



**Minutes
Regular Meeting**

**NORTH HAMPTON PLANNING BOARD
August 3, 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.

In Attendance: (1) Jeff Clifford, Pro-Tem Town Engineer.

Mr. Wilson convened the meeting at 7:09 PM. Ms. Pohl was seated for Mr. Salomon.

Items Considered

Dr. Arena moved and Mr. Kroner seconded the motion to hear Case #04-26 first on the agenda.

The vote was unanimous (6-0).

I. New Business

Case #04-26 -- Map/Lot #005-059-000: Chapel Road [Wooded Lot], Cellco Partnership d/b/a Verizon Wireless, 400 Friberg Parkway, Westborough, MA 01581. Application for Preliminary Consultation to discuss a proposed Wireless Telecommunications Facility consisting of a 120-foot Multi-Carrier monopole tower with a 12-foot by 20-foot equipment shelter.

In attendance:

Atty. Daniel D. Klasnick, Duval & Associates LLC, Lowell, MA

David Tivnan, Verizon Wireless, Westborough, MA

Michael Cramer, RF Engineer, Verizon Wireless, Westborough, MA

Mr. Klasnick made his presentation as outlined in the "Application for Preliminary Consultation" dated July 8, 2004. He appeared before the Board to ask for feedback in advance of the formal permitting process. Mr. Klasnick emphasized that the proposed wireless

telecommunications tower would answer the need for adequate cell phone coverage in the eastern portion of North Hampton.

Dr. Arena cited that the site plan regulations required 125% tower height fall zone and suggested a test balloon be installed. He remarked on the concrete pad foundation, power supply, landscaping and enclosure details that would need to be addressed. Messrs. Todd and Kroner, citing Section 415.3, noted that all wireless facilities must be located on town land. Mr. Wilson stated that the applicant needed a variance if they planned to construct a standard monopole. He noted that Ms. Lamprey would donate the income earned to the Town Library. Mr. Wilson added that the Lampreys and town residents in the surrounding area need adequate wireless service. He remarked that if Verizon constructed an alternative tower structure, then the applicant didn't need to secure a variance, but instead under Section 415.7 could apply for a conditional use permit from the Board.

Mr. Klasnick inquired if the Board had any preference on tower design. Other than Dr. Arena's suggestion of a fake tree, there were no other suggestions. Mr. Todd asked if there were any conservation issue regarding the proposed location. Dr. Arena asked about the inbound area of coverage of the inbound signal strength. Ms. Day asked Mr. Tivnan as to whether or not the anticipated structure that is to accommodate the equipment will be of sufficient capacity to allow other co-users of the tower to install their equipment.

Rich Skowronski, 142 Mill Road, asked if the Chapel Road site were built, would there be a need for a telecommunications tower on town land near Mill Road. General comments suggested that it might not, but at this point it was uncertain. Ms. Day asked would new equipment in the way of cell phones allow for less need of a tower? The representative from Verizon stated the answer was "No." He said he would bring his map in the next time to demonstrate.

II. 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.

In attendance:

Elmer Pease, P.D. Associates, Auburn, NH

Atty. Michele Peckham, North Hampton, NH

John Chagnon, Engineer, Ambit Engineering, Portsmouth, NH

Jeff Clifford, Town Engineer/Altus Engineering, Portsmouth, NH

The follow documents were distributed to the Board:

- *Robinson Letter [dated March 16, 2004] regarding site walk conducted on Robinson and Hyder properties on March 15, 2004*
- *Greystone Village Clubhouse Facility Architectural Design*
- *Construction Sequencing for Wetland Detention Basin and Detention Basins dated 8/1/2004*
- *Section 4.2 Restriction on Common Land document [Draft dated 8/3/2004]*
- *Sections 6-8 Document [Draft dated 8/3/2004]*
- *Atty. Peckham's Legal Review dated August 3, 2004*
- *PD Associates' August 3, 2004 Response to July 21, 2004 Northeast Shade Tree Report and Jill Robinson/RPC Memorandum dated August 3, 2004*
- *Greystone Village Clubhouse Elevation dated July 27, 2004*
- *PD Associates handwritten memo dated July 21, 2004 waiving 65-day decision period.*
- *Greystone Village Sign Drawing*
- *Plan Sheet C5 with Proposed PSNH Service [dated 7/12/2004]*

Mr. Pease indicated that he and his team attempted to answer the Board's questions and concerns that were raised at the July 21, 2004 special meeting. Mr. Wilson stated that Atty. Michele Peckham reviewed the documents that were submitted on July 21st. Ms. Peckham summarized her recommendations as described in her review. Mr. Todd expressed concern about the developer selling ownership of Greystone Village to the homeowners' association. Mr. Wilson stated that the Board was under the assumption that the developer would retain ownership to maintain septic systems and other services. Mr. Pease said the project would be viewed as a condominium. Dr. Arena felt that the Board had been misled. Mr. Pease stated that federal guidelines had changed regarding financing manufactured homes on lend lease property. As a result of these recent changes, Freddie-Mac and Fannie-Mae financing could not be applied to land leased properties. Mr. Pease stressed that if he retained ownership of the land, the affordability of home ownership would be reduced. Prospective homebuyers would pay loan rate of 14% or higher.

Mr. Pease commented on Ms. Peckham's points in her review. Mr. Pease stated that he has no problem in maintaining ownership of the land, but re-emphasized that he may not offer prospective homebuyers, the more affordable Freddie-Mac or Fannie-Mae financing. Mr. Pease suggested that his attorney and Ms. Peckham meet to work out issues and compose agreed upon easements, deed and covenant restrictions. Dr. Arena expressed concern about the age restrictions. Mr. Pease stated that 100% of the homes will be restricted to at least one individual aged 55 years or older with a restriction of no one under age 18 residing in the home. Dr. Arena asked that the owner of the building be 55 years or older.

