



**Meeting Minutes**  
**Work Session**  
**North Hampton Planning Board**  
**Tuesday, January 17, 2012 at 6:30pm**  
**Mary Herbert Conference Room**

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

12

13 **Members present:** Barbara Kohl, Chair; Shep Kroner, Vice Chair; Joseph Arena, Laurel Pohl (arrived at  
14 6:50pm), Tim Harned, and Phil Wilson, Selectmen's Representative.

15

16 **Members absent:** Mike Hornsby

17

18 **Alternates present:** Nancy Monaghan

19

20 **Others present:** Wendy Chase, Recording Secretary, and Richard Mabey, Building Inspector

21

22 Mr. Kroner convened the Meeting at 6:32pm and noted for the record that there was a quorum.

23

24 Mr. Kroner seated Ms. Monaghan for Ms. Pohl, who arrived later, so she was seated for Mr. Hornsby.

25

26 **I. Old Business**

27

28 There was no unfinished business before the Board.

29

30 **II. New Business**

31

- 32 1. Code Enforcement Officer, Richard Mabey – Discussion on Dealership Licensing.  
33 2. Bill Sylvester, VP, CCI, representing the Owner of 14 Lafayette Road to explain, and answer any  
34 questions the Board may have regarding the Change of Use at 14 Lafayette Road from Imprints  
35 Day School to a Satellite Office for Applebee's Restaurant.  
36 3. Theresa Walker, RPC to discuss the Energy Chapter of the Master Plan.

37

38 Without objection from the Board, Mr. Kroner rearranged the Agenda to allow Mr. Sylvester the  
39 opportunity to address the Board first.

40

41 Mr. Sylvester explained that the owner of 14 Lafayette Road was given the opportunity to rent the  
42 building (previously occupied by Imprints Day School) to Applebee's Restaurant for their Satellite Office,  
43 with the contingency that they would be able to occupy the building by January 15<sup>th</sup>, two weeks prior to  
44 the next available Planning Board Meeting where they would normally need to go through the Change  
45 of Use Application process. Mr. Sylvester had represented to the Building Inspector and the Planning

46 Administrator that Applebee's will use the facility for not more than one or two employees, except on  
47 occasions when they hold their monthly conferences. The Planning Board voted, at their December 20,  
48 2011 Work Session, to allow the new tenants to move into the building without going through the  
49 Change of Use Application process as long as the Owners, or representatives, came to this meeting to  
50 confirm that the representations made to the Planning Administrator and the Building Inspector by Mr.  
51 Sylvester were correct.

52  
53 Mr. Sylvester confirmed that the Satellite Office will occupy one to five people periodically, and on a  
54 monthly basis will be used for their Conferences. He said that there are three (3) Managers that oversee  
55 34 Applebee's Restaurants. He further explained that, for "security" reasons, the North Hampton  
56 location appealed to the new tenants because the building owners are located next door. He further  
57 explained that there will be a significant decrease in water usage and traffic. The Building occupied the  
58 Day School where there were 30 to 40 kids there during the week.

59  
60 Ms. Kohl asked if the new tenant was going to put up a sign and Mr. Sylvester said that he wasn't sure if  
61 they wanted a sign, but if they do, they will apply for one.

62  
63 **Ms. Kohl moved and Dr. Arena seconded the motion that the Board had enough information to accept  
64 the Change of Use request as complete.**

65 **The vote passed in favor of the motion (6 in favor, 0 opposed and 1 abstention). Ms. Pohl abstained  
66 because she was not present for the full discussion.**

67  
68 **Dr. Arena moved and Mr. Wilson seconded the motion to approve the Change of Use from a Day  
69 School to a Satellite Office without conditions, except that if the new tenant wants a sign; they must  
70 apply for one.**

71 **The vote passed in favor of the motion (6 in favor, 0 opposed and 1 abstention). Ms. Pohl abstained  
72 because she was not present for the full discussion.**

73  
74 Richard Mabey was before the Board to discuss dealership licensing in Town. He brought a copy of the  
75 State's Regulations for Dealer Registration Rules. He read Regulation Saf-C 2001.18 into the record –  
76 *"Single business location" means an approved business location housing one business and any annexes in  
77 the same city or town which do not require a separate license or certificate of registration.*

78  
79 Ms. Monaghan said that the "annex" a licensed dealer proposes to use must be approved by the Town  
80 and the State.

