



**MEETING MINUTES
NORTH HAMPTON PLANNING BOARD
Work Session
Tuesday, March 25, 2008 at 6:30pm
Mary Herbert Conference Room**

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

There was no recording secretary at this meeting. The minutes were transcribed from a video recording.

Members present: Phil Wilson, Chairman; Shep Kroner, Vice Chairman; Joseph Arena, Laurel Pohl, Tom McManus, Barbara Kohl and Craig Salomon, Selectman's Representative (entered the meeting after the vote on the Chair and Vice Chair).

Others present: David West, RPC Circuit Rider and Wendy Chase, Recording Secretary.

Alternates present: None

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

Organizational Meeting

Election of members:

Dr. Arena moved and Mr. McManus seconded the motion to nominate and elect Phil Wilson as Chairman of the Planning Board for the March 2008 thru March 2009 term. Mr. Wilson accepted the nomination.

The vote was unanimous in favor of electing Phil Wilson as Chair (6-0).

Dr. Arena moved and was not seconded to nominate Barbara Kohl as Vice Chair of the Planning Board.

The motion failed.

Mr. McManus moved and Ms. Kohl seconded the motion to nominate and elect Shep Kroner as Vice Chair of the Planning Board for the March 2008 thru March 2009 term.

Mr. Kroner accepted the nomination.

The vote passed to elect Mr. Kroner as Vice Chair (4 in favor 0 opposed and 2 abstentions). Mr. Kroner did not vote and Dr. Arena abstained.

Subcommittee leadership and membership:

Mr. Kroner explained that the Planning Board has three standing committees (1) Application Review Committee (ARC), (2) Long Range Planning Committee (LRP), and (3) Rules of Procedure or Rules and Regulations Committee.

Mr. Salomon informed the Board that the Board of Selectmen appointed him to be the Selectmen's Representative to the Planning Board for the March 2008 thru March 2009 term.

Dr. Arena suggested that each subcommittee have set meeting dates and times for better communication.

Mr. Kroner, Dr. Arena and Ms. Kohl volunteered to be the three members of the Application Review Committee (ARC).

Mr. Salomon suggested adding an ad hoc committee that would deal with the Route 1 issues including the Route 1 Corridor Study, the rezoning and any other Route 1 issue and to work closely with the North Hampton Business Association on such issues.

Mr. Wilson voiced concerns on involving just the North Hampton Business Association, and said that it is important to try and engage town residents to get involved. He voiced two major concerns:

1. A significant number of people in the business community are not property owners of the town and those people don't have "standing" in respect to voting on the North Hampton zoning ordinances; they do however have "standing" to publicly voice their opinions about what the Planning Board does.
2. The Planning Board needs to try and engage all the residents of Town. He opined that the business community is one voice and those who operate business, own property and are residents of Town, clearly have a lot of "standing"; those who operate a business but don't own property or who are not residents have a different level of "standing", and those who don't own or operate a business in the I-B/R district also have a different level of "standing". Each of these interests needs to be brought together.

Mr. Wilson said that first order of business would be to characterize the mission of the committee.

Mr. Salomon suggested that an ad hoc committee be established as a subcommittee of the Planning board initially and come up with a mission statement to present to the Planning Board and said it would be appropriate to have any taxpayer in Town be invited to attend the deliberations and have an opportunity to speak at each meeting to give input. He said if the Town adopts a zoning ordinance that affects property values then it affects residents who own property as well as property owners who are not residents because of the impact on taxes and secondly it is possible for people who own property whether their resident or not to submit a zoning ordinance protest petition, which would require a super majority.

Mr. Wilson said that he did not mean that certain property owners did not have “standing” but that there is a hierarchy.

Ms. Pohl, Mr. McManus, and Ms. Kohl volunteered to be the three members of the Long Range Planning Committee. The Selectmen appointed Steve Fournier to participate in the Long Range Planning Committee meetings dealing with the Capital Improvement Plan (CIP).

Mr. Kroner, Mr. Wilson, and Dr. Arena volunteered to become members of the Rules and Procedure/ Rules and Regulations Committee.

Mr. Salomon moved and Mr. McManus seconded the motion to accept all subcommittee members.

The vote was unanimous in favor of the motion (7-0).

Additional ad hoc committees were discussed.

Ms. Pohl suggested that the Board create an ad hoc committee dealing with the sign ordinance.

Mr. Wilson said that Nancy Briggs, the owner of C’est Cheese on Route 1, said that she would be very interested in being involved in a committee dealing with the sign ordinance.

The Board decided to form an ad hoc committee to address issues on Route 1, Mr. Kroner suggested they call it the Route 1 use committee. Mr. Salomon, Mr. McManus and Mr. Wilson volunteered to be members of the Route 1 use committee.

Mr. Wilson moved and Mr. Salomon seconded the motion to designate himself, Mr. McManus and Mr. Salomon as members of the committee and come back before the Board with names of representatives of the Town and Business Community that may want to participate.

