



Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, October 16, 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:** Shep Kroner, Chair; Laurel Pohl, Vice Chair, Joseph Arena, Barbara Kohl,
14 Mike Hornsby, Tim Harned, and Phil Wilson, Select Board Representative.

15

16 **Members absent:**

17

18 **Alternates present:** Nancy Monaghan

19

20 **Others present:** Wendy Chase, Recording Secretary and Kevin Kelley, Building Inspector/Code
21 Enforcement Officer

22

23 Mr. Kroner convened the meeting at 6:30 p.m. as Ms. Pohl was arriving. Ms. Pohl assumed the Chair.

24

25 It was noted that the second Presidential Debate was airing at 9:00 p.m. tonight.

26

27 **Dr. Arena moved and Mr. Kroner seconded the motion to adjourn the Work Session Meeting no later**
28 **than 8:30 p.m., and to continue all agenda items not taken up by the Board by 8:30 p.m. to the**
29 **November 20, 2012 Work Session.**

30 **The vote passed in favor of the motion (6 in favor, 0 opposed and 1 abstention). Mr. Harned**
31 **abstained.**

32

33 **I. Old Business**

34

35 **1. Vision Session update** – Mr. Kroner reported on the second Vision Session that was held on Saturday,
36 October 6, 2012. Discussions involved opinions and suggestions captured in the first Visioning Session
37 held the week prior. He said in his opinion, for all intents and purposes, the Town continues to desire
38 the same themes captured at the last Visioning Sessions held seven (7) years ago; the community wishes
39 to retain its rural seacoast character by engaging in “Yankee thrift”. The 16+/- residents that were in
40 attendance voiced concerns of safety issues along Route 1. He said the community seems reserved on
41 the issue of the municipal complex and discussed what they thought was truly needed regarding the
42 Library. Residents voiced concern over the Workforce Housing Legislation the State passed a couple of
43 years ago; there is resentment on the impact a large development could have on property taxes and
44 there is confusion on the law itself regarding “fair share” and reaching the town’s “fair share”.

45 Mr. Harned asked if there were any unique concerns or issues from Residents. Mr. Kroner said that he
46 heard from Residents that do not want sidewalks but want roads widened with wider shoulders. He said
47 people don't see the need for a new Library but seem to want more meeting space.

48
49 Discussion ensued on the Building Maintenance Fund. There is money appropriated each year to the
50 Maintenance Fund and over the past couple of years, instead of appropriating a set amount, the Select
51 Board has tried to anticipate what repairs are needed and the cost of those repairs and appropriate that
52 amount. The Public Works Department is ultimately responsible for maintenance of the municipal
53 buildings. The town departments have been working together in getting projects done.

54
55 Mr. Kelley informed the Board that Diane Roy of the NH Labor Department has inspected the municipal
56 buildings and has written a list of deficiencies that need to be remedied within 30 days. Mr. Kelley said
57 that the Town is allowed to request an extension if unable to fix everything by the end of the 30-day
58 deadline. He said a lot of the issues are the same issues he cited when he inspected the buildings in
59 August, such as, updates need to be made to emergency lighting in the Police and Fire Departments, the
60 Town Clerk's Office and Library, and a redesign of the customer service window in the Town Clerk's
61 Office to make it smaller.

62
63 Mr. Kroner finished his report to the Board on the Vision Session and said that a lot of people are
64 interested in maps of the town's conservation lands and understanding where they can park and access
65 the recreational trails. He said the next step is for the Board to determine what revisions would make
66 sense to the current Master Plan Vision Chapter and then the Board can begin work on the Future Land
67 Use Chapter.

68
69 Mr. Kroner said that RPC is encouraging Boards to look at any opportunity, where it makes sense, to
70 employ some sort of access management along Route 1.

