



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD

Work Session

Monday, September 18, 2006

Mary Herbert Conference Room

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

Members present: Shep Kroner, Vice Chairman; Phil Wilson, Chairman; Craig Salomon, Joseph Arena, Laurel Pohl and Vince Vettraino.

Others present: Jill Robinson, RPC Circuit Rider and Wendy Chase, Recording Secretary.

Alternates present: None

The meeting was called to order at 6:33pm.

The meeting minutes of August 21, 2006 and September 5, 2006 were reviewed and discussed. Emendations to the minutes were proposed.

Dr. Arena moved and Mr. Salomon seconded the motion to approve the minutes of August 21, 2006 as amended.

The vote passed in favor of the motion (4 yes, 0 no and 2 abstentions). Mr. Wilson and Mr. Vettraino abstained.

Dr. Arena moved and Mr. Wilson seconded the motion to approve the minutes of September 5, 2006 as amended.

The vote passed in favor of the motion (4 yes, 0 no and 2 abstentions). Mr. Salomon and Mr. Vettraino abstained.

Correspondence from Mr. Richard Skowronski regarding the Saunders' subdivision plan was discussed. Mr. Skowronski stated that the turnouts depicted on the approved and recorded plan were not properly sited. Mr. Wilson read condition 5 of the approval pertaining to the turnouts: *Applicant shall add a note to the plan stating that the owner, his successors or assigns shall construct two gravel turn-outs meeting the standards of the existing driveway that add a minimum of 10 feet in width to the driveway, are at least 20 feet in length, and have a 1 foot to 1 foot taper and to be depicted on the plan. These turnouts shall be depicted on the plan.* Mr. Wilson informed the Board that he had listened to the audio recording of the March 6, 2006 meeting and, found that the Board had concluded that Jonathan Ring of Jones and Beach Engineering was to walk the site with a soil scientist and determine the best location for the turnouts. Mr. Ring submitted a letter to the Board, dated 18 September 2006, explaining that he had visited the site

with a soil scientist, who determined that the turnouts depicted on the plan would not impact wetlands. It was determined by the Board that the plan submitted and recorded fulfills condition 5.

Dr. Arena moved and Mr. Salomon seconded the motion to authorize Chairman Wilson to draft a letter informing Mr. Skowronski that it was determined by the Board that the plan submitted fulfills the conditions of approval. The vote passed in favor of the motion (5 yes, 0 no 1 abstention). Mr. Vettraino abstained.

Correspondence from Joseph Fitzgerald was discussed. Mr. Fitzgerald stated concerns that the construction of drainage facilities for Crown Properties was not executed consistently with the approved plan. Mr. Fitzgerald was present for the discussion. Mr. Fitzgerald presented photographs of the site for the Board to review. He stated in his correspondence to the Board that Mr. Roy's construction crew constructed a ditch that runs onto his property and into the wetlands discharging a lot of water. Mr. Fitzgerald feels that Mr. Roy is in violation of the approved site plan.

After a lengthy discussion the Board decided to do the following:

- Direct Chairman Wilson to write a letter to Mr. Mabey requesting that he submit a comprehensive report on the results from the site inspection that he and Town Engineer Mr. Edward Kelly are scheduled to do on Wednesday, September 20, 2006.
- If the inspection report finds that the work done is in violation of the approved plan, the Board will request that Mr. Mabey issue a cease and desist order and an abatement order requiring the owner restore the site to compliance with the approved plan.
- Direct Mr. Wilson to write a letter to Mr. Joseph Roy informing him that the Board will hold a public hearing to consider whether or not to revoke the approved plan and to consider requiring Crown Properties to forfeit a portion of the surety to cover the expense to restore the site to conformity with the site plan.

