



**Meeting Minutes**  
**Work Session**  
**North Hampton Planning Board**  
**Thursday, October 18, 2011 at 6:30pm**  
**Town Hall, 231 Atlantic Avenue**

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

12

13 A Recording Secretary was not present; these minutes were transcribed by an audio recording.

14

15 **Members present:** Barbara Kohl, Chair; Shep Kroner, Vice Chair; Joseph Arena, Laurel Pohl,  
16 Tim Harned, and Phil Wilson, Selectmen's Representative.

17

18 **Members absent:** Mike Hornsby

19

20 **Alternates present:** Mike Coutu

21

22 **Others present:** Brian Groth, RPC Circuit Rider

23

24 Mr. Kroner convened the Meeting at 6:35pm and noted for the record that there was a quorum.

25

26 Mr. Kroner seated Mr. Coutu for Mr. Hornsby.

27

28 **Committee Updates –**

29

30 **CIP Committee:** Ms. Pohl is the Panning Board's Representative to the CIP Committee and Mr. Wilson is  
31 the Select Board's Representative, as well as, the Chair of the CIP Committee. Mr. Wilson reported that  
32 he and Town Administrator Steve Fournier will be meeting with the School Board Thursday, October  
33 20<sup>th</sup>, and the Town's Department Heads have submitted their budgets for next year. He said the CIP  
34 Committee will meet next month and go over the budget submissions and see if they have any  
35 questions; give them back for answers; get together and go over them Department by Department;  
36 stack, rank them by priority; assemble the recommendations, and submit them to the Select Board by  
37 mid December.

38

39 **Blasting Protocol Ad hoc Update –**

40

41 Mr. Harned reported that Ms. Kohl put together the first draft of the Blasting Ordinance by taking parts  
42 from several different ordinances in other towns. He said there are two aspects, (1) issues relative to  
43 impacts on structures and property and (2) impacts on water sources. He said that the aftershock of the  
44 blast isn't the only thing that can negatively impact the water source; it's also all the chemicals used in  
45 blasting that get into the water supply and contaminate it.

46

47 Mr. Harned said that there is a fair amount of technical information out there that measures the degree  
48 of the shock and vibrations from explosions and suggested the Planning Board educate themselves on  
49 this topic.

50

51 Mr. Kroner said that that maybe there should be more sensitivity to blasting around the Coakley Landfill  
52 area because blasting in that part of Town could have an undesired consequence.

53

54 Dr. Arena suggested delineating “no blast” areas in town around the aquifers. Ms. Kohl didn’t think they  
55 could legally do that, she said that they can put in limitations, but didn’t think they could prohibit  
56 “blasting” anywhere.

57

58 Mr. Wilson said that it is important to give the public an opportunity to come in and comment if there is  
59 going to be “blasting” in their neighborhood.

60

61 Ms. Kohl said that it is written in the “draft” ordinance that when blasting is to occur the site needs to be  
62 posted and the area abutters need to be notified.

63

#### 64 **Code of Ethics Ad hoc Update –**

65

66 Mr. Wilson reported that the last “draft” of the Code of Ethics was distributed to each of the members  
67 and everyone’s comments/suggestions were welcome.

68

69 Mr. Harned commented on the word “professionally” used in the document and said that most  
70 everyone is volunteering and wondered if there was a better word to use. Mr. Wilson suggested  
71 “productively”.

72

73 Mr. Harned opened the discussion on “Statute of Limitations”.

74

75 Mr. Wilson said that the Committee reviewed over thirty (30) examples of Code of Ethics’ and the  
76 Creative Code of Ethics Manual that they used as a guide book and that topic never came up.

77

78 The Board agreed that it would be a good idea to add a “Statute of Limitations” when filing a Code of  
79 Ethics complaint.

80

81 Mr. Wilson said that there is a time limit, after a formal complaint is made, for the Code of Ethics  
82 Committee to take action.

83

84 The Board discussed time limits from 30 days to 1 year. One possible scenario that was discussed was  
85 that if a Board Member sitting on a case, from which they should have recused themselves from but  
86 didn’t, and that “non-recusal” wasn’t discovered until the next year.

87

88 The Board discussed the “Statute of Limitations” in regards to alleged Ethics violation bearing anything  
89 from 90 days to 2 years.

90

91 Mr. Wilson said that the question of “civility” doesn’t rise to the level of a violation to the Code of Ethics;  
92 it falls within the responsibilities of the presiding officers. He said that was one of the factors the  
93 Committee deliberately added to the Code of Ethics. Mr. Wilson said that the Chair of any Board has the

94 responsibility to maintain order at their meeting, but has no more authority than any other member on  
95 the Board.

96

97 Mr. Wilson said that the Zoning Board will be reviewing the Code of Ethics “draft” at their next meeting.  
98 He said after that the Committee will meet again and take the suggestions into consideration and write  
99 up a final draft to present to the Select Board who will hold a public hearing for public input.

