



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD

Work Session

Thursday, December 13, 2007

Mary Herbert Conference Room

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

Members present: Phil Wilson, Chairman; Barbara Kohl, Tom McManus and Craig Salomon, Selectman's Representative.

Members absent: Shep Kroner, Laurel Pohl and Joseph Arena

Others present:

Alternates present: None

The minutes were transcribed from a tape recording of the meeting; a Recording Secretary was not present.

Mr. Wilson convened the meeting at 6:59pm and noted for the record that there was a quorum.

Mr. Wilson opened the public hearing on the proposed adoption of the Route 1 Use Changes Ordinance at 7:00pm.

Mr. Turchan spoke about the traffic pattern on Route 1 from the early 1980s to present and said that it had increased over the years, but not substantially.

Mr. Wilson explained that one of the main concerns the Planning Board has is the significant continuing retail development in the northern part of the Town, which would pull traffic from both the north and south.

Pat Mitchell, owner of North Hill Nursery commented that putting constraints on retail development that lie within North Hampton on Route 1 is not going to solve the traffic problem if a Lowes is built on Route 1 in Rye or Hampton.

Mr. Wilson stated the major points the Planning Board used to create the proposed Route 1 Ordinance: (1) It is not designed to eliminate retail development; it is designed to contain the size of retail development. It is the retail development that increases the traffic impact on Route 1, which the townspeople are against, as shown in the 2005 community survey, (2) Major impacts made by the large chain businesses on the smaller businesses, and (3) if Route 1 is divided into five lanes, as projected, it would hurt the smaller businesses and divide the Town into two sides – east and west.

Mr. Wilson explained that it was the consensus of the Board that they would rather see small businesses than large national businesses such as Lowes and Shaws.

Mr. Rick Fucci commented that the crux of the proposed ordinance is the amount of square footage and opined that 10,000 square-feet is much too small and suggested that the Planning Board revisit that issue.

Mr. John Anthony Simmons commented on the good work that the Planning Board has done, particularly the work done on the Sexually Orientated Business Ordinance and the architectural standards regulations. He further stated that the Planning Board had “browbeaten and brutalized” applicants that came before them by forcing them to give up twelve-feet of the front of their property on Route 1 because of the proposed NH DOT Route 1 widening plan. Mr. Simmons commented on the convenience of the present services offered in Town. Mr. Simmons disagreed with the 2005 survey results stating that the survey got the answers it sought to get and that the Board should instead listen to what the taxpayers have to say. He further opined that it is the businesses on Route 1 that help alleviate the tax burden on the North Hampton residents.

Mr. Wilson responded to Mr. Simmons comments and stated that the Planning Board has “bent over backwards” to help applicants avoid seeking new driveway permits from the NH DOT where the applicant would be required to give up the twelve-feet. Mr. Wilson further commented that he did not design the 2005 survey; but that the Long-Range Planning committee had worked with Charlie French from UNH Extension to design it.

Mr. Peter Simmons stated for the record that due to the weather conditions (snow storm) the Board should consider continuing the public hearing to another date to give other residents the opportunity to participate in the discussion.

Mr. Wilson commented that it is the Board’s intention to continue the discussion to December 27, 2007.

Mr. Peter Simmons said that he would not be able to attend the meeting on the 27th and asked that his comments be added to the record. He opined that (1) the proposed ordinance stops growth on Route 1, “tying the hands” of property owners to further develop their lots, (2) the ordinance would eliminate growth on Route 1 that would normally absorbing the tax burden on all resident’s in Town, (3) a growth control ordinance would not solve the traffic issues, people will still travel Route 1 through North Hampton from Massachusetts going to Maine and (4) the proposed ordinance is a growth control ordinance that is very unfair and does not solve the traffic problem that has been disguised in the Route 1 corridor study; the Planning Board needs to listen to the taxpayers.

Mr. Turchan said that the Town is due for a revaluation in 2008 and if the buildings were “cut down” to 10,000 square feet it would bring down the values on all of the properties on Route 1.

Mr. Fucci stated that Route 1 is a predominantly retail road that will always generate traffic from the Portsmouth traffic circle to Seabrook. He suggested that the Board revisit the 10,000 square-feet and think about increasing it to 30,000 to 50,000 square-feet.

Gregg Taylor said that Route 1 is all business that has no residential homes and only needs Fire and Police services and does not add children into the school system.

