial Business Zone, each lot may have one vehicle as described in Section 505.2 for periods not to exceed a total of 90 days annually. A permit shall be required for each use. The permit will be issued by the Building Inspector's office only if it feels such use of a vehicle would not be detrimental to the area. \*3/11/97 and \*3/9/99*

*505.2(b) A permit for more than one temporary structure used for storage only and meeting all other ordinances, will require Planning Board approval. \*3/11/97*

Mr. Wilson cited the following examples of violations on Lafayette Road:

- (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 that this issue will be included on the July agenda and fully discussed at that time. Ms. Day commented that she brought up the issue of code violations to Richard Mabey, the Building Inspector, a year ago. She stated that she feels there are many other code violations that need to be addressed. Mr. Wilson commented that this situation is most egregious and shameful that businesses are not being protected. Mr. Kroner indicated that when he reported a code violation, the problem was dealt with promptly and effectively. Ms. Day noted that perhaps the Town needs a Code Enforcement Officer. She added that Mr. Mabey is very busy with his duties as Building Inspector. Currently he does not have adequate time to address all code enforcement issues.

**Planning Board Budget**

Mr. Wilson commented that Ms. Day had raised the question about what happened to the \$5,000. water commission study funds. Ms. Day indicated the funds were a special appropriation made by the Board of Selectmen. Ms. Day was interested in resolving the mystery surrounding the funds and wanted these types of issues to be resolved before the beginning of the next budget

review. After discussion among Board members, Mr. Wilson asked if the Board wanted him to address this issue with the Board of Selectmen. He further added that he has limited time to address the accounting practices of the Town, noting that he considers it a dark hole. Mr. Wilson added that the Board has already established its priorities and prefers it not be diverted to pursue the Town's accounting practices. Ms. Day withdrew her comments and suggestions and asked the Board not to consider her concerns any longer.

Mr. Hines commented that he did not know how or why the study funding was not attached to the Planning Board budget. He added that the Town's budget is a bottom line budget and the Board of Selectmen have the right to move items from one account to another, as the need arises. Hence, he added it is difficult for Boards to have complete control over their appropriated budgets.

Mr. Wilson noted that Ms. Simmons, former Chair, developed the budget. Ultimately the appropriation was removed from the budget. Yet when the study was conducted, payment of the study came out of the Planning Board funds. Mr. Wilson asked for volunteers to address this issue. Ms. Day said she would raise it with the Board of Selectmen. Mr. Hines wondered why auditors had not found any accounting abnormalities. Mr. Wilson commented that the Town accounting activities are small and minor, and at best, above board and accountable.

### **Minutes from prior meetings**

#### **Minutes of the May 19, 2003 Work Session Meeting**

**Ms. Day moved and Mr. Kroner seconded the motion to accept the minutes as amended. The vote was 6-0 with Mr. Hines abstaining.**

#### **Minutes of the June 3, 2003 Regular Meeting**

**Dr. Arena moved and Ms. Day seconded the motion to accept the minutes as amended. The vote was unanimous (7-0).**

### **Discussion on Implementing Advanced Payment Fee Process for Town Engineering Services**

Mr. Wilson explained that collection of Town Engineering fees had constituted a problem in the past with overdue and/or unpaid fees. To prevent continued problems, Mr. Wilson indicated that the Board could implement a policy of collecting anticipated engineering funds from applicants and setting up escrow accounts. Withdrawals would be made against escrow as Town Engineering services were provided. Ms. Arrain explained that although escrow funds accounting could be implemented for approved projects, she suggested a procedure where she would bill applicants directly. With this procedure, payment would be received before the applicant's case is heard. The Board would not hear the applicant's case if all fees are not paid. This process encourages applicants to pay all fees; otherwise, their projects are delayed.

Mr. Todd suggested that we include the statement from Section VII.A.2. on each engineering invoice:

*"All fees shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the site plan without a public hearing."*

Discussion continued that the Board would accept payment at the time of the meeting and proceed with the applicant's hearing. If an applicant's check were returned for "insufficient funds" the Board would still have other options available to recover the funds prior to the recording of an approved plan.

### **Consideration of Request from Laurel Pohl for Appointment as Planning Board Alternate**

Mr. Wilson explained that Ms. Laurel Pohl, 100 North Road, North Hampton, in a letter to the Town of North Hampton expressed her interest in becoming an alternate member of the Planning Board. Copies of her letter had been distributed to the Board in advance of the meeting. Mr. Wilson asked for comments regarding Ms. Pohl's request. Ms. Day recused herself from consideration in Ms. Pohl's appointment.

