



Minutes

NORTH HAMPTON PLANNING BOARD

Work Session

Tuesday, November 4, 2003

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Attendance

Attendees: (1) Phillip Wilson, Chairman; (2) Ronald Todd, Vice-Chairman; (3) Donald Gould; (4) Joseph Arena; (5) Shep Kroner; (6) Judy Day (7) Laurel Pohl, Alternate

Absent: (1) Jenifer Landman, Selectperson; (2) Richard Place, Alternate and (3) Beth Church, Alternate.

Meeting convened at 7:01 PM.

No applications existed today, so the meeting will be held as a work session.

Minutes from prior meetings:

Minutes of October 20, 2003 Work session

Line 152, changes. – Judy Day

Don Gould – Line 78 “Clarification of the nature of his concern.”

“Phil Wilson will make the edits on the accepted minutes”.

Joe Arena moved, and Mr. Gould seconded to approve the minutes of October 20, as amended. The vote was 6 – 0 to approve the meeting’s minutes

Work session agenda items

Judy Day – Updates to the Master Plan. Planning to meet on Monday, with Mike Pardue and possibly Glenn Greenwood.

Master Plan / CIP –

Don Gould suggested that we might have to make changes to the Master Plan, due to SB 95. Because of the obligations set forth in the bill, he feels we need a fact-based analysis of our “fair share” of affordable housing.

Mr. Pardue had suggested a system to insure updates to the Master Plan. As, according to Judy Day, we need to make updates to the Master Plan above and beyond the issue of SB 95 affordable housing. Judy feels input from the various boards, such as the conservation commission are needed for updating of the Master Plan. The board then moved into an impromptu discussion of SB 95.

Joe Arena – not a politician – identifies a problem with SB 95 as it factors into our Master Plan, and the state is taking power away from our town, through such actions as SB 95. Therefore we need our representatives to represent our town, and not what they want individually. Joe Arena

felt we must tell State government that we should be in control of the future of our town. “SB 95 has enough lobbyist supporting this (such as developers),” were they to be “honest that would be fine”, but because they are not representing the will of the people, they are being dishonest. The state should be honest.

Joe Arena added, “If the state must expand, business must expand, and as it expands, it becomes a burden on the state, and that these businesses are not picking up the burden they are creating, and that the state is asking us, the people to pick up the expenses.” “These are the questions that need to be asked”.

Joe Arena added –“We do not have enough town meetings, and therefore the planning board becomes the sounding board. We need more meetings.” “As Manchester grows, then they should handle the problems they create, not the communities that surround it.”

Joe Arena added, “We should do away with all other language, and we should be teaching English, and takes a stand against these changes. We should not wait until SB 95 becomes a bill, we should knock it down before we do so.”

Phil Wilson stated that our board make a statement against SB 95 (which the board approved during our last work session), Phil added that he wrote every editor in the state a letter against the bill, and testified against it, as did his wife.

Shep Kroner proposed a meeting to be run by the RPC, which Cliff Sinott accepted, yet structured it as a forum set forth to promote its benefits.

Ron Todd asked what other towns are doing.

Shep stated that he had a social dinner with Mel Low (Rye Planning Board member), and that Mel Low wanted to meet with other local boards regarding the impact of SB 95.

Joe Arena feels we need to make a stand and be proactive, and engage our State representatives.

Don Gould’s concern – that there are two issues, the legislative issue, and this board’s duty to plan for legislation of this type, and in his belief that it is certain to pass in some form or other, because of bipartisan support, and the Governor’s support. We should be proactively planning, rather than arguing, and he believes the Supreme Court has already rendered an opinion that we are indeed responsible for our fair share of housing that is needed in the region. He would like to see the planning board working with the RPC, to plan, and not to engage in the legislative process.

Ron Todd stated that he felt we need to get our representatives to represent our town’s interest and be participating in effecting the outcome of this legislation.

Joe Arena said that he felt it possible he was misunderstood and that he felt we are certainly responsible for providing our fair share of affordable housing.

He went on to discuss the impact of a citizenry that works in Massachusetts and pay taxes there, and we absorb the burden of all these new citizens.

Don Gould again reiterated that we need to plan for the future, and we need to plan for this change.

Joe Arena disagreed, and feels that the bill is wrong.

Don again feels that we need to establish the mechanism in place to allow for affordable housing.

Joe Arena again feels that we need to stand up against the politicians. Should we allow a multi story multi family housing on Route One.

Joe Arena stated that Don is a diplomat, Joe is not.

Agenda item “Protected Lands” – Judy Day wished to update this portion of the Master Plan. Phil Wilson – stated that towns are responsible for monitoring conservation lands, and the town had not had a routine for doing so. Nor did the town have an accurate and complete idea of the existing inventory of conservation land. So Henry Mixter started such a process. We should have a funding process for monitoring such lands. We currently have funds within the current use penalty fund, which could be used for such a monitoring process.

Judy Day stated that she had not understood the Master Plans designation for conservation land, and learned that this list is not accurate.

Agenda Item Filing System of Town Properties

Judy said that a system now exists for filing the data.

Phil said that the new process is that for any property on which an action is going to take place the file is cleaned up, thanks to the efforts of the town staff and Krystina Arrain.

Sub-committee Reports

Ron Todd – Revision of Section 405: I-B/R Permitted Uses and Special Exception.

A new draft of the ordinance was passed out.

Ron Todd sent a letter to Mike Pardue, concerning a need for working with the NHMA. The NHMA can help us understand if there are any concerns we need to be aware of in placing limits on anything, and more specifically to permitted uses which place a limit on the quantity of any permitted use business.

Ron asked if there was anyone on the board who had experience with placing limits on permitted uses.

Phil said that he had seen similar questions on Plan Link, but did not recall any solutions.

