



**MEETING MINUTES**  
**NORTH HAMPTON PLANNING BOARD**  
**Regular Meeting**  
**Tuesday, September 6, 2005**

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*A Recording Secretary was not present at this meeting. A recording of the meeting is available at the town office. The following summary of the meeting was prepared from the recording.*

**Members present:** Phil Wilson, Chairman; Shep Kroner, Vice Chairman; Craig Salomon, Laurel Pohl, Joseph Arena, Judy Day and Jon Rineman, Selectmen's Representative.

**Others present:** Jill Robinson, Circuit Rider/RPC

**Alternates present:** Rich Goeselt

Mr. Wilson convened the meeting at 6:32pm.

**OLD BUSINESS**

**Case #05-09 – Map/Lot 016—12-000, 021-007-000, 017-088,089,090,091-000: 203 Lafayette Road, (I-B/R Zone District) Crown Properties & Home Sales, LLC/Joseph Roy, PO Box 1627, North Hampton, NH 03862.** Proposal for a subdivision to develop an eight (8)-lot Adult Manufactured Housing Park adjacent to an existing housing park. This meeting is a continuation of the August 1, 2005 session.

Mr. Goeselt was seated for Mr. Salomon.

Mr. Wilson stated that Joe Fitzgerald has filed a lawsuit against the Town of North Hampton and the ZBA.

In attendance for this application:  
John Chagnon, Ambit Engineering  
John Bozen, Counsel for the Applicant  
Joseph Roy, Applicant

Mr. Chagnon addressed comments and suggestions made by the Board at the August 1, 2005 meeting.

Mr. Wilson opened the public hearing at 7:12pm.

A park resident stated several concerns she has with the current conditions of the Park. Dr. Arena suggested she take the proper steps and first file a formal complaint with the Code Enforcement Officer and then to the Board of Selectmen.

Mr. Rineman agreed with Dr. Arena and stated that the applicant has met all the requirements for his application and the Board should move forward on the application. Ms. Day stated that public hearings are for the public to give input and should not feel that it is too late to do so.

Ms. Robinson agreed that public hearings are for abutters to voice their concerns. The Planning Board can help facilitate the process.

Mr. Wilson closed the public hearing at 8:30pm.

**Mr. Rineman moved and Dr. Arena seconded to grant conditional approval based on the following conditions:**

1. **Recordable Mylar.** Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan.
2. **Certificate of Monumentation.** The applicant shall provide the Board with a Certificate of Monumentation, stamped and signed by a NH LLS certifying that all monuments depicted on the plan have been properly set.
3. **State Permits.** Applicant shall submit evidence of receipt of all required federal, state and local permits and shall note their numbers, as appropriate, on the plan. Required permits include: NH DES Subdivision and Septic System Design approval, NH DES Site Specific approval, and Water Main Extension approval.
4. **Surety.** Applicant shall post surety in a form and amount acceptable to the Town of North Hampton for the following:
  - a. **Landscaping.** An amount equal to 25% of the installed cost of all plantings to be held by the Town for two (2) growing seasons following completion of construction to ensure prompt replacement of any dead plantings. The Building Inspector from the Town's engineering consulting firm shall inspect site landscaping annually and recommend reduction of the amount of surety held, as appropriate.
  - b. **Site Work.** An amount sufficient to cover costs of:
    - i. Construction and installation of improvements, including but not limited to costs associated with proposed roads, lighting, recreation facilities, drainage and septic systems, and
    - ii. Preparation of the area proposed for new home sites, including but not limited to removal of all refuse, debris and other materials that have been left on the site.
5. **Age Restrictions.** Applicant shall:
  - a. Add a note to the plan stating the following:

"Park management shall enforce approved age restrictions on the proposed home sites – that is, at least one resident of each site shall be 55 years of age or older and no resident shall be under 18 years of age – by including specific restrictive language in each lease agreement and by amending the rules and regulations of the park to state the age restrictions. Furthermore, if park management does not enforce the age restrictions, then the Town may take any necessary action to enforce them and shall be reimbursed by park management for any and all expenses of such enforcement. Finally, with respect to age restrictions, neither the lease agreement nor the park rules and regulations may be amended without the approval of the North Hampton Planning Board."
  - b. Submit to the Planning Board copies of the lease agreement that will be used for the proposed home sites and the amended rules and regulations of the park that will apply to the proposed home sites.
6. **Underground Utilities Service.** Applicant shall note on the plan that all electric, cable TV, and telephone services shall be underground.

