

HAMPTON PLANNING BOARD

MINUTES

February 19, 2014 – 7:00 p.m.

PRESENT: Mark Olson, Chair
Brendan McNamara, Vice Chair
Tracy Emerick
Fran McMahan, Clerk
Mary-Louise Woolsey, Selectman Member
Keith Lessard
Mark Loopley

Other: Fred Welch, Town Manager
Mark Gearreald, Town Attorney

ABSENT: Jamie Steffen, Town Planner

I. CALL TO ORDER

Chairman Olson began the meeting at 7:00 p.m. by introducing the Board members and leading the Pledge of Allegiance to the flag.

II. ATTENDING TO BE HEARD

III. CONTINUED PUBLIC HEARINGS

IV. NEW PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of October 23, 2013, December 18, 2013 and January 2, 2014 & January 15, 2014.

MOTION by Ms. Woolsey to accept the October 23, 2013 Minutes.

SECOND by Mr. McMahan.

VOTE: 5 – 0 – 2 (Loopley and McNamara)

MOTION PASSED.

MOTION by Ms. Woolsey to accept the December 18, 2013 Minutes.

SECOND by Mr. Emerick.

VOTE: 6 – 0 – 1 (Lessard)

MOTION PASSED.

MOTION by Ms. Woolsey to accept the January 2, 2014 Minutes.

SECOND by Mr. McNamara.

VOTE: 6 – 0 – 1 (Woolsey)

MOTION PASSED.

MOTION by Ms. Woolsey to accept the January 15, 2014 Minutes.

SECOND by Mr. Lessard.

VOTE: 7 – 0 – 0

MOTION PASSED.

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VI. CORRESPONDENCE

Mr. Olson discussed the Confidential Memorandum regarding uptown. There was the request of a reporter at the newspaper, Mr. Reid (sp), to receive the Confidential Memorandum. It is time to take an action on that. Ms. Woolsey stated she has five confidential Memoranda. She believes the majority of the context in the January 14, 2014 Memorandum relates to everything that has been said in public, counsel's comments, etc. She doesn't see any reason why the Memorandum cannot be released. It is a public issue. She feels it is not personal.

Ms. Woolsey MOVES to waive the attorney-client privilege so the January 14, 2014 Memorandum from counsel can be made public.

Mr. McNamara said in the *Hampton Union* that the lead reporter has changed in Hampton. Attorney Gearreald stated that the man is working on company time. If the Company wants the reporter to attend the meetings and obtain the Memoranda—that is a good question. Mr. Emerick stated it had to do with parking. Mr. McNamara wants to know if the Seacoast Media Group wants that information.

Mr. Emerick motioned to let the Memorandum be open as it relates to parking.

Mr. Lessard stated the one being asked for about parking downtown—voting to move forward to move to ballot the downtown corridor article. That is the only one he reviewed and he **MOTIONED** that he is okay with not keeping it confidential.

SECOND by Mr. Emerick.

Mr. Lessard wants to see other Memoranda.

Mr. McMahan said we should be careful on releasing confidential Memoranda. We need to be cautious when we release them. Counsel is acting as an advisor to us. He needs to be able to do that. Mr. McMahan is opposed to release anything that comes to us in that fashion.

Mr. McNamara agrees with Mr. McMahan. It is confidential and for the client (Town). His caveat on this particular one is that it was released at a public meeting. He prefers to not to release the Memorandum.

Mr. Olson said it's not appropriate to say we will release these and not release those. It is not a matter of a personnel issue or any other kind of issue. It is that it was only for the Board to see. He doesn't have an issue with releasing this Memorandum since it was brought up in public meeting.

MOTION by Ms. Woolsey to release the January 14, 2014 Memorandum.

SECOND by Mr. Emerick.

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VOTE: 4 – 3 (McMahon, McNamara & Olson) – 0 MOTION PASSED.

Mr. Olson discussed the Plan Review Committee. When the Planning Board initially heard the idea of the PRC, it was in the spirit of preparing the applicant to come before the Planning Board. Now he is seeing requests for this to be a public meeting. He wants to hear the Planning Board's position on this; posting of time of meeting, etc. Maybe nobody will attend. In fairness to Department Heads, he feels to have any interference is not the intent.

Mr. Loopley said it wasn't allowed by the RSA's. Attorney Gearreald said the right to know law comes in to play. The safest route is to post it and have Minutes taken. Minutes help to document what is brought to the attention of the applicant. This is to help the applicant, but it is also to express views of Department Heads. Minutes help to document the project. This is a work session. The public does not have input.

Ms. Woolsey said she is impressed with the PRC. She would love to see the public come and listen. She said the Planning Board is a public body.

Mr. McMahon stated that it is a work session for the Town and developers to work through the nuts and bolts of potential applications. The applicant gets a lot of important information. He feels the record could be “notes”—to keep a record, but don't call them “Minutes”. It was noted when an application is brought into this body, it become a public document.

Attorney Gearreald said it's a meeting held in public. Mr. Olson said when he was leaving Town Hall recently there was going to be a department head meeting. He asked if every time there's public knowledge being shared, should that not be open to the public as well. Can the public come to department head meetings was asked. Should that not be publicly noticed as well per Mr. Olson. Mr. Gearreald said “no”. That is an administrative function as opposed to a Board function.

Mr. McNamara discussed plans going back and forth in the past. He thinks in December, 2011, it was brought to the Planning Board to come up with a committee to review plans prior to submitting them to the Board. Having this grow into something that is a public issue, Minutes taken, etc. was not where the Planning Board thought it was going.

Mr. Olson doesn't think this is the intent. He would just as soon get rid of it. We had the discussion of whether we have any authority, but then when we do it, we are told how to do it. That is not the intent. It's out of respect for the applicant and department heads. We had planners from other communities implement what they thought was appropriate. It's taking on a new dynamic.

