



**Meeting Minutes**  
**Work Session**  
**North Hampton Planning Board**  
**Tuesday, July 17, 2012 at 6:30pm**  
**Mary Herbert Conference Room**

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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.

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13 **Members present:** Laurel Pohl, Vice Chair, Joseph Arena, Barbara Kohl, and Phil Wilson, Select Board  
14 Representative.

15

16 **Members absent:** Shep Kroner, Chair; Tim Harned and Mike Hornsby

17

18 **Alternates present:** Nancy Monaghan

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20 **Others present:** Wendy Chase, Recording Secretary

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22 Ms. Pohl convened the Meeting at 6:30pm, and noted for the record that there was a quorum.

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24 Ms. Monaghan was seated for Mr. Harned.

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26 **I. Old Business**

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28 None.

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30 **II. New Business**

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32 **1. Committee Updates**

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34 **CIP** – Mr. Wilson said that the next CIP meeting is scheduled for the first Friday after Labor Day,  
35 September 7, 2012.

36

37 **Rules and Regulations** – The Board discussed possible changes to the Workforce Housing Ordinance.

38 Mr. Wilson explained that when the committee was devising the Ordinance they used the current

39 percentage of Workforce Housing as the Town's "fair share" number that would be used in any

40 application (46%). He said that they used that number because it fit with the theory of the State Law, as

41 well as, with the Town. He said that when the Legislation was first proposed it stated that if the Town

42 could demonstrate that it had its "fair share" of workforce housing it was not subject to any of the

43 provisions to workforce housing law, but the provision was dropped before the last iteration; at some

44 point, after the Committee started working, the provision was added back in. As it stands, if the Town

45 can demonstrate that it has its "fair share" of workforce housing, then it is not subject to the

46 requirements to provide reasonable and realistic opportunities for Workforce Housing. Mr. Wilson said  
47 that because that "fair share" provision is in the law, there should be two changes to the Town's  
48 Inclusionary Housing Ordinance, (1) the percentage should be increased of workforce housing units in a  
49 proposed development to an number that is greater than the Town's "fair share" (46%); the issue with  
50 that is how to determine what percentage increase should be to accelerate the progress toward  
51 meeting the Town's "fair share" without making it such a financial burden for the developer that they  
52 find it to be a financial hardship and the courts end up agreeing and allow the developer to do what they  
53 want, and (2) "start/stop provision"; the Inclusionary Housing Ordinance is "on the books" but it is only  
54 goes into effect, if and when, the Town is below its "fair share", and it goes out of effect if the Town  
55 exceeds its "fair share". Mr. Wilson said he does not know it that provision is even possible, but it's  
56 something the Board should explore.

57  
58 Ms. Pohl asked if it were possible for the Board to "waive" the percentage requirement if the Board felt  
59 it was not high enough. Mr. Wilson did not think that would hold up in Court. He said that if the  
60 percentage is raised to 50, or 51%, the Town could make the argument that if all that is required is the  
61 "fair share" percentage, the Town will never reach its "fair share", because every time a development  
62 comes in, it adds to the numerator (number of Workforce Housing units), and to the denominator (all  
63 residential units in Town) that's equal to the Town's "fair share", the Town would "approach" it's "fair  
64 share", but will never actually reach it's "fair share".

65  
66 Dr. Arena said that the Law, as written, is flawed, so that automatically makes the Town's Inclusionary  
67 Housing Ordinance flawed, because they don't have a "safety factor" included. He commented that a  
68 small development could be absorbed by the Town, but a massive development can have a devastating  
69 effect on the Town financially.

70  
71 Mr. Wilson said that, in view of what Dr. Arena is saying about the financial impact on the Town, he  
72 would like to propose that the Board designate, and authorize, Tim Harned to do an analysis of the  
73 financial impact of Workforce Housing in the Town of North Hampton. He said that Mr. Harned built the  
74 model to do this type of analysis when working as a member of North Hampton Forever. He said that as  
75 long as the Board authorizes Mr. Harned to do these types of analyses there should be no reason for  
76 him to have to recuse himself from any case involving a Workforce Housing application.

77  
78 **Mr. Wilson moved and Dr. Arena seconded the motion that the Board designate, and authorize, Tim**  
79 **Harned as the Analyst, on behalf of the Board, to develop a model for assessing the financial impact of**  
80 **Workforce Housing in general, or specifically any Workforce Housing application, on the Town.**

81  
82 Dr. Arena reiterated that Mr. Harned's work on any analysis would not constitute a conflict of interest as  
83 a Board member regarding any Workforce Housing applications.