100

#### 101 **Minutes**

102

103 **September 15, 2011** – Mr. Wilson made a grammatical correction. **Ms. Kohl moved and Mr. Coutu**  
104 **seconded the motion to approve the September 15, 2011 minutes. The vote passed in favor of the**  
105 **motion (6 in favor, 0 opposed and 1 abstention). Ms. Pohl abstained because she was not present at**  
106 **that meeting.**

107

108 **October 4, 2011** – Mr. Kroner questioned line #246 and thought he said 3 instead of 2. Ms. Pohl asked  
109 that the factors she said regarding the Milliken reader board sign. She asked that Ms. Chase review the  
110 DVD and add those factors into the minutes. **Mr. Wilson moved and Ms. Kohl seconded the motion to**  
111 **table the October 4, 2011 meeting minutes and authorize Mr. Kroner to consult with the Recording**  
112 **Secretary to elaborate on the factors involved in objections to the sign for Case #11:16. The vote**  
113 **passed in favor of the motion (6 in favor, 0 opposed and 1 abstention). Mr. Harned abstained because**  
114 **he was not present at that meeting.**

115

#### 116 **Master Plan update**

117

118 Mr. Kroner asked if the Board was interested in holding a public Charrette at the November Work  
119 Session Meeting to get the public involved in the Master Planning. Mr. Groth thought that there would  
120 not be enough time between now and then to get that ready.

121

122 Mr. Kroner said that he informed Mr. Groth that the Board discussed, at their last Work Session, the  
123 idea of changing the “developable acreage” in the Future Land Use Chapter. He said outside of that  
124 issue the Chapter is nearly complete.

125

126 The Board discussed ways to articulate what that number (3,300 acres of developable acreage) really  
127 describes. They agreed that it is not possible that the Town has 3,300 acres of developable land because  
128 it does not include mitigating factors, such as wetlands setbacks and roadways and all the other land  
129 that goes towards “overhead” within a subdivision. They agreed that there is only so much of a  
130 percentage of the 3,300 acres that is suitable for house lots.

131

132 Mr. Groth asked how he should describe the figure of 3.300 acres without it being completely useless;  
133 he said that is the challenge.

134

135 Mr. Wilson said that there is a purpose to talk about land that is not built upon in town. He suggested  
136 figuring out how many acres in town, given the current zoning, can be built upon.

137

138 Dr. Arena said that because it is so confusing it should be dropped from the Chapter altogether.

139 Mr. Kroner said that from a planning prospective there has to be some idea of how much vacant land  
140 there is.

141

142 Mr. Wilson asked Mr. Groth if, when calculating the number of acres of vacant land, he included in  
143 deducting the conservation land and wetlands, all the forested wetlands, and the 100-foot wetlands  
144 setback perimeter. Mr. Groth said he would have an answer for him at next month's meeting.

145

146 Mr. Harned commented that with all the convoluted lots with weird shapes in Town, he didn't see how  
147 it was possible to come up with any degree of scientific proof to it.

148

149 Mr. Wilson referred to areas in Town that have covenants put into place on developments such as  
150 Runnymede, Ship Rock and Mill Place. He said that they should be trying to figure out how close it is for  
151 the Town to be "built out".

152

153 **Junk Yard update**

154

155 Mr. Wilson said that there was no update; they are waiting to hear from Attorney Matt Serge.

156

157 **Surety Agreement Update**

158

159 Mr. Coutu said that the escrow agreement is effectively done. He said that Attorney Raymond had a  
160 couple of changes and Mr. Coutu is now waiting for the final form from him.

161

162 Mr. Coutu said that the Attorneys relabeled Performance Surety Bond to Performance Security Bond.  
163 He said that he has been in contact with Attorney Raymond and informed him that he would be off of  
164 the Planning Board shortly and would like to get this done.

165

166 Mr. Coutu said that this may be his last meeting because he is moving to Rye; he was not exactly sure  
167 when that will take place.

168

169 Mr. Wilson said that he will take over as the "point person" regarding he surety agreements updates.

170

171 **Sign Ordinance Update**

172

173 Ms. Kohl referred to the letter sent to the Business Association and said that the Board gave them 45  
174 business days to comply, which ends up being the last week of November. She proposes to take  
175 pictures, after the 45 days is up, of non-compliant signs and attach them to complaints signed by the  
176 Board.

177

178 Mr. Wilson moved and Dr. Arena seconded the motion to make the following Resolution:

179

180 Where As, Michael Coutu has served the Board diligently for four years as an Alternate,

181

182 he has been involved in more meetings than any other Alternate in Mr. Wilson's 10 years of experience,

183

184 he has done more work as any Alternate, and has done work above, that no other person probably  
185 could have done for the Board and the Town.

186

187 Now, therefore; let it be spread upon the minutes, that this Board is very grateful for Mr. Coutu's  
188 contribution to the work of the Planning Board and the Town, and as a token of the Board's gratitude,  
189 the Board offered him a gift.

190  
191 The vote was unanimous in favor of the motion.

192  
193 The Board presented Mr. Coutu with a gift. He thanked them for the gift and for the opportunity to  
194 serve on a Board with such esteemed members.

195  
196 The meeting was adjourned at 8:16pm without objection.

197  
198 Respectfully submitted,

199  
200 Wendy V. Chase  
201 Recording Secretary

202  
203 Approved November 15, 2011