Mr. Wilson noted that the Board was concerned about the unanswered question whether Mr. Pease would sell his property. The Board was concerned that a new owner would not honor the requirements imposed by the Board. Mr. Pease suggested that change of ownership would require Planning Board approval. Mr. Wilson remarked that the Board was committed to an

owner maintaining septic systems, water monitoring, roads, age restrictions and wetlands protection; whereas the Home Owners Association would primarily be concerned with and involved in the social aspects of the community but have no authority over the restrictions that Mr. Pease placed on the community. Mr. Pease agreed that this development would not meet the subdivision requirement of Section 12 of the manufactured home park.

Mr. Clifford remarked that his report was self-explanatory but made a few comments about his concern about monitoring a swale near the Rye line for increased erosion because of the rate of runoff as it flowed past home sites 63 through 68. He also added that the end of the cul-de-sac needed some other runoff adjustments. Mr. Clifford mentioned outflow from the pond into the wetland that needed some form of drainage solution as well as erosion controls at Site 63 that was close to the swale.

At 8:49 PM Mr. Wilson opened the public hearing for comments from the audience.

At 8:50 PM Mr. Wilson, hearing no comments, closed the public hearing.

Dr. Arena moved and Mr. Todd seconded the motion to continue the meeting until Tuesday, August 17th at 7 PM.

The vote was unanimous (6-0).

Ms. Pohl retired from the Board at 8:51 PM.

Mr. Salomon was seated at 8:51 PM.

The meeting recessed at 8:51 PM.

The meeting reconvened at 8:56 PM.

Case #04-24 -- Map/Lot #012-056-000 & 012-061-000: 180 Mill Road, Ross L. Bisplinghoff, 139 Atlantic Avenue, North Hampton, NH 03862. Lot Line Revision. This meeting is a continuation of the July 6, 2004 meeting.

Mr. Bisplinghoff commented that he attended the Conservation Commission meeting on July 13, 2004 and the Commission determined that the fill was minimum and a minor impact on wetlands. NH Soils was investigating and they estimated the fill amount would be less than 3,000 square feet. Mr. Bisplinghof told the Commission that he would move the driveway to minimize the wetland crossing distance.

Ms. Day noted that at the recent Board of Selectmen's meeting, Mr. Bisplinghof gave the town two (2) acres of land. Mr. Bisplinghoff stated that was not the case and explained that because there were as problem locating the monument in the NW property corner from the deed descriptions for town owned land and theirs, both the town and the applicant agreed on what would be the new property line. Mr. Salomon explained how lot line boundaries are resolved. Ms. Robinson/RPC remarked that the Board should have the answer to the fill quantity before it acted on any decision. She said it was a substantive rather than administrative issue.

At 9:07 PM Mr. Wilson opened the public hearing for comments from the audience.

At 9:08 PM Mr. Wilson, hearing no comments, closed the public hearing.

Mr. Kroner moved and Dr. Arena seconded the motion to continue the meeting until September 7, 2004.

The vote was unanimous (6-0).

Case #04-25 -- Map/Lot #013-026/027-000: 106 Lafayette Road, Luck Enterprises, Inc., 115 Lafayette Road, North Hampton, NH, 03862. Site Plan Review for Automotive/Retail/Office Space. Waiver Requested from Site Plan Review Regulation Section X.F. to construct a metal building. This meeting was postponed at the July 6, 2004 meeting.

In attendance:

Atty. John Colliander, Colliander, Field and Brown, Portsmouth, NH

Richard Flewelling, Steel Construction Building

Ed Luck, Applicant

Anne Bialobrzewski, Surveyor, Stockton Services, Hampton, NH

Tobin Farwell, Altus Engineering, Portsmouth, NH

The following documents were distributed to the Board:

- *NH-DES Septic Approval #200405622*
- *Lighting Data Sheet*
- *Photometric Lighting Plan*
- *C-2 Detail Sheet [dated August 3, 2004]*

Mr. Farwell provided an introductory presentation of the project explaining that the applicant wanted to construct an automotive/retail/office space structure. The applicant withdrew his waiver request for Section X.F. to construct a metal building.

Mr. Flewelling noted that the building construction would be a steel studded structure with a non-steel façade covering and a standing seal steel roof. Mr. Flewelling remarked that a roof overhang and windows could be added to meet the architectural standard. The structure would not look like a steel building. The roof would be steel, but painted a dark green.

Mr. Salomon inquired if there would be access from Elm Road. Mr. Farwell noted that the existing driveway on the southern portion of Elm Road would remain. Mr. Todd noted that the Board preferred a separate landscaping plan. The current site plan contained too many details with the landscaping included. Mr. Todd remarked that the Board encouraged applicants to work with a licensed landscaper to develop a landscape plan. The Board referred the applicant to the landscaping requirements in the Site Plan Review Regulations. Ms. Bialobrzewski shared her comments [dated August 3, 2004] in response to the ARC and KNA review comments. Ms.

Bialobrzewski requested that the combined site plan/landscaping plan as submitted was appropriate and sufficient. Mr. Wilson noted that the 10' landscape buffer was missing and should be added. Mr. Todd noted that planting species should be included on the plan.

Mr. Todd moved and Mr. Salomon seconded the motion to accept jurisdiction.
The vote was unanimous (6-0) to accept jurisdiction.

Mr. Todd moved and Ms. Day seconded the motion to continue the meeting until September 7, 2004.
The vote was unanimous (6-0).

III. Adjournment

Dr. Arena moved and Mr. Kroner seconded the motion to adjourn.
The vote was unanimous (6-0).

The meeting adjourned at 10:05 PM.

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary/Planning and Zoning Administrator