



Meeting Minutes
North Hampton Planning Board
Thursday, July 7, 2011 at 6:30pm
Town Hall

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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: Barbara Kohl, Chair; Shep Kroner, Vice Chair; Joseph Arena, Laurel Pohl, Mike Hornsby, Tim Harned and Phil Wilson, Selectmen’s Representative.

Members absent: None

Alternates present: None

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

Ms. Kohl convened the meeting at 6:31pm, and noted for the record that there was a full complement of the Board, and that the July 7, 2011 Agenda was posted properly.

I. Old Business

1. **#11:07 – Edward M. Sunshine, 1500 Lafayette Road, Portsmouth, NH 03801.** The Applicant proposes a site plan change to allow a hot dog trailer to remain as a permanent structure at the Home Depot parking lot pursuant to Article V, Section 505.5.A. Property owner: W/S North Hampton Properties, LLC, 1330 Boylston St, Chestnut Hill, MA 02467; property location: 35 Lafayette Road; M/L 007-053-000; zoning district: I-B/R. This case is continued from the June 2, 2011 meeting.

In attendance for this Application:

Edward Sunshine, Applicant

Mr. Sunshine apologized for not attending last month’s meeting, and informed the Board that he wished to withdraw his Application. He explained that the Owner of the site, W/S North Hampton Properties, where Home Depot is located, at the last minute, decided that they didn’t want to have a “hot dog” trailer in their parking lot. He said that, in his opinion, the Owners will not allow that type of an establishment at that site.

Mr. Wilson moved and Dr. Arena seconded the motion to deny the Application; the Board did not take jurisdiction because the Application is incomplete because the Applicant was unable to secure an avadavat from the Property Owner giving him permission to allow his “cart” to be placed on the property.

46 **The vote was unanimous in favor of the motion (7-0).**

47

48 **II. New Business**

49

50 1. **Notice of Public Hearing to Revoke Planning Board Approval.** Notice is hereby given in
51 accordance with RSA 676:4-a; the Planning Board will hold a public hearing for the purpose of
52 considering whether to revoke a plan previously approved on June 4, 2002 and filed with the
53 Rockingham County Registry of Deeds – Plan number D-30181 – for Applicants Bruce D. and
54 Diane M. Kelley; property location 9 Pine Road; Map and Lot 007-006-000. The Board is
55 considering revocation pursuant to RSA 676:4-a, I (a) – **At the request of, or by agreement with,**
56 **the applicant or the applicant’s successor in interest – Mr. Charles Tavano.** Should a decision
57 not be reached at the public hearing, this application will stay on the Planning Board agenda
58 until such time as it is either approved or disapproved.

59

60 **In attendance for this Public Hearing:**

61 Charles Tavano and Kathy Champagne

62

63 Ms. Chase confirmed that certified notices were sent to the abutters and owners, as well as, Mr.
64 Tavano’s Legal Counsel and Town Counsel regarding this Public Hearing.

65

66 Ms. Kohl opened the Public Hearing at 6:39pm.

67

68 Mr. Tavano questioned what the purpose was of holding a Public Hearing and sending out certified
69 letters to Abutters. It was explained to Mr. Tavano that the Board was following procedures according
70 to State Law.

71

72 Mr. Tavano said that the Planning Board made a mistake, causing him to spend a lot of his own money
73 to try and rectify.

74

75 Mr. Wilson explained that the Board intends to revoke the plan and acknowledges the mistake that was
76 made when Mr. Tavano was not notified of the lot line adjustment application for his and Mr. Kelley’s
77 property. Mr. Wilson said that Mr. Tavano did not need to argue his case because the Board agreed
78 with him, but the Board has to follow the law and hold a Public Hearing.

79

80 Ms. Kohl commented that the Planning Board acted on what was presented to them at the time of the
81 lot line application in 2002, and because the information provided to the Board was incorrect, the Board
82 did in fact make a mistake.

