



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD

Regular Meeting

Monday, November 6, 2006

Mary Herbert Conference Room

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

Members present: Phil Wilson, Chairman; Craig Salomon, Laurel Pohl, Joseph Arena and Vince Vettraino.

Absent: Shep Kroner, Vice Chairman and Henry Marsh, Selectman's Representative

Others present: Jill Robinson, Circuit Rider/RPC and Wendy Chase, Recording Secretary.

Alternates present: None

Mr. Wilson convened the meeting at 6:31pm.

OLD BUSINESS

1. 06:16 – Russell Jeppesen, PO Box 990, North Hampton, NH. Subdivision application: Applicant proposes a seven-lot subdivision. Property location: Mill Road, North Hampton, NH, zone district R1, M/L 007-002-001 & 007-027. This case is continued from the October 2, 2006 meeting.

In attendance for this application:

Attorney Michael Donahue, Donahue, Tucker & Ciandella, PLLC

John Chagnon, Ambit Engineering

Russell Jeppesen, Property Owner

Mr. Vettraino recused himself.

Mr. Chagnon presented an updated drainage analysis dated November 2, 2006 and a response letter to Town Engineer Ed Kelly's review comments dated October 30, 2006. Mr. Chagnon also submitted a revision on Sheet C3 of the plan set to include drainage easements.

Mr. Chagnon explained that a 10-year storm event was added to the updated drainage analysis per Mr. Kelly's review comment. Mr. Salomon asked what the results were and Mr. Chagnon explained in the drainage analysis report that the post-development model for the 10-year 24-hour storm event predicts decreases in all offsite peak flows except a 1% increase in peak flow to the large wetland to the west and a 2% increase to the 18" Mill Road culvert. He further stated that the ordinance requires that the drainage pipe be designed for a 100-year storm event, which they have complied with.

Mr. Kelly suggested in his review that the Board reference NH RSA 289:3 regarding Cemetery locations. The Statute states that *no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery*. Mr. Wilson suggested a note be added to the plan that RSA 289:3 will be respected. Mr. Chagnon and Attorney Donahue agreed.

Mr. Chagnon informed the Board that the easements have not yet been recorded at the Registry of Deeds. The easements will be recorded at the along with the subdivision.

In his review, Mr. Kelly repeated his comments (1) that it should be stated on the plan that there will never be a request to have the Town accept the driveway as a town road and (2) that the estimated cost of subdivision improvements should be submitted for review and approval.

Mr. Chagnon said that they would provide estimated costs but that it is not like a subdivision road where it would usually be bonded for the cost of the road before lots could be sold.

Dr. Arena said that the private drive should be capable of allowing two-way traffic as long as the entrance on Mill Road is labeled "private road". Mr. Chagnon said that the road would have to be constructed to be wider in order to allow two-way traffic. Mr. Salomon added that widening the road would compromise the existing stonewall.

Attorney Donahue went over the deeds to Mr. Jeppesen's properties and it was determined that restrictive covenants were not placed on the property for the proposed subdivision, M/L 007-002-001 and 007-027-000.

Attorney Donahue submitted revised copies of the Restrictive Covenants for the proposed project. (Each of the changes was marked by pen). The change to 1.b. adds the language *Nothing herein shall in anyway obligate the Town of North Hampton to approve such a further division*. This new language will also be added to note A on the plan. Mr. Salomon asked that a correction be made to 18. b. by adding *and Association* after RJW and to change the word land to lane in 18.c. Mr. Wilson asked that *and the North Hampton Board of Selectmen* be added to the end of paragraph 23.d. Ms. Pohl asked that language be added to 9.b. and 10.b. that states *subject to the North Hampton Zoning Ordinance*.

Attorney Donahue will forward a copy of the Restrictive Covenants with the changes to Attorney Bernard Pelech for him to review and report back to the Board with his findings.

The Board discussed paragraph 23.f. of the covenants, which reads as follows:
The Town of North Hampton, at its sole option, may enforce any provision of these covenants related to the maintenance and upkeep of the private lane and associated

improvements and utilities. The enforcement rights granted to North Hampton shall be operative after reasonable notice to RWJ or the Homeowners' Association. If North Hampton, in its sole discretion, undertakes any enforcement action, it shall have all of the rights of the Homeowners Association and RWJ, as the case may be, including the ability to recover its reasonable legal fees, costs and other expenses of enforcement action.