7. **Recreation Area Maintenance.** Applicant shall add a note to the plan stating that all recreational areas depicted on the plan shall be maintained in a condition suitable for their proposed recreational uses.
8. **Removal of Accumulated Refuse and Debris.** Applicant shall add a note to the plan stating that all the accumulated refuse and debris encountered during construction on the area proposed for use as new home sites shall be removed and disposed of properly.
9. **References to Storage Facility Plan.** Applicant shall remove all references the 2002 plan to expand the storage facility on the site. Conditional approval of the plan lapsed because conditions were not met within one year of the Planning Board's action.
10. **Modifications of the Overall Site Plan.** Applicant shall make the following modifications to the Overall Site Plan submitted with this application:
  - a. Applicant shall depict on the Overall Site Plan home-site lines and site numbers for the home sites in recorded plan D-22885 referenced on the Overall Site Plan.
  - b. Applicant shall depict on the Overall Site Plan the leach field for the AMD Subaru facility.
  - c. Applicant shall depict on the Overall Site Plan the new lots proposed in this application.
  - d. Applicant shall remove from the Overall Site Plan depiction of the third storage building that had been proposed in the conditionally approved plan of 2002 for which conditional approval has lapsed.
11. **As-built Plan.** Applicant shall submit agreement in writing that, at the conclusion of work on the project:
  - a. Applicant shall submit an As-built Plan in recordable form to the Planning Board, orApplicant shall demonstrate to the satisfaction of the Planning Board that deviations from the approved plan are immaterial and that no such plan is needed.

**The vote was 4 yes, 2 no and 1 abstention. Mr. Kroner and Mr. Goeselt were against and Ms. Day abstained.**

**Dr. Arena moved and Ms. Pohl seconded the motion to have Chairman Wilson write a letter to the Code Enforcement Officer regarding safety and welfare questions that were raised regarding the Crown mobile home park.**

**Ms. Day amended the motion by adding that she would like results of the Code Enforcement Officer's findings to be sent to the Planning Board members.**

**Mr. Kroner moved and Dr. Arena seconded to approve the amendment to the motion.**

**The vote was unanimous in favor of the motion (7-0).**

**Case #05-06 – 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. Continued discussion and review of Greystone Village for declaration of deed restrictions.**

There was no one in attendance for this application. There was no discussion.

**Case #05-12—Map/Lot #023-012-000Winnicut Road.** (R-3 Zone District) Raymond A. Carye, 300 Boylston Street, Boston, MA 02116. Preliminary Consultation for Phase II.

The applicant presented information to the Board. The Board felt it unlikely to waive the provision of cul-de-sacs.

**Case # 05:14 – Map/Lot #003-086-000: 17 Lafayette Road**, (I-B/R Zone District) Scott Doan and Deborah Hayes 6 Mill Road, North Hampton, NH 03862. Property Owner, Black Marble Realty Trust, Change of use for concession trailer.

Would like to put a trailer for concessions in the parking lot of the Harley Davidson for Harley Davidson patrons and employees where a limited menu would be available.

Mr. Wilson asked if it would be permanent.

It is permanent but can be easily moved. The applicant would like to be open Thursday, Friday, Saturday and Sunday.

Dr. Arena questioned whether or not beverages would be on the menu. The applicant answered that there would not be but there would be vending machines available for beverages.

Mr. Wilson opened the public hearing at 8:47pm for public comment.

Mr. Wilson closed the public hearing at 8:48pm with no public comment.

**Mr. Salomon moved and Dr. Arena seconded the motion to approve the Change of Use application with the following conditions:**

- 1. Change of Use approved only for a period ending 31 October 2005;**
- 2. Applicant shall submit written evidence of State of New Hampshire approval for the concession trailer; and**
- 3. No signage shall be installed regarding the concession trailer or its operation or products.**

Ms. Day stated that she felt that the Applicant did not need approval from the Planning Board. She feels that a hawkers and peddlers license for the concession trailer would be sufficient.

**The vote was 6 in favor, 1 opposed and 0 abstained. Ms. Day opposed.**

**Case #05:15 – Map/Lot #005-023-000, 15 Chapel Road, #005-026-000, 7 Old Locke Road**, (R-2 Zone District): Stacy and Michael Whittier 15 Chapel Road, North Hampton, NH. Lot Line Adjustments on both properties.

Mr. Wilson asked Ms. Robinson if the Board was able to vote on a lot line adjustment if the lot were nonconforming. Ms. Robinson answered yes, because it would not make the lot any more nonconforming. A positive vote would make it less nonconforming.

**Mr. Salomon moved and Ms. Pohl seconded the motion to approve the lot line adjustment.**

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

Mr. Wilson closed the public hearing at 8:59pm with no public comment.

**The vote was unanimous in favor of the motion (7-0).**

**Case #05:16 -- Map/Lot #007-053/056-000: 33-49 Lafayette Road, W/S North**  
Hampton Properties, LLC [a.k.a. Lafayette Crossing Mall for preliminary consultation review for Phase 4].

There was an hour of discussion between the Board and the applicant.

Mr. Goeselt informed the Board that good progress on the aquifer protection amendment is being made. Mr. Kroner will place it on the agenda for the October Work Session. Mr. Goeselt would like to hold the first public hearing on this amendment on Monday, November 7, 2005.

Mr. Rineman informed the Board that certain violations around town have been taken care of. The dumpster at Enterprise has finally been removed.

**Dr. Arena moved and Ms. Pohl seconded the motion to adjourn at 9:30pm.**

**The vote was unanimous in favor of the motion (7-0).**

Respectfully submitted,

Wendy V. Chase  
Recording Secretary