71

72 **II. New Business**

73

74 **1. Report from the Building Inspector – Kevin Kelley**

75

76 The Planning Board approved a Change of Use Application on August 7, 2012 to allow Mr. Chorebanian
77 (Applicant) to sell boats at 6 Lafayette Road, owned by Christopher Bolton, with conditions of approval.
78 Condition # 1 is to have a Recordable Mylar (site plan) submitted to the Board for approval by October
79 2, 2012. Mr. Chorebanian appeared before the Board at their October 2, 2012, and through his
80 Attorney, Peter Saari, informed the Board that he did not have a Recordable Mylar to submit; there have
81 been communications between the Applicant, Mr. Chorebanian and the Owner, Mr. Bolton on who is
82 responsible for producing an updated site plan. The Board granted a sixty (60) day extension to the
83 Owner and authorized the Chair to ask that the Building Inspector to inspect the site and report his
84 findings to the Board at this Work Session.

85

86 Mr. Kelley informed the Board that he met with Mr. Bolton at the site, 6 Lafayette Road, to discuss the
87 Site Plan of the property, and after inspecting the site he agrees with the Board that the site plan needs
88 to be updated. Mr. Bolton reviewed the 1971 site plan (C-2328) on file, and after a discussion with the
89 Mr. Kelley, Mr. Bolton agreed that it needed to be updated also. Mr. Chorebanian received a quote of
90 \$3,400 to do the site plan, but Mr. Bolton is going to "shop" around to hopefully get a lesser rate.

91 Mr. Kelley informed Mr. Bolton that if the Condition of Approval to submit a Recordable Mylar was not
92 submitted by the extended date, December 4, 2012, then he would have to issue a "Cease and Desist"
93 to Mr. Chorebanian, and furthermore, would not allow any new business to occupy the site until that
94 Condition was met.

95
96 Mr. Bolton informed Mr. Kelley that there was an apartment and office on the second floor that has
97 been there since Mel's Trucking owned and operated the site, and that the business owner of Steve's
98 Auto and Repair lives in the apartment. Mr. Kelley explained that the "apartment" is shown on the 2003
99 Tax Assessor's Card, but not on the 2012 Card. He said he was not sure if it was a "grandfathered" use;
100 he and the Fire Chief plan to inspect the apartment for life safety issues.

101
102 The Board discussed Article IV, Section 406.5 – *A lot in the I-B/R District that is presently utilized for*
103 *business purposes shall not be used for residential purposes. Any undeveloped lot may be used for either*
104 *a business or residential purpose, but not both. *3/12/85.*

105
106 The Building has been there since 1958 and would precede the prohibition of the residential apartment
107 in the commercial zone. If the apartment were to be abandoned for a year or more than it would lose its
108 vested rights, but it would have to be proven.

109
110 Mr. Kelley confirmed that the cape style house is on its own separate lot; it is identified as Tax Map 003,
111 lot 090.

112
113 Mr. Kroner said that there have been tractor-trailers parked on the residentially zoned portion of the
114 site and is concerned that the owner intends on utilizing the space to store tractor-trailers and trucks.
115 He said that even if it is a "grandfathered" use something needs to be put in place to screen it from view
116 of the abutting properties. Mr. Kelley said that Mr. Bolton plans to store some of his "high-end" cars on
117 that space.

118
119 Dr. Arena said that Section 406.5 was added to the ordinance because the Planning Board wanted to
120 discourage residential uses in the I-B/R District.

121
122 Mr. Kelley commented that Mr. Bolton was very straight forward with him regarding the operations on
123 his property.

124
125 Mr. Wilson said that Section 406.5 was designed to separate the "uses"; residential and commercial. He
126 said that the Board compromised when dealing with the Inclusionary Housing Ordinance because one of
127 the ways to have workforce housing was to allow apartments over commercial businesses. He said it
128 was not designed to eliminate all residential use, it was to separate the two.

129
130 Mr. Kelley asked for clarification on some sections of the Zoning Ordinances.

- 131 • Article V, Section 513 – Accessory Apartment – it was confirmed by the Board Members that "A
132 dwelling" must have been in existence prior to the adoption of this Ordinance to apply for a
133 Special Exception for an Accessory apartment, and a "breezeway" connecting the dwelling to an
134 accessory structure does not satisfy section 513.3 – *the apartment must be contained within the*
135 *existing single-family dwelling.*

136

137 Ms. Kohl asked Mr. Kelley what the procedure was if someone suspected that a house had an illegal
138 Accessory Apartment.

