



Minutes

NORTH HAMPTON PLANNING BOARD

Work Session Meeting

April 18, 2005

Location: Mary Herbert Room

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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, Chair; (2) Shep Kroner, Vice-Chair; (3) Judy Day, (4) Joseph Arena, (5) Laurel Pohl, (6) Craig Salomon; (7) Jill Robinson, RPC/Circuit Rider; (8) Krystina Deren Arrain, Recording Secretary/Planning and Zoning Administrator

Alternates Absent: (1) Rich Goeselt, (2) Ron Todd

Members Absent: (1) Jon Rineman, Selectman Representative.

Mr. Wilson convened the meeting at 6:35 PM because the first item of business regarded the Greystone Village case.

Review of Greystone Village (Case #04-16) updated Bond/Surety Information and Tri-Party Agreement.

Mr. Wilson distributed to the Board copies of Jeff Clifford's, the Town Engineer, April 18, 2005 memo of his review of the Greystone Village proposed surety amount. Joseph Cataldo, Greystone Village Project Manager, was in attendance for the applicant.

In the town engineer's report, Mr. Clifford recommended an increase in the surety amount for Phase I to sufficiently cover the contingency that the town could complete the site work on Road A/Road B loop, temporary access road, SWPPP inspections, while factoring in a 10% contingency amount, in case the applicant abandoned the project after Phase I. Mr. Wilson remarked that he preferred that the surety amount should not be phased; it should be complete from the beginning of the project. Discussion ensued among the Board as to members' preferences and their reasons. Dr. Arena stated emphatically that he preferred that all the site work and road construction be completed in Phase I. Mr. Kroner and Ms. Robinson indicated, confirmed by Mr. Cataldo, that state law prohibits more than 5 acres of soil disturbance at a time. Mr. Wilson recommended approximately a \$2.6 Million surety as detailed below:

GREY STONE VILLAGE SURETY PROPOSAL

Greystone Village 3-Phase Surety Proposal Total		\$2,299,960.30
Loan and Seed	\$38,454.00	
Inspections	\$6,000.00	
Subtotal	\$44,454.00	
Updated Total		\$2,300,000.00
Additional Amount	\$50,000.00	
Updated Total		\$2,350,000.00
Plus 10% Contingency	\$235,000.00	
Final Total		\$2,585,000.00
GRAND TOTAL [Rounded up to \$2.6M]		\$2,600,000.00

Mr. Cataldo distributed the applicant's Draft Tri-Party Performance Agreement. Mr. Cataldo recommended that the applicant's counsel should review the draft agreement with the Town's Counsel. Mr. Cataldo also suggested that an agreement include a two-year project completion deadline. He also suggested an 18-month review of the performance surety. Mr. Salomon recalculated amounts and suggested that a \$2.6M surety would be appropriate and recommended at 18-month time limit. Mr. Cataldo felt that a Tri-Party Agreement was a very safe proposal for the town.

Ms. Day moved and Ms. Pohl seconded the motion to make the surety amount for \$2.6M.
The vote was unanimous (6-0).

Mr. Salomon moved and Dr. Arena seconded the motion that if 18 months after posting the bond the work is not completed to the Board's reasonable satisfaction in accordance with the approved plans, the applicant must meet with the Board to determine whether the remaining surety is sufficient to complete the work per the approved plans and, if not, to revise the surety appropriately. Failure to meet with the Board within 18 months or to post the revised surety within 24 months may, in the Board's discretion, be deemed a default so that the initial surety is called.

The vote was unanimous (6-0).

Mr. Salomon moved and Dr. Arena seconded the motion to table further action on the recommendation to the Board of Selectmen to enter into a Tri-Party Agreement until the Board secures an opinion from Town Counsel that the proposed Tri-Party agreement protects the interest of the town as intended and that the Planning Board also authorizes Town Counsel to consult with counsel for the applicant and the financial institution.

The vote was unanimous (6-0).

Mr. Wilson asked how the applicant would address the "in perpetuity" portion of the septic system surety. Mr. Cataldo said he would have the information/proposal by the next Board meeting on May 2, 2005.

Committee Chair Appointments and Volunteers / ARC Structure Discussion

The following subcommittees were formed and members volunteered to serve:

- *Application Review Committee/ARC* – Shep Kroner, Chair; Phil Wilson, Joseph Arena
- *Long-Range Planning* – Laurel Pohl, Chair; Craig Salomon, Phil Wilson
- *Change of Use* – Craig Salomon, Chair; Judy Day, Joseph Arena
Citizen Volunteers: Ted Turchan, Rick Fucci
- *Signage* – Judy Day, Chair; Craig Salomon, Joseph Arena
- *Rules of Procedure*- Open
- *Aquifer/Water Quality* – Phil Wilson, Chair; Craig Salomon, Rich Goeselt

Mr. Kroner suggested that Board members serve on the ARC on a three-month rotation. He felt that all members, but new members especially, would learn much processing applications. Ms. Robinson suggested that members should volunteer for committees or sub-committee activities in which they have interest. Ms. Robinson stated that the RPC has already grouped their resources by using a targeted block grant to host a speaker who would provide a presentation on signage. She felt that such a venue would be most informative as the Board moves forward on its signage issue.

