



Meeting Minutes
North Hampton Planning Board Work Session
Thursday, January 20, 2011 at 6:30pm
Town Hall

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

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

Members absent: Barbara Kohl

Alternates present: None

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

Mr. Wilson convened the meeting at 6:37pm, and noted for the record that the meeting was properly posted and that there was a quorum.

The first order of business was to hold a Public Hearing on the proposed changes to Site and Subdivision Regulations VI.E.2.

Mr. Wilson explained that revisions or amendments to the Site Plan and Subdivision Regulations are adopted by the Planning Board and do not need to be placed on the Town Warrant to be voted on by the Legislative Body. He further explained that the purpose of the proposed change was to require Applicants or their designee to appear before the Board when requesting a one-year extension on conditionally approved site plan and subdivision plans, and to do so in enough time to properly post prior to the actual expiration date.

Mr. Wilson opened the Public Hearing at 6:43pm.

Mr. Wilson closed the Public Hearing at 6:44pm without public comment.

Dr. Arena moved and Mr. Hornsby seconded the motion to accept the amendments to Section VI.E.2 of the Site Plan and Subdivision Regulations as proposed.

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

11:02 – Signarama, 3125 Spring Garden St., Greensboro, NC 27407. The Applicant requests a Conditional Use Sign Application with the following waivers: (1) Article V, Section 506.6.k. to allow a 55 square-foot wall sign, where 24 square-foot is the limit, and (2) Article V, Section 506.5.G – Internally lighted signs are prohibited, to allow an internally lighted sign. Property owner: Joseph's Equipment C/O Brian Thibeault, 300 Gay Street, Manchester, NH 03103; property location: 25 Lafayette Road; M/L: 003-087-000; zoning district: I-B/R. This case is continued from the January 13, 2011 Meeting.

In attendance for this application:

Brett Haven, Verizon Cellular Sales

Attorney Peter Saari, Casassa & Ryan

Mr. Haven explained that he took the Board's suggestions from the last meeting and presented a new design to the building façade and sign. He handed out new plans to the Board. The new proposal depicts a light bar on top of the sign instead of an internally lighted sign, and the façade was designed based on the Town's architectural standards from the Site Plan Review Regulations. He also noted that the color red was muted from the original proposal.

Mr. Hornsby commented on the internally lighted "check mark" in the window as shown on the picture submitted by Mr. Haven.

Mr. Haven said that the "check marks" in the windows is considered a "fixture" not a sign, but said if they are not allowed to be internally lighted, Verizon would conform.

Mr. Haven said that they currently have an internally lighted sign that reads *resumes currently being accepted*, but that is just a temporary sign that will be taken down soon.

Mr. Haven also said that the new façade will carry over around the building.

Mr. Wilson opened the Public Hearing at 7:56pm.

Lisa Wilson, 9 Runnymede Drive – commented that the new proposal looked nice. She asked what the size of the "check marks" in the windows would be and if they would be illuminated by any other means. Mr. Haven said that the "check marks" are custom made per size of the window and they would not light them in any other way if the Board did not want them to be lighted.

Mr. Wilson closed the Public Hearing at 7:59pm.

Mr. Kroner said that he would not want the "check marks" to be internally lighted, but commented that the Board may be running a slippery slope if they start determining what "fixtures" a store is allowed to have in their windows.

The Board thanked the Applicant and those Involved for their efforts in producing a far more attractive building façade and sign.

Dr. Arena moved and Ms. Pohl seconded the motion to approve the application as represented for both sign and building modification, and that the check mark in the window shall not be internally lighted if installed.

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

CIP update -

Ms. Pohl informed the Board that the CIP Committee met on Friday, January 14, 2011. She said that they discussed criteria for evaluating the data and said that she is hoping to finish the analysis by next

week. The Committee plans to meet on Tuesday, January 25, 2011 at 8:30am to hash through the evaluations and prepare presentations for the Select Board and Budget Committee.

Agriculture Ad hoc update –

Mr. Wilson updated the Board on the proposed Agriculture Zoning Ordinance the Ad hoc Committee has been working on. He explained that he tried to aggregate the current definition under Section 302 and the proposed definition of Agriculture or Agricultural Operation within the proposed ordinance into one definition. He explained that there would need to be a separate Warrant Article to remove the current definition of *Agriculture* under Section 302 and just have the one definition within the Agriculture Ordinance. He said if the change is made to the ordinance, anywhere in the ordinance that has the word *Agriculture or Agricultural Operation* would need to include a reference to the new ordinance's definition. He explained that the other substantive change is *Animal husbandry*, which is broken down into two sections (1) lots of four (4) acres or more and (2) lots of less than four (4) acres, where a conditional use permit is required. Mr. Wilson said that he tried to draft the section in a way that the Applicant would have a clear understanding of what to expect.

Mr. Wilson added the following sentence at the end of Animal Density, *In considering animal density the Planning Board shall give due weight to the area of contiguous upland in the parcel on which the animal husbandry operation is proposed.*

Mr. Wilson proposed changes to the language regarding "roosters", without changing the intent that on acres of 4 or less, husbandry of a flock of poultry that includes a rooster would require a Conditional Use Permit.

Mr. Wilson explained that the section referring to "Exemption for Animals" deals with animals that are considered family pets or used solely for non commercial purposes. He broke the section down in 3 sections.

Mr. Groth suggested adding the word "fewer" after 12 poultry under Exemption for Animals, Section V.B.c.1.

Mr. Wilson explained that the draft goes back to the Agriculture Ad hoc Committee for their approval and then to Public Hearing.

Mr. Kroner moved to take the proposed Agriculture Ordinance, Article V, Section 508, to the first Public Hearing to a date to be determined with the condition that the Agriculture Ad hoc Committee has approved the proposed changes made by the Planning Board.