139
140 Mr. Kelley explained that he would have to receive a written complaint and then visit the site to see who
141 lived there; he would take down license plate numbers and check with the Police Department if there
142 were any reports of "calls for service". He said that an Administrative Warrant is the final step, but there
143 are many other means to exhaust before that.

144
145 Mr. Kroner commented that Accessory Apartments need Zoning Board approval through a Special
146 Exception.

147
148 • Article V, Section 506 – there is no provision prohibiting "feather flag" signs. Mr. Kelley has
149 requested many businesses to remove their "feather flag" signs and is concerned that there is
150 nothing in the ordinance pertaining to them. He also commented that there is no definition of
151 "banner" signs. Mr. Wilson said that a "banner" sign is a sign between two poles.

152
153 Mr. Kelley said that he has had a lot of voluntary compliance from the Business Owners in Town. He
154 said sign compliance issues are an ongoing thing and always will be.

155
156 Ms. Pohl said that she will contact Jim Vetter, President of the North Hampton Business Association, and
157 have him contact Mr. Kelley. Mr. Kelley said that he would like to meet him and work with the Business
158 Association.

159
160 Mr. Kelley said that he would like to work with any one of the members on the Sign Ordinance on any
161 proposed amendments to it. He suggested listing "feather flags" under Section 506.5 – Prohibited Signs.

162
163 Mr. Kelley referred to Section V. B. 1.c – *Any change of use which results in the need for a new*
164 *occupancy permit would require Planning Board approval.* Mr. Kelley explained that every change of
165 tenant requires a life safety/code inspection from the Building Inspector and Fire Chief and upon a
166 successful inspection a certificate of occupancy is issued.

167
168 Mr. Wilson said that if there is a change of tenant that does not entail structural changes or changes to
169 parking or septic then it does not require Planning Board review.

170
171 Mr. Kroner said that the Ordinance should be amended to include "feather flags" as prohibited signs. He
172 volunteered to work on proposed amendments to the sign ordinance and have a draft ready for the
173 November Work Session for the Board to review. The Board decided to hold a Public Hearing on
174 December 4, 2012 on any proposed changes to the Sign Ordinance.

175
176 Dr. Arena mentioned the juniper trees that impede the line of sight coming out of Rite Aid and said that
177 it is a very dangerous situation. He said that he has complained about this situation many times and
178 nothing has been done about it. Mr. Kelley said that he would look into it.

179
180 Mr. Hornsby mentioned the bright spotlight that shines onto Atlantic Avenue from the parking lot of
181 Fresh Market.

182

183 Dr. Arena mentioned the neon signs in the window at the nail salon near the Post Office, and also
184 mentioned the safety factor regarding the use of acetone and its flammability.

185
186 Mr. Kelley said that if anyone has issues or complaints they should email him directly and he will address
187 them.

188
189 Mr. Kroner asked Mr. Kelley to review Section 704 of the Ordinance that deals with Certificates of
190 Occupancy, and to make sure that there are no duplication between that section and the Site Plan
191 Regulation Section V.B.1.c.

192
193 The Board decided to hold a Public Hearing and propose to eliminate Section V.B.1.c from the Site Plan
194 Regulations.

195
196 Mr. Kelley mentioned that there is nothing written in the Sign Ordinance that prohibits signs in the State
197 or Town's right of way and there should be.

198
199 *Secretary's note: At 7:12 p.m. there was an earthquake 17 miles north of Portsmouth, NH that shook the*
200 *Town Hall for 15 to 20 seconds. It was later confirmed that the earthquake registered at 4.0 on the*
201 *Richter scale.*

202
203 The Board discussed the deadline dates for Public Hearings on amendments to the Zoning Ordinance.
204 The last day to hold the first Public Hearing is December 21, 2012.

205
206 **Mr. Kroner moved and Dr. Arena seconded the motion to hold a Public Hearing at the December 4,**
207 **2012 meeting to eliminate Section V.B.1.c of the Site Plan Regulations.**

208
209 The Board discussed other changes to the Regulations and they decided that they will take action on any
210 changes as they come up.