Mr. Hines commented that Ms. Pohl regularly attends Board of Selectmen meetings. He had the opportunity to talk with her at length at her home. Mr. Hines added that he possibly questioned her objectivity because she had been very involved in the Cherry Road issue. He further added that not many people ask to be involved in the town and encourages and approves of Ms. Pohl's participation with the Board.

Neither Mr. Kroner nor Dr. Arena had any comments. Ms. Church noted that she liked Ms. Pohl's letter. Mr. Todd commented that he felt that Ms. Pohl would be a good contributor.

**Mr. Todd moved and Ms. Church seconded the motion to accept Laurel Pohl's desire to become an Alternate for the Planning Board for a term of three years until the 2006 March election date.**

**The vote was unanimous (6-0).**

Ms. Day was re-seated.

### **Continued Public Hearing [Convened at 8:45 PM]**

*[Addressing Proposed Site Plan Review Regulation Amendment for Architectural Standards] Note: Copy attached at end of this section.*

Mr. Wilson opened the second public hearing on the proposed architectural standard amendment. He commented that since the May 19, 2003 work session meeting, he, along with Mr. Todd and Ms. Church, collaborated on the latest revision that would be discussed at the meeting. Mr. Hines commented, that from his past experience working for an architectural firm, standard

architectural plans include (1) Plot/Site Plan, (2) Foundation Plan, (3) Floor Plan, (4) Elevation Plan and (5) Roof Plan. He supported including this requirement with the proposed amendment. Mr. Todd added that this section was meant to deal primarily with appearance. He indicated that architectural plan requirements are specified in other sections of the site plan review regulations.

Mr. Wilson explained that the “Purpose” section of the amendment was structured with the opening paragraph providing a general overview. Next it addressed the appearance criteria/purpose and the remaining paragraphs address the details of appearance.

Regarding this section, Dr. Arena asked for a definition of “New England Style.” Mr. Hines responded that it was a generic, traditional style of architecture. Mr. Wilson discovered that the Board did not have the current version of the amendment. Mr. Todd had a working copy of the current amendment text and Ms. Arrain volunteered to make copies.

The issue of public address systems and intercoms generated a lot of discussion. Ultimately the Board decided to prohibit amplified public address systems. The use of intercoms was prohibited but under certain conditions, would be allowed. Ms. Day suggested that the Board consult with Mr. Mabey, Building Inspector for his input regarding noise pollution. She indicated that from her knowledge, sound studies are controversial because noise pollution is difficult to prove. Mr. Wilson noted that it would be useful to make available, at the public hearing, informative data on noise pollution. He inquired if such information is available.

Mr. Kroner noted that the reference to “muted and unobtrusive” color is vague. He favored stating which colors are prohibited. Mr. Hines commented that he supported the provision that addressed the shielding of mechanical equipment from public view.

Ms. Day thanked Diane Koehler, Jim Carolan and Beth Church for their contributions in working on the committee that spearheaded the creation of the landscaping and architecture amendments.

Public Comments: None

**Ms. Day moved and Mr. Todd seconded the motion to take the Architecture amendment to the Public Hearing on Tuesday, July 1, 2003.**

**The vote was unanimous (7-0).**

*Text of Proposed Amendment:*

### **ARCHITECTURE /APPEARANCE STANDARDS**

#### **PURPOSE**

*In order to "... provide for the harmonious and aesthetically pleasing development of the municipality and its environs..." (NHRSA 674:44,II(b)), the Planning Board will use the following criteria in its review of the architectural design of proposed commercial structures.*

*Purposes of these standards are:*

- 1) To restore, over time, the rural New England character of the Industrial/Business-Residential District (I/B-R) along Route 1 (See North Hampton Master Plan 1999, Conclusion, p. CG-4);*
- 2) To improve the appearance of the I/B-R District, a goal that received broad citizen support in the survey published in the 1999 Master Plan (over 80% considered it Very Important or Important);*
- 3) To provide design standards to assist with the development, renovations and restorations of commercial properties to complement the overall New England-style ambiance of the community.*

*The guidelines are directed towards, but not limited to, assisting corporate franchises and commercial developments in the design of structures, and related properties, which reflect the small town, rural, and agricultural atmosphere that is unique to North Hampton.*

*The objective of these regulations is not intended to restrict imagination, innovation or variety in the new construction, restoration and renovation of commercial buildings and related property, but rather to enhance the visual appearance of the community, conserve property values, and to further encourage continued economic development. These regulations ARE intended to discourage routine franchise architecture and strip mall vistas and urban blight.*

*These standards are not likely to foresee all possible proposed building situations. The Planning Board will make decisions concerning unforeseen situations with the purposes of these standards in mind.*

#### **SUBMISSION REQUIREMENTS**

***No building permit shall be granted for a commercial, industrial or multi-family building unless an architectural plan drawn to scale meets all of the Site Plan Review Requirements of the Planning Board. All application materials shall have been filed with and approved by the Planning Board.***

*The Architectural Plans shall, at a minimum, include the following:*

- (a) *Floor plan(s);*
- (b) *Building elevations (all four sides);*
- (c) *Types of windows and doors to be installed on the building;*
- (d) *Types and color of building material to be used on the exterior of buildings;*
- (e) *Other details and other plans the Board believes in the best interests of the community in reviewing the project.*

## *STANDARDS*

### *1. Site Development and Organization*

*The development of the site must address various elements in providing a total design plan. The building's visibility orientation, setback, alignment with the street, and relative spacing with respect to other structures will be considered in the overall design. Long, strip-mall type development should be avoided. "U-shaped", "L-shaped", etc., structures are encouraged. The overall architectural theme for the site should create a positive image for the project and contribute to the positive image of the Industrial/Business-Residential District.*

*All existing natural and man-made features of the site should be carefully considered for integration into the overall site design. It is important to cluster buildings within a development wherever feasible to encourage open space. A compact building arrangement provides savings in grading, paving, utilities and other costs and conserves natural site features and open space.*

### *2. Architectural Standards*

- 1. Roofs. Monotony of design or warehouse style structures shall be avoided. Variation in detail, form and sitting shall be used to provide visual interest. In order to prevent the construction of warehouse style buildings (i.e. long horizontal roof lines), all new buildings, canopies (e.g. covering fuel pumps) and additions shall be pitched roofs of 3:12 or greater, or gabled roofs, where practical. Shed, gambrel and barn style roofs are also acceptable. Dormers are encouraged. Roofs should have overhangs.*

*In large commercial structures over 200 feet in length where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines along portions of the facade to create the appearance of multiple attached buildings. Additionally, changes in building elevations may be used in conjunction with pitched roofs to give the appearance of multiple attached buildings.*

2. *Building materials. Exterior surfaces of buildings, including roofs, shall be covered with materials traditionally used in New England or products that simulate such materials, including but not limited to clapboards, shingles, stone, brick, or architectural concrete masonry units (CMUs). Exposed plain concrete block, corrugated steel, sheet plastic or sheet fiberglass are not acceptable exterior materials.*
3. *Awnings. Awning covers should be made of fabric or simulated fabric-like material. Illuminated franchise type awnings are not acceptable.*
4. *Architectural details. Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, skylights and arches are among details to be considered and encouraged. All features and details should be in proportion to the building, and in keeping with traditional New England architecture.*
5. *Windows and doors. Windows should comprise no less than 5% of the exterior wall surface of portions of buildings facing a public right-of-way, parking area, or any developed area. Windows may be used for either interior illumination or for display purposes. All windows and doorways should be encased with trim that enhances the appearance of the building.*
6. *Fencing. Fences made of traditional materials and/or products that simulate such materials are encouraged – e.g, pickets, split rails, wrought iron, brick, or stone. Preservation and restoration of existing stone walls is strongly encouraged. Chain link security fences may only be allowed where appropriate, but their use is generally discouraged.*
7. *Lighting. Site lighting must be designed so that no light spills or reflects on to adjacent properties and does not cause a safety problem for vehicular traffic. A “dark-sky” standard – that is, no light radiating above the horizontal plane at the low point of any luminaire -- is encouraged for all lighting plans.*
8. *Intercoms. Use of amplified public-address systems or drive-through intercoms is prohibited, unless the applicant demonstrates that the sound from such systems will not spill on to adjacent properties or exceed the level of current ambient noise at any property boundary. In no event shall these systems be approved for use before 7:00 AM or after 9:00 PM.*



9. *Color. Exterior colors of buildings and accessories should be muted and unobtrusive. Excessively bright colors, typically used by franchises, are not acceptable.*
10. *Mechanical Equipment. All rooftop mechanical units shall be located so as not to be visible from the street level or from other public areas on the ground level. Wall or ground mounted equipment shall be screened from public view with fences or vegetation.*

Mr. Wilson entertained a motion to adjourn.

**Mr. Kroner moved and Dr. Arena seconded the motion to adjourn.**  
**The vote was unanimous (7-0).**

**Meeting adjourned at 9:45 PM**

Respectfully submitted,

Krystina Deren Arrain  
Recording Secretary