Dr. Arena said the Board should deal with issues under the Section, Exemption for Animals – Animal Husbandry operations may be conducted on lots of less than four (4) acres without a Conditional Use Permit if the operation consists of four (4) or fewer animals. He gave the example of having 4 horses on a 2 acre lot.

Mr. Wilson suggested that the Agriculture Ad hoc Committee revisit the Section and ask them what the density requirements are for the larger animals, and hold off taking the proposed draft to Public Hearing giving the Committee a chance to address the issue. He said that a subparagraph (4) should be added

under the section that states that the property owner is expected to follow and comply with “Best Management Practices”. This provision would also give the Code Enforcement Officer a standard to use.

There was no second to Mr. Kroner’s motion; the motion failed.

Mr. Groth referred to Section V.E.6 – Temporary Farm Stands – Items for sale at a Farm Stand shall be agricultural products grown, harvested, raised or produced by the farm owner. Mr. Hornsby said that the Committee had long discussions about the Section and decided that by allowing multiple participants contributing to one stand can get blown out of proportion. Mr. Groth referred to RSA 21:34-a.III, which states: *A farm roadside stand shall remain an agricultural operation and not considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.*

Mr. Kroner presented a PowerPoint presentation on the results of the 2010 Community Survey. He noted for the record that the Meeting is not being video recorded, and volunteered his time to coordinate with Channel 22 Station Manager John Savastano to set up a time to record it on Channel 22, so that the public would have an opportunity to view it. He also said that he will have a final report ready to distribute to members of the Planning Board and Town Officials that will include some more meaningful comments made from the residents who participated.

Mr. Kroner also reported that they received the same exact number of completed surveys as they did in 2005 – 315.

Mr. Kroner went through each of the questions on the survey.

Ms. Wilson said that she has the surveys from 2005 in a binder and suggested that they put the 2010 surveys in a binder and bring them to the Library for the public to review.

Mr. Stanton asked if he could have a copy and Mr. Kroner said that he would provide a copy to Ms. Chase to produce for all those interested in receiving a copy.

Code of Ethics Ad hoc Committee update –

Mr. Maggiore said that the Committee has finalized a draft of the Code of Ethics that they feel will be accepted. He said that a lot of work went into the Code regarding first amendment issues and adjudication of complaints. He informed the Board that the Select Board will hold a Public Hearing at their February 14, 2011 meeting on the proposed Code of Ethics, where they will welcome public input. It will then go back to the Committee for review and to consider any proposed changes recommended at the Public Hearing; the Committee will vote to recommend to the Select Board that they approve the final document and vote to put it on the Town Warrant.

Mr. Maggiore said that the document will be a “living document” that will be an active part of every Board and Committee.

Mr. Maggiore said that the proposed document allows the flexibility to address each individual case on its own merits.

Dr. Arena commented that descriptive terms are worth multiple volumes.

Mr. Wilson explained that a Standing Ethics Committee will be established immediately following annual Town Meetings where each of the following elected bodies shall appoint one regular member and one alternate member from their ranks to serve a one-year term: Select Board, Planning Board, Zoning Board of Adjustment, Budget Committee and Trustees of the Library. He said a formal complaint must be made in writing and notarized and a copy submitted to the Town Clerk. It will then be up to the Standing Ethics Committee, in its discretion, to look at the complaint and decide how to address the complaint guided by the Rules of Procedure.

Minutes

September 16, 2010 – Dr. Arena moved and Mr. Kroner seconded the motion to approve the September 16, 2010 Meeting Minutes as written.
The Vote passed in favor of the motion (4 in favor, 0 opposed and 1 abstention). Ms. Pohl abstained.

November 18, 2010 – Mr. Kroner moved and Dr. Arena seconded the motion to approve the November 18, 2010 Meeting Minutes as written.
The vote was unanimous in favor of the motion (5-0).

December 2, 2010 (Laurel was not present at the December 2, 2010 meeting) – Mr. Maggiore moved and Mr. Kroner seconded the motion to approve the December 2, 2010 Meeting Minutes as written.
The vote was unanimous in favor of the motion (5 in favor, 0 opposed and 0 abstentions).
Mr. Hornsby and Dr. Arena abstained from voting on the portion of the minutes pertaining to J&S Greystone Village, LLC.

December 16, 2010 – Ms. Pohl corrected a typographical error. Ms. Pohl moved and Dr. Arena seconded the motion to approve the December 16, 2010 Meeting Minutes as amended. (Mike Hornsby was not present at the December 16, 2010 meeting).
The vote was unanimous in favor of the motion (5 in favor, 0 opposed and 0 abstentions). Mr. Kroner abstained from voting on the portion of the minutes pertaining to Philbrick's Fresh Market application.

The Board decided to table the January 13, 2011 Meeting Minutes until the February 17, 2011 Work Session.

Ms. Chase asked the Board for Clarification on Section 506.3.A – Change of Tenant of the sign ordinance. Mr. Wilson explained that the intent of the Section was primarily to be used for pole signs. When a new tenant occupies a space they would be able to replace their business sign on the pole sign without the need to go before the Planning Board for approval. The Section allows a tenant to replace an existing sign without Planning Board approval as long as it is not materially altered, even though the Town voted to prohibit internally lighted signs in 2009.

Ms. Lisa Wilson and Dr. Arena volunteered to review Section 506.3.A of the sign ordinance and propose amendments to it for the Board to consider.

The meeting adjourned at 9:30pm.

232 Respectfully submitted,
233 Wendy V. Chase
234 Recording Secretary
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236 **Approved February 17, 2011**