Ms. Robinson also mentioned that USGS and two other organizations were working on a groundwater study. She would like to be involved in the Board's investigation of groundwater and aquifer protection issues. Ms. Robinson added that new Board members could get training on map reading and information from available RPC resources. As committees go about their work and develop criteria/standards and amass valuable information, Mr. Kroner suggested that the committees schedule a date for the presentation of their investigation and place it on the work session agenda.

Master Plan Work

Ms. Robinson outlined that the Board has \$3,782.00 budgeted for Master Plan/CIP work and \$1,000.00 for special studies. The RPC recommends that the Planning Board set aside \$3,000.00 of the \$3,782.00 for Master Plan and CIP work and apply for a Coastal Zone matching grant of \$3,000.00. This would give the Board a total of \$6,000.00 with which to work.

The RPC suggested that the Board use \$4,000.00 to contract with RPC to do the Visioning Chapter, and allocate \$2,000.00 for assistance with the CIP. The Board will then have \$1,872.00 left in its budget plus the \$1,000.00 for Special Studies.

Ms. Day suggested that Ms. Robinson check with Jan Facella, Administrative Assistant to make sure that the allotted funds would be there and not used for postage or other Board expenses. Ms. Robinson said she would be able to assist on some of the committee work the level of her involvement would be dependent upon the volume of applications and time consumed on answering questions and etc.

Mr. Wilson read portions of the response from the NH Municipal Association-Local Government Center [NHMA-LGC] to his ARC question. Mr. Wilson felt the NHMA-LGC legal opinion was confused and had not addressed the questions asked. Mr. Kroner distributed an ARC meeting schedule. He noted that the Board should not consider additional submitted materials if the material was received after the ARC submittal date. Ms. Robinson cautioned that the Board should accept information at any time, but should also tell the applicants that the Board might not be able to review and act on the information at the time of submission.

PLAN NH Review Feedback

Although North Hampton was not selected, Mr. Wilson commented that the town would be referred to a mini-charrette group consisting of architectural students that might consider working on the town's project. Mr. Wilson noted that he had not heard from the mini-charrette group and expected that the town had not been selected for any additional consideration or assistance.

Mr. Kroner stated that the Board of Selectmen had committed to the creation of a subcommittee to address finding a location for a new Highway Department garage. Ms. Pohl and Dr. Arena stated that they felt the Board of Selectmen was assuming a Planning Board responsibility. Mr. Kroner noted that the Board of Selectmen was acting on the Highway Department garage issue because it was an emergency and needed immediate attention.

Master Plan Update – from previously collected data

Mr. Kroner commented that Ms. Day and her committee had collected data that numbered approximately 10 pages. This information needed to be added as an appendix to the Master Plan. Ms. Robinson would report on how this information could be physically added to the Master Plan. Ms. Day provided copies to the Board members and encouraged them to read the documents. She did not compile an executive summary of the collected data.

Review Minutes

March 1, 2005 Regular Meeting Minutes

Mr. Salomon moved and Dr. Arena seconded the motion to approve the minutes as amended.

The vote was 5-0 with Ms. Day abstaining because she was not present at the meeting.

March 15, 2005 Site Walk Minutes

Dr. Arena moved and Ms. Pohl seconded the motion to approve the minutes as amended.

The vote was 5-0 with Ms. Salomon abstaining because he had left the meeting early.

March 15, 2005 Special Organizational Minutes

Ms. Pohl moved and Dr. Arena seconded the motion to approve the minutes as amended.

The vote was 5-1 with Ms. Day opposed because the meeting was not audiotaped.

March 21, 2005 Work Session Minutes

Dr. Arena moved and Ms. Day seconded the motion to table review of the minutes until next work session.

The vote was unanimous (6-0).

April 5, 2005 Regular Meeting Minutes

Mr. Wilson moved and Ms. Pohl seconded the motion to approve the minutes as amended.

The vote was unanimous (6-0).

Ms. Day questioned whether Mr. Todd had been officially sworn-in by the Town Clerk when he was seated at the April 5, 2005 meeting. She asked if that created a problem. The Board accepted corrections but tabled approval until the regular meeting on May 2, 2005. Ms. Day suggested that Mr. Todd should confirm that he was not sworn before the April 5, 2005 meeting.

The motion was tabled until consideration at the May 2, 2005 meeting.

Other Business

Community Calendar

Mr. Salomon noted that the earlier meeting time of 6:30 PM should be submitted to the Community Calendar section of the Portsmouth Herald. Currently the 7 PM meeting time is listed in the Community Calendar. Ms. Arrain remarked that she would alert the Portsmouth Herald about the changed meeting time.

Jill Robinson distributed a Pocket Guide to Land Use Statutes to the Board.

Special Meeting with Zoning Board of Adjustment/ZBA

Discussion ensued among members regarding the March 17, 2005 letter from the ZBA Chairman suggesting setting up a joint meeting between the two boards. The ZBA was interested in providing inputs and information that the Planning Board may find useful in its work on updating the zoning ordinance. Mr. Kroner suggested that perhaps it would be useful to hear the ZBA's inputs.

Adjournment

Mr. Wilson moved and Mr. Salomon seconded the motion to adjourn.

The vote was unanimous (6-0).

The meeting adjourned at 9:45 PM

Respectfully Submitted,

Krystina Deren Arrain
Recording Secretary/Planning and Zoning Administrator