



## **Minutes**

### **NORTH HAMPTON PLANNING BOARD Special Meeting on June 23, 2004**

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*These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription. An audio recording of the meeting is available in the Town Office. In the event that a question arises about verbatim comments, it can be answered by listening to the recording.*

**Present:** (1) Phil Wilson, Chairman; (2) Shep Kroner, Vice Chairman; (3) Ron Todd; (4) Joseph Arena; (5) Craig Salomon, (6) Judy Day.

**Alternates Present:** (1) Laurel Pohl

**Members Absent:** (1) Beth Church, Alternate; (2) Jon Rineman, Selectperson Representative; (3) Krystina Deren Arrain, Planning and Zoning Administrator.

**In Attendance:** (1) Jeff Clifford, Pro-Tem Town Engineer, (2) Barbara Smith, Recording Secretary.

Mr. Wilson convened the meeting at 7:01 PM. Ms. Pohl was seated for Mr. Salomon; however, Mr. Salomon arrived shortly thereafter and Ms. Pohl was retired from the Board.

## **Items Considered**

### **I. Old Business**

**Case #04-16 -- Map/Lot #020-008/009/011-000 and 021-001-000: 223 Lafayette Road, P. D. Associates, LLC, 5 Dartmouth Drive, Suite #101, Auburn, NH 03032.** (a) Subdivision Application to create 68 lots for the creation of a manufactured home retirement community. (b) Applicant requests a waiver to Section XII. O. to permit placement of unit septic systems on the individual unit sites. (c) Voluntary Lot Merger Request to consolidate the aforementioned four (4) lots and (d) Conditional Use Permit to fill in excess of 3,000 square feet for road construction. This session is a continuation of the May 19, 2004 meeting.

Mr. Wilson summarized the remaining issues from the meeting on 05/19/04 as:

- Review of the environmental impact study. The Board asked for and received a study completed by an independent consultant for the town.
- Review of the traffic study. The Board asked for and received a study completed by an independent consultant for the town.
- Review the arborist findings that included the applicant's representative input relative to specific areas on the southeasterly side of the property and also on a proposed berm used to help create a detention pond.

- Review the applicant's request for a conditional use permit for wetlands' crossings and impacts.
- Review revised drainage calculations.
- Test pit information for each lot.
- Dust control measures.

Mr. Wilson noted for the record that the Board had accepted jurisdiction of the application on May 19, 2004. He stated that the law required that a decision must be rendered within 65-days after accepting jurisdiction. This meant that a decision would be due on July 23, 2004. Mr. Wilson sought and received concurrence of that date with Atty. Bernard Pelech. If required the Board would schedule a special meeting.

Mr. Wilson opened the discussion on the Environmental Impact Statement (EIS), later making reference to the statement prepared by the independent consultant for the town. John Chagnon, Ambit Engineering Inc, noted that Mark West, West Environmental, was scheduled to arrive by 7:30 PM. Mr. Wilson then suggested, and the Board concurred, to address the traffic study discussion and hold the EIP discussion afterwards. Referencing a memorandum dated June 11, 2004 to Jeff Clifford, from F. Gyles Ham, professional engineer, and Sean P Kelly of Vanasse & Associates, Mr. Wilson requested a summary of the memo from Mr. Clifford. Mr. Clifford stated that the net result of the independent study was that the project was low impact to current traffic conditions. The independent study had contained some recommendations/concerns:

- A well-illuminated stop sign located at the intersection of Rte 1.
- Year-round maintenance of the gate entrance.
- On street parking allowance must accommodate the turning radius requirements for emergency vehicles.
- NH-DOT might require a deceleration lane.

Dr. Arena and Mr. Todd inquired about no parking signage as a means of addressing the on-street parking concerns referenced in the independent study. Elmer Pease, PD Associates, agreed to the no parking signage and stated it would be added to the plan estimating that the sign should be located 200-300 feet from the intersections discussed. Mr. Todd was looking for a copy of proposed CC&R's, Mr. Pease noted that it was contained in the rules and regulations currently made available to the Board.

Mr. Todd was concerned about the stop sign illumination and requested the sign and illumination issue noted on the plan. Mr. Pease agreed to both conditions. Mr. Kroner noted that the roads are private, not public, and then asked who was responsible for policing and enforcing the park's parking regulations. Mr. Pease stated that was a function of the park, and one very effective method of enforcement was towing a vehicle that was in violation of the parking rules.

