

Minutes
North Hampton Planning Board
Work Session
Monday, March 22, 2004
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These minutes were prepared as a reasonable summary of the essential content of this meeting, not as an exact 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: Phil Wilson, Chairman, Ron Todd, Vice-Chairman, Judy Day, Shep Kroner, Craig Salomon, Selectperson John Rineman, Alternate Beth Church sitting for Joseph Arena, Alternate Laurel Pohl, and Janet Perkins, Secretary Pro-tem.

Absent: Joseph Arena, Alternate Richard Place, and Krystina Deren Arrain, Recording Secretary.

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

I. Swearing in of Newly Elected Members

The Chairman confirmed that the Town Clerk, prior to this evening's meeting, swore in newly elected Planning Board members Craig Salomon and Judy Day.

II. Organization of the Board

Members discussed the role of the officers as designated in the Rules and Procedures. Mr. Todd asked for opinions about expanding the role of the vice-chair in assuming more tasks as this would assist the chairperson and provide development opportunities within the Board. He suggested that the co-chair could conduct the work sessions. Mr. Salomon wanted to make sure that there would be consistency in whether the sitting chair at either the public hearing or work session meetings would regularly vote or vote only to break a tie.

Mr. Wilson suggested that if the Board wants to try having the vice-chairman chair the work session, they can try operating in that manner provisionally, determine the effectiveness and amend the Rules of Procedures, as appropriate, in the future. Mr. Wilson also pointed out that there is not a Clerk's position stipulated in the Rules of Procedure.

1. Election of Chair

Mr. Wilson opened the nominations at this time. **Ms. Day moved and Mr. Todd seconded the motion to elect Phil Wilson as Chairman. The vote was 5-0 with Mr. Wilson, Ms. Church, and Ms. Pohl abstaining.** Mr. Todd expressed his appreciation for the excellent job Mr. Wilson had done in the past and felt that the Board accomplished a lot under his direction.

2. *Election of Vice-Chair*

Mr. Todd moved and Ms. Day seconded the motion to elect Shep Kroner as Vice-Chair.

Mr. Kroner indicated that he would be willing to chair the work sessions, as this would provide a good training forum. Ms. Church opined that Mr. Todd had also done a fine job in his role as vice-chair over the past year. ***The vote was 5-0 with Mr. Kroner, Ms. Church, and Ms. Pohl abstaining.***

3. *Appointments of Subcommittee Chairs and Members*

Long Range Planning Committee: Ms. Day, Chair; Mr. Salomon; Ms. Pohl; Mr. Kroner; and Ms. Church, when available.

Application Review Committee: Ron Todd, Chair; Mr. Arena; Mr. Todd; and Mr. Kroner.

Rules and Regulations Committee: **Ms. Day moved and Mr. Todd seconded the motion to table appointments until a later date. *The vote was unanimous.***

III. Review of Minutes

February 17, 2004

Mr. Kroner moved and Ms. Day seconded the motion to accept the minutes as amended.

The vote was 4-0 with Ms. Church, Messrs. Salomon and Rineman, and Ms. Pohl abstaining.

March 2, 2004

Mr. Todd moved and Ms. Day seconded the motion to accept the minutes as amended. *The vote was 4-0 with Ms. Church, Messrs. Salomon and Rineman, and Ms. Pohl abstaining.*

IV. Change of Use

Jill Robinson from Rockingham Planning Commission was unable to attend the meeting this evening due to the schedule change. Mr. Todd suggested forming a committee comprised of Planning Board representatives, the building inspector, Jill Robinson from RPC to review the current use change regulations. He also felt that public input from the business community should be included.

Business owner Greg Taylor, 58 Lafayette Road, told the Board that there is a hardship for building owners when the use change process takes two or more months as this can result in the loss of a potential tenant. He felt that someone in the Town should be able to decide what can or can't be done without always requiring Planning Board review. He did agree that site plans should be necessary for drastic changes to a property.

Mr. Salomon agreed with Mr. Todd's suggestion that the Planning Board work with Jill Robinson in forming a committee to review the existing Use Change regulations. He felt it was

important that, ultimately, the applicants initially know the correct contact person and the ensuing process.

Ted Turchan, 125 Lafayette Road, asked that the Board clearly define the definition of “change of use” as it is referenced in both Section 405 and the zoning ordinances. He felt that a change from retail-to-retail should not warrant a formal Use Change application and that it was important for the Building Inspector to have authority to make such distinctions.

Property owner Rick Fucci stated that he felt the Planning Board has better things to do than monitor everything on Route One. He questioned the necessity of a Use Change application every time there is a change in tenant similar to the existing one.

Mr. Wilson concluded that the Board will consider and look into all the various concerns and comments raised this evening. He said the question, “What is a change of use?” remains and indicated that the Board has had differing opinions on the issue. He indicated that they have not regularly received a list of use changes as requested from the Building Inspector. Mr. Turchan suggested that a report could be compiled from use change applications received as a method of tracking when a change in tenant has occurred. He reiterated earlier comments regarding the need for the Board to determine what the specific “line” is when requiring a formal use change application. Further discussion ensued regarding the need for site plans, and the necessity of the Board to settle the ambiguity surrounding the use change requirements.

Mr. Salomon said that the use change process is beyond RSA 674 in that both the Federal and State Constitutions allow that (1) if private property is taken for public use, it must be paid for, and (2) zoning and planning can only be applied to protect the health, safety and welfare. A situation which precedes the adoption of the ordinance is protected in perpetuity unless the use changes significantly. Mr. Todd talked about requirements governing conforming and non-conforming uses.

It was agreed to form a subcommittee to address the use change procedures. Mr. Salomon will chair the committee with members Mr. Arena, Ms. Day and Messrs. Fucci and Turchan from the business community will provide input. Ms. Day indicated that public input would be welcome and solicited from other residents within the Town.

V. Signs

Tabled to next work session inasmuch as Ms. Robinson was not in attendance.

VI. Master Plan Update Survey

Tabled to next work session inasmuch as Ms. Robinson was not in attendance.

VII. Work Plan for 2004-2005

Members discussed and prioritized the items for the Board to address in the upcoming year. These are: use changes, sign ordinance, master plan updates, affordable housing, and aquifer protection. Mr. Kroner favored conducting a housing analysis; ultimately determining what is and what isn't affordable. Members agreed that these would need to be addressed concurrently. Mr. Todd indicated that the Board should look into the process of setting the meeting agendas and the method in which information is disseminated to members. He suggested that the site plan and subdivision regulations may need to be improved.

Mr. Kroner suggested that he and Mr. Wilson arrive at a timeline to get information to the Planning Board members plus establish a deadline for placing items on the agenda. He set the 2004/2005 work plan as follows, prioritized starting with: 1. *Change of Use*; 2. *Signs*; 3. *Master Plan Updates*; 4. *Affordable Housing*; and 5. *Aquifer Protection*. He reiterated the need for these items to be addressed concurrently. Ms. Day stressed that input is not limited from one specific group as all perspectives are important.

Ms. Day told the Board she spoke with NHMA regarding RSA 673.16 regulating staffing and finances of the Planning Board. She suggested the Board ascertain that proper accounting practices are being followed. Mr. Wilson asked Mr. Rineman to check on this with the Board of Selectmen, because the Town's accounting practices are not the responsibility of the Planning Board.

VIII. Adjournment

Ms. Church moved and Mr. Todd seconded the motion to adjourn. *The vote was unanimous.*

Respectfully submitted

Janet Perkins
Secretary Pro-Tem