



## **Minutes**

### **NORTH HAMPTON PLANNING BOARD Work Session Monday, June 21, 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) Shep Kroner, Vice-Chairman; (2) Phil Wilson, Chairman; (3) Joseph Arena, (4) Judy Day, (5) Ron Todd; (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; and (2) Beth Church, Alternate.

Mr. Kroner chaired the meeting and called it into session at 7:01 PM. Mr. Wilson announced that Ms. Robinson had recently been awarded her doctorate. He applauded her effort and achievement and expressed satisfaction with her valuable contribution to the Planning Board. All present joined Mr. Wilson and roundly applauded Ms. Robinson's achievement and contributions.

## **Items Considered**

### **Minutes from prior meetings**

#### **Minutes of the April 21, 2004 Site Walk**

**Mr. Todd moved and Mr. Salomon seconded the motion to accept the minutes as amended. The vote was 4-0-2 with both Ms. Day and Dr. Arena abstaining.**

#### **Minutes of the May 17, 2004 Work Session Meeting**

**Mr. Wilson moved and Mr. Todd seconded the motion to approve the minutes as amended. The vote was unanimous (6-0).**

#### **Minutes of May 19, 2004 Special Meeting**

**Mr. Todd moved and Dr. Arena seconded the motion to accept the minutes as amended. The vote was unanimous (6-0).**

Minutes of June 1, 2004 Regular Meeting

**Dr. Arena moved and Mr. Todd seconded the motion to accept the minutes as amended. The vote was unanimous (6-0) with the exception of Mr. Wilson and Dr. Arena who abstained from minutes regarding Case #03-50 (Cadillac Auto/Fuller Subdivision) and Mr. Salomon who abstained from minutes regarding Case #04-14 (Philbrick's Sales & Service Site Plan).**

Minutes of June 1, 2004 Regular Meeting

**Dr. Arena moved and Mr. Wilson seconded the motion to accept the minutes as amended. The vote was unanimous (6-0).**

**Committee Update Reports**

Change of Use [Craig Salomon, Chairman]

Mr. Salomon reported that both Ted Turchan and Rick Fucci, local businessmen, wanted to know what were tenant requirements relative to a change of use situation. They were concerned because there appeared to be ambiguity about what was required. Both Mr. Turchan and Mr. Fucci wanted to know what was the purpose of the change of use regulation. During the meeting the Building Inspector noted that Zoning Ordinance Section 405.1.1. tied his hands regarding changes of use because, as written, it appeared that all permitted and changes of use in the I-B/R required Board review. Mr. Salomon remarked that Ms. Robinson wrote a memo addressing that issue. Her memo would be discussed at the next meeting. Mr. Todd asked if the Building Inspector made change of use decisions that the committee thought he should not have approved. Mr. Salomon responded that the committee had not addressed that issue at the current time, but would review at a later date. Mr. Salomon noted that the committee was focused on making clear the requirements that constitute a change of use. Mr. Wilson stated that it would be impossible to list all potential changes. He noted that general categories could be established. Ms. Day asked if the Building Inspector would provide a copy of all change of use applications to the Board. Mr. Salomon indicated that the Building Inspector stated he was open to that. Mr. Todd asked if a final work product from the committee would be available for the July work session. Mr. Salomon responded that a final report would probably not be ready. Mr. Todd expressed concern that the change of use issue would drag on for a long time.

Long Range Planning [Judy Day, Chairman]

Ms. Day noted that Master Plan updates were now in a notebook, alongside the Master Plan and located in Town Clerk's Office. Mr. Kroner asked what was the process of incorporating updates into the Master Plan. Ms. Day indicated that the process was not totally clear, but she felt that by assembling the updates and making them accessible to the public for viewing was the best solution. Mr. Wilson added that he believed that Ms. Day's solution of adding update binders alongside the Master Plan was appropriate. Hence, he noted a library of Master Plan and updates would be created and maintained. Ms. Day thought town departments and other boards and commissions might not need to perform yearly updates, but rather biennial updates. Mr. Todd thought the Master Plan updates should be performed yearly. Discussion ensued about the value and need of updating the Master Plan on a yearly basis.

