



Meeting Minutes
Work Session
North Hampton Planning Board
Tuesday, October 15, 2013 at 6:30pm
Town Hall, 233 Atlantic Avenue

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

Members present: Shep Kroner, Chair; Joseph Arena, Mike Hornsby, Dan Derby and Phil Wilson, Select Board Representative.

Members absent: Laurel Pohl and Tim Harned

Alternates present: None

Others present: Jennifer Rowden, RPC Circuit Rider, and Wendy Chase, Recording Secretary

Mr. Kroner convened the meeting at 6:30pm and noted for the record that he was Chairing the Work Session in the absence of Ms. Pohl, and that there was a quorum of the Board.

I. Old Business

1. Demolition Delay Ordinance – Dan Derby draft preamble for Board review and discussion.

The Board discussed the “statement of purpose” drafted by Mr. Derby for the proposed Demolition Delay Zoning Ordinance. Members of the Heritage Commission were present, Ms. Cynthia Swank and Mrs. Donna Etela.

Dr. Arena moved and Mr. Wilson seconded the motion to accept the “statement of purpose” and include it in the proposed Demolition Delay Ordinance as written.

Mr. Kroner had a discussion with the Town Administrator, Paul Apple, on whether the proposed Ordinance should be a Zoning Ordinance, or a Town Ordinance. Mr. Apple said that it should be a Zoning Ordinance.

Mr. Wilson withdrew his second and Dr. Arena withdrew his motion.

Mr. Wilson said it made sense that it be considered as a Zoning Ordinance because the enforcement of a Zoning Ordinance is within the realm of the Code Enforcement Officer’s duties and the demolition of a building requires a demolition permit from the Building Inspector/Code Enforcement Officer; the demolition permit application would be the catalyst to the demolition delay process.

Mr. Derby referred to the first sentence of the purpose statement, "Clarify and formalize landowner demolition rights as well as support identification & documentation of North Hampton's historically significant structures." He said that the preamble may help the Ordinance get through the voting process without being perceived as an encroachment on property rights. He said that both concepts in the first sentence need to be involved, but the Board may want to change it so that the "documentation of historic structures" appears at the beginning of the sentence.

The Board discussed different ways to structure the proposed paragraph and decided to leave it as written.

Dr. Arena moved and Mr. Hornsby seconded the motion to accept the "statement of purpose" as written by Mr. Derby.

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

Mrs. Etela said that she would like to keep the first proposed sentence under the "Purpose" section. She said that it doesn't add, or take away from the statement the Board just voted on.

Mr. Kroner said that the Heritage Commission wants the townspeople to know that the ordinance is not just about demolition, but about preserving things of historic value.

Dr. Arena commented that the first sentence is addressed in the "purpose statement" the Board just voted in and there is no need to keep the first original sentence as Mrs. Etela suggested; it would be redundant.

Mr. Kroner reminded everyone that the proposed ordinance can be changed at any one of the Public Hearings dealing with it. Mr. Wilson commented that it could even be changed at the Deliberative Session. Mr. Kroner also reminded everyone that there is always a summary written for each Warrant Article that explains its purpose to the townspeople.

Ms. Rowden went over the proposed changes she made:

- She color-coded the different dates involved within the document to make it easier to follow.
- She strongly suggests adding a definition for "building".
- Under, Section C. 1. Criteria – the last word should be *or* instead of *and*.
- Clarified that the "30 calendar days" is always intended from the original filing date of the demolition permit.
- Under Section D.4., the word "structure" should be replaced with "or part of a building", because "structure" can mean anything, i.e. septic system.

Mr. Kroner said that there could be structures that are not buildings, and gave the example of the billboard on Atlantic Ave at Runnymede Farm of "Dancer's Image"; that has historic value.

Ms. Rowden mentioned that "billboards" is included in the definition of "structure" in the Ordinances.

Mr. Wilson opined that he was satisfied with the original definition, "Building is defined as in the International Building Code and the International Residential Code, any structure used or intended for supporting or sheltering any use or occupancy".

Mr. Kroner asked if they added a definition of "Building" in the Ordinance would they also have to add it to the Zoning Ordinance under Section III.

Ms. Rowden said that the entire Ordinance would need to be reviewed to make sure that anywhere the word "building" or "structure" appeared the new definition would not cause that section problems.

Mr. Wilson commented that the problem with a definition is that it involves a list, and there will always be something that is not added to that list creating a "loop hole". He said that if there is going to be a definition of "building" and examples of it are listed, the list should be preceded by an idiom that states, "Including, but not limited to".

Dr. Arena commented that the more the Board discussed it, the more complex it was beginning to get; he did not think the original definition needed to be changed.

Mr. Kroner suggested they strike out "building" under B. – Definitions. The Board agreed.

Mrs. Etela said that she has been using the proposed ordinance as a guide with an individual in town and it is working well.

The Board decided to review the ordinance on their own and discuss it at the November 5, 2013 meeting. Mr. Kroner said that he would like to have a document ready at that meeting to vote on to take it to its first Public Hearing.

