



Meeting Minutes
North Hampton Planning Board Work Session
Thursday, October 21, 2010 at 6:30pm
Town Hall, 231 Atlantic Avenue

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

Members present: Phil Wilson, Chair; Barbara Kohl, Vice Chair; Shep Kroner, Joseph Arena, Laurel Pohl, Mike Hornsby, and Jim Maggiore, Selectmen's Representative.

Members absent: None

Alternates present: Thomas McManus

Others present: Brian Groth, RPC Circuit Rider, and Wendy Chase, Recording Secretary

Leo J. Crotty, Jr. – Conditional Approval one-year extension request; 216 Lafayette Road; M/L 021-28-1

There was no one in attendance to discuss the one-year extension request. The Board was in receipt of a letter from Mr. Leo Crotty, Jr., requesting a one-year extension for his conditionally approved site plan for the expansion of the existing warehouse to include a 40' x 35' addition on property located at 216 Lafayette Road (M/L 21-28-1).

Mr. Wilson moved and Mr. Maggiore seconded the motion to grant the request and extend the conditionally approved site plan approval, (case #09:15) for one-year.

Dr. Arena questioned whether or not the Applicant is required to come before the Planning Board for such a request.

Mr. Wilson said that it is not required within the regulation, VI.E.2 that the Applicant is required to be present when requesting a continuance for a conditionally approved application, but if the Board feels that it is important to get an update from the Applicant the Board may consider a change to the regulation in the future.

Dr. Arena commented that historically Applicants do come before the Board for such requests.

Secretary's note: Ms. Chase did inform the Owner that it would be wise to have someone present to discuss the extension request with the Board.

Ms. Kohl said that there is nothing within the regulation that requires that there has to be a personal appearance to request a continuance.

The Board voted on Mr. Crotty's request for a continuance.

The vote passed in favor of the motion (6 in favor, 0 opposed and 1 abstention). Dr. Arena abstained.

Mr. Wilson suggested adding the topic to the November Work Session for the Board to decide whether or not to amend Section VI.E.2 and require the presence of the Applicant or their authorized representative at the meeting when requesting an extension on a conditional approval.

Ms. Chase was directed to draft a decision letter for Mr. Crotty.

V. Peter Corbett Voluntary Lot Merger – 134 Walnut Ave.; M/L 019-003 & 019-004

Mr. Wilson recused himself.

Mr. Kroner recused himself.

Ms. Kohl assumed the Chair and seated Mr. McManus for Mr. Wilson.

Mr. Wilson represented the Applicants, Mr. and Mrs. Corbett (a letter, signed by the Corbett's, authorizing Mr. Wilson to represent them is on file at the Town Office).

Mr. Wilson explained that the North Hampton Forever Subcommittee of the North Hampton Conservation Commission is working on a project with the Corbett's to put some of their land in conservation. He explained that a very small lot (M/L 19-4) was carved out of the property in 1859, and was never properly described within the deed. The property has changed hands several times over the years without a proper description of the parcel. Mr. Ernie Cote was hired to survey the property and said that it is near impossible to calculate the correct property boundaries for lot 19-4; he depicted the approximate location on the survey plan. The Corbett's have filled out the proper voluntary lot merger form to be signed by the Planning Board. According to RSA 674:39-a the merger request shall be approved and a notice of the merger endorsed in writing by the Planning Board or its designee, shall be filed for recording in the registry of deeds, and a copy mailed to the municipality's assessing officials unless the merger were to create a violation of the current ordinances. The Board agreed that the Corbett merger would not create a violation of the ordinances.

Mr. Groth said that basically, the merger would be taking a non-existing lot and incorporating it into the "mother" lot, making it more conforming.

Dr. Arena moved and Mr. McManus seconded the motion to approve the Corbett's voluntary lot merger for lots 19-4 and 19-3.

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

Ms. Kohl signed the voluntary lot merger form to be recorded at the registry of deeds.

Mr. Wilson and Mr. Kroner rejoined the Board.

Mr. McManus left the meeting.

Town Engineering Services RFP – The Board was in receipt of an email sent by Ed Kelly of Seacoast Engineering stating that he is no longer connected to Keach Nordstrom Associates. Mr. Kelly, while employed by KNA, did most of the Planning Board's engineering reviews for subdivision and site plan

95 applications. He retired a couple of years ago but continued to be contracted through KNA to perform
96 the engineering reviews. The Board discussed whether they should continue with KNA for their
97 engineering services or to put the engineering services out to bid; request for proposals (RFP).

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99 Mr. Wilson said that Mr. Kelly has been very helpful and responsive and has delivered his reviews in a
100 timely way. He said that KNA is a larger and more established firm capable of handling extensive
101 reviews of plans that may require traffic analysis' or special drainage reviews, and he is not sure if Mr.
102 Kelly has the kinds of resources to bring that kind of expertise to bear on a complex plan in a short
103 period of time. He said that if the Board decided to go forward with an RFP it would include visiting and
104 interviewing interested firms, which can be time consuming.

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106 The Board decided to continue with the status quo for the next year. At that time the Board intends to
107 revisit the issue of engineering support for reviewing applications.

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109 Ms. Pohl said that revisiting the issue next year does not mean that the Board is committed to do
110 another RFP. The Board agreed.