81  
82 Mr. Mabey said that if a person sells five (5) or more cars per year they must have a State Dealer  
83 License. He explained that he does not receive copies of Dealer's licenses; Dealer Licensing is handled  
84 through the State of NH-DMV. He said that the only thing he receives is a form from the State when a  
85 "new" dealer license is applied for requesting the town to confirm that the site is an approved site.

86  
87 The Board discussed the property located on Lafayette Road that has a sign "Stuff for Sale". Mr. Mabey  
88 said that it was owned by Peter Simmons and is used as an "annex"; a Dealer's License is not associated  
89 with just one particular property.

90  
91 Mr. Wilson asked if Mr. Simmons had applied for and received approval from the State for the "annex".  
92 Mr. Mabey said that he didn't know for sure but would find out whether or not it is an approved

93 “annex”. Mr. Wilson said that he would also like to know if there are any other approved “annexes” in  
94 Town.

95  
96 Ms. Monaghan commented that, according to the State, if the Dealer License holder did not apply to the  
97 State for the “annex” then the owner did not follow proper procedure. She also said that the “License”  
98 goes with the “Dealer” to operate on a particular piece of land; land that does not have to be owned by  
99 the holder of the License.

100  
101 Ms. Kohl said that she believed the property, 74 Lafayette Road, that is associated with the Dealer  
102 License, and the property that has the sign “stuff for sale” are listed under two different ownerships;  
103 therefore the “annex” would not be in compliance.

104  
105 Mr. Mabey agreed that it would have to be the same Licensed Owner for both the dealership and annex.  
106 He said that an “annex” is not required to have a separate office or building on site.

107  
108 Dr. Arena disagreed and said that an “annex” should have a building of some sort. The Board said it was  
109 not uncommon to house used vehicles on another lot other than the dealership.

110  
111 Mr. Wilson said that if an “annex” was applied for, and approved for a particular site then the owner of  
112 the site would need a Planning Board approved Site Plan; if the Site Plan was never applied for, or  
113 approved then the use of the property would not be “grandfathered” because it would have been an  
114 improper use of the property because there was no permit to allow an “annex” there in the first place.  
115 Mr. Mabey said that it would depend on whether or not it was continuously used as an “annex” all those  
116 years before they had “Dealers” Regulations.

117  
118 Mr. Mabey said that in order to obtain a “Dealer Plate” you need a “Dealer License”. He said that most  
119 Dealers apply for a license even if they don’t sell five (5) or more cars a year.

120  
121 Mr. Harned wanted to know what the Board was trying to accomplish regarding Dealer Licensing.

122  
123 Ms. Kohl said it began with the “junkyard” discussions. She wanted to know the distinction between  
124 “junkyards” and lots that housed vehicles. She said that according to the State Regulations the property  
125 associated with the Dealer License has to conform to local ordinances.

126  
127 “Junkyards” are controlled under a licensing process through the Board of Selectmen, if the Town  
128 chooses to do so. The Town has control, through the Planning Board, of how the land is used regarding  
129 Dealerships, Repair shops and Inspection Stations. The State controls Dealer Licenses.

130  
131 Ms. Monaghan said that there are different categories for Dealer Licenses. Inspection Stations require a  
132 different License than a Dealer License.

133  
134 Mr. Mabey said that there are a lot of established businesses in Town that were here before Zoning and  
135 Site Reviews.

136  
137 Ms. Kohl said that the Board would like to know how to protect the Town environmentally; the  
138 “grandfathered” junkyards cannot pollute the aquifers; she wanted to know what regulations or  
139 standards they have to adhere to.

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Mr. Mabey said that he will try and get the State Regulations on environmental protection regarding “junkyards”, Dealerships and annexes, and he will try to get the State’s definition of “Annex”.

Mr. Wilson would like to know if the State can provide a separate list for any approved “annexes” in Town.

**Energy Chapter of the Master Plan Discussion**

Theresa Walker, Rockingham Planning Commission, was present to discuss the Energy Chapter of the Master Plan.