Dr. Arena reiterated his concerns regarding the proposed private road. He stated again that the Town should stay out of it and the road should belong to the tenants. Dr. Arena suggested that paragraph 23.f. be stricken from the Restrictive Covenants.

Mr. Salomon moved and Ms. Pohl seconded the motion that the protective covenants include paragraph 23.f. as contained in the draft presented on November 6, 2006.

The motion passed (2-1-1). Mr. Salomon and Ms. Pohl in favor, Dr. Arena opposed and Mr. Wilson abstained.

Mr. Wilson opened the public hearing at 7:20pm.

Mr. Vettraino stated that he and his Attorney feel that he has rights to 104 feet of frontage on the private road that abuts his property. He informed the Board that the matter is not resolved. When the town abandoned the road it was converted back to all of the adjoining property owners that directly abut it.

Mr. Wilson explained that the Planning Board would not be able to sign off on the plan without a recordable Mylar and a recordable Mylar could not be completed with a boundary dispute.

Seavie Rideout of 71 Mill Road requested a copy of the drainage report so that he could examine it. Mr. Wilson said that he could pick a copy at the Town Office.

Barbara Kohl asked if the Police would have the authority to enforce traffic issues on the private road. Attorney Donahue said that the Board of Selectmen would have to adopt an ordinance to enable the Police to enforce traffic violations on the private road.

The entrance to the road will be off of Atlantic Avenue and the exit will be Mill Road.

Mr. Vettraino questioned how the road would be constructed. Mr. Chagnon explained that the road would be built to the same road standards approved for Greystone Village. Ms. Robinson said that the standards to be used are the same as the road standards under Section X of the Zoning Ordinance, Construction Standards and Specifications.

Mr. Vettraino referred to the cemetery located on the subject property and questioned how the construction of the road could be completed while abiding by RSA 289:3, which states that *no new construction, excavation, or building shall be conducted within 25 feet*

of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery.

Mr. Chagnon said that he has reviewed RSA 289:3 and interprets the language to mean any new construction and doesn't apply to maintenance of an existing road.

Ms. Robinson said that the matter warrants Town Counsel review. Mr. Wilson suggested it be added as one of the conditions of approval.

Mr. Wilson closed the public hearing at 7:51pm.

Mr. Salomon moved and Ms. Pohl seconded the motion to approve the Russell Jeppesen Subdivision Application, case #06:16 subject to the following conditions:

- 1. Recordable Mylar. The applicant shall submit a recordable Mylar of the plan with required signatures and seals affixed of all licensed professionals whose names appear on the plan, including Sheet C3 presented to the Board 11/06/2006.**
- 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. The Applicant shall notify the Building Inspector and Fire Chief before blasting and follow any recommendations or requirements they may have and at a minimum, follow the recommendations of Michael Iafolla in the report presented to the Board (paragraph 3).**
- 4. The note relating to lot 6 to reflect that it is merely a reservation of rights and does not constitute an endorsement of future subdivisions by the Planning Board.**
- 5. Receipt of an opinion from Town Counsel that the protective covenants, as drafted, does not violate statutes or local regulations.**
- 6. Receipt of an opinion from Town Counsel that the proposed construction in the vicinity of the private cemetery does not violate the provisions of RSA 289:3.**

The motion passed (2-0-2). Mr. Salomon and Ms. Pohl in favor, Mr. Wilson and Dr. Arena abstained.

Mr. Vettraino rejoined the Board.

2. 06:25 - Luck Enterprises, Inc., PO Box 700, North Hampton, NH 03862.

Conditional Use Application (sign). Property location: 115 Lafayette Road, North Hampton, zone district I-B/R, M/L 013-026. This case is a continuation of the October 2, 2006 meeting.

In attendance for this application:

Edward Luck, Property Owner

Paul Karlik, Owner of Masters Self Defense Centers

Mr. Luck presented copies to the Board of a drawing of his proposed sign. Mr. Luck explained that he would like to add a 30"x 60" sign panel to his existing 11' x 8" pole sign. He explained that the additional panel is designated for a future business not yet determined.

Mr. Wilson stated that the present sign exceeds the standards under the current sign ordinance and adding on to the sign would make it more non-conforming.

Ms. Robinson reminded the Board that the application is a Conditional Use Permit application and that the Board can consider the sign in light of that fact and decide, whether or not it wishes to grant a waiver using the criteria under a Conditional Use Permit. The two criteria are (1) that requiring a Conditional Use Permit would create unreasonable hardship and (2) that the sign, banner, flag, or other advertising device proposed by the Applicant would be consistent with the spirit and intent of the sign ordinance.

Mr. Wilson said that in his opinion the application met criteria for a waiver. It is an attractive sign, whose basic characteristics will be preserved, that was constructed only shortly before the new ordinance provisions were adopted. To expect the applicant to construct an entirely new sign would constitute an unreasonable hardship, and because the sign is attractive in its present design, it is consistent with the spirit and intent of the ordinance, which is to improve the appearance of Route 1.

Mr. Wilson also opined, however, that any future additional expansion of the sign would not likely be approved by the Board because the sign does exceed dimensional standards for pole signs.

Mr. Wilson opened the public hearing at 8:25pm.

Two residents from the audience commented that the existing sign looks very nice.

Mr. Wilson closed the public hearing at 8:29pm.

Dr. Arena moved and Mr. Vettraino seconded the motion to waive the requirements under Article V, Section 506.6.E. and approve the sign.

The motion passed (4 yes, 0 opposed and 1 abstention). Mr. Salomon abstained.

New Business

1. 06:24 – Crown Properties & Home Sales, LLC 203 Lafayette Road, North Hampton, NH 03862, represented by Ambit Engineering, Portsmouth NH.

Applicant proposes to (1) Voluntary lot merger request to consolidate Tax Map and Lot numbers 016-012, 017-088, 017-089, 017-090, 017-091 and 021-007 and (2) create a two-lot subdivision out of the proposed aforementioned merged lots. Property location: 203 Lafayette Road, North Hampton, zone district I-B/R, M/L 016-012, 017-088, 017-089, 017-090, 017-091 and 021-007.

In attendance for this application:

John Chagnon, Ambit Engineering

Mr. Chagnon explained that the applicant wishes to consolidate the aforementioned lots and to subdivide out, 203 Lafayette Road (AMD Subaru dealership). Mr. Chagnon reviewed each sheet of the proposed plan. He explained that a drainage easement was added to lot two to benefit lot one and also added a 30' snow storage easement on lot two to benefit lot one. There is also a 50' utility easement to benefit lot one so they can still use the entrance across from Lafayette Terrace for access to the dealership. Mr. Chagnon explained that there was one more thing that needed to be completed - Unit #72 was being replaced at the time of the survey but it will be added to the subsequent plan for recording.

Dr. Arena moved and Mr. Salomon seconded the motion to accept jurisdiction of the Crown Properties and Home Sales, LLC Voluntary Lot Merger and Subdivision plan, case #06:24.

The vote was unanimous in favor of the motion (5-0).

The Board discussed the Voluntary Lot Merger request.

Dr. Arena moved and Mr. Salomon seconded the motion to approve the Voluntary Lot Merger request for Crown Properties and Homes Sales, LLC, case #06:24.

The vote was unanimous in favor of the motion (5-0).

Regarding the two-lot subdivision application, Mr. Wilson opened the public hearing at 8:40pm.

Attorney Charles Griffin spoke on behalf his clients Ed and Fran Bishop who own a mobile home on the abutting property. He asked that if consolidating the lots involved with the Voluntary Lot Merger would affect the mobile homeowners' rights to sell their mobile homes.

Mr. Salomon suggested that a note be added to the subdivision plan stating that the consolidation of lots would not affect any existing rights of the mobile home park tenants.

Mr. Wilson closed the public hearing at 8:43pm.

Ms. Pohl moved and Dr. Arena seconded the motion to approve the Crown Properties and Homes Sales, LLC Subdivision Application, case #06:24 subject to the following conditions:

- 1. Recordable Mylar. The applicant shall submit a recordable Mylar of the plan, including sheet C3 as presented 11/06/2006, with required 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. Applicant shall add a note to the plan stating that approval of the merger and subsequent subdivision does not alter any previously existing rights of tenants.

Mr. Salomon made a friendly amendment that the applicant shall add a note to the plan that recites the map and lot numbers of lots that are being merged and to change the title of the plan to “Voluntary Lot Merger and Subdivision.”

Ms. Pohl accepted the friendly amendment.

The vote was unanimous in favor of the amended motion (5-0).