83

84 Mr. Wilson said that, because of this case, he has asked State Representative, Michele Peckham to
85 introduce Legislation into the State Legislature to allow Planning Boards to “Swear in Witnesses” the
86 same way Zoning Boards do. Mr. Tavano thought that that was a good idea.

87

88 Dr. Arena said that the Planning Board did not make a mistake; the Board worked with all the
89 information presented to them at the time. The Board acts on applications predicated upon the
90 information submitted by the Applicant being correct. He asked why it took so long for Mr. Tavano to
91 become aware of the situation.

92 Mr. Tavano explained that he wasn't aware of it until recently when the Kelley's sold their property and
93 the new owners cut down trees that were on his property. They also allowed their tenants to park on
94 Mr. Tavano's property. He confronted the new owners and they claimed they owned the property and
95 advised Mr. Tavano to go to the Town Office to review the plan. It was then that Mr. Tavano discovered
96 that a lot line revision plan was recorded without his consent or knowledge.
97

98 Ms. Chase informed the Board that the current procedure for Planning Board Applications is to notify, by
99 certified, return receipt mail, the Applicants, Owners and Abutters, as well as Professionals that appear
100 on the plans submitted.
101

102 Mr. Wilson noted for the record that the Planning Board has consulted Counsel and investigated the
103 process that resulted in this and have found that it is an error. He said that at the time the initial
104 application was submitted, it was represented to the Board, in the application material, that Mr. and
105 Mrs. Kelley had the concurrence of the Tavanos; it has become clear that that isn't the case, and in view
106 of that misrepresentation of the facts at the time, the Board is prepared to revoke the approval. He also
107 noted that there was no actual transfer of property rights because there was no deeds registered asd a
108 follow-up to the plan being recorded.
109

110 Ms. Kohl closed the Public Hearing at 6:50pm.
111

112 **Mr. Wilson moved and Dr. Arena seconded the motion to revoke the Planning Board approval on**
113 **June 4, 2002 of plan #C-30181 in the Rockingham County Register of Deeds for the reasons the Board**
114 **put into the record.**

115 **The vote was unanimous in favor of the motion (7-0).**
116

117 **III. Other Business**

118 **1. ¹ Items laid on the table**

119 **a. Master Plan update** – *Secretary's note: Ms. Kohl signed the Rockingham Planning Commission*
120 *contract for the Master Plan that expired June 30, 2011. The Planning Commission forgot to send the*
121 *contract last year, and sent their apologies to the Board.*
122

123 Mr. Wilson explained that the Coastal Grant Program is a matching grant that the Town is eligible to
124 receive, if applied for. The Town did not receive an application for the 2011-2012 year, but there is
125 money in the budget to continue updating the Chapters in the Master Plan.
126
127

128 Mr. Groth said that a lot has already been accomplished on updating the Chapters of the Master Plan,
129 and suggested the Board continue their efforts. He said that because the Town is losing out on the CZP
130 money he suggests pursuing other grant opportunities, such as, through the Department of
131 Transportation Unified Work Program that can be used when addressing Route 1. They could also target
132 block grants to help supplement the town's contribution towards "Planning" activities. He said the
133 Board first identifies what "Planning" needs are in Town and then apply for the grants that are
134 applicable.
135
136

137 Mr. Kroner said that the census data has been compiled and documented in regards to the Housing
138 Chapter of the Master Plan, and he will have copies of the data available by the next meeting.

