



## **MEETING MINUTES**

### **NORTH HAMPTON PLANNING BOARD**

#### **Work Session**

**Tuesday, January 16, 2007**

**Town Office Conference Room**

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

**Members present:** Phil Wilson, Chairman; Shep Kroner, Vice Chairman; Craig Salomon, Joseph Arena, Laurel Pohl and Vince Vettraino.

**Others present:** Wendy Chase, Recording Secretary.

**Alternates present:** None

Mr. Kroner called the meeting to order at 6:35pm.

#### **Approval of Minutes**

The Board members made emendations to the December 18, 2006 Special Session minutes.

**Dr. Arena moved and Mr. Wilson seconded the motion to approve the December 18, 2006 Special Session minutes as amended.**

**The vote was unanimous in favor of the motion (4-0). Mr. Vettraino and Mr. Salomon did not vote because they were not present for the December 18, 2006 Special Session meeting.**

The Board members made emendations to the December 18, 2006 Work Session minutes.

**Mr. Wilson moved and Dr. Arena seconded the motion to approve the December 18, 2006 Work Session minutes as amended.**

**The vote was unanimous in favor of the motion (5-0). Mr. Salomon did not vote because he was not present at the December 18, 2006 Work Session.**

**Mr. Wilson moved and Dr. Arena seconded the motion to approve the January 2, 2007 Public Hearing minutes.**

**The vote was unanimous in favor of the motion (5-0). Mr. Vettraino did not vote because he was not present at the January 2, 2007 Public Hearing.**

The Board members made emendations to the January 2, 2007 Regular Meeting minutes.

**Mr. Salomon moved and Dr. Arena seconded the motion to approve the January 2, 2007 Regular Meeting minutes as amended.**

**The Vote was unanimous in favor of the motion (5-0). Mr. Vettraino did not vote because he was not present at the January 2, 2007 meeting.**

#### **New Business**

#### **Proposed amendment to the Site Plan regulations regarding Wireless Communication Facilities**

Mr. Wilson explained that over the past year the Planning Board worked on revising the Zoning Ordinance provisions that govern the Wireless Telecommunications Facilities, and that the Planning Board voted, at their June 19, 2006 Public Hearing, to table the discussion of the proposed ordinance indefinitely after learning that the Attorney the Planning Board was using to guide the Board on revising the ordinance was also the same Attorney negotiating with a wireless carrier on behalf of the Town to put in a wireless facility at 57 Woodland Road.

Mr. Wilson admitted that he was not comfortable that the three principles the Board focused on when composing the zoning amendment on Section 415, (1) technologically agnostic, (2) seamless coverage throughout the Town and (3) unobtrusive had been adequately met by the draft amendment. He felt that the Board, using advice of counsel, had been using technology as a standard when defining the overlay districts and other aspects of the draft amendment to the Zoning Ordinance.

Mr. Wilson said that the main reason the Planning Board approved the DAS is because it is unobtrusive, and because of that reason he determined that the real standards the Board should articulate in the site plan regulations should regulate the appearance of the facility. Mr. Wilson added the following standards to the proposed regulation amendment:

1. Essentially invisible designs
2. Visible but effectively disguised or camouflaged designs
3. Visible undisguised or non-camouflaged designs. This would be the last resort and only used when the applicant has demonstrated that both *essentially invisible designs* and visible but *effectively disguised or camouflaged designs* are not technologically possible or not reasonable.

Mr. Wilson said he also added a paragraph that states *In all three designs, ground-based equipment related to the operation of a WCF and its antenna(s) shall be housed in a building compatible with the environs of the WCF.*

Mr. Wilson explained that the work the Board did on the proposed amendment to the Zoning Ordinance was useful and he incorporated a lot of the information into Site Plan Regulations, which could be adopted with one public hearing (if no changes were made) rather than a zoning amendment that would have to be placed on the Town Warrant and voted on in March of 2008. He also said that he just received Ms. Robinson's recommendations and incorporated them into the draft.

Dr. Arena recognized all of the work that Mr. Wilson put into the proposed amendment but felt that it was unnecessary because by approving the Conditional Use permit for the Distributed Antenna System (DAS) in November of 2005 it set a new set of standards that all telecommunication facility applicants must adhere to.

Mr. Kroner said that the current Wireless Telecommunication Facilities Ordinance allows towers, and that approving the DAS did not change the current Ordinance.

Mr. Salomon agreed with Mr. Kroner stating that there is no present Ordinance that requires only the DAS is to be used in North Hampton. He also said that he believes that just by approving the DAS would not be enough to protect the Town if challenged in court.

Mr. Wilson presented two scenarios to the Board:

1. If a tower provider applies to erect a tower abiding by all the requirements under the current telecommunication ordinance and the Planning Board denies it based on the fact

- that the Planning Board would rather they use a DAS, Mr. Wilson feels that that reason alone would not stand up in Court.
2. If a tower provider is granted a variance by the ZBA to erect a tower and the proposed amendments to the site plan regulations were in place then the applicant would have to abide by the new site plan regulations regardless of what the ZBA granted.

Dr. Arena stated that the proposed amendment to the site plan regulations is not necessary and that the decisions to be made by the Board on future Telecommunication Facility applications is predicated upon the Planning Board approving a DAS in November 2005. He further stated that the Planning Board would not stop tower provider applicants from coming to Town but would require they use a DAS.

Mr. Kroner said there is no written Ordinance that states that only a DAS may be used in Town.

**Mr. Salomon moved and Ms. Pohl seconded the motion to schedule a public hearing on the proposed amendment to Section X.F.3 - Architectural Standards of North Hampton's Site Plan Regulations on February 5, 2007 at 6:30pm.**  
**The vote was unanimous in favor of the motion (6-0).**

Mr. Wilson suggested that each member review the proposed amendment and to email any proposed changes to him prior to Monday, January 22<sup>nd</sup> and he will determine if an extra meeting is necessary.

**Discussion on criteria for sign ordinance waivers and to reconsider case 06:32 W/S North Hampton Properties LLC, Conditional use permit**

Mr. Kroner referred to the prior Planning Board meeting when the Board granted a conditional use permit for two 80-square-foot signs for the future Staples building and felt that the Board struggled with the criteria used in granting the waivers.

Mr. Kroner wondered if there could be certain criteria created for dealing with the approval of a sign.

Mr. Vettraino presented documentation regarding scientific fact on visual acuity of the human eye. He gave an example of a sign that is four feet tall can be seen from 900 yards away.

It was the consensus of the Board members that they may have made a mistake in granting the Staples' Conditional Use permit for two 80-square-foot wall signs.

**Mr. Wilson moved and Dr. Arena seconded the motion that the Board authorizes Mr. Wilson to contact Jill Robinson and/or the Local Government Center for information on what procedures the Board must follow when reconsidering a decision on a Conditional Use permit.**  
**The motion passed (5 yes, 0 no and 1 abstention). Mr. Salomon abstained.**

**Mr. Wilson moved and Dr. Arena seconded the motion to add to the February 5, 2007 Planning Board agenda to take up the question whether to reconsider the Planning Board's decision to approve the Staples' Conditional Use permit for two 80-square-foot wall signs.**  
**The motion passed (5 yes, 1 no and no abstentions). Mr. Salomon opposed.**

**Mr. Wilson moved and Mr. Salomon seconded the motion that the Board authorizes Mr. Wilson write a letter to Mr. Vydra informing him that the Board will take up the question whether to reconsider the Board's decision to approve the Staples' Conditional Use permit for two 80-square-foot wall signs.**

**The vote was unanimous in favor of the motion (6-0).**

**Committee updates**

Ms. Pohl informed the Board that as soon as she has the budget in hand she would "crunch" the numbers and complete the CIP for the Long Range Planning Committee's review and recommendation to present it to the Planning Board for adoption.

Ms. Pohl said that the Selectmen decided that the Needs Assessment is "back on" and at their last Selectmen's meeting Mr. Pardue had resurrected the old request for proposal (RFP) regarding the Police and Fire staffing assessment. The Board of Selectmen said they would work with the Long Range Planning Committee and the Planning Board for review, but did not. She also stated that she informed the Board of Selectmen that the LRP Committee would be approaching the Selectmen this summer to do more work on the facilities assessment.

Mr. Salomon informed the Board that the Building Committee would be meeting on Thursday, January 18, 2007 at the "Old" Town Hall.

**Mr. Wilson moved and Dr. Arena seconded the motion to adjourn at 8:55pm.**

**The vote was unanimous in favor of the motion (6-0).**

Respectfully submitted,

Wendy V. Chase  
Recording Secretary