



MEETING MINUTES
NORTH HAMPTON PLANNING BOARD
Tuesday, April 1, 2008
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: Phil Wilson, Chairman; Shep Kroner, Vice Chairman; Joseph Arena, Laurel Pohl, and Barbara Kohl.

Others present: David West, RPC Circuit Rider and Wendy Chase, Recording Secretary.

Alternates present: Vince Vettraino

Mr. Wilson convened the meeting at 6:34pm.

Mr. Vettraino was seated for Mr. McManus.

Old Business

#07:28 – Craig Salomon, 100 Woodland Road, North Hampton. The applicant proposes a two-lot subdivision. Property location: 100 Woodland Road, zoning district R-2, M/L 006-099. This case is continued from the March 4, 2008 meeting.

In attendance for this application:

No one was present for this application

Mr. Wilson recused himself.

Dr. Arena recused himself.

Mr. Kroner assumed the Chair.

Mr. Kroner read a letter from the applicant's Attorney Peter Loughlin requesting case #07:28 be continued to the June 5, 2008 meeting.

Ms. Kohl moved and Ms. Pohl seconded the motion to grant the request to continue case #07:28 – Craig Salomon to the June 5, 2008 meeting.

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

Mr. Wilson resumed the Chair.

Dr. Arena was reseated.

#08:06 – Ocean Subaru, 203 Lafayette Road, North Hampton, NH. Conditional Use Sign Application. On behalf of the Applicant, Philadelphia Sign, 2 Phoebe Way,

Worcester, MA 01605, proposes a 58 sq. ft. monument sign and requests the following waiver: Section X.F.3.b.7 of the site plan review regulations – Lighting. Property owner: Joseph Roy Realty, LLC. Property location: 203 Lafayette Road, zoning district I-B/R, M/L 021-007. This case is continued from the March 4, 2008 meeting.

In attendance for this application:

No one was present for this application.

Mr. Wilson read an email from Hazel Hopkins on behalf of Joseph Roy requesting to continue case #08:06 – Ocean Subaru to the May 1, 2008 meeting.

**Dr. Arena moved and Mr. Kroner seconded the motion to grant the request to continue case #08:06 – Ocean Subaru to the May 1, 2008 meeting.
The vote was unanimous in favor of the motion (6-0).**

Other Business

Mr. Wilson explained to the Board that he was approached by State Representative, Judith Day regarding House Bill 65 and she shared her concerns with him in regards to it. The bill is as follows:

- I. Expands the authority of the Pease development authority to lease division property.
- II. Provides that employees of the authority, other than certain employees of the division of ports and harbors, are nonclassified state employees and establishes a procedure for classified employees of the division of ports and harbors to become nonclassified state employees.
- III. Changes the position of director of the division of ports and harbors from an appointment by governor and council to a nonclassified position, and provides that such person shall be hired by the board and under the supervision of the executive director.
- IV. Repeals provisions relative to coordination with the department of resources and economic development, reports on economic development programs, and the harbor management fund.

Mr. Wilson asked the Board's permission to write a letter on the Board's behalf to the NH Senate Executive Departments and Administration Committee expressing the Board's concerns about HB 65. (Attachment 1)

**Mr. Kroner moved and Ms. Kohl seconded the motion to authorize Chairman Wilson to send the letter to the NH Senate Executive Departments and Administration Committee as written.
The vote was unanimous in favor of the motion (6-0).**

Mr. Wilson led the discussion on Work Force Housing Bills before the House and Senate. He explained that there has been a lot of activity promoting work force

housing/affordable housing. He explained that the proposed bill intends to take authority of local zoning out of the hands of local land use boards by allowing developers to go before Superior Court to overturn ZBA and Planning Board decisions of denial either board makes for any applications dealing with work force housing. Mr. Wilson stated that the Local Government Center is promoting the bill but have neglected to ask local municipalities for their input. Mr. Wilson informed the Board that he plans to attend the hearing on SB342 on April 15th in Concord and asked for the Board's permission to speak on the Planning Board's behalf.

**Mr. Kroner moved and Dr. Arena seconded the motion to authorize Chairman Wilson to attend the hearing as an advocate for the Board.
The vote was unanimous in favor of the motion (6-0).**

**A motion was made and seconded to adjourn the meeting at 7:30pm.
The vote was unanimous in favor of the motion (6-0).**

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Minutes approved April 17, 2008

Attachment 1

1 April 2008

NH Senate Executive Departments and Administration Committee

Dear Committee Members:

The purpose of this letter is to express concerns of the North Hampton Planning Board about HB 65. We understand that the bill will be heard in your committee in the near future.

Because the bill passed the House without debate, we believe that the Members may have overlooked aspects of the bill that are of great concern. We have been told that there was strong opposition to the bill at two public hearings that were held in Portsmouth. The hearing that was held at the City Counsel Room was videotaped for public viewing. Our concerns follow:

- 1) HB 65 allows the State of New Hampshire Division of Ports and Harbors, an agency of the Pease Development Authority ("PDA"), and lands owned under this authority to be leased with no oversight by the state. Currently, oversight is provided by New Hampshire State Port Authority, an autonomous agency that is overseen by a board of directors appointed by the Governor and Executive Council. It is our strong opinion that leasing of these invaluable public resources must be done with specific oversight

from a branch of our state government. It would be our preference to keep that oversight responsibility with the board appointed by the Governor and Executive Council, as is required by current statute.

We believe this proposed change would have a catastrophic impact on the use of these resources. It would also have a regional impact on municipalities, like North Hampton, within close proximity to the headwaters, ports and harbors and adjacent lands which are part of the domain of the Division of Ports and Harbors.

Again, if HB 65 is adopted, not only would citizens of the State of NH have no oversight of the leasing of the resources, but also municipalities most directly impacted would have no direct input about proposed leasing agreements through public hearings or through oversight by their elected officials. Although it has been suggested that requirements for public input could be put into PDA rules, a rule does not have the authority law and, in our opinion, affords insufficient compensation for this lack of oversight.

- 2) The employment terms of the Director of the Ports and Harbors have been significantly changed. We do not feel these changes are appropriate for a position of this significance to the seacoast region of the state.
- 3) The bill does not provide adequate oversight of the newly created "Pease Development Authority Ports and Harbors Fund" – a non-lapsing fund. This is not reasonable or consistent with oversight of other state funds.

If this bill cannot be voted as Inexpedient to Legislate, we suggest that a study committee or commission be established to look into the following:

- 1) Whether evidence exists that leasing has been limited in expediency as a result of oversight by the Executive Council and Governor. If such evidence is found, when did instances occur and under what circumstances.
- 2) Other aspects of leasing that might be germane to legislation. What precedents exist for the leasing of comparable state resources -- such as our ports, harbors and associated lands -- without oversight of elected officials and public hearing and input?
- 3) Terms of employment in comparable positions in the state.
- 4) Precedents and best type of funds (lapsing or non-lapsing) for an authority like as Ports and Harbors.
- 5) Most appropriate representation on an advisory board to Ports and Harbors -- i.e. should such a board have representation from municipalities in which the headwaters are present?
- 6) Other concerns related to Ports and Harbors that may evolve from the study of the above issues.

Thank you for your consideration of our concerns.

Sincerely yours,

Phillip E. Wilson, Chair

North Hampton Planning Board