The vote was unanimous in favor of the motion (7-0).

Dr. Arena suggested that the topic of signs be a standard topic on every work session agenda.

Mr. Wilson exercised his discretion as the Chair and appointed himself as a committee of one to work on the sign ordinance and to consult with Nancy Briggs. Ms. Pohl and Ms. Kohl offered to be members of the sign ad hoc committee also.

Mr. Mike Hart questioned if the meetings of the subcommittees were posted. Mr. Wilson said that all meetings are posted and the public is encouraged to attend.

Mr. West offered to attend the Application Review Committee meetings.

The Board discussed changing the meeting schedule and time for both the regular Planning Board meeting and the Work Session meeting.

Dr. Arena moved and Mr. Salomon seconded the motion to change the regular Planning Board meeting date to the first Thursday of the month excluding the April 1, 2008 meeting and to change the Planning Board Work Session meeting date to the third Thursday of the month, and to change the start time for both meetings to 7:00pm.

The vote was unanimous in favor of the motion (7-0).

Minutes

The Board decided to table the acceptance of minutes to a later date.

Mr. Wilson moved and Mr. Salomon seconded the motion to table discussion and approval of the February 14, 2008 and March 4, 2008 meeting minutes to the April 17, 2008 Work Session.

The vote was unanimous in favor of the motion (7-0).

Old Business

1. Glenn Martin update on Well No. 15 and possible surety release.

Mr. Martin updated the Board on the decommissioning of well no. 15 on his property and explained that Aquarion Water Company is in the process of soliciting bids for decommissioning the well. Mr. Martin asked that the topic be continued to another Planning Board meeting.

Mr. Salomon suggested tabling the discussion on capping Mr. Martin's well to the April 17, 2008 Work Session.

Dr. Arena stated that the Board is in receipt of an email from Aquarion stating that they are responsible for capping well no. 15 and opined that the Board should agree to release the balance of the surety set up by Mr. Martin to him.

Mr. Wilson said that he spoke to Michelle Desorcy, the Administrative Services Manager for Aquarion Water Company, and she said that Aquarion may not be fully responsible for capping the well and that they are working with Mr. Martin on the issue.

Mr. Wilson moved and Mr. Salomon seconded the motion to continue the topic of discussion regarding the decommissioning of well #15 on Glenn Martin's property to the April 17, 2008 Work Session meeting.

Mr. Salomon said that either the well gets capped by April 17th or that the Board receives a letter from Aquarion Water Company stating that they are going to cap the well and be fiscally responsible to do so.

The vote was in favor of the motion (6 in favor, 1 opposed and 0 abstentions). Dr. Arena opposed.

Site Plan Regulation Discussion

The Board discussed the suggestions made by Attorney Whitelaw to add language to the site plan regulation Section X.F.3.b.7 – Lighting that would prohibit internally lit signs. The Board's goal was to add a section on internally lit signs to the actual sign ordinance to eliminate confusion. The ad hoc committee on signs will work on that issue this year.

The Community Impacts and Building Reuse regulations were discussed. Mr. Salomon asked if Mr. Wilson and Mr. Kroner had held a conference call with Attorney Whitelaw on the two regulations and they had not. The Community Impacts regulation was adopted by the Board on December 27, 2007 and the Board voted to table the Building Reuse regulation discussion to the April 2008 Work Session.

The Board is in receipt of an opinion from Attorney Jae Whitelaw on the two regulations. She opined that the provision to require the applicant to fund the town's retention of a consultant to prepare an Economic and fiscal Impact Analysis to determine traffic impact and the economic impact on existing "local" business would not be upheld in a court of law if challenged. Regarding the Building Reuse she opined that the Board has no authority to impose the requirement that the applicant for a development having more than 10,000 square feet of commercial or industrial floor space to post a bond to secure the cost of maintaining/restoring/demolishing a building if the building became vacant for a period of time.

New Business

Legal Counsel Review Committee

Mr. Salomon explained that the Board of Selectmen has put out a Request for Proposal (RFP) for a law firm to represent the Town of North Hampton. He further explained that the Board of Selectmen have formed a committee and have requested a representative from the Planning Board to sit on the committee. Mr. Wilson informed the Board that he has volunteered and would like to be the representative if the Planning Board agreed.

Ms. Kohl moved and Ms. Pohl seconded the motion to appoint Mr. Wilson as the Planning Board's representative to the Town legal counsel review committee. The vote was unanimous in favor of the motion (7-0).

Mr. Kroner reminded that Board that the Sandra Bocko has filed suit in Superior Court regarding her denied Conditional Use Permit by the Planning Board.

Mr. Salomon moved and Mr. Wilson seconded the motion to adjourn at 10:40pm. The vote was unanimous in favor of the motion (7-0).

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Minutes approved April 17, 2008