Ms. Robinson noted that from her experience with other towns, the Master Plan was not intended for short-term planning, but that yearly reviews were useful to assure that mission/goals of the Master Plan had not changed. Dr. Arena stated that the Master Plan was a guide for the community and its elected officials. Mr. Salomon suggested distributing a letter to town departments, town boards and commissions stating the importance of the Master Plan.

Ms. Day noted that the Community Facilities Planning Committee (CFPC) should be defined in relation to the Master Plan. She referenced NH RSA 674:2.II. (a). as the basis defining the CFPC. She suggested adding other [ad hoc] members to provide visionary aspects of how the municipal facility should look. Mr. Kroner expressed concern about other community members and their visions being excluded. Mr. Todd agreed with the idea of an ad hoc committee providing input. Mr. Wilson believed it was the purview of Ms. Day, as the Long Range Planning Chair, to include any individual in the committee's work as a participant in a non-permanent basis.

Mr. Wilson suggested working with Ms. Robinson and the RPC as well as other professional services to jointly work on the Sustainable Growth/Development Audit [previously referred to as the Smart Growth Audit]. Ms. Robinson commented that the audit was structured and would point out needed changes in order for the town to reach its goal in its visioning process. Ms. Day agreed that the survey would be a benefit.

Ms. Day distributed (1) a list of items the Board would like Ms. Robinson to research and (2) a summary of the Long Range Planning Committee's activities. Ms. Day indicated that research on signage was completed and the Board should schedule a public hearing. Ms. Robinson indicated that although she had provided information to the Board, she had not received input or feedback. Specifically, she referred to the retroactive component of bringing all signage into compliance with the site plan regulations within a certain timeframe. Ms. Robinson noted that certain signage requirement such as setbacks would be more appropriate as a zoning ordinance rather than a site plan review regulation. She commented that incorporating signage requirements only into the site plan regulations could potentially result in the signage requirement becoming less enforceable.

Ms. Robinson suggested additional Board discussion on the signage issue before a public hearing is scheduled. Mr. Kroner remarked that signage aesthetics belong in the visual impact of signage whereas the location and dimensions were more applicable to a zoning ordinance. Ms. Robinson noted that all signage components are interrelated and believed that requirements should perhaps be stipulated in both zoning ordinance and site plan review regulations. Mr. Salomon commented that signage requirements should be specified in the zoning ordinance because applicants should have a relief option through the Zoning Board of Adjustment. Dr. Arena stated that design standards should be in site plan regulations. Mr. Wilson said signage standards should be included in both ordinance and site plan regulations. Discussion ensued about the best way to enact signage. Mr. Wilson cited an example in which a variance could grant two pylon signs, but the Board would make the decision on the signs' appearance and style.

**Ms. Day moved and Mr. Salomon seconded the motion that the Board devotes an hour of discussion on signage during the July 19, 2004 work session on signage.**

***The vote was 5-1.***

Mr. Kroner suggested that at the next work session the Board should discuss the signage issue and establish an implementation plan and schedule. Mr. Todd asked if Ms. Robinson could provide a draft of the site review regulations update regarding signage design standards. Mr. Wilson suggested that in lieu of an update, the Board should review the materials Ms. Robinson had previously provided.

**Application Review [Ron Todd, Chairman]**

Mr. Todd submitted a packet that included a letter that was written to applicants to assist them in understanding the process more clearly. He wanted to replace the existing checklists with the updated version. Discussion ensued about the particulars, especially about the formatting to make the document user-friendly.

**Mr. Todd moved and Dr. Arena seconded the motion that documents submitted would be included in the applicant package.**

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

Mr. Wilson suggested creating a package of forms according to site plan, subdivision and change of use and excavation.

**Sustainable Growth/Development Audit – Jill Robinson [previously referred to as “Smart Growth Audit”]**

Ms. Robinson remarked that the application for the audit must be completed by October 2004. Ms. Day expressed concern about the Board’s ability to get this application completed in time for submission. Ms. Robinson noted that she felt the application submittal process could be completed by October 2004.

