



Minutes

NORTH HAMPTON PLANNING BOARD Work Session: 15 November 2004

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These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

Attendance

Present:

Phil Wilson, Chair; Shep Kroner, Vice Chair; Joseph Arena, Judy Day, Jon Rineman, Selectmen's Representative, Craig Salomon, Ron Todd, Laurel Pohl, Alternate.

Absent:

Beth Church, Alternate; Krystina Arrain, Recording Secretary.

In attendance:

Rich Goeselt, Library Trustee, Member MFAC
Jill Robinson, Circuit Rider and Presenter
Gary Stevens, Resident

Mr. Kroner called the meeting to order at 7:01 PM. Mr. Kroner noted that the Recording Secretary was not present and no recording equipment had been provided for the meeting.

Ms. Day said that, should the need arise in the future, she would bring her own recording equipment and asked whether the Board wanted her to go home to get it for this meeting. The sense of the Board was to proceed without the equipment.

Mr. Wilson said he would take minutes.

I. Case #04-16 – Map/Lot #020-080/009/011-000 and 021-001-000: 223 Lafayette Road, PD Associates, LLC for Greystone Village Retirement Community, 5 Dartmouth Drive, Auburn, NH 03032. A Compliance Review for the conditions of approval.

The Board discussed documents submitted by the applicant that pertained to modifications of the applicant's plans that had been proposed or required by various permitting authorities to which the applicant had applied for approval. The Board noted that the materials had only recently been distributed to the members for review and that the issues appeared to be sufficiently technical that at least a minimal review by the Town's engineering consultant was prudent. Should the engineer recommend a more extensive review, the Board would then be able to act deliberately.

Ms. Day moved, and Mr. Salomon seconded the motion, that the Board direct Mr. Kroner, Chair of the Work Session, after all modifications are presented, to contact Mr. Clifford, Town engineer for this case, and direct him 1) to have a "limited discussion" with Mr. Chagnon about the modifications to the conditionally approved plans and 2) to render his opinion to the Board about appropriate action by the Board.

The motion was approved by a unanimous vote (7-0).

II. MFAC needs evaluation.

Ms. Day introduced Mr. Goeselt, a member of the MFAC, and referred to a “semi-final” report of the MFAC that had been prepared by Ms. Day and Mr. Goeselt. She distributed copies of the document titled “Draft #1: MFAC Phase Proposal Report 11/2004.” (Copy attached and incorporated into these minutes by reference.)

Ms. Day also showed the Board a three-ring binder into which she had placed all the inputs to the MFAC, as well as analytic and summary documents prepared by the Committee. She pointed out specific items of information the MFAC has requested, but has not yet received. She commended the Police and Fire Chiefs for their diligent work and their contributions.

Mr. Goeselt elaborated on the “Draft #1” report.

Mr. Kroner said that he had read the report and that he felt it was excellent.

Ms. Robinson commented that 1) impact fees can be assessed to help fund a new or expanded library, 2) funding is available to help pay for construction costs if energy efficiency is attended to in the plans for buildings, and 3) all information assembled in the binder Ms. Day presented should be put on a CD so that it would be easily accessible by all who are interested.

Among comments expressed by members of the Board were the following:

1. The capacity of the bridge on Cedar Road was questioned in relation to the relocation of the Highway Department facility on the Cedar Road site.
2. Several members noted missing information – e.g., definitive information about the impact of airport zoning on the potential development of the Cedar Road site, environmental studies of all three sites under consideration for relocating the Highway Department, reliable cost data about site work, renovation and new construction of facilities, information about the future of the recycling center.
3. Mr. Todd raised two points: first, whether the report should deal with recreation facilities and playing fields and second, whether the MFAC should lay out the pros and cons of the options they present in the report.
4. Mr. Wilson noted that in his discussion of the options Mr. Goeselt was applying criteria for comparing and contrasting the relative merits of the options and that it would be useful to articulate those criteria in the report.
5. Mr. Salomon noted that he was impressed by the size of the 205 Lafayette Road site and consequently its potential for future uses and that he would be interested in knowing what would be done with the site if the Town were not to acquire it.
6. Mr. Wilson noted that the report “Draft #1” left open the question whether to recommend that the Town relocate the Highway Department to Cedar Road or acquire 205 Lafayette for that purpose and possibly others. He stressed that the Board of Selectmen, Budget Committee and voters need immediate advice about the relocation of the Highway Department.

