



Meeting Minutes
North Hampton Planning Board
Thursday, April 21, 2011 at 6:30pm
Town Hall

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

Members present: Phil Wilson, Chair; Shep Kroner, Joseph Arena, and Mike Hornsby

Members absent: Barbara Kohl, Laurel Pohl and Jim Maggiore

Alternates present: Michael Coutu

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

I. Old Business

Mr. Wilson convened the meeting at 6:30pm, and noted for the record that the Agenda was properly posted.

Mr. Wilson seated Mr. Coutu for Ms. Kohl.

The Board was in receipt of correspondence from Attorney Eileen Nevins regarding a lot line adjustment granted by the Planning Board in 2002. The lot line adjustment application was presented to the Board on June 4, 2002 and the owners of record at the time were Bruce and Diane Kelley, 9 Pine Road and Charles Tavano and Kathy Champagne, 50 Mill Road. Mr. Tavano was present and explained that the lot line adjustment approved by the Board was done so without his knowledge. The Board determined that there was no evidence indicating that Mr. Tavano or Ms. Champagne were ever notified of the lot line adjustment involving their property. Mr. Tavano said that the Kelley's have since sold their property and the new owners of 9 Pine Road rent the property out. Mr. Tavano became aware of the recorded plan because the tenants were parking on his property and cut down two of his trees. The tenants produced a copy of the recorded plan to Mr. Tavano showing that the land they were using was their landlord's property.

Mr. Tavano said that he had to hire an attorney and have his property surveyed costing him a significant amount of money. He believes that because the Town made the mistake, the Town is liable for the charges he incurred.

After reviewing the documents and minutes of the June 4, 2002 meeting, Mr. Wilson agreed that there was no evidence the Mr. Tavano or Ms. Champagne gave their consent for the lot line adjustment and that the application was submitted without their knowledge.

Mr. Wilson explained that the Board does not have the authority to convey land without the owners approval. He said that the Board would need to consult with the Town's Attorney because the lot line adjustment needs to be legally reversed.

Dr. Arena commented on "adverse possession", a method of acquiring title of property by possession for a certain amount of time. He said that the laws are different in each State.

Mr. Wilson did not think that Mr. Tavano's case fell under "adverse possession".

Mr. Wilson explained to Mr. Tavano that the Board will do everything it can to remedy the situation, and that they would need to seek legal counsel from the Town's Attorney on how to proceed.

Dr. Arena moved and Mr. Coutu seconded the motion that the Board consult with the Town's Attorney on the Tavano lot line adjustment issue.
The vote was unanimous in favor of the motion (5-0).

Public Hearing on the Transportation Chapter of the Master Plan

Mr. Wilson opened the Public Hearing at 7:02pm and noted that there were no members of the public present to comment.

Mr. Wilson closed the Public Hearing at 7:03pm.

Dr. Arena offered some grammatical changes. He also suggested that because the road classes are not defined they should at least reference the State Statutes that do define them.

The Board determined that there is a non-maintained roadway in town described as a Class VI Road off of Route 111, across the Street from the Town Forest, owned by the Town. It is depicted on the map within the Chapter.

Dr. Arena suggested changing the word "aesthetics" to "appearance" in the last paragraph on page T-13.

Mr. Kroner remarked that the Public Works Director, John Hubbard, has not had a chance to comment on the Chapter and he would like to give him that opportunity.

Mr. Wilson suggested that the Board continue the Public Hearing on the Transportation Chapter to the May 5, 2011 meeting, and he and Dr. Arena will work together on the suggested grammatical changes and have a completed document ready for the May 5, 2011 meeting.

Dr. Arena commented that there is a lot of repetition throughout the Chapter and it becomes a redundancy. He said it should be more direct and to the point. He said that he will try to go through the document again and highlight the redundant parts.

Mr. Coutu said that based on Table 3 – Average annual daily traffic on page T-9, it shows a trend that traffic volume on Route 1 is going down.

Mr. Groth said that he used years that had the most complete traffic data and that if the Board wanted he could add all the years worth of traffic data that he has available into the Table.

Mr. Groth explained that the preferred process is that he would write the Transportation Chapter of the Master Plan for the Board to review and make the necessary changes to form it to the way the Board wants it to be.

Dr. Arena suggested adding "based on the latest information" throughout the Chapter and to include more graphs that contain more information.

Mr. Coutu commented on the traffic patterns on Route 1. Mr. Groth said that pages T-12 through T-14 gives a brief synopsis of the US1 Corridor Study that is still in draft form.

The Board discussed the dangerous intersections in North Hampton. Mr. Wilson said that the Metropolitan Planning Organization (MPO) just reported on the 10-year Route 1 improvement plan and said that all of North Hampton projects are still on the list, but there is no funding available at this time.

**Dr. Arena moved and Mr. Coutu seconded the motion to continue the Public Hearing on the Transportation Chapter of the Master Plan to the May 5, 2011 Meeting.
The vote was unanimous in favor of the motion (5-0).**

Adoption of Collateralization Policy

The Board discussed adopting the Collateralization Policy written by Michael Coutu to replace the maintenance security sections in the Site Plan, Subdivision and Excavation Regulations.

Mr. Coutu made the following change to the Table of Contents under XIV D: Additional Collateral *required*.

Mr. Coutu made the following change to Revision #4 of the Site Plan Review Regulations 9 a.: *offset the collateral any and all costs incurred*, and under paragraph b in the last sentence, *the Town may offset against the collateral any and all costs incurred to have them removed*.

Mr. Coutu commented on the good job that Mr. Groth did on the written documents. He said that a Lawyer who is qualified in collateralization transactions should draft the universal agreement to be used in all three (3) sureties.

Ms. Chase was instructed to inform the Town Administrator that the Board is seeking a qualified Lawyer to draft the agreement and to work with Mr. Coutu in finalizing it for Board approval.

Mr. Wilson opened the Public Hearing at 7:49pm. There were no members of the public present.
Mr. Wilson closed the Public Hearing at 7:49:05pm.

The policy will appear at the end of the Site Plan, Subdivision and Excavation Regulations. The main document will be placed on file in the Planning Department because of the reference that the policy may be updated from time to time.

Mr. Coutu moved and Dr. Arena seconded the motion to approve the changes made by Mr. Groth and Mr. Coutu, and to adopt the document as the Board's policy for collateral transactions. The vote was unanimous in favor of the motion (5-0).

Minutes

February 17, 2011 – Dr. Arena moved and Mr. Coutu seconded the motion to approve the February 17, 2011 Meeting Minutes.

The vote passed in favor of the motion (4 in favor, 0 opposed and 1 abstention). Mr. Wilson abstained.

March 1, 2011 – Mr. Wilson made some typographical corrections. Dr. Arena moved and Mr. Hornsby seconded the motion to approve the March 1, 2011 meeting minutes as amended.

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

March 15, 2011 – Mr. Coutu moved and Mr. Kroner seconded the motion to approve the March 15, 2011 meeting minutes.

The vote passed in favor of the motion (4 in favor, 0 opposed and 1 abstention). Mr. Hornsby abstained.

April 7, 2011 – Mr. Wilson corrected a typographical error on line 75. Mr. Coutu moved and Dr. Arena seconded the motion to approve the April 7, 2011 meeting minutes as amended.

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

Dr. Arena will work with Mr. Kroner on the suggested changes to the Transportation Chapter before the next meeting on May 5, 2011.

A motion was made to adjourn at 8:02pm without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary