



Meeting Minutes
North Hampton Planning Board Work Session
Thursday, July 15, 2010 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.

Members present: Phil Wilson, Chair; Barbara Kohl, Vice Chair; Shep Kroner, Laurel Pohl, Mike Hornsby, and Jim Maggiore, Selectmen's Representative.

Members absent: Dr. Arena

Alternates present: None

Others present: Brian Groth, RPC Circuit Rider, and Wendy Chase, Recording Secretary

The North Hampton Planning Board will hold a Public Hearing to discuss proposed amendments to the North Hampton Subdivision Regulations, Site Plan Regulations and the Excavation Regulations, regarding fees.

Mr. Wilson opened the Public Hearing at 6:38pm.

Mr. Wilson read the proposed amendment into the record: *The applicant(s) shall pay an application fee to cover the costs of the hearing, posting, publishing and mailing of notices and site inspections. The Board shall determine these fees not less than annually, and a schedule of current fees shall be available from the Planning and Zoning Administrator in the Town Office.*

It was explained that the purpose of the amendment is to eliminate updating the fee section of the site plan, subdivision and excavation regulations each time there is a change to the fees associated with the applications for each.

Mr. Groth had no objections to the proposed amendment.

Mr. Wilson opened the Meeting for public comment at 6:41pm.

Mr. Wilson closed the public hearing at 6:42pm without public comment.

Mr. Kroner moved and Ms. Kohl seconded the motion to amend Section VII – Fees in the Site Plan Regulations, Section VII – Fees in the Subdivision Regulations, and Appendix A. 9 in the Excavation Regulations by replacing the fee schedule with the following language: *The applicant(s) shall pay an application fee to cover the costs of the hearing, posting, publishing and mailing of notices and site inspections. The Board shall determine these fees not less than annually, and a schedule of current fees shall be available from the Planning and Zoning Administrator in the Town Office.*

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

Mr. Wilson closed the Public Hearing portion of the meeting at 7:00pm.

Ms. Kohl convened the work session at 7:01pm.

Preliminary Consultation presented by Joseph Coronati, Jones and Beach Engineers. The Applicant proposes to remove the existing house at 1 Post Road, North Hampton and construct a single-story 8,200 square foot daycare center with all necessary outdoor recreation areas associated with it. Property owner: BTG Property #2, LLC, 60 Windsor Blvd, Londonderry, NH 03053; property location: 1 Post Road, M/L 003-089; zoning district I-B/R.

In attendance for this application:

Joseph Coronati, Jones and Beach Engineering
Brent and Maria Flemming, Applicants

Mr. Coronati presented the preliminary consultation application to the Board on behalf of Mr. and Mrs. Flemming, owners of Imprints Day Care. He explained that the Applicants would like to move their Day Care business to 1 Post Road where First Student Bus Company is located. Mr. Coronati said that they would be proposing fenced-in outdoor play areas separated by age groups and to construct a "shade" structure on the property. It was explained to Mr. Coronati that there is frontage on both Post Road (residential zone) and Lafayette Road (commercial zone) and that lots which abut on more than one street shall provide the required front yards along every street. The "shade" structure has to meet the required setback requirements.

Mr. Coronati said that there will be no pervious surface added; it will either remain the same or be less than what is there now. He said most of what is being proposed is impervious (outside play areas).

Mr. Coronati said that there is a house on the lot with a driveway, and the house would be torn down, but they would like to keep the driveway for access up to the outside play area to occasionally drop off large play ground equipment or landscaping material.

Ms. Kohl expressed concerns with traffic entering and exiting when dropping off or picking up the children. Ms. Kohl thought it would be safer to use Post Road when entering and exiting the site. Mrs. Flemming said that the drop off and pick up times are staggered and that the parents drive in, park and enter the building to pick up their children; there is no assembly line process. Mr. Coronati said that it will be designed where there will be a sidewalk to the front door, eliminating the need to walk across the parking lot.

They discussed access to the site and Mr. Mabey pointed out that both Lafayette Road and Post Road are State roads and they would need NH DOT approval to any curb cut proposed. He said that NH DOT would be considering the entire site when determining curb cuts even though the Flemmings only plan on using a portion of the lot for the Day Care.

The Board discussed the fact that 800 feet of the property is located in Hampton. Mr. Groth said that he did not think they would need approval from Hampton, but that the Town should be noticed as an

abutter. Mr. Wilson agreed that the Hampton Planning Board should be notified of any application submitted to North Hampton on this lot.

Mr. Groth commented that there is a lot of land on the site not being utilized, and Mr. Coronati said that area is needed for the proposed septic system and detention ponds as well as potential future expansion of the facility.

Mr. Coronati said that their next step would be to dig test pits on the site and that he is encouraged because the neighboring site has “good” soils. Mr. Mabey said that the leaching catch basins are working very well at the Highway Garage not far from the site.