With respect to 6 above, Ms. Day said that “there was still and ‘or’ in the options for the Highway Department relocation because there continued to be a lack of information and that the MFAC had been asking for such information from the Board of Selectmen since July.”

Mr. Todd asked Ms. Day why she could not get even the first environmental audit for the 205 Lafayette Road property, which he understood did exist. Ms. Day stated that it must exist as it was noted in the contract, but that she had asked as recently as that morning for any new information on Cedar road or Cherry road. The answer from Mr. Mabey was that any building on the Cedar Road site had to be four hundred feet back from the Landing Zone on Cedar road. No new information was forthcoming, and she did not feel that she could obtain it without the Board of Selectmen.

Ms. Pohl’s Model for Evaluating Alternative Sites for the Highway Department:

At the request of Mr. Wilson, not under the auspices of the MFAC, Ms. Pohl’s presentation was put on the agenda of the Work Session. She presented a draft model for comparing the Cedar Road, 205 Lafayette Road, and Cherry Road sites for the relocation of the Highway Department.

Among comments expressed by members of the Board were the following:

1. As with “Draft #1,” members noted that the model couldn’t work as effectively as the Board would like until reliable data are available for the various inputs to the model.
2. Members noted that different individuals may have different criteria for evaluating the sites and may weigh the criteria differently.

At the conclusion of the discussion, Mr. Goeselt left the meeting. As he walked out, Ms. Day and Mr. Salomon thanked him for his work and the Board gave him a round of applause.

In summary, the Board’s guidance to the MFAC was as follows:

1. The MFAC Draft #1 report was a broad overview that helped characterize various options for development of municipal facilities over time.
2. Each of the first three options of Draft #1 included either of two alternatives (Cedar Road, 205 Lafayette Road) for relocating the Highway Department, and presented no criteria for choosing between those two options and did not address the Cherry Road alternative.
3. Mr. Goeselt and Ms. Day applied certain criteria to evaluate the various options they discussed. Articulating these criteria in “Draft #1” and organizing them for presentation and discussion would be helpful to the Planning Board, Board of Selectmen, Budget Committee and voters in considering the options.
4. The model Ms. Pohl presented offered a methodology for both evaluating alternatives for relocating the Highway Department and for organizing criteria and data so that the Planning Board could explain a Planning Board recommendation — assuming the Board makes one — to the Board of Selectmen, Budget Committee, and voters. The model or a refined version of it would thus complement and help complete work presented in “Draft #1.”
5. Ms. Pohl’s model also offers a methodology for dealing with other aspects of options the MFAC presented in “Draft #1.”
6. The MFAC needs to develop a report that uses the best data available to enable the Planning Board to recommend action on the highway department issue (at least) for the coming Town warrant.

III. Sign Ordinance update/discussion

Ms. Robinson opened the discussion by saying that, in her opinion, recent decisions by the Zoning Board of Adjustment to grant variances to the Town's existing sign provisions in the Zoning Ordinance indicate that it would not be "pragmatic" to develop and implement more restrictive provisions and to expect that over time those provisions will accomplish the goal of improving the appearance of Route 1. Hence, the Planning Board should do one of three things:

1. Do nothing.
2. Move sign standards into the Site Plan Review Regulations.
3. Approach the Board of Selectmen about seeking a rehearing of the recent Rite aid application for a variance.

Mr. Kroner asked whether Ms. Robinson was aware of any precedents for incorporating sign standards in site plan review regulations.

Ms. Robinson cited East Kingston, as one example.

Mr. Todd said that the Planning board had taken up a review of sign provisions because the ZBA said signage standards in the current Zoning Ordinance were too restrictive and were thus precipitating many request for variances. He said that he had attended several meetings of the ZBA where attorneys for applicants presented persuasive standards, based on scientific evidence, that North Hampton standards were too restrictive. Mr. Todd talked to Dr. Vade, a local optometrist, who suggested using a "20/40" vision standard, as is used for drivers' licenses. Mr. Todd concluded that he thought the Board should develop less restrictive provisions based on scientific and industry standards.

Mr. Salomon said that his conversations with local business people indicate that they believe the Board's provisions under consideration "are going backwards." "All they want is visibility of their signs; they are less concerned about design, color, etc." Mr. Salomon added, that it has been his experience that recently adopted zoning ordinance provisions, in practice, are less likely to be subject to approval of variances. ZBA's are reluctant to grant variances to recently adopted provisions because they represent provisions the voters have endorsed.