The Board Members were in receipt of copies of examples of existing energy chapters. Ms. Walker said that RPC has grant funds that will be no cost to North Hampton, but the money is going away and they have only until May 2012 to use it. She said that the program is called ETAP, Energy Technical Assistance Program. The Office of Energy and Planning entered into an agreement with the nine (9) Regional Planning Commissions in the State as well as the Peregrine Energy Group, out of Boston. The Peregrine Group reviewed the Energy report done for the Energy Committee and was impressed with the work that the Energy Committee has done. They did a walk-through of all of the municipal buildings so that the Peregrine Group could help the Energy Committee with recommendations to enable the Town to save money. The Planning Commission can work with the Town on the Master Plan.

Ms. Walker explained the grant money is used to pay the Planning Commission to work with the Town of North Hampton, if they choose; no money is going directly to the Town.

Mr. Wilson explained that the Town is currently in the midst of figuring out what to do with the entire municipal complex. He said one of the question the CIP Committee has raised is what repairs/maintenance needs to be done immediately and what makes no sense to do, such as, putting a lot of money into the Library and then the Town decides to raze it and build a new building.

Mr. Kroner said that the Board set off to update all of the Master Plan Chapters in one (1) year, but it didn’t happen; they have been working on them for the last nineteen (19) months. He said he would like to have an Energy Chapter as part of the Master Plan, but the challenge would be what to put in the Chapter based on the Town’s unique situation with the uncertainty of the entire municipal complex.

Ms. Walker said that the Town can put in a generic Energy Chapter in the Master Plan to be used as a “place holder” to put a place for energy and once the CIP Committee starts to make decisions they can be included in the generic chapter.

Dr. Arena commented that if the Town has “maintenance” efficiency, it will handle energy efficiency. He said without maintenance efficiency there cannot be energy efficiency.

Mr. Wilson said that rather than the Chapter be generic it should be specific to all the buildings in the complex without presupposing whether the Town is going to build all new buildings or not build all new buildings.

186 Ms. Pohl said that the Energy Chapter should include the School. Ms. Walker said that could be a  
187 recommendation in the Master Plan, to work with the SAU on the facilities in North Hampton.

188

189 Ms. Walker said that the Board should first decide what they would like to include in the Energy  
190 Chapter.

191

192 Ms. Pohl commented that the Town has a very active Energy Committee. The Board thought it would be  
193 a good idea for Ms. Walker to work with them on the Chapter.

194

195 Mr. Wilson went over a “fish bone” diagram with the Board:

- 196 • Achieve energy efficient municipal facilities
- 197 • Set standards to impose on everything to achieve energy efficiency
- 198 • Break down each building and departments and determine what is needed

199

200 Ms. Chase will forward the Energy Committee’s contact information to Mr. Kroner. He will set up a  
201 meeting with the Committee. Ms. Walker said that Mr. Groth will probably finalize the Energy Chapter  
202 with the Board.

203

204 **“Joint Meeting” discussion**

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206 The Board voted, at their last meeting, to participate in a “Joint Meeting” with the Conservation  
207 Commission and Zoning Board to discuss the Zoning Board’s proposed Zoning Ordinance amendments.

208

209 Ms. Kohl said that she will contact the Chair of the Zoning Board, Mr. Field. Ms. Kohl said that she  
210 appreciates all the work the Zoning Board did, but has some issues with each proposed ordinance. She  
211 commented on the “Compound” proposal and thought that it is going a little too far regarding individual  
212 property rights.

213

214 Mr. Kroner said that he can understand the negative effects a “compound” would have but thought that  
215 they could be addressed by imposing Town Ordinances such as a noise ordinance.

216

217 Mr. Harned said that the Zoning Board put a lot of time and effort into the proposal, the Board has  
218 agreed to give them the opportunity to discuss and explain them.

219

220 Ms. Kohl is concerned that the meeting will go on and on without getting anything accomplished. She  
221 asked the Board if they thought they should go to the meeting prepared with their own concerns on  
222 each of the proposed ordinances.

223

224 Mr. Wilson said that he fundamentally disagrees and the Board should not go into the Meeting with  
225 predispositions on each proposal. He said that Ms. Kohl is Chairing the Meeting and it is up to the Chair  
226 to control the meeting and keep everyone on target. He suggested the Chair limit the amount of time of  
227 each proposal to ten (10) minutes or so. He also opined that the proposals probably won’t go on this  
228 year’s Warrant so the Board has at least a year to work on them.

