



## **Minutes**

### **NORTH HAMPTON PLANNING BOARD Work Session Monday, July 19, 2004**

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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**

**Attendees:** (1) Phil Wilson, Chairman; (2) Judy Day; (3) Craig Salomon; (4) Jon Rineman, Selectperson Representative; (5) Laurel Pohl, Alternate; (6) Beth Church, Alternate; (7) Jill Robinson, Circuit Rider/RPC; and (8) Krystina Deren Arrain, Planning & Zoning Administrator/Recording Secretary.

**Members Absent:** (1) Shep Kroner, Vice-Chairman; (2) Ron Todd; and (3) Joseph Arena

**Guests:** Joe Guilmette, Richard Luff and Bob Gross

Mr. Wilson chaired the meeting and called it into session at 7:02 PM.

## **Items Considered**

### **Minutes from prior meetings**

#### **Minutes of the June 21, 2004 Work Session**

Because a quorum was not present of members who attended the work session, review of the minutes was postponed until the August 16, 2004 work session.

#### **Minutes of the June 23, 2004 Special Meeting**

Because a quorum was not present of members who attended the special session, review of the minutes was postponed until the August 16, 2004 work session.

#### **Minutes of July 6, 2004 Regular Meeting**

**Ms. Pohl moved and Mr. Salomon seconded the motion to approve the minutes as amended.**

***The vote was 4-0-2 with Mr. Rineman and Ms. Church abstaining.***

### **Sign Ordinance [Jill Robinson]**

Ms. Robinson noted that she distributed the original draft sign ordinance to the Board in mid-April. She remarked that primary changes of her version included major changes to the permitting process and possibly incorporating signage components into site review regulations.

Ms. Day commented that Joe Guilmette submitted a memo of his inputs regarding signage that he wanted the Board to consider.

Mr. Wilson asked members whether the Board should continue researching the signage issue. Ms. Robinson felt that the roadside signs were becoming problematic but noted that Mr. Guilmette's inputs had some validity and should be considered. Mr. Salomon added that the Board should thoroughly review the temporary sign issue. He commented that relief from the sign ordinance was provided by the ZBA. Mr. Salomon expressed concern that the five (5) year amortization deadline needed reconsideration.

Ms. Day remarked that the sign ordinance is closely linked to aesthetics that was a town preference. She was interested in an updated sign ordinance for the purpose of changing the Route 1 signage issues that are a source of dissatisfaction for the town. Ms. Church and Ms. Pohl wanted to continue consideration of the signage issue. Ms. Pohl noted that the signage ordinance must be drafted in language that would enable successful enforcement. Mr. Wilson commented that an updated sign ordinance was important for the town and should be pursued.

Mr. Wilson observed that an updated sign ordinance could be a benefit to both businesses and the community. He said the aesthetics of signage should be included in site review regulations and dimensional issues incorporated into the zoning ordinance. Richard Luff, a ZBA member, noted that a recent Hampton Court case involved a landlord who did not allow tenant signage that was visible from Route 1. Mr. Luff suggested that the Board consider including mandates in the site plan regulations about appropriate signage for multi-tenant structures.

Ms. Robinson remarked that she had experience with other locations where controlled signage was successful and attractive. She suggested that if a uniform code of signage were implemented there would be less competition from neighboring businesses their competitors. Ms. Robinson suggested that input should be received from the business community regarding updating the sign ordinance.

Mr. Wilson listed the "areas of consideration" regarding the Board's review in updated the sign ordinance:

1. Zoning Ordinance or Site Plan Regulations,
2. Temporary or Portable Signs,
3. Landmark Sign Exemptions,
4. Sunsetting vs. Grandfathering,
5. Pennants/Flags/Banners/Whirligigs, Festoons,
6. Independent Shingles for Multiple Tenants,
7. Spotlights,
8. Distance between portable signs,
9. Changeable Message Signs,
10. Internally-Lit Signs.