84  
85 Ms. Pohl said that Mr. Harned is perfectly capable of doing an objective analysis. The Board agreed.

86  
87 **The vote was unanimous in favor of the motion (5-0).**

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89 Ms. Pohl asked Mr. Wilson to draft his proposed changes to the Inclusionary Housing Ordinance.

90

91 Mr. Wilson said that changes made to the Inclusionary Housing Ordinance should be accomplished  
92 through an Ad hoc Committee. He commented that it will involve Legal Counsel's input. He said that  
93 what should be written are a "start/stop" provision and a change of the percentage.

94

95 Ms. Kohl said that it is unfair to have Mr. Wilson come up with the changes to the Ordinance; he sits on  
96 many Boards. She said that she and Ms. Pohl can work on the proposed changes and submit them to  
97 the Board for review.

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99 **Application Review Committee (ARC)** - There are no Applications currently before the Committee.

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### 101 **III. Other Business**

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#### 103 **1. Items laid on the table**

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105 **Master Plan update** – Ms. Chase reported that Mr. Groth will be meeting with Mr. Kroner next week  
106 and report to the Board on August 7<sup>th</sup> on the proposed scope, schedule, and process of the public  
107 Visioning Sessions.

108

109 **Junk Yard update** – Mr. Wilson said that he couldn't report too much because a lot of the "junk yard"  
110 discussions have taken place in non-public session. He said that the interim Building Inspector, Charlie  
111 Smart, has been working with some of the property owners, and some are willing to work with the Town  
112 to resolve issues; there is progress being made. The Select Board directed Mr. Fournier to develop the  
113 simplest process of permitting and collection of fees.

114

#### 115 **Minutes**

116

117 **May 16, 2012** – minor typographical edits were made. **Mr. Wilson moved and Dr. Arena seconded**  
118 **the motion to approve the May 16, 2012 meeting minutes as amended. The vote was unanimous in**  
119 **favor of the motion (5-0).**

120

121 **June 5, 2012** – minor typographical changes were made to lines 283 and 284. Ms. Pohl asked that the  
122 video of the meeting be reviewed and insert more information on line 350. She requested the minutes  
123 be tabled to the August Work Session. **Mr. Wilson moved and Ms. Kohl seconded the motion to table**  
124 **the June 5, 2012 meeting minutes. The vote was unanimous in favor of the motion (5-0).**

125

126 **June 19, 2012** – Dr. Arena moved and Ms. Kohl seconded the motion to approve the June 19, 2012  
127 meeting minutes. The vote passed in favor of the motion (3 in favor, 0 opposed and 2 abstentions).  
128 **Mr. Wilson and Ms. Monaghan abstained.**

129

130 **July 2, 2012** – an edit was made to line 42. **Dr. Arena moved and Mr. Wilson seconded the motion to**  
131 **approve the July 2, 2012 meeting minutes as amended. The vote was unanimous in favor of the**  
132 **motion (5-0).**

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136 **Correspondence from the Code Enforcement Officer**

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138 The Board reviewed correspondence from the Interim Code Enforcement Officer regarding possible  
139 Zoning Ordinance Violations. There was no action taken by the Board; the correspondence was for  
140 their review only. The Board said that they appreciate Mr. Smart's efforts in keeping them informed.

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142 Arthur Nadeau, 34 Pine Road was present and began to discuss issues with a development in Town, but  
143 the Board asked that he refrain from comment until the next public meeting for that specific  
144 development.

145

146 Mr. Nadeau was also present on Mr. Glenn Martin's behalf because he was unable to attend the Work  
147 Session. Mr. Martin would like to have the Mylar signed by the Board Members on the approved lot line  
148 adjustment plan for Hobbs farm that the Board approved on July 2, 2012. One of the Conditions of  
149 Approval was to wait the 30-day appeal period of the approved variances, which would not be until July  
150 27, 2012. The Board agreed that they would not be able to sign the Mylar until after July 27, 2012. Ms.  
151 Chase will remind the Board Members to come to the Office and sign the Mylar on July 27, 2012 and  
152 then she will bring it to the Registry of Deeds for Recording.

153

154 The Meeting adjourned at 7:40pm without objection.

155

156 Respectfully submitted,

157

158 Wendy V. Chase

159 Recording Secretary

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161 **Approved September 18, 2012**

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