211
212 **The vote was unanimous in favor of the motion (7-0).**

213
214 Mr. Pohl asked if the Board wanted to set up a Committee to address Sign Ordinance changes.

215
216 Mr. Wilson suggested the Board consider incorporating the Sign Ordinance with the Site Plan
217 Regulations so that they are not going to the Voters each year for every minor change to the Ordinance.
218 The sign would then be a part of the Change of Use process.

219
220 **Minutes**

221
222 **September 18, 2012 Work Session Meeting Minutes – Mr. Wilson moved to accept the September 18,**
223 **2012 Meeting Minutes as presented.**

224
225 Mr. Wilson called for a Point of Order and suggested the Board take action on the Meeting Minutes and
226 spend the remainder of their time discussing the proposed budget.

227

228 Ms. Pohl said that for lack of a Second to Mr. Wilson's motion they would go back to the original order
229 of the Agenda.

230

231 Ms. Pohl said she wanted to table III. C – proposed changes by the Building Inspector, to the
232 November 20, 2012 Work Session.

233

234 Mr. Harned said that changes need to be made to the Workforce Housing Zoning Ordinance.

235

236 Ms. Kohl said that an Ad hoc Workforce Housing Committee was established, by the Board, in
237 Mr. Harned's absence. Ms. Kohl and Ms. Pohl are working on amendments to the Ordinance.

238

239 Mr. Harned said that if the Town does not have a Workforce Housing Ordinance, but has enough
240 Workforce housing to meet the requirements, a Developer cannot come to Town with a Workforce
241 Housing Subdivision; if there is **no** Ordinance, and the Town does not meet the requirement, then a
242 Developer can come in with a Workforce Housing Subdivision. He said that if the Town has a Workforce
243 Housing Ordinance, then regardless of whether or not they meet the requirements, the Developer can
244 come in with a Workforce Housing Subdivision. He said that the Ordinance can be amended that the
245 Inclusionary Housing Ordinance only "kicks in" if it is demonstrated that the Town of North Hampton is
246 below the threshold. He said *who* demonstrates it is a topic for serious discussion; it has to be
247 reestablished on a case by case basis. The Ordinance should have an activation point and it should be
248 mandated that the Developer has to come in with a higher level of what the town's percentage is.

249

250 Ms. Pohl said that they are working on a better formula to be able to calculate what that level should be.

251

252 Mr. Wilson said the Board has three (3) options to consider: 1) the Town can determine its "fair share";
253 2) the RPC can determine the Town's "fair share" (they are mandated by the State), and 3) the burden is
254 on the Developer to come in and prove that the Town is below its "fair share".

255

256 Mr. Pohl suggested that Mr. Harned join the Ad hoc Committee. Mr. Harned said that he would be
257 happy to join.

258

259 Ms. Pohl said she has a semi-working mathematical model for the Committee to review prior to the next
260 Work Session, November 20, 2012.

261

262 **Mr. Wilson moved and Mr. Harned seconded the motion to approve the September 18, 2012 Work**
263 **Session Meeting Minutes.**

264

265 Dr. Arena noted an error on line 138, October 25, 2012 should read September 25, 2012. It was
266 determined that the date fell within a quoted section and could not be changed; Ms. Chase will add [sic]
267 after the wrong date.

268

269 **The vote passed in favor of the motion (5 in favor, 0 opposed and 2 abstentions). Dr. Arena and Ms.**
270 **Pohl abstained.**

271

272 **Mr. Kroner moved and Mr. Hornsby seconded the motion to approve the October 2, 2012 Meeting**
273 **Minutes.**

274 **The vote passed in favor of the motion (6 in favor, 0 opposed and 1 abstention). Mr. Wilson**
275 **abstained.**
276
277 **Mr. Hornsby moved and Mr. Harned seconded the motion to adjourn the meeting at 8:39 p.m.**
278 **The vote was unanimous in favor of the motion (7-0).**
279
280 Respectfully submitted,
281
282 Wendy V. Chase
283 Recording Secretary
284
285 Approved 11/27/2012
286
287