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112 Ms. Chase was directed to draft a letter to Mr. Kelly informing him of the Board's decision.
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114 III. Committee updates

- 115 1. **Long Range Planning** – Mr. Kroner reported that the LRP Community surveys will be mailed out
116 next week and the costs for printing and mailing them will come out of the Master Plan's budget
117 line item. He said that the cut-off date to return the completed surveys was changed from
118 November 1st to November 15th. Mr. Wilson and Mr. Kroner will work together entering the
119 data and hope to have the survey results at the beginning of December. Lisa Wilson will be
120 putting the drop-off boxes for the surveys out at the Library, Town Clerk's Office and Town
121 Office for completed surveys. He encouraged members to get the word out around town about
122 the surveys and the importance of completing and returning them. Mr. Kroner said that he will
123 be meeting with Mr. Groth tomorrow in Exeter to begin working on the first Chapter of the
124 Master Plan - Transportation.
- 125 2. **CIP** – Ms. Pohl reported that the CIP Committee met on Monday, October 18th and Mr. Glenn
126 Greenwood from the Rockingham Planning Commission was present to explain how to "attack"
127 the CIP and how to get the Department Heads to submit their data. They toured the Fire
128 Department, but ran out of time and did not get a chance to tour the Police Department but will
129 reschedule. She said that she has requested a non-public meeting with the Select Board
130 regarding the lack of data that she has repeatedly asked for from the Town Administrator. Mr.
131 Maggiore said that the Select Board would be addressing the issue at their October 25, 2010
132 meeting. Ms. Pohl said that the deadline date to receive CIP data from Mr. Fournier and the
133 Department Heads was September 1, 2010 and she has not yet received the data from Mr.
134 Fournier. She said that she has asked for the information three times and each time Mr.
135 Fournier said that he would get her the data in two weeks. Dr. Arena said that it seems that
136 nothing has changed from when the CIP was part of the Planning Board's responsibility in that
137 they are still not submitting data on time. He said that the timely submission of data for the CIP
138 should be made part of the Department Head's job description. Ms. Pohl said that the
139 Department Heads are not the obstacle; it is the Town Administrator. She said that some of the
140 data needed from the Town Administrator comes from the Town Accountant, Tax Assessors and

Building Inspector, such as capital reserve data, tax data; non capital items. Ms. Pohl built the software program that helps project the tax rate, but needs the data from the Town Administrator to utilize the program. Mr. Wilson suggested that the CIP Committee present what they have so far to Glenn Greenwood to critique it and offer any suggestions he may have. Dr. Arena asked if Little Boar's Head is part of the Town's Master Plan. Ms. Pohl said that the Little Boar's Head Village District has no capital requests. It was explained that their tax rate is 11 cents higher than the rest of the Town and they use that money to maintain their sidewalks and street lighting.

3. **Agriculture Ad hoc** – Ms. Kohl informed the Board that the Agriculture Ad hoc Committee will be meeting on Saturday, October 23, 2010 at 2:00pm in the Mary Herbert Conference room. Ms. Kohl said that the Committee has compiled State Statutes on agriculture and asked Mr. Groth if he could recommend an ordinance from another Town that would be helpful for the Committee to use as a guide. Mr. Groth will speak with Julie LaBranche who heads up the agriculture division of the RPC.

Mr. Kroner left the meeting at 7:50pm.

4. **Code of Ethics** – Mr. Wilson reported that the Code of Ethics Committee reviewed a dozen models of Code of Ethics from various towns in New Hampshire and reduced them down to four that the Committee felt were useful. He explained that there are two approaches to take; rules based approach or value based approach and they found that the rules based approach is typical in New Hampshire. George Lagassa agreed to draft the nine rules and the rest of the Committee members will draft an introductory statement. He said the most difficult part of the Code of Ethics will be dealing with the enforcement issues. Dr. Arena said that the Code of Ethics revolves around "conflict of interest". Some of the issues that the Committee will be addressing are (1) clear definition of what is meant to recuse oneself from a meeting, (2) enforcement of a code of ethics violation, (3) State laws superseding Town policy, (4) differentiating between employees and volunteers, because employees have to abide by personal policies and unions. Mrs. Lisa Wilson commented from the audience that the State RSAs are not very helpful when dealing with "conflict of interest". Mr. Maggiore is the Chair of the Code of Ethics Committee.

Minutes

September 16, 2010 – Ms. Pohl asked that the September 16, 2010 minutes be tabled to the next Work Session Meeting. Ms. Kohl ruled to table the September 16, 2010 meeting minutes to the next Work Session without objection.

October 7, 2010 – minor changes were made to the minutes. Mr. Wilson moved and Ms. Pohl seconded the motion to approve the October 7, 2010 meeting minutes as amended. The vote passed in favor of the motion (5-0-1). Mr. Hornsby abstained.

Ms. Kohl asked Mr. Maggiore to follow up with the Building Inspector regarding his monthly inspection of signs along Route 1. Mr. Maggiore said that he would look into it.

Mr. Maggiore reported that the Select Board will be discussing "junk yards" at their Monday, October 25th Meeting, and he will report to the Planning Board with what he gleans from that meeting.

189 The Meeting adjourned at 8:40pm.
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191 Respectfully submitted,
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193 Wendy V. Chase
194 Recording Secretary
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196 Approved November 18, 2010