2. 06:26 – Maria Flemming, owner of Imprint’s Day School, 14 Lafayette Road, North Hampton. Change of Use Application. Property location: 14 Lafayette Road, North Hampton, zone district I-B/R, M/L 003-094. Applicant proposes to change the use from a mortgage business office to an infant daycare facility. Property owner: TSR Realty, LLC 12 Lafayette Rd., North Hampton.

In attendance for this application:

Maria and Brett Flemming, Owners of Imprint Day Care

Ms. Flemming explained that she would like to run her infant daycare business in the building at 14 Lafayette Road.

The Board discussed employee parking and Mr. Wilson referred to the parking ratio in the Zoning Ordinance. It was determined that there would be adequate parking for the proposed business.

Dr. Arena moved and Mr. Salomon seconded the motion to approve the Change of Use application for Maria Flemming, case #06:26.

The vote was unanimous in favor of the motion (5-0).

3. 06:27 - Halil Ozkurt, owner of Subway, 7A Lafayette Road, North Hampton, NH. Conditional Use Application (sign). Applicant requests a waiver from Article 506.6 L&M to allow a flag sign in front of the business year round. Property Owner: 9 Lafayette Realty, LLC, North Hampton, zone district I-B/R, M/L 003-080.

In attendance for this application:

Halil Ozkurt, Owner of Subway

Ms. Pohl moved and Dr. Arena seconded the motion to deny the Conditional Use Permit Application for Halil Ozkurt, case #06:27 because it was inconsistent with the current Ordinance, Article V, Section 506.4.H.

The motion passed (4 yes, 0 opposed and 1 abstention). Mr. Salomon abstained.

Mr. Wilson explained to Mr. Ozkurt that he does not have to come back before the Planning Board for permission to put out an “open” flag as long as he complies with the current sign ordinance regarding “open” flags, Article V, Section 506.4 H. 2.

06:28 – Bacon’s Service Center, 108 Lafayette Road, North Hampton, NH. Conditional Use Application (sign). Applicant requests approval of a 2’ x 5’ double-sided sign mounted on 2 4x4 posts, total height 6.5’ to 7’. Property Owner: Kevin Callahan Revocable Living Trust, 110 Lafayette Rd., North Hampton, zone district I-B/R, M/L 013-02.

In attendance for this application:

Kim Burbank, Signs Etc.

Mr. Bacon, Owner of Bacon’s Service Center

Mr. Bacon’s business is located at Callahan Motor Cars, 108 Lafayette Road.

The Board reviewed a sketch of the proposed 2’ x 5’ double-sided sign with 5” lettering. Mr. Wilson informed the applicant that the letters in the sign must be no smaller than six inches high. Ms. Burbank said that she would change the lettering to comply.

Dr. Arena moved and Ms. Pohl seconded the motion to approve the Conditional Use Permit Application for Bacon’s Service Center, case #06:28.

The motion passed (3 yes, 0 opposed and 2 abstentions). Mr. Vettrano and Mr. Salomon abstained.

4. 06:29 – Ivyland Properties, LLC, 8 Olivia Lane Kensington, NH. Conditional Use Application (sign). Applicant requests approval of (1) 4 wooden 8’-9’ signs (x-mas tree shaped) along 58 Lafayette Road (2) 3’h x 10’w white vinyl w/red lettering “SANTA” attached to existing truck container. Property Owner: Helen Taylor Family Trust, 58 Lafayette Road, North Hampton, zone district I-B/R, M/L 007-118.

In attendance for this application:

Debby Peretz

Mr. Salomon recused himself because he represents the property owner.

Ms. Peretz explained that she has received permission from the Taylor Family to sell Christmas trees and wreaths on the Taylor Family property at 58 Lafayette Road.

Mr. Wilson explained that the requested banner attached to a truck container is prohibited as stated in the sign ordinance. Ms. Peretz suggested she attach the banner to metal poles instead.

Ms. Robinson said that the Board would need to determine whether or not the banner would be considered a “seasonal” sign or a “special event” sign. The time frame for a seasonal sign is 30 days as opposed to the special event sign allowing 14 days.

It was determined that it would be considered a “seasonal” sign.

Ms. Peretz explained that in addition to selling Christmas trees and wreaths she will also be offering installation and removal of Christmas lighting and pictures with Santa. She would like to rent a temporary building to put on the lot for the pictures with Santa.

Dr. Arena moved and Mr. Vettraino seconded the motion to waive the requirements of Article V, Section 506.6.M. and Section 506.5.D. and grant a Conditional Use Permit for the signs as proposed.