Mr. Salomon moved and Mr. Wilson seconded the motion that the Board authorize Chairman Wilson to write a letter to the Code Enforcement Officer formally requesting an inspection of the Crown Properties site for compliance with the plan by the Code Enforcement Officer and the Town Engineer and to report back to the Board with their findings, further that the Planning Board recommends that in the event a violation is found that the Code Enforcement Officer issue a cease and desist order and an abatement in order to abate all violations by a date certain and to commence the implementation of fines and penalties pursuant to RSA 676:17.

Dr. Arena disagreed that the Chairman should write a letter to the Code Enforcement Officer. He said that the Code Enforcement Officer was scheduled to inspect the site on Wednesday, September 20, 2006 and already has the authority to order a cease and desist order in the event violations are found. It is his opinion that the letter is unnecessary.

Mr. Salomon said that the reason he would like a letter written is that it would create a record that the Board supports Mr. Mabey's visit to the site and that the Board would like feedback from the inspection.

The vote passed in favor of the motion (4 yes, 1 no and 1 abstention). Dr. Arena voted against and Mr. Vettraino abstained.

Mr. Salomon moved and Ms. Pohl seconded the motion that the Planning Board schedule a site plan revocation hearing for October 16, 2006 for Crown Properties to include forfeiting such portion of the bond as is necessary to restore the site to conformity with the site plan and to restore abutting properties that were damaged by the site plan violation with the consent of the abutting property owners. The vote passed in favor of the motion (5 yes, 0 no and 1 abstention). Mr. Vettraino abstained.

Ms. Robinson stated that some towns have been reluctant to pursue a cease and desist order because of the costs involved. She referred to section II of RSA 676:17 which states that "the municipality shall recover its costs and reasonable attorney's fees actually expended in pursuing the legal action if it is found to be a prevailing party in the action". "Recoverable costs include all out-of-pocket expenses actually incurred, including but not limited to, inspection fees, expert fees and investigatory expenses.

Long Range Planning Commission updates

Mr. Kroner updated the Board on the September 14, 2006 Long Range Planning Committee meeting and said that there was full participation. It was determined by the committee that they would challenge some of the proposed figures on a few of the capital spending proposals presented to them.

Mr. Wilson and his wife Lisa Wilson have begun the process of establishing a baseline on comparisons with other communities. They will (1) compile information from each town in Rockingham County (2) narrow the list to ten towns (3) present the list to the Long Range Planning Committee. Mr. Wilson will also compile a list of appropriate questions for the Fire, Police and Public Works Departments to gather more specific information for the CIP.

Ms. Pohl started to draft the CIP. They have added a methodology section and sections that will focus on either departments or specific funding initiatives that will affect taxes. The rest of the format will remain the same.

Ms. Robinson updated the Board on her meeting with Mr. Wilson regarding the Route 1 corridor zoning. She stated that the basic idea that came out of the Route 1 corridor study was that if the Town continues with the present zoning as it is today then Route 1 would have to be widened. Ms. Robinson handed out copies of an outline for a proposed zoning ordinance for Route 1. Ms. Robinson and Mr. Wilson will gather more information on trip generations, access management, traffic management and environmental

management studies. Ms. Robinson and Mr. Wilson were advised by the Board to continue their work on the proposed ordinance.

2007-2008 Budget proposal

The Board discussed and recommended the following budget figures:

- Ms. Chase and Mr. Mabey will determine a proposed amount on administrative line items and Ms. Chase will contact the Heritage Commission on a recommended amount.
- Special studies to remain the same at \$6,000.00
- Increase training/education from \$728.00 to \$1,000.00 for possible new members
- Reduce Masterplan/CIP from \$3,000.00 to \$2,000.00
- Increase Dues/Rider from \$9,000.00 to \$10,000.00

Dr. Arena reminded the Board to review the Greystone rental agreement and the proposed covenants regarding the proposed Jeppesen subdivision.

**Mr. Salomon moved and Dr. Arena seconded the motion to adjourn at 8:55pm.
The vote was unanimous in favor of the motion (6-0).**

Respectfully submitted,

Wendy V. Chase
Recording Secretary