



**MEETING MINUTES**  
**NORTH HAMPTON PLANNING BOARD**  
**Thursday, July 16, 2009 at 7:00pm**  
**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.

A Recording Secretary was not present. These minutes are transcribed from a tape recording of the meeting.

**Members present:** Phil Wilson, Chairman; Shep Kroner Vice Chairman (arrived at 7:45pm), Joseph Arena, Laurel Pohl, Barbara Kohl, Tom McManus and Michael Coutu, Selectmen's Representative.

**Others present:** David West, RPC Circuit Rider

**Alternates present:** David McGilvary (left the Meeting at 7:45pm).

Mr. Wilson convened the Meeting at 7:01pm, and noted for the record that there was a quorum and that the agenda was properly posted.

Mr. Wilson seated Mr. McGilvary for Mr. Kroner.

## **I. Old Business**

There was no old business before the Board.

## **II. New Business**

**1. Vote on Energy Ordinance ad hoc Committee Members** – Mr. Wilson asked for an explanation, because he was not present at the June Work Session when it was discussed.

Ms. Kohl explained that Mrs. Mary Lou Wollmar was present at the June Work Session to discuss the possible creation of an energy ordinance. The Board decided to create an ad hoc committee to draft a proposed ordinance and opted to table the vote of the ad hoc committee members until there was a full Board to do so.

Mr. Coutu said that Mrs. Wollmar would like the Town to adopt a provision that when dealing with Municipal buildings that the Board would apply energy conservation requirements so that the Town, with its own properties, would be energy compliant. He said that the Energy Committee recommends that the Planning Board adopt some energy standard for Town owned property and add a recital about energy that would become an over-arching goal, more than a re-write of building codes.

Mr. Coutu said that the Board decided to draft an Ordinance that speaks to the Town owned properties and to draft energy guides for future development in Town that is not Town owned.

Mr. West said that the Town of Epping has already adopted an Energy Ordinance that requires Leadership in Energy and Environmental Design (LEED) certification.

Mr. Coutu said that he has concerns regarding added costs to new construction if LEED certification is required.

Mr. West explained that any increased “up front” costs will be paid back in a certain number of years (five to ten years). He suggested that they invite Mr. Clay Mitchell to a Planning Board Work Session to discuss LEED certification with them. Mr. Mitchell is responsible for creation of the Epping Energy Ordinance.

Mr. Coutu said that an energy audit has been completed by the Energy Committee for some of the Town Buildings. It is uncertain as to who will rectify the energy deficiencies they discovered.

Ms. Pohl said it should be the Long Range Planning Committee for the CIP where they would prioritize capital expenses for building improvements.

Dr. Arena said the Mrs. Wollmar was referring to new municipal buildings and new construction. He said that the architect is responsible for making the buildings energy efficient.

Mr. Wilson said that even if an Ordinance is adopted, the Planning Board has no authority over the Town Buildings. He said that if the Select Board wants to adopt a policy regarding LEED compliancy for Town owned buildings it is up to them because if the Planning Board were to adopt anything it would have no effect.

Mr. Coutu and Mr. McManus agreed that if an ad hoc committee were to be formed to draft an Ordinance that they would need to find out what is involved to be LEED compliant.

Mr. Wilson asked Mr. West to circulate the Epping Ordinance to the Board Members.

Mr. West said that he would do that, and informed the Board that this is his last Planning Board Meeting. He has taken another position.

Mr. Wilson suggested that the Board invite Mr. Mitchell to a Work Session so that he can educate the Board on LEED compliancy, and then decide if an ad hoc committee should be formed to draft an Ordinance. He suggested that if they did create an ad committee that at least one member of the Planning Board and two or three members of the Energy Committee should be involved.

Mr. McManus suggested that there be one or two members of the general community that are familiar with commercial construction. The Board agreed.

Dr. Arena said that he is in favor of recommending that new commercial construction be LEED compliant, but not in favor of mandating that it complies.

### **III. Other Business**

**1. Review Conditions of Approval - Sign Mylar – Ruth Donais** – Mr. Caesar Romano was present to represent Mrs. Donais. The Board was in receipt of a memo from Ms. Chase advising them that the conditions of approval have been met, but left it up to the Board to decide if the language for the shared driveway satisfied condition number six. The Board determined that the language was absent of the actual responsibility of maintenance of the driveway. Mr. Coutu volunteered to draft such language. Mr. Wilson said that the verbiage should be incorporated into the warranty deed.

Mr. Coutu offered the following addition to the shared driveway agreement: *Each property owner shall share in the cost of maintenance of the driveway and snow removal, which will be done by consensus during a snow storm or after accumulation of four inches or more, and for accumulation of less than four inches, at the discretion of either party.*

Dr. Arena suggested the following language is sufficient *each property owner shall share the cost of maintenance of the driveway and snow removal.* The Board agreed. Mr. Romano said that he would add that sentence in the deed.

The Board decided that the conditions were met, and signed the Mylar. Mr. Wilson did not sign the Mylar because he was not present at the July 2, 2009 Meeting when the application was approved.

Mr. Wilson suggested that Mr. Romano have the Access Deed recorded at the Registry of Deeds.

**2. Review Conditions of Approval - Sign Mylar – Gilbert Gagne** – The Board was in receipt of a memo from Ms. Chase informing them that Mr. Gagne met all of the conditions of approval. The Board signed the Mylar. Mr. Wilson did not sign the Mylar because he was not present at the July 2, 2009 Meeting when the application was approved.