Ms. Woolsey said it's not amending anything. They have to post minutes and be accountable.

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Mr. McNamara said this PRC was set up so when applicants/abutters do come to the public hearing, the application is complete. Mr. Loopley said the public can come and see what is happening in the neighborhood.

Mr. Lessard said it's not streamlining. The outcome is streamlining. It's the only way to get everyone in the room to look at the plans together. Neighbors may feel they weren't heard before Fire or Police, etc. Mr. Lessard said this should be the Town Manager making his Department Heads attend these meetings. He thinks it's important for people to know where they are in case they want to hear about the project. Mr. Olson said it's taking on a whole new layer of beurocracy. We do not notify abutters. He doesn't mind the posting that they are every third Tuesday. How far the Planning Board goes with posting is contrary to the plan.

Mr. Welch said once an executive board decides to have a committee of some kind, then it's open to the public. If the Planner did this--if he invited department heads and initiated the meeting, it would be fine. These meetings have been posted in the past and Mr. Steffen kept Minutes since the beginning. No private citizens have attended as of yet. The idea is to provide valid information for when it comes to the Board.

Mr. Olson said it has never been open to the public. He felt it was getting mired down. Mr. Emerick said he doesn't want it to get more formalized. Mr. Olson said if we post it and keep minutes, then leave it be.

Mr. McNamara asked about the Pre-construction meeting. The meeting was held in the Selectmen meeting room this month because of snow. The Planner attends that. Timelines are discussed. It is a kick-off meeting. Mr. Welch noted that Ms. Olivier took notes at the meeting. Mr. Olson asked if Minutes were kept. We did minutes because it worked out for Laurie to do that this month. Preconstruction meetings are normally held at the site. Would a person make notes at the meetings was asked.

Mr. Gearreald said it involves administration. One of our requirements is public safety per the Police Chief. They were discussing demolition on this meeting. Mr. Olson asked if this is beyond planning and if the Building Department and DPW should be sheparding the projects along. Mr. Welch stated the Planner should do this meeting; it is in our regulations. It doesn't talk about follow up meetings. Mr. Welch said CMA will be at the preconstruction meetings. Mr. Olson said they should take the Minutes. He has seen input from those offices. CMA keeps its own Minutes.

VII. OTHER BUSINESS

- **RPC Alternate positions**

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There is an alternate position available. We received letters from Ann Carnaby and Fred Rice.

Mr. McMahon wishes to appoint Mr. Rice.

Mr. McNamara wants to appoint them both. He asked how many are available. Alternates are welcome at any meeting. Mr. McNamara would like to see both appointed as well.

MOTION by Mr. Lessard to recommend both Fred Rice and Ann Carnaby as alternates to the Board of Selectmen.

SECOND by Mr. Emerick.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Olson had a meeting with Jack Mettee to work on some downtown projects. The ordinance that re-districts most of downtown did not have at the time of discussion any Design Standards. Mr. Mettee came up with some Design Standards which he now has done. Mr. McMahon and Mr. Olson sat down with Mr. Mettee to hear about what may influence downtown.

Mr. McMahon said we've all seen these before in some form. He would like everyone to take a look at it and give input. Mr. Olson discussed the Design Standards deal with building design standards; what setbacks will be; managing heights and styles of roofs, window dimensions, siding (masonry or clapboard). This will encourage people to make appropriate choices for the downtown area. Addressing the back sides of buildings was discussed as well. Landscape standards are attached also to the Design Standards along with numbering of car spaces versus green space downtown. Mr. Olson said if we adopted more appropriate design, we could deal with snow storage issues. Plant selections and fencing and screening also are addressed.

Signage was also discussed, i.e. sizes, back lit, etc. Awnings and other interesting material to keep the downtown area looking aesthetically good is the mission and these are suggestions.

Mr. McMahon said this is not necessarily a zoning change. It could be a change in our site plan review. We can adopt these through the site planning process. We can do it independent of zoning article on the ballot.

Mr. Olson announced that on Wednesday, February 26th from 5:00 to 6:30 there is an opportunity to hear about this at the Pelican Club at the Galley Hatch. It is a free forum with hors d'oeuvres and Mr. Mettee will be speaking on the Town Center Zoning District.

Mr. McMahon said this started with the charrette (last April). That was the kick-off with the public at the Academy.

Mr. Lessard asked if the Planning Department needs to send alternate position recommendations for the RPC to the Board of Selectmen. Mr. Emerick said "yes".

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VIII. NON PUBLIC SESSION – RSA 91-A:3, II, (a)

Mr. Olson motioned to adjourn into a Non-Public Session in accordance with the above RSA to discuss personnel matters and that the Board would not return to public session. A roll call vote was taken and all Board members voted “Yes”.

VOTE: 7 – 0 - 0

ROLL CALL VOTE/MOTION PASSED.

IX. ADJOURNMENT

MEETING ADJOURNED: 8:00 p.m.
Respectfully submitted,
Laurie Olivier, Administrative Assistant

MINUTES OF NON-PUBLIC SESSION

The Board received an update from the Town Manager as to his communications with Jamie Steffen and the Manager’s plan to meet with him next week on the Town Manager’s recommendations to the Planning Board. The Town Manager then departed.

On **MOTION** made and **SECONDED**, the Board voted to proceed to conduct a hearing at a later date, potentially February 26, 2014, in a non-public session on the Town Manager’s recommendations, at which time Mr. Steffen would have an opportunity to be heard.

The Non-Public session **ADJOURNED** at approximately 8:20 p.m. to a non-meeting with counsel under RSA 91-A:2, I(b).

****PLEASE NOTE****

**ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.
MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING**