



Minutes

NORTH HAMPTON PLANNING BOARD Special Meeting on August 17, 2004

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

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

Alternates Present: None

Members Absent: (1) Beth Church, Alternate; (2) Jon Rineman, Selectperson Representative; (3) Krystina Deren Arrain, Planning and Zoning Administrator. (4) Laurel Pohl, Alternate.

In attendance:

Elmer Pease, P.D. Associates, Auburn, NH
Atty. Michele Peckham, North Hampton, NH

Mr. Wilson convened the meeting at 7:15 PM.

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 August 3rd, 2004 meeting.

Mr. Wilson sought and received concurrence with the applicant Mr. Pease that it would be necessary to extend the applicants review, as the board had received during this meeting the drafts of related covenants, deeds, and conservation easements, pertaining to the condominium association form of ownership and that the board would need time to review it. Mr. Wilson asked the Board and the applicant if a special meeting could be scheduled and could the applicant agree to extend the review.

Mr. Kroner suggested that a light caseload at our next regularly scheduled meeting might mean we could simply complete the review then.

The applicant (Mr. Pease) agreed to the extension. It was decided that we would schedule the next meeting and extend the review to our regularly scheduled meeting on September 7, 2004.

Mr. Wilson went on to summarize the remaining issues from the meeting on 07/28/04 as:

- Condominium Association Plan versus a Single Owner managed Manufactured Home Park
- Review a the list of conditions for approval

Mr. Wilson opened the discussion by asking the board to discuss its position or preference for a single owner park structure versus a condominium association structure. After a lengthy discussion over the legal documents, Mr. Arena question Mr. Pease over the language of the document and disclosed his displeasure with the direction this applicant had taken the board.

Dr. Day at first had no preference and then offered a preference for a single owner park.

Mr. Todd had no preference, and was more concerned with the details of the plan how the parks ownership structure existed.

Dr. Arena's preference was a single owner park, as he felt the legal language was not to his liking and that it was up to the board to protect the interest of future buyers.

Mr. Kroner's preference was for a single owner park.

Mr. Wilson's preference was for a single owner park.

Mr. Salomon had to be excused at 8:00 PM, and was not there to state his preference.

After this discussion, the applicant, Mr. Pease, withdrew his desire to present a condominium association ownership structure.

At this juncture, it was decided that we would review item by item the list of conditions.

Mr. Wilson got out his notes, and proceeded through the following list that the applicant had agreed to.

1. **Recordable Mylar.** The applicant shall submit a recordable Mylar of the approved plan that has a version date of July 26, 2004 with all required signatures and seals affixed.
2. **Deed restrictions.** Applicant shall submit a copy of the relevant deed(s) for the subdivision the includes the age restrictions on the subdivision – that is, that at least one resident of each unit shall be 55 years of age or older and that no resident of any unit shall be under 18 years of age.
3. **Tree preservation.** Applicant shall delineate on the plan specific areas on the site where trees shall be preserved and shall note on the plan methods for ensuring such preservation. A “No Tree Cutting Line” shall be delineated on the plan at 75’ from all natural wetland areas on individual lots and at the 100’ wetland setback line on common areas.
4. **Permits.** Applicant shall provide copies of the following permits, as appropriate, and note their numbers, as appropriate, on the plan:
 - a. NH DOT Driveway

- b. NH DES Wetlands bureau Dredge and Fill
 - c. NH DES Subdivision
 - d. NH DES Site-Specific Alteration of Terrain
 - e. NH DES Dam
 - f. NH DES Water Main Extension
5. **Lighting.** Applicant shall note on the plan that all lighting shall comply with Section X.F.3.b.7 of the Site Plan Review Regulations and shall meet a “dark-sky” standard, as required by that Section.
 6. **Filling of non-wet land.** Applicant shall add a note to the plan specifying the type and grade of fill materials to be used and methods to be employed in the filling process.
 7. **Excavated materials.** Applicant shall add a note to the plan stating that all materials excavated on the site shall be used on the site; no excavated materials shall be removed from the site. (This does not prohibit removal of trash, construction waste, and other such debris that has accumulated on the site.)
 8. **Erosion and sediment control inspection reports.** Applicant shall add a note to the plan stating that copies of all inspection reports to state and federal agencies with respect to erosion and sediment control shall be provided to the North Hampton Building Inspector.
 9. **Septic systems.** Applicant shall add a note to the plan stating that only “The Clean Solution” septic system shall be installed on the site and no substitute system shall be installed without the prior approval of the Planning Board, that each system shall be installed with an alarm system including automatic dial-up capability, that a maintenance contract shall be secured in perpetuity for biannual service of each system, and that surety shall be posted for the repair or replacement of a minimum of five (5) such septic systems.
 10. **Surety for site work, road construction, and landscaping.** Applicant shall post surety in an amount and form acceptable to the Planning Board for all site work, road construction, and landscaping in the approved plan.
 11. **Traffic control.** Applicant shall add a note to the plan stating that there shall be no parking within 200’ feet of any intersection within the subdivision, that parking shall be allowed on only one side of any road in the subdivision, and that appropriate signage shall be installed throughout the subdivision to indicate these parking restrictions.
 12. **Route 1 intersection stop sign.** Applicant shall add a note to the plan stating that the “Stop” sign at the intersection with Route 1 shall be illuminated with a luminaire that meets the “dark-sky” standard (Section X.F.3.b.7 of the Site Plan Review Regulations).
 13. **Intersection lighting at route intersection.** Applicant shall request approval from PS NH to install a street light on the utility pole on the westerly side of Route 1 at the intersection at the entrance of the site; shall add a note to the plan stating that if such approval is granted, an appropriate luminaire shall be installed, and shall provide the Planning Board evidence of the request and response from PS NH.
 14. **Water quality inspection and reporting.** Applicant shall note on the plan and establish a regular schedule for inspecting and reporting the quality of water running off the site and into the natural wetland area in the southeasterly corner of the site. Such schedule and plan shall have been reviewed and approved by NH Soil Consultants, Inc. on behalf

of the Town of North Hampton, and written evidence of such approval shall be submitted for the record.

15. **Landscaping and plantings.** Applicant shall remove “Norway Maple” and “broad-leaf cattail” from the landscaping and planting plan and substitute more suitable species, as recommended by NH Soil Consultants in their memorandum dated June 16, 2004 reviewing the Environmental Impact Study prepared by West Environmental, Inc. and the plan set prepared by Ambit Engineering, Inc.
16. **Snow storage and removal.** Applicant shall add a note to the plan stating that snow shall not be stored in wetlands or in detention ponds and that in the event snowfall exceeds storage capacity provided on the site, the excess shall be removed from the site and disposed of properly at the expense of the owner of Greystone Village of North Hampton.
17. **Debris removal.** Applicant shall add a note to the plan stating that all accumulated trash, refuse, and debris shall be removed from the site prior to the completion of construction.
18. **Contaminant removal and soil testing.** Applicant agrees to implement section 4.2 “Recommendation” of the “Limited Subsurface Investigation: Report 19025-02:05” prepared by Shevenell~Gallen and Associates, Inc, dated September 30, 2003, and submitted with the “Environmental Impact Study for The Villages of North Hampton Retirement Community” prepared by West Environmental, Inc. (WEI Project #03-014NH) and dated April 19, 2004. Applicant shall add a note to the plan stating such agreement and stating that, after soil piles referred to in section 4.2 have been removed, and soil samples have been tested, applicant shall provide documentation for the record that “NH DES Method 1 NH S-1 and S-2 soil standards have been met for site soils” (p. 11).
19. **As-built plan.** Applicant agrees to submit an “As-built Plan” for the site at the completion of construction and shall provide a written statement to this effect for the record.
20. **DOT driveway permit.** Applicant shall submit a driveway permit from the NH DOT.
21. **DOT Easement.** Applicant shall submit an easement in favor of the NH DOT for the 12 feet expansion of route 1 on the frontage of the site.
22. **Compliance hearing.** Applicant shall submit in writing agreement to participate in a compliance hearing, if deemed necessary at the sole discretion of the Planning Board, after all required permits have been received.
23. **Test pits on filled home sites.** Applicant shall add a note to the plan stating that for each home site that requires fill in preparation for construction of a dwelling on the site, new test pits will be executed and suitability for septic system installation shall be verified in writing prior to the issuance of a building permit for said lot.
24. **Debris removal from abutting property.** Applicant shall submit a suitable agreement (e.g., letter agreement or easement) permitting debris removal and any site work specified in the plan for the abutting property (referred to as the “Robinson property”).
25. **Marking of “no-cut lines,” preservation of specific trees, and tree management.** Applicant shall add a not to the plan, as provided by the Town’s engineering consultant, specifying methods that shall be used to mark “no-cut” lines delineated on the plan, to identify and protect specific trees to be preserved, and to deal with diseased or hazardous

trees, remove invasive species, and ensure survival of trees jeopardized by construction on the site.

26. **Construction inspection.** Applicant shall add a note to the plan (or otherwise verify in writing) stating that regular inspections of the site during all aspects of construction shall be permitted by the designated agent of the Town and shall be at the expense of the applicant.
27. **Boulders as barriers to encroachment on the wetlands.** Applicant shall specify on the plan boulders to serve as barriers to encroachment on the wetlands adjacent to roads D and B on the plan.
28. **Monitoring of created wetlands.** Applicant shall remove invasive species from wetlands areas created as part of this plan and shall submit a plan to monitor the success of efforts to control invasive species. Such plan shall be carried out for five (5) years after completion of construction and shall include a report to the North Hampton Conservation Commission and the North Hampton Planning Board at the beginning and end of the growing season in each year. The aim of the control process shall be a 75% success rate in eliminating invasive species.

Mr. Wilson asked Mr. Todd to have the Applicant Review Committee review the final plans to insure that all of the related items were complete on the application prior to our next meeting. Mr. Todd agreed to do so.

Mr. Todd moved and Ms. Day seconded the motion that we continue the meeting to our next regularly scheduled meeting on September 7, 2004.

The vote was unanimous (5-0).

Adjournment

Dr. Arena motioned to adjourn the meeting.

The meeting adjourned at 9:30 PM.

Respectfully submitted,

Shep Kroner, Vice Chair North Hampton Planning Board