139
140 Future Land Use was discussed. Mr. Kroner suggested hosting a formal *Charrette* to include the
141 community in updating the Future Land Use Chapter. He explained that the *Charrette* idea was born
142 from last month's discussions of sustainability of the Town's finances.
143
144 Dr. Arena wanted to know how other members defined the word "rural". He said that the Board needs
145 to be on the "same track", and get rid of some of the terminology used in the updated Master Plan that
146 doesn't apply to North Hampton.
147
148 The Board discussed the different impacts on the tax rate.
149
150 Mr. Wilson said that Phil Auger from the UNH Cooperative Extension did a study to analyze the costs of
151 services and identify what aspects of development of 12 to 15 towns in New Hampshire were actually
152 consistently driving the costs of services up. His study shows that the only land use that costs less in
153 services than it provides in taxes is "open space" (Conservation land).
154
155 Mr. Kroner said that the Existing Land Use and Housing Chapters will be available to the Board by the
156 next Meeting.
157
158 Mr. Groth said that after all the Chapters are updated there will be a realistic picture of what's
159 happening in Town, and that's when the Board starts to craft policy decisions.
160
161 The Board thought it was a good idea to have a "Town Focus Group" (Charrette). Mr. Kroner said that it
162 all begins with how the Board frames the "focus group". He said that they need to find ways to pull the
163 school into the community in a positive way.
164
165 Dr. Arena said that the townspeople involved would need to get to the "root" of the problems and find
166 ways on how they can be resolved.
167
168 Mr. Kroner thanked everyone for the participation.
169
170 Mr. Kroner asked Mr. Wilson, as Select Board Representative, to ask Mr. Fournier for the data they had
171 requested, and not yet received, that is needed for the Master Plan update.
172
173 Mr. Wilson asked Mr. Kroner to provide a list of what he needs and he will bring it up at the next Select
174 Board's meeting. He suggested that they invite Mr. Fournier to the next Work Session.
175
176 **b. Junk Yard update** – A baseline of the properties was conducted and the Town is just waiting for a
177 report from the Town's Attorney. Mr. Wilson will bring the topic up at the next Select Board's meeting.
178
179 **c. Update on Performance Surety Agreement** – Mr. Wilson said that he and Mr. Coutu met with an
180 Attorney from Upton & Hatfield that is qualified to meet what is expected to complete the *Performance*
181 *Surety Agreement*. The Attorney sent a draft of an "agreement" but did not yet draft the sample
182 documents that will correspond with the "agreement". He said that Mr. Coutu would be able to discuss
183 the matter better.
184 **d. Recommend Heritage Commissioners for appointment by the Select Board:**
185
186 **1. Donna Etela – 3-year term 2014 –**

- 187 **2. Jane Currivan – 1-year term 2012 –**
188 **3. Carolyn Brooks – 3-year term 2014 –**
189 **4. Cynthia Swank – 1 year term 2012 -**
190 **5. Elizabeth “Tibbie” Field – Alternate 1-year term 2012 –**

191
192 **Mr. Kroner moved and Dr. Arena seconded the motion to recommend to the Select Board to appoint**
193 **the following: Donna Etela for a 3-year term to expire in 2014; Jane Currivan for a 1-year term to**
194 **expire in 2012; Carolyn Brooks for a 3-year term to expire in 2014; Cynthia Swank for a 1-year term to**
195 **expire in 2012 and Elizabeth “Tibbie” Field as an Alternate for a 1-year term to expire in 2012.**
196 **The vote passed in favor of the motion (6 in favor, 0 opposed and 1 abstention). Ms. Kohl abstained.**

197
198 **2. Any other Business to come before the Board**

199
200 Mr. Kroner said that he will attend next month’s meeting with a list of “illegal” signs in Town and would
201 like the Board to sign the list he presents before forwarding it to the Code Enforcement Officer.

202 Ms. Chase informed the Board that the Code Enforcement Officer has begun the “violation” proceedings
203 at the Home Depot site for all of the “illegal” signs within that entire mall.

204 Ms. Pohl asked Mr. Wilson if he knew when Mr. Fournier was going to get the CIP Committee started.
205 Mr. Wilson said that Mr. Fournier sent out a request to the CIP members to comment on the Meeting
206 date. Ms. Pohl said she didn’t receive it, but had not checked her e-mails for the last four days.

207 The meeting was adjourned at 7:50pm without objection.

208 Respectfully submitted,

209 Wendy V. Chase
210 Recording Secretary