Glenn Martin opined that restricting the buildings to 10,000 square-feet would diminish the value of the properties on Route 1. Mr. Martin suggested adding a provision restricting the percentage of lot coverage rather than limiting the building size to 10,000 square-feet.

Mr. John Anthony Simmons entered into the record a list of those present with their disposition on the proposed ordinance, incorporated by reference as attachment A.

Mr. Wilson asked those present whether or not they were North Hampton residents.

Mr. John Anthony Simmons stated for the record that whether or not those present were residents or non-residents was irrelevant.

Mr. Wilson stated that it was important to add to the record that the audience consisted of (1) residents, (2) residents who own or operate a business in the I-B/R district, (3) non-residents who own and operate a business in the I-B/R district, and (4) owners of land only in the I-B/R district, each with different sets of interests.

Ms. Lisa Wilson responded to comments made earlier by residents. She said that Route 1 is not strictly business orientated and referred to the residential homes in the mobile home parks on Route 1. In response to the comment that the tax rate is alleviated by businesses along Route 1, she questioned why the big retail stores like Home Depot and Rite Aid did not alleviate the current increase in the tax rate for 2007?

Mr. McManus asked the audience for their comments on international or national franchise fast food restaurants in Town.

A comment was made from the audience that fast food restaurants are discouraged from coming to Town because there is no Town sewer system and septic systems generally do not handle grease produced from these types of eateries and have a high risk of failing.

Mr. Peter Simmons requested that it be added in the minutes that there were 15 people present in the audience and 14 out of the 15 are opposed to the proposed ordinance.

Mr. Wilson stated that the Planning Board has been informing and giving the President of the North Hampton Business Association copies of the proposed ordinance over the course of four to five months and, nevertheless, has not heard any response to any of the various versions until this meeting.

Mr. Peter Simmons said that not everyone is a member of the Business Association and suggested that the Planning Board put the proposed ordinance on hold for a year and create a Route 1 study committee to work with the Planning Board and propose an ordinance that is fair and equitable for everyone.

Mr. Bob Sanborn, a member of the North Hampton Business Association confirmed that the Association has received information on the proposed ordinance and representatives for the Association planned to attend in opposition. He suggested the ordinance include allowance of reasonable development of buildings of 25,000 to 40,000 square feet with attendants on larger parcels of land that could handle plenty of parking and handle the ground water run-off, which would make sense for the tax base and smaller retailers. He opined that it does not make sense to limit the size of a building to 10,000 square feet on a lot size of 8 to 10 acres. He agreed that a committee to be formed to come up with suggestions for the Planning Board to use in revising the ordinance.

Ms. Kohl stated that the purpose of the proposed ordinance is for long range planning. She further commented that large retail businesses bring in more traffic that generates additional traffic lights and referenced the traffic light at Home Depot, which was added because of that development. She said that the reason for the 10,000 square-foot limit was to avoid allowing the types of business that would put additional traffic lights in Town. She said that as a member of the Long Range Planning Committee and Capital Improvement Plan Committee she has learned that the majority of the Police and Fire service calls are for the I-B/R district and increases in their budgets to cover these calls is a driving force for the overall tax increases.

Mr. Salomon said that the recent tax rate increase is due to (1) the bond payments on the conservation land purchases and the removal of those parcels on the tax rolls, and (2) the Town wide revaluation mandated by the State

Mr. Salomon said that he has heard from other business owners in the community who probably did not attend because of the weather, and stated that there is substantial resistance to the proposed ordinance in the business community.

A member of the audience suggested the Board look at the Portsmouth zoning ordinance for examples.

Mr. Wilson stated that the Planning Board did not design the ordinance to stop growth; it is designed to limit the growth of retail. He further stated that there is a big question about whether or not big box businesses carry their own weight because they come into Town and pay minimum wage, do not provide health insurance and require police and fire services more than all of the smaller retailers in Town.

Mr. Wilson conveyed to the audience some of the results of the 2005 survey and commented that the results showed that the townspeople were against fast food

restaurants and additional mobile homes. He said that he calculated a chart showing the results in descending order.

Mr. Wilson was asked by a member of the audience to bring a copy to the next meeting and he agreed to do that. Mr. Wilson also informed the audience that the chart is included in the Town's Master Plan.