Ms. Day suggested that the Building Inspector/Code Enforcement Officer attend a work session in which he would explain the issues and problems of enforcement. She also suggested holding a public meeting to inform and address the issues of signage and enforcement challenges. Mr. Wilson suggested a public hearing to consider the draft ordinance. Ms. Day observed that

flags/banners located near roadways interfered with her line of sight. She saw the location of the flags/banners as a safety issue. Mr. Wilson noted that property owners have a vested interest in the sign ordinance and would want to provide input as well as business owners.

Bob Gross, 148 Lafayette Road, observed that the issue of signage should be approached with caution because certain provisions could infringe on the right of freedom of speech. Joe Guilmette, 122 Lafayette Road, stated that there should be some form of constraint for outrageous acts but noted that a signage ordinance update is needed. He re-emphasized much of what was included in his memo.

### **Sagamore Golf Center**

Mr. Rineman stated that Mr. Luff, Sagamore Golf Center, went to the recent Board of Selectmen meeting and asked for guardrail installation on the south side of North Road and Route 1. Mr. Luff commented that there have been two accidents at the location, in September 2002 and again in December 2003. He noted that in both accidents the vehicles were traveling southbound and careened into the mini-golf course. Mr. Luff stated that the NH-DOT would not install a guardrail because excavation was located less than 50 ft from the potential guardrail location and as such, the NH-DOT could not install a guardrail. The excavation requirement was referenced in RSA 155-E:4-a.II (Title XII-Public Safety and Welfare). Mr. Luff stated he was very concerned about safety at the mini golf course site. Mr. Rineman indicated there had been discussion about sharing the cost between Mr. Luff and the town.

Mr. Wilson stated that NH-DOT was remiss because they cited a state regulation that prohibited them from correcting an unsafe situation, when safety should be their primary consideration. He was concerned whether the Planning Board had any liability regarding this issue. Mr. Wilson understood that if the Planning Board were negligent they could be held liable. He suggested that the Board contact NHMA about the question of any potential Board liability. Mr. Salomon indicated that he believed there was not a liability issue for the Board.

Ms. Pohl noted that during the Board of Selectmen meeting, it arose that there was an implied responsibility of the town to provide a remedy now that the public safety issue at the Sagamore Golf Center had been confirmed. The area for the proposed guardrail is state property and within the town's setback requirements. Mr. Luff stated that a guardrail would be installed, but he wanted guidance/permission to proceed. Mr. Wilson remarked directly to Mr. Rineman that he thought the town should pursue discussion with the state to install the guardrail. Mr. Rineman stated that the Board of Selectmen would pursue it. Mr. Wilson affirmed that the Board supported that position.

**Ms. Day moved and Ms. Pohl seconded the motion to include in the minutes that the Board strongly supported an effort by the town along with the property owner to remedy the situation through the state or any other channels.**

***The vote was 5-0-1 with Mr. Rineman abstaining.***

The meeting recessed at 8:32 PM.

The meeting reconvened at 8:40 PM.

**Sustainable Development Audit [Jill Robinson / RPC]**

Ms. Robinson stated that the focus of sustainable development include:

1. Protect environmental quality,
2. Preserve town's rural character.

She suggested holding meetings to gather public input from the community. Ms. Day noted that Ms. Robinson provided an in-depth presentation at the Long Range Planning meeting. Ms. Robinson remarked that \$3,000 is needed in matching funds to conduct the sustainable growth audit. Mr. Wilson confirmed that \$5,000. was available in the budget for special projects. Mr. Salomon remarked that this audit is part of the long range planning effort and is an important activity of a planning board. Ms. Day observed that environmental protection was strongly supported by the community and would probably be embraced by the community. Ms. Robinson noted there are eight (8) principles/segments of sustainable development. Ms. Church and Ms. Pohl expressed their support for funding the audit.