229

230 Ms. Kohl said that she is not talking about going into the meeting with predispositions, but would like to  
231 meet with Mr. Field and let him know of some of the concerns the Planning Board members have and  
232 maybe that would help prepare the Zoning Board in addressing those issues at the "Joint Meeting".  
233

234

235 Dr. Arena said that the Board has agreed to hold a "Joint Meeting" so the topic should be dropped so  
236 there will be no biased opinions.

237

238 Ms. Chase informed the Board that the Zoning Board is meeting on January 24<sup>th</sup> and they have no "new  
239 business" or "old business" before them.

240

241 **Mr. Wilson moved and Ms. Monaghan seconded the motion to approve the December 20, 2011 Work**  
242 **Session Minutes and the January 3, 2012 Meeting Minutes as presented.**

243 **The vote passed in favor of the motion (6 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained**  
244 **because he was not present at either Meeting.**

245

#### 246 **Correspondence**

247

248 The Board was in receipt of a copy of Superior Court Order of Notice – Adriana Salomon, et al v Town of  
249 North Hampton Planning Board regarding the Shane Smith Subdivision case.

250

#### 251 **Master Plan Update**

252

253 Mr. Kroner updated the Board on the Master Plan.

254

255 1. Existing Land Use Chapter – Remaining Building Area section to be revised and  
256 unreliable data points, such as judgments on remaining buildable acreage to be  
257 removed.

258 a. Once section is re-written, a public hearing on this chapter needs to be  
259 scheduled so that we can adopt this chapter to the Master Plan.

260 2. Housing Chapter is completed. Additional Housing data sought, such as average rental  
261 rates are not available, and difficult to capture.

262 a. North Hampton lacks a large inventory of rental properties, with very few multi-  
263 family units, so how valuable this data point is to our community is debatable.

264 b. This chapter should be considered for public hearing and approval.

265 3. Broadband Communications Chapter (New) – This chapter is complete. No comments  
266 from members have been provided. Recommend moving this to public hearing for  
267 approval.

268 4. Future Land Use Chapter requires public input and such an occurrence is in its planning  
269 stage and would happen in the April-May time frame.

270

271 Mr. Kroner will have the Broadband Chapter ready to pass out to the Board Members in a week or so.

272 Mr. Wilson had nothing new to report on “junkyards”.

273

274 Dr. Arena drafted a Preclude regarding “junkyards”. Ms. Chase will retype it and add the topic to the  
275 February 21<sup>st</sup> Work Session.

276

277 **Sign Violations**

278

279 Ms. Kohl said that she signed complaint letters, on behalf of the Board, against Citizens Bank for the  
280 “reader board” sign that was denied by the Planning Board and Fashion Nails for their neon sign in the  
281 windows.

282

283 The Board discussed the signs at Precision Fitness Equipment. There were variances granted for signs  
284 that run with the land. Mr. Wilson commented that the Applicant did not disclose to the Board that the  
285 application presented did not include on their plans that the property was subject to variances,  
286 therefore their application was incomplete and the Board can reconsider it. He said that there is a  
287 process for rescinding the approval that the Board would have to follow.

288

289 Ms. Kohl mentioned that the “reader board” sign at Pork-ez has inappropriate verbiage on it. She also  
290 mentioned that Route 1 is beginning to look much better.

291

292 **Blasting Ordinance**

293

294 Mr. Harned gave a copy of a draft blasting ordinance for their review and comments. He spoke to Mr.  
295 Groth to see if he was able to find any information regarding the protection of aquifers and private  
296 wells. Mr. Groth did not find any such information. Mr. Harned said that he included giving the Blasting  
297 Administrator the ability to develop specific protocols to protect the aquifers. He asked the Board’s  
298 opinion on how many days should people be given to complain about a blast after the fact. The Board  
299 agreed to ninety (90) days from the blast. He asked how many attempts should be made to residents  
300 and abutters regarding a blast. The Board agreed to thirty (30) day notice sent by returned receipt  
301 certified mail.

302

303 Mr. Harned will contact Dr. Arena and Ms. Kohl to set up a Meeting to discuss the Blasting Ordinance.

304

305 **Code of Ethics Committee update**

306

307 Mr. Wilson said that the final draft on the Code of Ethics is done and will be presented to the Select  
308 Board.

309

310 The Meeting adjourned at 8:50pm without objection.

311

312 Respectfully submitted,

313

314 Wendy V. Chase

315 Recording Secretary

316 **Approved 2/21/2012**