Mr. Salomon said that some of the businesses did not fill out and return the 2005 community survey because they felt that it was anti-business.

Mr. Wilson commented that it was a good discussion and suggested that the Board vote on continuing the public hearing to December 27, 2007 and explained that the Board may vote to continue it again to January 10, 2008 to allow more people to attend.

It was the consensus of the Planning Board that they need to do further research on the 10,000 square-foot provision.

David Marchese, owner of 142-144 Lafayette Road stated for the record that he is against the 10,000 square-foot building restriction. He stated that the small businesses are a big asset to North Hampton.

Ms. Kohl moved and Mr. Salomon seconded the motion to continue the public hearing on the Route 1 Use Changes Ordinance to December 27, 2007 at 6:30pm. The vote was unanimous in favor of the motion (4-0).

Mr. Wilson commented that the Board encourages public input and that the discussion that took place was very useful and thanked everyone for coming.

Mr. Wilson informed everyone that the Board had more Public Hearings scheduled and invited everyone to stay.

Mr. Wilson opened the public hearing on the Sexually Orientated Business Ordinance amendment.

Mr. Wilson closed the public hearing without public comment from anyone present.

Mr. Wilson presented a copy of a map depicting where sexually orientated businesses were permitted.

Mr. Wilson explained that the Planning Board would review the list of businesses within the Ordinance every year and it would be updated and voted on by the Town every four years.

Mr. McManus moved and Mr. Salomon seconded the motion to hold a second public hearing on the proposed amendments to Article IV, Section 416 – Sexually Orientated Business on January 10, 2008 at 6:30pm.

The vote was unanimous in favor of the motion (4-0).

Mr. Wilson explained that the proposed amendments to the Sign Ordinance, Section 506, (1) to allow the Building Inspector to approve a sign application that is completely consistent with the Ordinance, (2) incorporating lighting & color language into the Ordinance from the architectural standards and (3) the inclusion of the prohibition of roof signs.

Mr. Wilson opened the public hearing at 7:59pm.

Mr. Wilson closed the public hearing at 8:50pm without public comment.

Mr. McManus moved and Ms. Kohl seconded the motion to hold a second public hearing on the proposed amendments to Section 506 – Sign Ordinance on January 10, 2008 at 6:30pm.

The vote passed (3 in favor, 0 opposed and 1 abstention). Mr. Salomon abstained.

Mr. Wilson opened the public hearing for the proposed adoption of the Building Reuse, Community Impact section to the Site Plan Review Regulations at 8:52pm.

Mr. Turchan referred to section X.F.I.B.2. where it states that the Selectmen may vote to exercise the bond to remove the building from the site if site improvements are not maintained. He commented that the Selectmen would need a court order allowing them to go onto private property. Mr. Turchan suggested that the Board have the proposed site plan regulation reviewed by an Attorney before going any further.

Mr. Turchan questioned the Board if they had an enabling authority to vote to recommend to the Selectmen the removal of a building.

Mr. Salomon explained that the Planning Board could only propose ordinances, which are authorized under the zoning enabling act. He further stated that the Board has the authority to condemn a building. Mr. Salomon said that the thrust of the proposal is to make sure that when someone puts up a building in Town that they should be required to put a bond in place to cover the situation if the building needs to be demolished.

Mr. Turchan said that he is aware of the enabling authority regarding condemned buildings and said that the Town is allowed to have the building demolished if it is hazardous to the people but there is no authority to demolish a building because it is decrepit and an “eye sore”. He also added that carrying a bond for years is quite expensive.

Mr. Wilson said that all of the documents reviewed this evening are going to be reviewed by legal counsel.

Mr. Turchan suggested that the Planning Board highly recommend to the Board of selectmen that they have the zoning ordinances reviewed by attorney’s who specialize in land use law.

Mr. Wilson explained that the Planning Board does not have the authority to seek legal counsel; it would be up to the Selectmen.

Mr. McManus moved and Ms. Kohl seconded the motion to continue the discussion on the performance standards for large-scale development to the January 10, 2008 meeting at 6:30pm.

The vote was unanimous in favor of the motion (4-0).

A motion was made and seconded to adjourn the meeting at 9:02.

The vote was unanimous in favor of the motion (4-0).

Respectfully submitted,

Wendy V. Chase
Planning & Zoning Administrator

Approved February 14, 2008

Attachment A

PB Rte 1 sign in list.pdf