**Ms. Day moved and Mr. Salomon seconded the motion to expend \$3,000. from the line item for special studies to support the Sustainable Development Audit proposed by Ms. Robinson, especially Principles #5 and #6.**

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

Ms. Robinson suggested scheduling one or two special public information sessions. Ms. Day noted that Mr. Kroner was also interested in scheduling special meeting to discuss environmental issues. Ms. Robinson suggested involving youth into this audit. She noted that even younger school age children should be involved. They could provide different perspectives and possibly ideas.

**Committee Update Reports**

**Change of Use [Craig Salomon, Chairman]**

Mr. Salomon distributed the committee's June 30, 2004 meeting minutes. He remarked that the committee wanted to establish criteria/guidelines that the Building Inspector/Code Enforcement Officer could follow. Mr. Salomon described an interim site review process that the Town of Newton uses successfully. He explained the following four levels of proposed approval:

1. Building Inspector review,
2. Planning Board review after discussion with a decision being rendered,
3. Minor Site Plan Review [Town of Newton model]
4. Full Site Plan Review

**Ms. Day moved and Mr. Salomon seconded the motion to extend to the Building Inspector the authority to approve engineering invoices for payment from the non-lapsing account until revoked.**

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

The Board requested that Ms. Arrain provide monthly report of the non-lapsing account. Ms Arrain said she would submit copies of her Excel spreadsheets.

**Long Range Planning/LRP [Judy Day, Chairperson]**

Ms. Day provided an activity update noting that the committee met and a list of ideas were generated and placed in a brown notebook and was available in the Town Clerk's office. She noted, as an example, that the town needed a vault for town records. The committee had a tour of the Raddochia property in an effort to determine what would be the best use of the property. Also, the committee participated in the tour of town properties with the exception of the Cherry Road facility. Ms. Day felt the tour was very valuable that provided abundance of much needed information. She said the committee conducted brainstorming and visioning sessions. She commented there are issues of data collection. She said a lot of information was not available or accessible. She was concerned that if the committee could not acquire needed information, then the situation was problematic. She was impressed with the commitment individuals expressed in support of the process to date.

Ms. Pohl remarked that in her opinion, the 239 Atlantic Avenue building was not salvageable. Ms. Day noted that she was told that the building was structurally solid and the Historical and Heritage Committees saw some value to the building. There were conflicting reports that needed to be investigated. Ms. Pohl indicated that the Building Inspector would provide a tour to interested individuals.

Mr. Wilson commented that the committee should continue their review and not engage the entire Board until they compiled their recommendations. Ms. Day said that she wanted the process to be apolitical. The purpose of the committee's work was to provide an inventory of town property with recommendations. She expressed her opinion that the process and the committee's work had become a highly charged political issue and she was very concerned. She wanted to review the Robinson property and formulate recommendations by December 2004.

Mr. Wilson said that the committee should evaluate current capacity, future growth and whether the current capacity could meet the town's future needs. If the committee's assessment resulted in a shortfall, then the committee should make recommendations on how to meet the town's anticipated needs. Ms. Day stated that the committee is in the process of doing that. Extensive discussion ensued about the focus of the committee as applied to the review of current and foreseeable future needs of a municipal complex.

**Ms. Day moved and Ms. Pohl seconded the motion to extend the meeting until 10 PM.**  
***The vote was unanimous (6-0).***

**Alternate Nomination Process [Phil Wilson]**

Mr. Wilson remarked that he placed an advertisement in the community newsletter and received one response from Bob Landman. Mr. Wilson asked for other suggestions or individuals. He stated he would contact any potential candidates. Mr. Salomon suggested that this issue should

be continued until the August work session. Mr. Wilson suggested that Board members should bring candidate names to the next meeting.

**Adjournment**

**Mr. Rineman moved and Ms. Church seconded the motion to adjourn.**  
***The vote was unanimous (6-0).***

The meeting adjourned at 10:00 PM

Respectfully submitted,

Krystina Deren Arrain  
Recording Secretary/Planning & Zoning Administrator