Mr. Wilson commented that the school busses have been parked on the site for years and questioned whether there have been any tests taken for hazardous waste. Mr. Flemming said that they had some tests taken and the report came back that other than small surface “drippings” there was no big concern on the lot itself.

Mr. Coronati said that he will be sending a complete set of plans to the Town of Hampton for their information because of the small portion of the lot that is in Hampton. Mr. Groth said that they probably do not have to get approval from the Hampton Planning Board.

Mr. Coronati said that they would like to get the footings in before winter and build the building during the winter months.

Mr. Wilson said that they can always request an Application Review Committee meeting to review the proposal prior to the regular meeting to answer any questions or make any suggestions that will make application process go more smoothly.

Ms. Kohl asked Mr. Richard Mabey to explain his duties and procedures as Building Inspector and Code Enforcement Officer to the Board especially for the benefit of the new members.

Mr. Mabey explained the chain of command for his position:

- Mr. Mabey deals with the Town Administrator Steve Fournier on a day to day basis
- Mr. Fournier reports to the Select Board

Mr. Mabey explained his duties:

- He is the Building, Electrical, Plumbing and Mechanical Inspectors
- Code Enforcement Officer
- Health Officer for septic systems
- Deputy Health Officer
- Building maintenance
- Special duty assignments (currently overseeing the renovations of the Town Hall)

Mr. Mabey explained that his duties change each day, and he tries to balance each day with what needs to be done that day.

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Ms. Kohl asked the procedures for handling possible code violations/complaints.

Mr. Mabey said that he does not generally go looking for problems, because there is not enough time to handle everything. He explained that it is a complaint driven process and there are complaint forms on the Town's website as well as at the Town Offices that are available to the public and that the complainant is not kept confidential, they need to sign the form and provide a phone number where they can be reached. He explained that the State RSA's direct him on how to prepare the notice of violation and then there is the appeal process. He said if the violator does not appeal within 45 days and does not comply then it becomes a Court Case.

Mr. Hornsby said that the complaint letter is sent to the complainant as well as the potential violator. Ms. Kohl said that there are a lot of complaints about the signage along Route 1. Mr. Mabey explained that he once had money in his budget to hire a part time Code Enforcement Officer to deal directly with possible sign violations. He said that the line in his budget for that purpose was cut substantially so he has not been able to render that service.

Ms. Kohl asked what Mr. Mabey's position was on soliciting volunteers to help with Code Enforcement issues. Mr. Mabey said that he would love the help but did not think it was possible legality wise.

The Board suggested and Mr. Mabey agreed to dedicate one day every other month to travel up and down Route 1 and other roads in Town to look for sign violations.

Mr. Wilson said that he would appreciate Mr. Mabey's observations about the sign ordinance, and if he had any suggestions on modifying the ordinance in a way that may make it easier to comply with.

Ms. Kohl suggested Mr. Mabey meet with the North Hampton Business Association. Mr. Hornsby said that he is a member of that association, and informed the Board that they meet quarterly.

Mr. Wilson asked Mr. Mabey to check out the STAPLES sign facing the parking lot. He said that the Board approved oversized letters, but the sign looks to exceed the approval. Mr. Mabey said that he would check it out.

Mr. Wilson said that there are a lot of businesses around Town that have put permanent signs in their building's windows. Mr. Mabey said that he would review the ordinance to see what the actual percentage of window sign coverage is allowed.

Mr. Mabey was asked to (1) review the sign ordinance and report back to the Board with any suggestions/recommendations and (2) dedicate one day per month to solely address sign violations.

Mr. Wilson said that one of the problems with the sign ordinance that the Board continually faces is the 24 square-foot size requirement for a wall sign. He said that because building sites and façade vary in distances from the road and size, 24 square-feet doesn't always make sense.

Mr. Mabey said that there is an industry standard for signs based on size and he would look into it. Mr. Groth will also come back to the Board with information on building/sign size ratios.

Mr. Wilson referred to Chapter 31 Powers and Duties of Towns, Power to Make Bylaws, RSA31:39 – Purpose and Penalties, Section I.(g) *Regulating the operation of vehicles, except railroads as common*

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carriers, upon their streets. Section I.(n) Power to make Bylaws regulating noise. He questioned if this RSA covered motorcycles.

The Board discussed “junk yards”. Ms. Kohl said that “junk yards” are not permitted in any district in Town, but the established “junk yards” are allowed. She explained that the Board can create a licensing procedure for the established “junk yards” in Town.

Ms. Chase will order booklets from the Local Government Center on “junk yards” for each of the Board members.

Mr. Groth said that the State allows Towns to start “junk yard” licensing programs and a town ordinance does not have to be in place to do so. Mr. Groth said that the licensing procedure forces established “junk yard” operators to adhere to best management practices established by NHDES and part of the license renewal process is that they have to show that they are adhering to those best management practices.

Mr. Wilson said part of the best management practices is aesthetics standards. He explained that the aesthetics standards are not “grandfathered”, and if the operator is not in compliance with the best management practices aesthetics standards at the time of renewal, they would be denied and the operation would be “shut down”.