**Community Facilities Planning Subcommittee – Phil Wilson**

Mr. Kroner stated that because of the lateness of the hour, this agenda item would be the last discussed. Mr. Wilson distributed two (2) handouts: (a) June 21, 2004 Proposal and (b) Committee Update Report dated June 21, 2004.

Mr. Wilson observed that the purpose of the subcommittee was to better manage town funds for community facilities, which have up to the present been financed through the town’s undesignated fund balance. Dr. Arena emphasized that this committee is a sub-committee of the Planning Board but was created by a different method and a driving force of the Board of Selectmen and it removed the responsibility from the Planning Board. Dr. Arena said the responsibility should not be pulled away from the Long-Range Planning Committee that is doing similar work. Discussion ensued on the best way for the Board to support this committee. Ms. Pohl suggested the Long Range Planning Committee members should become members. The problem Mr. Wilson explained is that no more than three Board members could be on the sub-committee. Mr. Salomon stated that he did not perceive a jurisdictional issue further adding that the information would be disseminated to the Planning Board. Mr. Todd suggested adding “Long Range Planning” into the subcommittee title. He perceived that the subcommittee would provide a useful effort with a specific focus with potential benefits. Board members asked Dr.

Arena to articulate options/solutions on how best to address his concerns about the Community Facilities Planning Subcommittee. He provided no options or suggestions.

Mr. Wilson stated that he withdrew his proposal from further consideration.

**Mr. Wilson moved to adjourn.**

**The Vote was 2-4 and the motion failed.**

Mr. Wilson observed that the Board rules of procedure prohibit continuation of board meetings beyond 9:30 PM without a motion to continue. He noted that a motion to continue was not made, hence the meeting was not legal and was adjourned. Mr. Salomon challenged Mr. Wilson's adjournment motion and asked Mr. Kroner, the meeting Chair, to rule. Mr. Kroner noted that Mr. Wilson was correct about the rules. Mr. Salomon stated that he wanted to appeal Mr. Wilson's decision.

Mr. Wilson and Dr. Arena left the meeting at 10:15 PM.

**Mr. Salomon moved and Ms. Day seconded the motion to continue the meeting until 10:30 PM.**

Mr. Kroner expressed concern whether that he could conduct a legal meeting. Mr. Salomon stated that he believed the meeting had not been adjourned legally. Mr. Kroner declared that the meeting was continued and cited the reference on Page 225 of Roberts' Rules of Order –10<sup>th</sup> Edition as the basis for his decision to continue the meeting.

***The vote was unanimous (4-0). The motion passed.***

Ms. Pohl was seated for Dr. Arena at 10:23 PM.

**Mr. Salomon moved and Ms. Day seconded the motion that the Board endorses the Community Facilities Planning Subcommittee proposal and stipulated, for the record, that this subcommittee was a subcommittee of the Planning Board Long Range Planning Committee and reports to the Long Range Planning Committee.**

Ms. Day commented that the Community Facilities Planning subcommittee is very valuable and she hoped that Mr. Wilson would remain to chair the subcommittee.

***The vote was unanimous (5-0).***

**Ms. Salomon moved and Ms. Day seconded the motion that Ms. Day would be authorized to appoint two members of the Planning Board to the Community Facilities Planning Subcommittee.**

Ms. Day expressed concern that she could not chair the subcommittee because of prior commitments. Mr. Salomon remarked that if Mr. Wilson did not want to continue to chair the committee, Mr. Salomon wanted the subcommittee's work to continue uninterrupted.

***The vote was 4-1 with Mr. Todd opposed.***

Mr. Kroner distributed information on aquifer protection and remarked that the Board would address this issue at the next work session.

**Adjournment**

**Mr. Salomon moved and Ms. Day seconded the motion to adjourn.**  
***The vote was unanimous (5-0).***

The meeting adjourned at 10:36 PM.

Respectfully submitted,

Krystina Deren Arrain  
Recording Secretary/Planning & Zoning Administrator