Ms. Pohl stated that waiving the ordinance to allow these signs would be setting a dangerous precedent.

Mr. Wilson opened the public hearing at 9:43pm.

Mr. Wilson closed the public hearing at 9:43pm without public comment.

Ms. Pohl moved and Mr. Vettraino seconded the motion to divide the motion made by Dr. Arena into two motions (1) to waive Section 506.5.D. and (2) to waive Section 506.6.M.

The vote was unanimous in favor of the motion (4-0).

The Board voted on the following motions:

To waive the requirement under Section 506.5.D., to allow a banner to be placed on a trailer.

The motion failed (1-3). Dr. Arena in favor, Ms. Pohl Mr. Wilson and Mr. Vettraino against.

To waive the requirement under Section 506.6.M., to allow four wooden signs exceeding thirty days.

The motion failed (1-3). Dr. Arena in favor, Ms. Pohl, Mr. Wilson and Mr. Vettraino against.

Ms. Peretz offered modifications to her original request.

Mr. Salomon spoke from the audience and reminded the Board that Dr. Arena’s original motion included that the Board grant the Conditional Use Permit application on the signs as proposed.

Dr. Arena did not withdraw his original motion.

The motion failed (1-3). Dr. Arena in favor and Ms. Pohl, Mr. Wilson and Mr. Vettraino against.

Ms. Pohl moved and Mr. Vettraino seconded the motion to approve one 12 square foot wall sign to be attached to a temporary building to be used on the site.

The vote was unanimous in favor of the motion (4-0).

Ms. Pohl moved and Mr. Vettraino seconded the motion to approve two 9 ft. Christmas tree shaped signs as presented with wording of the applicant's choice to be erected for no more than 45 days.

The vote was unanimous in favor of the motion (4-0).

Mr. Salomon rejoined the Board.

Dr. Arena moved and Ms. Pohl seconded the motion to suspend the rule that the Board will take up no new business after 9:30pm under the Planning Board's Rules of Procedure and to continue with the meeting.

The vote was unanimous in favor of the motion (5-0).

5. 06:30 – GFI North Hampton, LLC, 133 Pearl St., Suite 400, Boston, MA 02110.

Change of Use Application. Owner/Applicant requests a change of use from an adult manufactured housing park to an adult modular home condominium. Property location: 223 Lafayette Rd., North Hampton, zone district I-B/R, M/L 021-001.

In attendance for this application:

John Chagnon, Ambit Engineering

Attorney John Allen, Law Offices of L. Allen & Associates

Stephen Goodman, GFI

Mr. Goodman explained that the company has been struggling with the market to attract potential buyers for the manufactured homes. They would like to change the housing in Greystone Village Retirement Community from the approved manufactured homes set on slabs to modular homes set on permanent concrete basements. He further explained that manufactured homes are built to HUD standards and are not required to meet local building codes, while modular homes are built to a higher standard (BOCA Standards) and must meet all local building codes.

Mr. Wilson stated that he did not believe that the Planning Board had jurisdiction to grant the applicant's request under the Town's current Zoning Ordinances. He further explained that Greystone Village was approved under the manufactured housing park provision and modular homes are considered standard homes, which require two-acre lots. If the applicant proposes a condominium ownership with multiple homes on one lot then that would require two acres for the first dwelling unit and one acre for each additional dwelling unit. Mr. Wilson reminded the applicant that the Board waived certain requirements in the manufactured housing regulations on the original approved application, one of which was to waive the requirements for a shared septic system to allow individual septic systems on each leased space with a condition that a professional management organization would own Greystone Village and enlist a certified property manager that would ensure that the septic systems would be maintained and to also enforce the age restriction requirement and other covenants.

Mr. Goodman argued that going from third party ownership to ownership to the people who already live there would be in the best interests of the Town because homeowners in

the condominium development would have more of an interest in the maintenance of the property because they would actually live there.

Ms. Robinson stated that the applicant would need to apply for a Variance from the zoning ordinance, which requires two-acre lot size for single-family residential homes if the applicant proposes modular homes, which would not meet the definition of manufactured housing.

Mr. Salomon stated that there is a distinction between a manufactured home and a modular home and he agrees that the Planning Board does not have the authority to grant the change. He said that the Applicant has the option to go before the ZBA and either request a Variance, or to appeal the Planning Board's decision.

