



## MEETING MINUTES

### **NORTH HAMPTON PLANNING BOARD Regular Meeting Monday, March 5, 2007 Mary Herbert Conference Room**

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

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

**Absent:** Henry Marsh, Selectman's Representative

**Others present:** Jill Robinson, Circuit Rider/RPC

**Alternates present:** None

These minutes are transcribed from a tape recording of the meeting.

Mr. Wilson convened the meeting at 6:31pm.

Mr. Wilson noted that he was informed by Recording Secretary Wendy Chase that the only case on the Agenda under Old Business, James and Karen Confalone, case #07:01 have requested a continuance and the only case on the Agenda under New Business, 9 Lafayette Realty, LLC, case #07:03 was withdrawn at the request of the applicant.

**07:01 – James and Karen Confalone, 41 Causeway Road, Rye, NH 03870.**

Subdivision Application. The applicant proposes to create three (3) lots using land affected by Municipal Boundaries per RSA 674:53. Property location: Ocean Boulevard, North Hampton, zoning district R-2, M/L 005-012,005-013 & 005-014. This application is a continuation from the January 2, 2007 meeting.

Attorney Timothy Phoenix, on behalf of his clients James and Karen Confalone, sent a letter to the Board requesting to continue case 07:01 to a future Planning Board meeting.

**Dr. Arena moved and Mr. Salomon seconded the motion to grant the request for a continuance.**

Mr. Salomon said that the applicants have not received approval from the Little Boar's Head Planning Board yet and that is why the applicant is requesting a continuance from the North Hampton Planning Board.

Mr. Wilson voiced concerns about granting the requested continuance. He said that there is no way of knowing how long it will be before the Little Boar's Head Planning Board acts on the application before them and that if the continuance is granted then it would

have been months since the abutters to the property were originally notified and opined that it wouldn't be fair to them to keep continuing the application. Mr. Wilson suggested that the Board deny the Confalone subdivision application, case 07:01, without prejudice and waive any reapplication fees with the exception of the fees required to re-notify the abutters.

Mr. Kroner stated that the Planning and Zoning Administrator should inform all applicants that applicable Board approvals would be needed prior to being placed on the agenda. He also commented that the application has been continued each month since January 2007 and thought that the applicant should be advised to restart the process.

Dr. Arena withdrew his motion and Mr. Salomon withdrew his second to the motion.

Dr. Arena said that there should not be any action taken on case 07:01 prior to approvals from the New Hampshire Department of Environmental Services.

Mr. Wilson said that is another reason to deny the application without prejudice.

**Mr. Salomon moved and Dr. Arena seconded the motion to deny the Confalone application, case #07:01, without prejudice based on the following reasons (1) the applicant has requested three continuances, (2) the Board is concerned with the amount of time lapsed since originally notifying the abutters, and (3) there is no foreseeable conclusion to this case regarding all the other Boards involved.**

Dr. Arena questioned whether or not the Board could act on the application by denying it when the applicant has not yet received a decision from the Little Boar's Head Village District Planning Board.

Mr. Wilson explained that the Board is legally required to make a decision to take jurisdiction within thirty days of a submitted application and normally the application would have been denied due to incompleteness because necessary approvals were not in place, but in this case since there was an oversight made by the Administrator, which caused the applicants an inconvenience, the Board was willing to continue case #07:01 to this month's meeting.

**The vote was unanimous in favor of the motion (6-0).**

**Mr. Salomon moved and Dr. Arena seconded the motion to waive all reapplication fees except the fees required to re-notify the abutters if a substantially similar proposal is filed within six months.**

Mr. Wilson questioned whether the Board were legally able to make motions that would bind future Boards.

Mr. Kroner stated that there would be a majority of the same board members sitting on the Board after the March Town Elections. Dr. Arena agreed that there would not be an

issue of binding a future Board because four current members of the Board will still be sitting on the Board after the March Town Elections.

Mr. Wilson commented that the Board of Selectmen cannot pass a motion that is binding on a future Board and that if that were true for the Board of Selectmen then it would probably be true for any other Town Board.

Ms. Pohl stated that the motion at hand would not be binding to a future Board but rather it would be binding an application, otherwise anything that was continued from one Board to the next during an election period would have to be terminated and restarted.

Ms. Robinson opined that it would not really be binding a future Board because what the Board is saying in the motion is that the applicant will be able to reapply and the fees will be waived and that would not require any action by any future Board.

**Mr. Kroner made a friendly amendment to the motion to include a condition that the applicant must re-notify the abutters. Mr. Salomon accepted the friendly amendment.**

**The vote was unanimous in favor of the motion (6-0).**

### **Other Business**

Mr. Wilson thanked Mr. Salomon for his valued service to the Board for the past three years and for all of the very good counsel he provided to the Board.

Mr. Salomon said that it has been a pleasure to serve on the Planning Board.

Mr. Wilson thanked Mr. Vettraino for his valued service to the Board and thanked him for stepping in to fill a vacancy.

Mr. Vettraino thanked the Board for all of their help and support while he served on the Board and stated that he has volunteered continue to serve on the Planning Board as an alternate.

Mr. Wilson suggested that the Board discuss possible changes to the day and time of future Planning Board meetings at the organizational meeting after the March Town Election. The Board agreed.

Dr. Arena moved Ms. Pohl seconded the motion to adjourn at 6:49PM.

Respectfully submitted,

Wendy V. Chase  
Recording Secretary