



Minutes

NORTH HAMPTON PLANNING BOARD

Work Session

Monday, April 19, 2004

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

Attendees: (1) Phil Wilson, Chairman, (2) Shep Kroner, Vice-Chairman, (3) Joseph Arena, (4) Judy Day, (5) Ron Todd; and (6) Craig Salomon, (7) Laurel Pohl, Alternate, (8) Jill Robinson, Circuit Rider/RPC and (9) Krystina Deren Arrain, Planning & Zoning Administrator/Recording Secretary.

Members Absent: (1) Jon Rineman, Selectperson Representative (2) Beth Church, Alternate

Mr. Kroner chaired the meeting and called it into session at 7:01 PM. He noted that Al Courchene [Al's Seafood] requested a site walk on his property following the 4 PM site walk at the Village of North Hampton site on Wednesday, April 21st. Board members were amenable to the Courchene site walk as requested.

Items Considered

Minutes from prior meetings

Minutes of the March 22, 2004 Work Session Meeting

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

The vote was 6-0 with Ms. Pohl abstaining because she was not present at the meeting.

Minutes of the April 6, 2004 Regular Meeting

Ms. Day moved and Dr. Arena seconded the motion to accept the minutes as amended.

The vote was 5-0-1 with Mr. Wilson abstaining and Mr. Salomon noted for the record that he did not vote on the minutes for either Case #04-09 or Case #04-10.

Mr. Kroner requested that work session agenda items should be submitted either to Phil Wilson or him seven days in advance. Ms. Day suggested adding an Other Business category that would accommodate the inclusion of last minute items to be added for discussion. Mr. Salomon cautioned the Board against discussing items under that category because of the legal requirement to notify the public of items under discussion. Dr. Arena remarked that a work session typically includes the discussion of "other business" items regularly and he believed the

agenda should be flexible enough to handle those conditions. Ms. Day reminded the Board that work sessions are not public hearings.

Retainer Process for Town Engineering Fees & Review of Town Application Process

Ms. Arrain explained that when town engineering fees payments are received from applicants, the funds are deposited into the Planning Board Revenue Account which was part of the General Fund. Yet, when payment is made to the town engineer, the funds are withdrawn from the Board's budgeted expenditure accounts. This process skews the Board's budget line items. To remedy this situation, Ms. Arrain stated that a Planning Board escrow account would be created. Thus, the applicant's engineering fees payments would be deposited into the escrow account and payments to the town engineer would be made from the escrow account. This process would alleviate the current accounting problem that existed.

Board members raised the issue of Planning Board funds. Ms. Day said that she had asked the Town Administrator for clarification on how Board funds are to be deposited into a non-lapsing account. She stated that she had received a response from the Town Administrator. Mr. Wilson expressed concern that Planning Board fees were being co-mingled into the town's general fund. Ms. Day expressed concern that she doesn't know why the process is so confused. Mr. Wilson related to the Board the process by which Ms. Arrain takes in fees and invoices the applicants. Mr. Todd questioned the process regarding engineering reviews. Dr. Arena remarked that Planning Board fees are not to be co-mingled. Ms. Day said that she does not understand the application process and asked if someone on the Board could explain the process. Discussion ensued regarding this matter.

Mr. Salomon remarked that setting up an engineering escrow account is the appropriate process. Mr. Todd requested that Ms. Arrain provide the Board with a written description of the engineering fee/application process. He also commented that he was concerned about the co-mingling of Planning Board funds and indicated that Mr. Rineman would address that issue. It was agreed that Ms. Arrain would provide the written process by the next work session meeting.

Ms. Robinson/RPC Circuit Rider explained the process in which she could invoice the Planning Board for application reviews rather than the current process in which her time is deducted from the contracted amount that the Planning Board pays for her yearly services. Mr. Todd was concerned about the escrow process adding time to the processing cycle. Ms. Pohl suggested that a documented procedure must be put into place before a reasonable decision could be reached as well as knowing what options are available. Messrs. Wilson, Arena and Kroner agreed and reiterated that the RSA is clear that Planning Board fees are to be managed by the Treasurer and not co-mingled with town funds. Mr. Salomon stated that Mr. Rineman should look into this issue.

Heritage Commission

Mr. Kroner noted that Jenifer Landman was nominated by Heritage Commission for a one-year term to fill the position for Jane Meneghin.

Mr. Wilson moved and Ms. Day seconded the motion for the Board to recommend Jenifer Landman to the Board of Selectmen for appointment to the Heritage Commission.

The vote was unanimous (6-0).

Change of Use

Mr. Salomon noted that he scheduled a meeting but it was not held. He remarked that the committee plans to reschedule. Mr. Kroner added that discussion on the “Change of Use” issue would be rescheduled for the May meeting. Ms. Robinson was asked to review Change of Use guidelines and procedures from other towns. She distributed copies of the Town of Newton change of use guidelines.

Smart Growth.

Ms. Robinson distributed information from NHOSP that outlined the eight (8) principals of smart growth. She remarked that this investigation would be a fee-based project for the Town. Mr. Wilson added that he understood, through Glenn Greenwood/RPC, that the fee for the Town would be \$3,000. as well as an equal amount in a matching grant/fund. Ms. Robinson explained the sets of documents are excellent learning and research tools.

Mr. Wilson observed that the term “smart growth” has become highly politicized and suggested that a more appropriate title would be “sustainable growth.” Mr. Kroner suggested that the Long-Range Planning Committee should investigate this resource and come back with a recommendation. He observed that the Board had to decide the scope of what they wanted to do in addition to determine if the appropriate funding from grants and the Town would be available. Mr. Wilson suggested that this item should be discussed again at the May session. Ms. Day said she agreed with Mr. Wilson and felt that the term “smart growth” had to do with philosophies and values.