Mr. Todd segued into the issue of the deceleration lane, asking the applicant if they would be opposed to adding deceleration lane with or without NH-DOT's imposed requirements to appease the Board if they so decided. Mr. Chagnon noted that the lane actually was currently in

existence. He invited the Board to take a site visit for their own confirmation. When asked by Mr. Wilson about lane designation, Mr. Clifford implied that the current status of the lane would be sufficient, and there was probably no need to highlight the lane by painting the pavement. He added that NH-DOT would make the final decision. There was further discussion on potential expansion of the highway. Mr. Chagnon remarked that any future expansion of the highway would have to occur on the opposite side of the road from the property in question. In conclusion with respect to the traffic study, the applicant would,

- Place “no parking” signage within the park that stated no parking on one side of the road(s), and no parking on both sides of the road(s) within 200-300 feet of the intersections.
- Illuminate the stop signs in a manner that complied with the dark sky standards. Request PSNH to provide a street light on the utility pole opposite the intersection that would illuminate the entire intersection.
- Street lighting in the park would comply with the dark sky standards.

Dr. Arena suggested a new style of sign with a flashing light. Discussion ensued about lighting options. When Mr. Todd asked for an estimated turnaround time for a response from NH DOT, Mr. Chagnon replied that the best to hope for is a letter of approval from the state. He added that the NH-DOT had previously approved the plan but was waiting for easement information to be placed on the deed. Mr. Wilson stated that it would likely be received by the next meeting and if not it could become a condition of approval.

Mr. Wilson addressed the Environmental Impact Review by introducing Christopher Ganotis, Conservation Commission Co-Chair who then read the following list of concerns/notes expressed by the Commission:

- Environmentally sensitive areas within the plot, specifically units 61-67 were too close to the wetlands.
- Units on Road B produced a high rate of runoff. Commission suggested reducing the number of units on Road B.
- Septic System responsibility for management and control of single units.
- Presence of carbon on site due to hazardous waste, long-term effect.
- Fill materials used on site, and how they would it be excavated and re-used.
- Catching area on the northern side of the parcel was not addressed in permits w/ DES because it will be “undisturbed.”
- Density of the project in general where the project is surrounded by sensitive areas.

Mr. Ganotis stated that these were the areas that were discussed on June 8<sup>th</sup> at which Mr. West was present. Mr. West had committed to respond to Mr. Ganotis. Mr. Todd asked Mr. Ganotis to document his concerns for the Board. Mr. Ganotis agreed to comply. Mr. Salomon had a question referencing the northern side. Mr. Ganotis clarified his concern as it should not be left out of the impact area, yet should be created as part of the impact in the application, and in the commissions opinion it should be.

Mr. Salomon asked for clarification on the issue of Units 61-67. Mr. Ganotis stated that the Commission was concerned that Units 61-67 were too close to the wetlands. Mr. Chagnon noted that the units were in compliance with the 100-foot setback required by the town. Mr. Ganotis asked if there were a potential for removing some of the units from the plan due to runoff and the swale coming from the Robinson property. Mr. Chagnon noted that the conditions that exist with the flow from the Robinson property today would be the same regardless of the project. Dr. Arena added that the work done in general by the applicant should be improvements to the current water flow and quality and not have a negative effect on the property or town. Ed Huminick, CIF, Inc., added that there would be no change to the groundwater. He would share the groundwater testing results at no charge to the Board.

Mr. West arrived and provided the Board with a visual presentation of the plan addressing the Board and Commissions concerns. Mr. West explained the rationale behind not including Section B in the wetlands' impact. He stated that on a storm-by-storm basis impact, there would be no water storage because it was designed to trap runoff and sediment, therefore it was not included in the impact study. Mr. Chagnon concurred with Mr. Wilson's statement that even at the 100-year storm mark the catch basin would not overflow. Mr. Chagnon detailed the flow on the plan.

Mr. West explained the differences between stormwater structures and wetland mitigation areas. Mr. Todd asked about units affected on Road C, feeling they were closest to the natural wetlands and the potential of unwanted materials getting into the wetlands. Mr. Chagnon referenced the grading plan noting that the sites are graded so that the water flows to the road, stating that the only possible drainage into that would be from roofs or lawns. Mr. Todd asked if there should be a concern of landscaping materials eventually ending up in the drinking water. Mr. West referenced the environmental impact study, Section 4, noting that the nearest surface water was about 1,500 feet downstream.

Mr. Chagnon provided a detailed explanation of the grading plan and a description of the materials used in the fill and grading process. Mr. Chagnon noted that the roadway materials were specified in the roadway plan. He added that notes would be added to the plan specifying those areas in which roadway materials are not included. Mr. Chagnon stated that the deepest fill area would be four feet, except in areas used for roadway construction. Mr. Chagnon confirmed that the fill and grading plans would not damage the integrity of the septic systems functions.

Mr. Wilson noted that the Board had granted a waiver for individual septic systems. Mr. Pease added that the applicant would place a cash surety for replacement of pumps per rotation session and for on-site maintenance. Mr. Wilson stated his remaining issue with the environmental impact is the one of density. He asked Mr. Pease if it would be possible to reduce the number of sites in the project citing three to four sites on Road D abutting the Robinson property, and more at the lower end. Mr. Pease saw no need to reduce the number of sites. Mr. Pease re-stated that they are in compliance with the town's requirements. Mr. Wilson added that concluding from all reports the applicant is actually improving the downstream water quality from its current state.