Ms. Kohl if there was a list of ‘junk yards” in Town. Mr. Mabey said that there is no list, but he is aware of a few in Town. He said that a list would need to be compiled, and each property owner would need to be notified of the licensing process.

Mr. Wilson said that the Select Board receives the “junk yard” license application and the Select Board refers the application to the Zoning Board where they would rule whether or not it was permitted use in a certain zone (they are not permitted in any zone in North Hampton), it is then referred back to the Select Board who issues the license, which must be renewed yearly.

Mr. Maggiore said that he would bring the “junk yard” topic up at the next Select Board meeting.

It was determined that since “junk yards” are not allowed in any zoning district in North Hampton, a zoning ordinance for “junk yards” is not necessary.

The Board discussed potential “junk yards” in Town and had questions for Mr. Mabey on a particular piece of property on Route 1 that has a sign “stuff for sale”. Mr. Mabey said that it is a legitimate business and that the person running the business has a “dealer’s license”. Mr. Wilson commented that a “dealer’s license” must be associated with the site. Mr. Mabey will check to see if the “dealer’s license” is associated with the site.

Master Plan Discussion

Mr. Kroner suggested that they start the Master Plan process by mailing out the Long-Range Planning Committee Survey. He said it is important to get the survey out and returned as soon as possible because it will help prioritize how the Master Plan unfolds.

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Mr. Kroner suggested that the Board review the 2005 Survey to see if there are additional questions to ask. He said that he would like the 2010 Survey to be distributed by September 1, 2010.

Mr. Wilson said that the 2005 Survey was sent via enclosed in the community letter that is sent out quarterly. The next community letter is scheduled to go out in September. The Board agreed to send out the 2010 Survey enclosed in the community newsletter.

Mr. Wilson said that a survey was sent to each household, approximately 1600 and they received approximately 400 completed surveys.

Mr. Hornsby suggested sending the surveys out self addressed and stamped to get twice the return.

Mr. Kroner said that he would meet with Mr. Fournier to discuss the Town obtain a return permit from the Post Office to put on the surveys.

Mr. Wilson said that he had help with the 2005 Survey from Charlie French from the UNH Cooperative Extension and two of his graduate students to help him come up with an unbiased survey. He suggested that they contact Mr. French and ask for his help with the 2010 survey and inform him that there were some questions that there was bias in the 2005 survey and ask his advice on how to get a baseline for the survey. Mr. Wilson said that they were quite helpful and cost the Town nothing for their services.

Mr. Groth handed out copies of Local Land Use Citation forms that Towns would use or Administrative and Enforcement procedures pursuant to RSA 676:17-b. He said that no other Town that he knows of has this kind of enforcement procedure in place, but it is doable.

Committee updates

Ms. Pohl said that the CIP Committee is stagnating. She said that she emailed Mr. Fournier three weeks ago to ask him the status on CIP members. The Budget Committee has not nominated a member to serve on the CIP and they do not meet until August.

Mr. Wilson suggested that Ms. Pohl prepare a time line for beginning, gathering and finalizing data for the final report. He said that the CIP process that produces a useful and used document.

Mr. Maggiore said that he, along with Ms. Pohl, will speak with Mr. Fournier and let him know that the Select Board agrees with the Planning Board to get the CIP done. Mr. Maggiore will contact Paul Martinez from the Budget Committee to discuss nominating a member to serve on the CIP Committee.

Mr. Wilson said that he is not sure if the Budget Committee nominated a member to serve on the Ethics Committee. Mr. Maggiore will ask Mr. Martinez if that has been done.

Ms. Kohl reported on the Agriculture Ad hoc Committee. She said that they will be holding their first meeting tomorrow evening at a farm in Rye.

Minutes

June 17, 2010 meeting minutes – Mr. Wilson moved and Ms. Kohl seconded the motion to approve the June 17, 2010 meeting minutes as amended.

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

July 1, 2010 meeting minutes – Ms. Pohl moved and Mr. Wilson seconded the motion to approve the July 1, 2010 meeting minutes as amended.

The vote passed in favor of the motion (4 in favor, 0 opposed and 2 abstentions). Ms. Pohl and Mr. Kroner abstained.

The Board was in receipt of a letter from Michael Coutu requesting to serve the Town as an Alternate Member to the Planning Board.

Mr. Wilson said that Mr. Coutu would serve well on the Board especially with his prior experience as the Select Board's representative to the Planning Board.

Ms. Pohl moved and Mr. Kroner seconded the motion to appoint Michael Coutu as an Alternate Member to the Planning Board for a three-year term.

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

Ms. Kohl confirmed with Mr. Kroner that he had volunteered to write an amendment for vegetated buffers.

Mr. Wilson moved and Mr. Kroner seconded the motion to adjourn at 9:35pm.

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

Respectfully submitted

Wendy V. Chase
Recording Secretary.

Approved September 16, 2010