Sign Ordinance (J. Robinson/RPC)

Ms. Robinson reviewed the Town of North Conway’s, local town sign ordinances as well as the state website. She distributed a model sign ordinance that she characterized as “quite strict.” Ms. Robinson explained a permitting process and suggested an expiration date for grandfathered signs at which time signage would become compliant.

Mr. Kroner commented that the ZBA had granted numerous variances for signs noting also that the large number of variance applications pertain to signs. He expected resistance should the Town institute a stricter sign ordinance. Mr. Todd asked what would be the purpose of an updated sign ordinance. Dr. Arena responded that he wanted to prevent a “Hong Kong-type” appearance in North Hampton. Mr. Kroner remarked that he anticipated that a stricter sign ordinance would enhance the tourism aspect of the seacoast area. Ms. Robinson suggested that the Board include stakeholders in the sign ordinance discussions. These would include businesspeople, sign-makers, neighbors and neighborhood groups and Heritage Commission.

Mr. Wilson asked if signage requirements could be included in the site plan review regulations rather than zoning ordinance. Ms. Robinson said that it seemed appropriate and reasonable for signage to be included in site plan review regulations. She cautioned that the subjective matter of signage regulations could be viewed as controversial and questionable and could raise legal issues.

Mr. Salomon observed that if an applicant was not satisfied with the Board's decision, the applicant could, traditionally, seek relief from the ZBA, an independent body. Mr. Salomon remarked that with signage requirements imbedded in site plan review regulations, an applicant's only option would be relief through a court decision. He felt an updated zoning ordinance would be a safer choice. Mr. Wilson noted that the Board has the discretion to waive site plan regulations.

Mr. Wilson noted that in the last town survey the community wanted to improve the appearance of the Rte. 1/business district. He felt that improving the sign appearance would help the tourism industry and improve the town in general. Ms. Robinson added that a detailed, specific ordinance would make it difficult for the ZBA to grant variances. She researched the question and found that aesthetic standards do hold up in court. She added further that her research indicated that the expiration of grandfathering for signage was well-documented and upheld in court decisions. Mr. Wilson indicated that many large national companies (retail) are more amenable now than in the past to meeting local zoning requirements about signage. Ms. Robinson referenced an article in which franchises have a "fallback site plan" when they encounter communities with detailed regulations that challenge the cookie-cutter design of these franchised chains.

The meeting recessed at 9:27 PM

Mr. Todd left the meeting at 9:37 PM because he was not feeling well.

The meeting reconvened at 9:40 PM

Master Plan Update Survey

Ms. Robinson said that the Board could update the survey using either web-based or the more traditional, paper-based survey form. She recommended keeping the survey simple by using the same model with the web-based option. Ms. Robinson commented that the recent Town of Rye survey was a good example. She suggested using the same questions and possibly adding a few others. Ms. Pohl asked what process would be instituted to manage one survey result per person. Ms. Robinson responded that their e-mail or tax/map parcel number could identify a survey respondent. Mr. Kroner asked whether it was possible to conduct and complete a survey this year. Ms. Robinson answered there is not much time available under her contract. She noted that application reviews take a lot of time away from this type of project. She suggested that the Board could enter into another contract to manage and conduct a survey. Mr. Wilson suggested that Board members review the survey questions before the next work session. He requested that Ms. Arrain distribute a copy of the last survey results to Board members.

Ms. Day asked what should be done with the Master Plan Update information that she is located in her town mailbox. She added that last year the data was not incorporated and she hoped that

this data would update the current Master Plan data. Her inputs are from town departments, boards and commission. Mr. Salomon said that information should be appended to the Master Plan as an update. Ms. Day remarked that she would place the file on top shelf of the town mailboxes and suggested that Board members review the material. Mr. Salomon suggested that the Board accept Ms. Day's report as presented.

Long-Range Planning

Ms. Day said she distributed her long-range planning information to Board members. She added that she has established regularly scheduled meetings on the first Monday of the month at 8:45 AM in the Mary Herbert Room and all are welcome to attend. Ms. Day added that Howard Promer, Tax Assessor, provided a list of businesses in town and tax data regarding them. She displayed the list she received and distributed copies to Board members. Ms. Day wanted the Board to be aware that she had this information.

Home Occupations (Zoning Ordinance)

Mr. Wilson mentioned that the issue of Home Occupations was brought to the Board's attention through a citizens' petition. He said that the current Home Occupation ordinance, Section 507 verbiage should be changed from "shall" to "may." Additionally, the 300 square foot area dedicated to a home occupation was not reasonable and was not being considered. Mr. Wilson remarked that the other conditions required additional review and consideration.

Ms. Day moved and Dr. Arena seconded the motion to grant Mr. Wilson the authority to draft for the Board's consideration a revision of the Home Occupation provisions of the Zoning Ordinance.

The vote was unanimous (6-0).

Alternate nominations

Mr. Wilson noted that Richard Place's term has expired and he hoped that Jenifer Landman would consider joining the Board as an alternate. He asked the Board to consider candidates and wondered how best to advertise the position. Mr. Wilson suggested that the Board advertise in the town newsletter.

Ms. Day moved and Mr. Kroner seconded the motion that the Board solicit, through Mr. Wilson's contribution to the Town's newsletter, expressions of interest in Planning Board alternate.

The vote was unanimous (6-0).

Legislative Inputs to NHMA

Mr. Wilson indicated that he would address the legislative inputs.

Adjournment

Dr. Arena moved and Ms. Pohl seconded the motion to adjourn.
The vote was unanimous (6-0) to adjourn.

Meeting adjourned at 10:01 PM

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary/Planning & Zoning Administrator