Adele F. Fiorillo, NH Soil Consultants Inc, was tasked to review the EIS in relation to its impact on vegetation and trees. In general it was concluded that this project would create an overall improvement in the current plant life; however she suggested that there were “no-cut zones” in certain lots for additional wetland protection. It was suggested that the cat-o-nine tails should be removed from a pond and replaced with alternate vegetation. Mr. Pease agreed that it would be replaced with a broad leaf plant. Mr. Salomon questioned the “no-cut” line. Mr. Chagnon agreed to place a 75-foot “no cut” line on the plan.

Dr. Arena moved the conversation towards accountability for all conditions placed on the applicant by the Board. Mr. Pease responded that they could forward a copy of all of their reports to the town as they occur. Mr. Wilson also added that it might be a possibility that the town periodically inspect the property.

Mr. Todd had questions on the plan notation related to erosion. Mr. West confirmed that the notations on the plan were Board requirements, but he would make sure it was clarified on the plan. Mr. Salomon noted that both NH Soils and West Engineering were his clients; however, he saw no conflict of interest. Mr. Chagnon noted that he would add a note to the plan stating that snow storage would not be added to the wetlands.

Mr. Wilson opened the public hearing at 8:59 PM.

Sheila Duff, 203 Lafayette Road, North Hampton, NH, expressed concerns related to the variations in elevation between the existing park and the project. She was concerned about drainage and runoff issues. Mr. Chagnon stated that the applicant was still working on new calculations from a new drainage study stating that there was no increase in runoff. Ms. Duff was concerned about the “clear-cutting” process used in Exeter. Mr. Chagnon overviewed the cutting plan, and agreed to the 75-foot “no cut” line from the wetlands. In general the cutting plan received no opposition.

Mr. Wilson closed the public hearing at 9:06 PM.

During the discussion of the whether a regional impact study was warranted, Mr. Kroner related the concerns of Bob Brown of Rye who was concerned about the effect on property values next to a development that had a deeded age restriction. Mr. Brown was not present at the meeting.

**Mr. Salomon moved and Ms. Day seconded the motion that a regional impact study was not required.**

***The vote was unanimous (6-0).***

**Mr. Salomon moved and Dr. Arena seconded the motion to continue the hearing for conditional use to July 6, 2004 and the remaining questions on the environmental questions to July 21, 2004.**

*The vote was unanimous (6-0).*

## **II. Other Business [Amended Item]**

### Community Facility Planning Subcommittee/CFP [of the LRP] -- Planning Board Appointments to CFP Subcommittee

Ms. Day stated that she needed to get back to the Board of Selectman regarding the subcommittee representatives. She needed to resolve the planning members' names. However, in the interim it had been concluded by Mr. Wilson that he was confident that a subcommittee would not be able to properly and productively, and accurately establish and then accomplish the goals required to do the job justice, therefore he withdrew from chairing the subcommittee. In a previous meeting after learning of Mr. Wilson's decision the Board authorized Ms. Day to appoint two members to fulfill the roles in the subcommittee. Mr. Todd stated for the record he felt that Mr. Wilson would be the proper person to represent the Board in the subcommittee. Mr. Wilson gracefully declined again, however offered to transfer all of his physical and logical materials he had prepared to anyone who wanted to chair such a task. Lengthy, and sometimes tense discussion was furthered on the committee and it's functions with no resolution.

Mr. Wilson stated that a better long range planning process needed to be implemented through the town, however such a task could not be accomplished without data, or the current town resources. Dr. Arena expressed on a few occasions his desire to preserve the North Hampton uniqueness as a rural New England town. Ms. Day requested that it be noted for the record that she had requested data and not yet received it. In all cases it was agreed that the Board needed to communicate to the Board of Selectman of the change in plans related to the subcommittee.

Mr. Wilson suggested a response to Ms. Day regarding the Board's role in long range planning; however it was not feasible to accomplish the task as outlined for the 2005 session and the Board of Selectman needed to be prepared to prioritize their needs from the Planning Board as an interim solution to the lack of resources available for long range planning.

**Ms. Day moved and Mr. Salomon seconded the motion to invite Selectman Donald Gould to a long range-planning meeting.**

A lengthy discussion followed.

**Mr. Salomon motioned to adjourn the meeting, that motion took precedence over the motion made by Ms. Day nullifying a vote on her motion.**

***Adjournment***

**Mr. Salomon motioned to adjourn the meeting.**

The meeting adjourned at 10:21PM.

Respectfully submitted,

Barbara Smith  
Recording Secretary