**3. Correspondence EBI consulting re: invitation to comment on proposed project to collocate 6 panel antennas on the existing tower at 130 South Road** – The Board reviewed the correspondence from EBI consulting. Mr. Wilson said that it would be up to the Building Inspector to determine whether or not Metro PCS would need to seek Planning Board approval for their proposal to collocate 6 panel antennas to the existing cell tower at 130 South Road.

**Mr. Wilson moved and Mr. McManus seconded the motion to direct Ms. Chase to respond to EBI consulting, and inform them that the Planning Board at this time has no comment, but reserves the right to review plans according to the Town's Zoning Ordinance and Site Plan Review Regulations at the proper time. The vote was unanimous in favor of the motion (7-0).**

**4. GFI update** – There was no new information to discuss on the Greystone Village issues.

**5. Discussion on how to proceed with the Salomon case** – The Board was in receipt of a copy of an email from Attorney Jed Callen. He informed the Board that they did not have to hold a Public Hearing to approve the Salomon subdivision, and the Board does not have to indicate that they are assenting to the Court's judgment. He suggested the Board should impose its standard conditions of approval.

**Mr. Wilson moved and Mr. McManus seconded the motion that, pursuant to the 19 June 2009 Court Order in Civil action No. 08—E-0343, the Planning Board approve the subdivision application of Craig Salomon, Case 07:28, with the following standard conditions:**

- 1. Recordable Mylar. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan.**
- 2. Certificate of Monumentation. Applicant shall provide the Board with Certificate of Monumentation, stamped and signed by a NH LLS, certifying that all monuments depicted on the plan have been properly set.**
- 3. Permits. Applicant shall submit evidence of receipt of all required federal, state and local permits, including but not limited to subdivision and individual septic systems, and shall note their numbers, as appropriate, on the plan.**
- 4. The Applicant shall pay all engineering and administrative fees prior to the signage of the Mylar.**

**The vote passed (Mr. Wilson, Mr. Kroner, Mr. McManus and Mr. Coutu in favor, 0 opposed, and Ms. Kohl, Ms. Pohl and Dr. Arena abstained).**

Discussion ensued on why some members did not want to sign the Mylar. Mr. Wilson explained that the Mylar can be signed with the added provision *signed pursuant to 6-19-09 Court Order in Civil Action No. 08-E-0343.*

**Mr. Wilson moved and Mr. McManus seconded the motion that the Planning Board allows the Chair to sign the Salomon Mylar on behalf of the Board. The vote passed (6 in favor, 1 opposed and 0 abstention). Dr. Arena voted against the motion.**

Mr. Kroner commented that he would be the one to sign the Salomon Mylar because he was the Chair during the original case.

## Minutes

1. May 21, 2009 Work Session Meeting Minutes – **Mr. Wilson moved and Dr. Arena seconded the motion to accept the May 21, 2009 Meeting Minutes as written. The vote passed (5 in favor, 0 opposed and 2 abstentions). Ms. Pohl and Ms. Kohl abstained because they were not present.**
2. May 28, 2009 Horne Site Walk Minutes – **Dr. Arena moved and Mr. Wilson seconded the motion to approve the May 28, 2009 Minutes. The vote passed (5 in favor, 0 opposed and 2 abstentions). Mr. Coutu and Ms. Pohl abstained because they were not present at the site walk.**
3. June 18, 2009 Work Session Meeting Minutes – **Dr. Arena moved and Ms. Kohl seconded the motion to approve the June 18, 2009 Minutes as corrected (Mr. Wilson and Mr. McManus were not present). The vote passed (5 in favor, 0 opposed and 2 abstentions).**
4. July 2, 2009 Meeting Minutes – **Dr. Arena moved and Ms. Kohl seconded the motion to accept the July 2, 2009 Minutes. The vote passed (6 in favor, 0 opposed and 1 abstention). Mr. Wilson abstained because he was not present at the July 2, 2009 Meeting.**

Mr. Wilson said that he spoke to Dr. Lord and he is happy to do the peer review on the environmental study that Ms. Adele Fiorillo is conducting on the Horne property. Mr. Kroner will get in touch with Ms. Fiorillo and let her know that the Board would like her to contact Dr. Lord as soon as possible. The Board had suggested that Dr. Lord do a site walk on the property at the July Meeting.

The Board discussed how they need the information from the environmental study well in advance, so that they have time to digest the material before the Meeting. Mr. Wilson said that the Planning Board requires that they receive new material ten days prior to the Meetings.

5. July 13, 2009 Special Meeting Minutes - **Ms. Kohl moved and Ms. Pohl seconded the motion to approve the July 13, 2009 with the amendment to take out the word immature on line 54 and replace *toward* with *attacking* on line 55.**

Mr. Wilson proposed the following Resolution:

**Whereas, Mr. David West has served the Board ably for fourteen or fifteen months, and  
Whereas, he has made a significant and appreciable contribution to the work of this Board, particularly with respect to the development of the Workforce Housing Amendment,  
Now therefore; let it be spread upon the Minutes that we are very grateful for his work, and we wish him well in his new endeavor. Ms. Pohl seconded the Resolution.  
The vote was unanimous in favor of the Resolution (7-0).**

Ms. Kohl said that if anyone finds any typos in the Zoning Ordinance to mark it so that it can be corrected at the next printing. The Board agreed that Mr. Wilson and Ms. Kohl did a great job correcting and reformatting the Zoning Ordinance book.

**Mr. Wilson moved and Dr. Arena seconded the motion to adjourn at 8:44pm.  
The vote was unanimous in favor of the motion (7-0).**

Respectfully submitted,

Wendy V. Chase  
Recording Secretary

Approved September 17, 2009