



MEETING MINUTES
NORTH HAMPTON PLANNING BOARD
Thursday, April 16, 2009
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; Shep Kroner, Vice Chairman; Joseph Arena, Laurel Pohl, and Barbara Kohl.

Others present: Richard Mabey, Building Inspector/Code Enforcement Officer, and Wendy Chase, Recording Secretary.

Alternates present: None

Mr. Kroner convened the meeting at 7:10pm.

Code Enforcement update. Mr. Kroner compiled a list of possible infractions, and explained that the list is a work in progress.

Mr. Mabey was aware of some of the issues on the list and addressed some of the other issues.

The Dollar Tree Store awning; not an approved awning in site review, franchise awnings are not permitted. Mr. Mabey explained that the original site plan application included an awning, but was later changed not to include the awning and that is the plan the Planning Board approved. Mr. Mabey plans to discuss this with the owners and advise them to remove it, and offer them the option to apply to the Planning Board for a change to the site plan to include the awning.

6B Cedar Road, Vehicle Storage/Salvage. Mr. Kroner suggested that the Select Board authorize a process where they provide an annual license for auto salvage yards, where they would conduct annual inspections to make sure things are handled properly; especially around aquifers.

Ms. Kohl said that the Select Board does not have the authority to provide licenses for salvage yards where they are not permitted to be, and there is no “grandfathering” condition written into the law regarding salvage yards that was passed in 2007.

Dr. Arena added that there would be no “grandfathering” provision regarding the property at 6B Cedar Road anyway because the business was abandoned for years.

7 Lafayette Road, Vehicle Display. The Applicant was approved for a change of use but not permitted to display vehicles outside. Mr. Mabey said he is aware that the cars are being displayed, and plans to speak with the business owner and advise him to

remove the vehicles, and give him the option to apply to the Planning Board for a change of use to include a condition that allows displaying the vehicles.

9 Lafayette Road, unapproved ground sign. Mr. Mabey said that he has spoken to the Owner, and told them to remove the ground sign.

193-195 Atlantic Ave., large quantity of gravel and loam in the R-1 zone where storage of gravel and loam are not permitted. Mr. Mabey said he would speak with the Owner and advise they remove it.

Full serv gas station on the corners of Lafayette Rd. and Elm Rd. Mr. Mabey said that he will advise the Owner to take down the huge yellow banner.

Mr. Wilson told Mr. Mabey that he was informed that there are four or five dumpsters stored at 143 Post Road. Mr. Mabey said he would investigate. He said that dumpsters were once stored on the property, and Mr. Mabey along with NH DES visited the site, and ordered the removal of the dumpsters, and the dumpsters were removed.

Mr. Mabey explained that he will work on the list presented. He explained that the money to support his part time help was drastically cut during the budget process.

Ms. Kohl suggested the possibility of appointing volunteers to assist the Building Inspector/Code Enforcement Officer. Mr. Mabey said that it would be a liability to the Town, and advised the Board to seek a legal opinion before pursuing the idea.

Mr. Wilson said that he was informed that the house on Lovering Road built by the Winnicut River has several piles of fill that have not yet been spread. Mr. Mabey said that he is aware of it, and said the piles are on the uplands, and the owner is allowed to keep it there as long as it is kept on the uplands.

Dr. Arena opined that the Code Enforcement Officer is an extension of the Planning Board.

The Board discussed assessing fines for zoning violations. Mr. Mabey explained that the Courts assess the fines.

Mr. Wilson suggested a top priority for Mr. Mabey was to try and enforce the new “junk yard” law. He said that the “junk yard” on Mill Road is very close to important aquifers.

Mr. Mabey will add to the list and prioritize. He will meet with the Board and update them on his progress.

The Board discussed the possibility of appointing volunteers to help the Code Enforcement Officer. Ms. Kohl pointed out that it would be the same concept as volunteer fire fighters. Mr. Wilson said that the Select Board would have to authorize and appoint because the volunteers would be exercising police authority.

Dr. Arena suggested Mr. Wilson write a letter to the Select Board requesting that they consider appointing volunteers to aid the Code Enforcement Officer.

Dr. Arena Moved and Ms. Kohl seconded the Motion to authorize Mr. Kroner to write a letter to the Select Board on behalf of the Planning Board stating that the Planning Board recommends that the Select Board appoint volunteers to assist the Building Inspector in his duties as Code Enforcement Officer.

The vote was unanimous in favor of the Motion (5-0).

Mr. Wilson suggested that if Mr. Mabey comes across egregious violations of a site plan to come to the Planning Board with a recommendation to revoke the site plan.

The Board discussed the unidentified gravel bond in the amount of \$4,800.83 that was brought to the Board's attention by the Town Treasurer, Penny Holbert. The Treasurer is looking for a recommendation from the Planning Board on how to handle the unidentified gravel bond. Ms. Holbert gave a couple of suggestions, one being to release it to the State Treasurer's Office for processing as abandoned funds. The Board decided at last month's Work Session Meeting to solicit the advice of Select Board member Michael Coutu because of his extensive financial background. Mr. Coutu sent an email with his suggestions for the Board to discuss.

Mr. Coutu suggested that the Town publish a public notice describing the account and explaining that anyone claiming all or a portion of the funds in the account must provide adequate proof that establishes a legitimate claim to the funds, and have a time limit to do so. If the money is not claimed within the time limit, the money may be placed in an escrow account to cover future reclamation costs.

The Board discussed several options of what to do with the money if unclaimed.

Dr. Arena suggested that the money be turned over to the Historical Society to do something with it that would last in perpetuity.

Mr. Wilson Moved and Ms. Kohl seconded the Motion to recommend to the Select Board that they follow the recommendation of Select Board Member Michael Coutu with the caveat that the sense of the Planning Board is that placing the residual funds, after the 120 notice period, in a designated account that would have some permanent benefit or the recipient for that account i.e. the Historical Society or the Parks Department would be the Planning Board's preference.

Dr. Arena made a friendly amendment to designate the residual funds to the Heritage Commission only.

Mr. Wilson and Ms. Kohl accepted the friendly amendment.

The vote was unanimous in favor of the Motion as amended (5-0).

Mr. Wilson thanked Mr. Coutu for his recommendations and said that it was very helpful to the Board.

Mr. Wilson said that there is a Rockingham Planning Commission Technical Advisory Committee meeting next Thursday at the Rockingham Planning Commission Office to discuss how the stimulus money may be used.

Mr. Kroner informed the Board that Mr. David Walker, Traffic Engineer from Rockingham Planning Commission will be attending the May 21, 2009 Work Session meeting.

The Board discussed the RPC project prioritization list for the 2011-2020 “ten year plan”. The MPO Policy Committee met on April 8, 2009 and voted to delay submitting a prioritized list of projects to NH DOT for consideration for inclusion in the “ten year plan” to allow for further community input on the project recommendations.

The Board discussed North Hampton’s prioritized list of projects: First priority – Route 1/North Road intersection improvements; Second priority – Elm Road and Hobbs Road; third priority – South Road/ through-way through the Post Office, and the fourth priority – widening of Route 1.

Mr. Kroner said he would speak with David Walker and inform him that the Board would like to discuss the “ten year plan” at the May 21st meeting.

The Board discussed updating Section 416 – Sexually Oriented Businesses of the Zoning Ordinances. Section 416.3.A.9.c of the Zoning Ordinance reads as follows: *The Planning Board shall review the list of child-oriented businesses at least annually; determine whether changes in local child-oriented business establishments warrant revision of the list, and as appropriate recommend that the Legislative Body adopt a revised list at Town Meeting.*

The Board determined that it would be easier to drive through Town to confirm whether or not the businesses on the list are still in existence and to include any new child-oriented businesses. Mr. Kroner said that he would do that and the Board will take it up at the May 21st Work Session.

The Board reviewed the revised zoning map submitted by David West and discovered that it was missing the Conservation Land District and the Wetland District. Mr. Kroner will contact Mr. West and set up a conference call between Mr. West, Mr. Wilson, and himself to discuss the changes that need to be made.

Committee Updates

Ms. Pohl said that the Long Range Planning Committee has not met.

Ms. Kohl said that she and Mr. McManus met with Steve Fournier and discussed forming a Capital Improvement Committee that would include a member of the Planning Board, and other Departments so that the information that the Department Heads have to provide as part of the normal budget process will automatically get incorporated, and they won't have to be "chased down" for the information every year.

Mr. Wilson asked Ms. Chase to get in touch with David West and get a copy of the Natural Resource Chapter he drafted and forward a copy to each of the members for review. Mr. Wilson said that the Board should think about working on another Chapter, and suggested working on an amendment to the Zoning Ordinances to remove the *special exception* provision from the Zoning Ordinance that sends the applicant to the ZBA to get a *special exception* if they want to build something in the wetlands buffer zone, and change it into a conditional use permitting process. He further commented that it is already done that way for any disturbance in the buffer that is over 3,000 and under 10,000 square feet.

Dr. Arena suggested working on getting the North Hampton beach back under Town control. He suggested the Long Range Planning Committee find out what steps need to be taken to achieve that.

The Town gave the beach to the State to control in the mid to late 1970s. The State collects the revenue from the meters and maintains the beach.

Dr. Arena said that the Driveway Accessibility Adhoc Committee will hold its first meeting on Monday, April 27, 2009 at 2:30pm in the Mary Herbert Conference Room.

Minutes

Mr. Kroner made an amendment to the February 17, 2009 Work Session Minutes to include his question on whether or not the Dollar Tree tenant planned to have a sign on one of the four empty slots of the monument sign located at 26 Lafayette Road. He said that in the first presentation it was stated that the Dollar Tree Store would not be included in the monument sign. Mr. Sean Smith, representative of Blair Signs said that he was not privy to that information and that it was a matter between the Landlord and the tenants.

March 26, 2009 Work Session Minutes – Mr. Wilson Moved and Dr. Arena seconded the Motion to approve the March 26, 2009 Work Session Minutes as amended.

The vote was unanimous in favor of the Motion (5-0).

April 2, 2009 Meeting Minutes - Mr. Wilson Moved and Dr. Arena seconded the Motion to approve the April 2, 2009 Meeting Minutes as amended, and to authorize Ms. Chase to include in the minutes the time limit set for Mr. Hart to apply to the Board to change his allowed temporary ice cream stand to a permanent status where the Board would consider waiving the application fees except for a butter notification.

The vote was unanimous in favor of the Motion (5-0).

Roger Lebrecht, 70 Lovering Road asked the Board for information on the new Lighting Ordinance. He said that his neighbor has a light that shines directly into his house and through his darkening shades.

Mr. Wilson explained that if the light is more than 100 watts and directed at his house then the neighbor is in violation of the Ordinance.

Mr. Lebrecht said that he spoke to the Building Inspector and was informed that the light was installed prior to the adoption of the Lighting Ordinance, so there is no violation. The Planning Board agreed that Mr. Mabey was correct.

A Motion was made and seconded to adjourn the meeting at 8:50pm with all in favor of the Motion (5-0).

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved May 21, 2009