**Mr. Wilson moved and Dr. Arena seconded the motion to continue further review of the proposed Demolition Delay Ordinance at the November 5, 2013 meeting.
The vote was unanimous in favor of the motion (5-0).**

II. New Business

Committee updates:

Long Range Planning – Ms. Rowden is working on the Future Land Use Chapter of the Master Plan and asked if the Plan NH Charrette report was received by the Town yet.

Mr. Wilson said that the Town recently received the results from the Charrette but the Select Board has recently decided to have the Architect proceed with a design of a public safety building on the "homestead" property; new library attached to the stone building; raze the fire department building; renovate the police department building to serve as town administrative offices, and to raze the existing library building.

Ms. Rowden said that she will not use the Charrette as a reference in the updated Chapter when discussing municipal and school parts of town for future land use.

Mr. Wilson said that they didn't abandon the Charrette entirely; the process was helpful; the report came in too late.

Ms. Chase will forward a copy of the report to Ms. Rowden.

CIP – Ms. Cynthia Swank spoke from the audience and said that the CIP Committee will meet on Friday, October 18, 2013 at 8:15 a.m. in the Town Administrative Office Conference room. Laurel Pohl is the Planning Board Representative, but indicated she may not be able to make the morning meetings. Ms. Chase will inform Ms. Pohl of the next meeting. Ms. Swank said that the Committee's goal is have the CIP done by the end of the year. She thanked Mr. Wilson for his work on the CIP Committee the last couple of years and Mr. Wilson thanked her and the rest of the Committee members for their work too.

ARC - Mr. Kroner mentioned that there was interest from an Applicant to go before the ARC to review his application prior to the November 5th meeting. There is a window of time between submittal of an application and the actual meeting date giving the ARC a small window of time to meet with the applicant to make suggestions that sometimes require publication. Discussion ensued on the difficulties of getting the ARC together to meet prior to the regular meeting. It was suggested that a monthly scheduled ARC meeting would be established and added to the Rules of Procedure. The Board will discuss it further at the November 19th Work Session.

Rules and Regulations/Procedures – The Board will discuss adding a scheduled monthly meeting of the ARC at the November 19th Work Session. Any changes to the Rules and Regulations require a properly posted public hearing.

Economic Development Committee – Mr. Wilson said that the Committee met with the Unital Representatives and discussed economic development conditions in the seacoast region. They also met with Susan Conway, who did a lot of the development of the Stratham Industrial Park at the North Hampton town line and discussed expanding the Industrial Park and rezoning a small triangular portion of land in North Hampton west of the Town Forest. They thought it would be possible to develop the "rezoned" land to industrial use. They are going to look at the land carefully to see if it is feasible, and if it is, the Committee may be coming before the Planning Board for discussions on rezoning that area. Mr. Wilson said that if it came to that point, the Planning Board should probably hold a public hearing to get feedback from the townspeople, especially those who abut the property, to determine whether or not to move forward. The Committee agreed that the type of proposed use would increase the tax base and require fewer town services; it also has great access to Routes 101 and 95, and the Industrial Park is an already established use.

Mr. Wilson said that the Committee discussed extending the Natural Gas line from the intersection of Route 1 and Atlantic Ave. up Atlantic Ave to the School, which would make it possible for the Town buildings and any residents in that area who wished to do so, tie into the line. Mr. Schoenberger, CEO of Unital sits on the Committee and has offered to share their resources. The Committee asked them about the feasibility of extending the natural gas line and they came back and said that the construction costs to extend the line to the school would take approximately 3 ½ years to "pay back" through energy savings.

Mr. Derby moved and Dr. Arena seconded the motion to approve the RPC scope of work for North Hampton Development/Redevelopment Analysis, and the funding for it.
The vote was unanimous in favor of the motion (5-0).

Large Assembly Ordinance Committee – Mr. Wilson said that the Committee had only so many volunteers; they appointed John Bottomley, Richard Luff, Ross Peterson and Guy Marshall as an

Alternate member. He said they will have a full complement of the Committee at their meeting on Friday, October 18, 2013. Ms. Monaghan was not present but sent an LAO Committee report by email. She stated that the Committee has identified 17 items in the existing ordinance that need discussion, clarification, rewriting or inclusion. Those items will be on the Committee's Agenda on October 18th, as well as, selecting a Chairman.

III. Other Business

1. ¹ Items laid on the table

- a. Master Plan update – Addressed earlier in the meeting.
- b. Junk Yard update – It was a general consensus of the Board to remove “junk yards” from the “open items” on the Agenda. They are being dealt with by the Code Enforcement Officer and progress is being made.

2. Minutes

a. September 17, 2013 – Mr. Wilson moved and Dr. Arena seconded the motion to approve the September 17, 2013 Work Session minutes as written.

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

b. October 1, 2013 – Dr. Arena moved and Mr. Wilson seconded the motion to approve the October 1, 2013 meeting minutes as written.

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

Ms. Chase informed the Board that Mr. Kokernak phoned and said although the Planning Board approved the extension for his Conditional Use Permit until 2014, he would still like to come to a Work Session in a couple of months to update the Board on the Distributive Antenna System project.

The Board welcomes an update from Mr. Kokernak.

Ms. Rowden passed out information to the Board members on upcoming meetings and events. She said the RPC's “kick off” meeting is on the sea level rise.

The meeting adjourned at 8:00pm without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved November 19, 2013