



**Meeting Minutes
Public Hearing & Work Session
North Hampton Planning Board
Tuesday, December 17, 2012 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.

A Recording Secretary was not present due to inclement weather. The minutes are transcribed from the video recording.

Members present: Shep Kroner, Chair; Laurel Pohl, Vice Chair, Mike Hornsby, Tim Harned, and Dan Derby.

Members absent: Dr. Arena and Phil Wilson, Select Board Representative.

Alternates present: None.

Others present: Jennifer Rowden, RPC Circuit Rider.

I. Public Hearing

1. The Planning Board's First Public Hearing to consider approval of the proposed Demolition Delay Zoning Ordinance.

The Planning Board's regularly scheduled Work Session shall immediately follow the Public Hearing.

Mr. Kroner explained that the proposed Demolition Delay Ordinance was co-drafted by the Heritage Commission and Planning Board, with assistance from Circuit Rider, Jenn Rowden.

Mr. Kroner noted for the record that there was a quorum, and acknowledged the town residents in the audience. He explained that he would open the Public Hearing for those wishing to give brief comments, but due to the inclement weather, the Board would probably end up continuing the Public Hearing to the next Planning Board meeting.

Mr. Kroner opened the Public Hearing at 6:35 p.m.

Mr. Kroner said that he received a memorandum by e-mail communication authored by Don Gould, Craig Salomon, Rick Stanton and Chuck Gordon that summarized their thoughts and comments about the proposed demolition ordinance. The memo was forwarded to members of the Board on December 16, 2013.

Ms. Rowden explained that the Demolition Delay Ordinance would only come into effect if a demolition of a building is being applied for, or sought.

Don Gould, 21 Fern Road – said that it was not necessary to read the four (4) page document they drafted into the record; each of the Board members had a copy to review before the next meeting.

Donna Etela, Heritage Commission Chair, said that she read the aforementioned memorandum and did further research of national materials and discovered that “demolition delay” is utilized, in larger towns or cities, when someone is trying to put a building into a landmark status, and they need time to do that. She suggested that the ordinance be referred to as Demolition Review Ordinance. Ms. Etela said that the memo did point out the issue of “calendar days” vs. “business days”. The onus is on the Committee when using “business days” and she used “business days” when originally drafted. She offered that her comments she had written out be distributed to anyone interested in receiving them.

Rick Stanton, 108 Walnut Ave., - said that, in his opinion, the proposed ordinance is replacing a simple phone call. He said that an entire law is being created when it only takes a phone call from the Code Enforcement Officer to the Heritage Commission informing them of a receipt of a demolition permit request.

Peter Horne, 112 Mill Road – said that he had an issue applying for a subdivided lot, years ago, and people like Bob Field went to the common meaning of the word, so without the definition of most of the words used in this Ordinance the Planning Board, Select Board, Building Inspector and anyone involved in this subject could go to the common meaning of the word, which will be unknown. He said that he doesn’t see any way to have such an ordinance put into effect without having another town government under the control of a subcommittee of the Heritage Commission as this Delay Ordinance proposes.

Mr. Kroner said the Board wrestled with a lot of the issues discussed and said that they tried to come up with the best possible ordinance they could.

Cynthia Swank, Heritage Commission Member, - said that the Heritage Commission was meeting on Thursday, December 19th in the Stone Building at 9:30 a.m. and invited anyone interested in discussing the ordinance to come to the meeting; the Demolition Delay Ordinance is on their agenda.

Mr. Harned moved and Mr. Hornsby seconded the motion to continue the First Public Hearing on the Demolition Delay Ordinance to the January 7, 2014 meeting at 6:30 p.m.

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

Ms. Pohl called the Work Session to order at 6:50 p.m.

I. Old Business

Discussion on proposed changes to Sections 704 and 706 of the Zoning Ordinance.

The Board discussed the proposed changes drafted by Mr. Harned on Sections 704 – Certificate of Occupancy, and 706 – Notice of Action.

Mr. Kroner said that the proposed amendments made modify the Sections in a manner that put the responsibility on the landowner for the posting requirements instead of the Code Enforcement Officer.

Mr. Kroner moved and Mr. Harned seconded the motion to schedule the First Public Hearing on January 7, 2014 on proposed amendments to Article VII, Sections 704 and 706 of the Zoning Ordinance.

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

Discussion on proposed changes to Sections 409.8 and 410 of the Zoning Ordinance.

Ms. Rowden provided answers to some of the questions the Board had on the proposed amendments to Section 409.8 and 410. She said that the amendments are making those sections of the zoning ordinance more concurrent to the NH DES Rules and Regulations. She said a simple statement can also be added to these sections stating "pursuant to NH DES Rules and Regulations".

Ms. Rowden commented on the proposed amendment, 410.2.i. and said that septic systems with a design flow of greater than 2,500 gpd are for houses with eight (8) bedrooms.

Mr. Hornsby questioned why smaller houses are not included in that proposed section. Mr. Kroner said that it has been discussed and he agrees with it, but didn't know how it could be enforced.

Mr. Derby volunteered to draft changes to the current draft, and ask the Board to review it at the next Work Session. The Board agreed.

Discussion on Duplex Definition possible zoning ordinance amendment.

Mr. Kroner explained that the current definition is vague, so much so that it caused the construction of a structure in Town that is clearly not a "duplex".

Mr. Kroner moved and Mr. Harned seconded the motion to schedule the First Public Hearing on January 7, 2014 on proposed amendment to Article III, Section 302.10 – Definition of "Duplex".
The vote was unanimous in favor of the motion (5-0).

Discussion on "jurisdiction" between the Little Boar's Head Village District and Town of North Hampton Land Use Boards.

Discussion ensued on the topic of "jurisdiction" between LBHVD and the Town. Mr. Kroner said that he does not agree with Attorney Matt Serge's opinion on concurrent jurisdiction.

The Board agreed to table the discussion to the January 7, 2014 Planning Board meeting for full board participation.

II. New Business

1. Committee Updates

- a. Long Range Planning
- b. CIP
- c. Rules and Regulations/Procedures
- d. ARC

- e. Economic Development Committee
- f. Large Assembly Ordinance Committee

III. Other Business

1. ¹Items laid on the table

- a. Master Plan update – Natural Resource Chapter – Jenn Rowden

Mr. Hornsby made a comment that he has noticed a lot of internally lighted “open” signs in Town and questioned whether or not the Building Inspector had been approached by the Board to deal with them lately.

Ms. Pohl said the Select Board is the Building Inspector’s boss, and they oversee his work schedule.

Mr. Harned suggested that Mr. Hornsby voice his concerns to Mr. Wilson, Select Board Representative, at the next Work Session.

Mr. Hornsby moved and Mr. Derby seconded the motion to table the Committee updates, Other Business, and approval of the November 19, 2013 and December 3, 2013 meeting minutes to the January 21, 2014 Work Session.

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

The meeting adjourned at 7:15 p.m. without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved January 21, 2014