Joe Arena believed that placing limits encourages diversity. So limits are not inherently a bad thing, as a community we need to protect ourselves from having too much of anything, which protects a community from being over invested in any specific business.

Ron Todd again was concerned about the legal implication of limiting anything. He felt we need to know and is anticipating a response from the NHMA.

Don Gould stated that any restriction placed needs to be tied to something, such as aesthetics etc. But felt we needed to still explore the legality of doing so.

Joe Arena stated that the courts are made of people too, and they are not capable of anything greater than we.

Ron Todd mentioned that excessive noise (as expressed in the draft) might be vague.

Don felt that it needs to be tied to something that is objective. It must be qualified.

Ron said that potentially a reference list might be needed.

Don stated that some noise would be created from any business.

Ron stated that using words such as excessive are indefinable and are therefore subjective.

Don felt we had agreed that we could not be entirely specific, because it was unfeasible to do so.

Don feels that except for noise, all of the other items we can restrict to a lot, can be shown to stay on a lot.

Don suggested we treat all of them the same, and not to qualify any one of them separately.

This means we would remove “excessive” before noise.

We continued to discuss other items, such as light, and went on to discuss light spillage from applications we had previously accepted. We agreed to keep spillage in the text of the draft.

Don suggested that the board is suggesting that any noise threatens to adversely affect the environment, so we should change it to say, “to adversely harm”.

Ron brought up the suggestions brought forth by John Krebs.

Ron asked what the time line was for having warrant articles completed for public hearing.

Phil had information that said Nov. 8th was the first date to accept petitions, refer to the schedule for public hearings that Phil read from.

We have six weeks to finalize our final drafts to any ordinance changes.

Phil wants to have ordinance changes completed before the next “Work Session”.

We reviewed Phil’s input on Prohibited uses, and he asked for feedback for changes.

Sub-committee reports

North Hampton Zoning Ordinance 512 – Laurel Pohl, Phil Wilson, J. Landman

A presentation was developed on behalf of the board by Laurel Pohl. Laurel went on to discuss her findings in her presentation.

Shep Kroner asked how a recent “Special Exception” for a new service station would be affected by these new standards. We decided it would already be vested, and would simply be a non-conforming use.

Joe Arena raised a concern about the numbers, referring to the 1975 number of pumps in existence, and felt that the statistics was not good data, because it pre-dated I-95, and vehicle efficiency was different.

Joe also thought the language should be changed regarding “radius of facilities within 1000 feet of one another.”

Phil brought up statistics and trends that include multiple types of convenience businesses at the pumping station.

Don had some observations. He felt the information was useful, because the data will help to explain why we would limit it. The vehicle ratio has remained fairly steady, while population has gone up.

Don wanted to understand why the restriction to intersections, and why the restriction of 1,000 feet.

Joe opined that the comparison to 1975 is not necessarily a valid one.

Joe asked additional questions regarding the bill.

Affordable Housing – Judy Day

Judy Day presented a set of reasons that the bill would have adverse effects on the town. A statement was prepared and passed out. It stated that we do have affordable housing in the town primarily through manufactured housing.

Ron asked whether any of the data about existing affordable housing in town precludes effects of SB 95. What could we do to support senior housing, would that count under SB 95.

Phil said even 500 affordable housing units for seniors would not count toward SB 95.

What harm would there be to satisfy this?

The NHMA letter presented by Don Gould prompted the formation of a sub-committee.

Ron believed that we had been discussing this for some time. When did we limit it to Workforce housing?

Did the rest of the board believe that it was limited to "Workforce Housing?"

Don Gould's response to Judy and Shep was that, "yes our responsibility was to our citizens." However, many employees of the town cannot live here because of the problem of affordability. As far as school impact, what are our current operating expenses at the school? If a 40 unit low-income housing project were put in, what would the impact be?

Phil did the math on what the impact would be of a housing project, but did not bring the statistics with him.

Judy discussed school capacity. She mentioned that families who are here prefer the current school size. So it is not just the financial impact, it is a qualitative impact.

Phil stated that we would only have to accept 40 units per year, under current proposed law. Only 25 % of these needs to be affordable.

Don says that we do not need to do things the same way the bill is stated. We do not have to necessarily operate in the context of SB 95. If we came up with a plan, for an overlay district, we can define it. It can be a form of insurance against future bills, or existing decisions.

Don felt we could build affordable housing or consider a similar remedy.

Phil feels we can't guarantee it being available (Affordable housing).

Joe had a question, "How many people who work in Manhattan, can everyone who works in Manhattan live in Manhattan?" His point being that no town can accept everyone; it's simply not realistic to think they can.

Ron asked, "Based on what we have written, what are the options?"

Ron asked, "If we had a situation like Seabrook, would it address SB 95 provisions?"

Phil explained the basis of the bill, and gave his opinion of the economics behind the bill.

Don raised the defenses that can be used on the back half of the bill, and have we missed the opportunity to take care of the issue.

Joe explained his stance, using AIDS as an analogy. It must be stopped before it gets rolling. The State is far ahead of us in the race.

Phil reiterated support for the concept of providing our fair share of affordable housing.

Shep added that Mel Low (Rye Planning Board) had similar ideas as Don Gould.

Phil directed the sub-committee to uncover what our town can do.

Laurel suggested the committee look at the bill and address it.

Ron asked, "Should Judy invite our representatives to a forum on SB 95?" It was agreed that this would be done and planned for during our next work session meeting on November 17th.

Phil asked the committee to come up with an approach that fulfills the town's obligation to provide affordable housing.

Don Gould moved that we adjourn. Joe Arena seconded it.

The board voted 6 – 0 to adjourn.

Respectfully Submitted,
Shep Kroner
Planning Board Member