Mr. Todd asked Ms. Robinson whether there is authority in the RSA's for the Planning Board to approach the Board of Selectmen about petitioning the ZBA for a rehearing of the Rite Aid decision.

Mr. Wilson said that, in his opinion, the Planning Board should not continue a discussion of any matter pertaining to the Rite Aid application because it was pending before the Board.

Mr. Wilson suggested that the Planning Board consider offering incentives to get the improvements the residents, as evidenced in the Master Plan, want to see along Route 1, rather than to develop more restrictive provisions of the Zoning Ordinance that might simply result in even more applications for variances. For example: Larger signs might be allowed if they were to conform to the design and lighting standards preferred by Site Plan Review Regulations.

Ms. Day asked whether the size of signs was the main issue?

Ms. Robinson said that size is not the only issue or even the most important issue. Size of letters, amount of information, color schemes, etc. are also important. She said that the ability of people to read and understand the sign is most important and depends on many factors. She said that the aim is to strike a balance between a sign that appears to be ideal for a single business and provisions that create an attractive and fair situation for all businesses and residents along a commercial road.

Mr. Rineman said, "Franchises have their signs, and they are what they are."

Dr. Arena, Ms. Robinson, and others noted that franchises have various sign and building designs and are becoming more open to making modifications to them to fit into communities where they want to do business.

Mr. Salomon said that he thought the concept of offering incentives for complying with standards was a good one and that he would support it.

Dr. Arena said that he thought sign provisions should be moved into the Site Plan Review Regulations.

Mr. Wilson moved, and Dr. Arena seconded the motion, that the Planning Board charter Mr. Wilson and Ms. Robinson, and other interested members of the Board as well as any interested members of the public, to:

- 1. Develop a proposed amendment to the Zoning Ordinance that excises all signage provisions from the Ordinance and**
- 2. Develop an amendment to the Site Plan Review Regulations that incorporates current regulations of signage from the Zoning Ordinance and adds design standards with incentives for compliance with those standards to achieve the objectives of the Master Plan to improve the appearance of Route 1.**

Mr. Kroner recognized Mr. Gary Stevens, a member of the audience and owner of North Hampton Village Mall, who spoke about the ZBA's granting of the Rite Aid variance request.

Mr. Stevens stated that when he hears "site plan regulations," he is scared because that means every time a sign changes, it requires a site plan and site plan review.

Dr. Arena raised a question about the calculation of allowable sign size when individually lighted letters are used for the sign. The same limits on size, for example, do not appear to apply to the Marshall's sign as compared to the Hollywood Video sign.

Mr. Salomon stated for the record that he would vote against the motion because he believes that "imposing design standards on others is wrong."

The question was called, and Mr. Wilson restated the motion.

The vote was initially three in favor (Dr. Arena, Mr. Kroner, and Mr. Todd); one opposed (Mr. Salomon), and two abstentions (Ms. Day and Mr. Rineman).

Mr. Salomon said that, because a majority of the Board did not vote in favor of the motion, the motion failed.

Mr. Wilson said that abstentions do not count and that only a majority of those voting is required for a motion to carry.

Dr. Arena said that Mr. Wilson, who made the motion, must vote in favor of it.

Mr. Wilson asked that the motion be reconsidered. Mr. Salomon said that only he could request reconsideration of the motion because only he opposed it.

Ms. Pohl cited “Robert’s Rules of Order” which indicated that Mr. Wilson’s interpretation of the vote was correct – that is, that abstentions do not count and that the motion thus passed.

Mr. Kroner called for another vote.

The vote was four in favor (Dr. Arena and Messrs. Kroner, Todd, and Wilson), one opposed (Mr. Salomon), and two abstentions (Ms. Day and Mr. Rineman).

The Board noted the lateness of the hour and decided to schedule an additional work session on Wednesday, 15 December at 6:00 PM to complete the agenda and take up new business, as appropriate. In addition, the Board decided to begin the regularly schedule work session on Monday, 20 December at 6:00 PM.

Ms. Robinson distributed copies of comments from participants that she had redacted from the joint meeting of Boards to hear the results of the Sustainable Development Audit. She stated that she needs feedback from the Planning Board by the last week of December.

At 10:49 PM Dr. Arena moved to adjourn. Mr. Wilson seconded the motion.

The vote was unanimously in favor of the motion.

Respectively submitted,

Phil Wilson, Chair
North Hampton Planning Board