Mr. Salomon referred to RSA 356-B:5, which contemplates the change in the form of ownership of individual units, and what the applicant is requesting from the Board is that individual lots will be sold, which would be a change of ownership in the land.

Dr. Arena stated that the original application involved a request for condominium ownership of Greystone Village Retirement Community but, at the Planning Board's request, the applicant changed the application to single ownership of the land with lease agreements with tenants and that was what was approved by the Planning Board. He further added that one of the conditions of the original approval was that the applicant was to come back before the Board for approval of a change in ownership, which did not occur when the property was sold to the current owners.

Mr. Goodman said that they have come before the Board with a change of use request because they have a project that is not working and they are trying to fix it.

Mr. Salomon said that the Planning Board has no jurisdiction to act on the Change of Use application and that the applicant has the right to seek a Variance from the ZBA.

Mr. Goodman asked that if they did go before the ZBA, and the outcome was in the applicant's favor, would they receive support from the Planning Board?

Mr. Wilson said that if the Applicant came before the Planning Board with a new reconfigured plan changing the manufactured homes to modular homes and reducing the number of units so that the first unit would have two acres of land and each additional unit would have at least one acre, the Board would be in a better position to work with them.

Mr. Salomon moved and Dr. Arena seconded the motion to deny the Change of Use Application due to lack of jurisdiction to allow the conversion from a manufactured housing park to a modular housing development.

Dr. Arena made a friendly amendment to the motion to include the condition that it will remain under single ownership.

Mr. Salomon said that his motion was to deny the application because the Planning Board lacks jurisdiction. Mr. Salomon did not accept the friendly amendment.

Mr. Chagnon asked if the Planning Board had the authority to deny an application that they never took jurisdiction of.

Mr. Salomon explained that the Planning Board is denying the Change of Use application because they do not have jurisdiction, it is not because they are denying jurisdiction because the application is incomplete.

Ms. Pohl commented that there was a flawed marketing study or marketing plan originally done and that is not under the Planning Board's control.

Mr. Goodman said that all they want to do is give the land to the individual owners of the park and create documents that require that the individual owners maintain professional management, maintain the septic systems including funding the reserve accounts for the septic systems and abide by all the requirements the original application mandated.

Mr. Wilson commented that as it currently stands the Town has the ability to "go after" a professional management company if they fail to maintain any of the requirements mandated by the Planning Board but if they change to a condominium form of ownership then the Town would have to "go after" residents of North Hampton. Mr. Wilson further stated that the members of the Planning Board represent North Hampton residents and the Board approved the original application where the retirement community was to be run by a professional management company that knows what their responsibilities are.

The vote was unanimous in favor of the motion (5-0).

Attorney Allen requested clarification regarding the original conditions of approval for the Greystone project pertaining to the large stormwater detention pond adjacent to the proposed Summer Court Road. They asked whether or not they would be able to populate all of Phase I before constructing the detention pond or would they need to complete the detention pond before selling any of the lots in Phase I.

Mr. Chagnon stated that the detention pond in question is part of the entire build out of the project. He further commented that the way it is designed, the road would have to be built prior to the construction of the detention pond. It was recommended by Altus Engineering to include the construction of the detention pond in the development of Phase I. Mr. Chagnon said that the applicant is proposing that they be able to obtain occupancy for Phase I prior to construction of the detention pond included in the development of Phase I. He also stated that they would not be able to start Phase II until the proposed Summer Court Road and the adjacent detention pond were completed.

Attorney Allen confirmed that the subject detention pond is bonded with Phase I.

Mr. Salomon suggested that the Board request an opinion from Altus Engineering explaining the reason the subject detention pond construction was added to Phase I and to find out the exact amount of the bond.

Mr. Wilson will contact the Engineer from Altus Engineering who inspected the site and request that he provide recommendations to the Board. The topic may be discussed under "other business" at the November 20, 2006 Planning Board workshop. He further explained that if a Public Hearing were warranted, it would have to be scheduled at a regular Planning Board meeting.

Other Business

Greystone Village Rental Agreement

The Greystone Village Rental Agreement was approved at the October 2, 2006 Planning Board meeting with conditions.

W/S Development request for landscaping and site work surety reductions

The Board directed Ms. Chase to have the Building Inspector and Town Engineer review the site and advise the Board pertaining to the reduction request. Ms. Chase will add the topic to the November 20, 2006 Planning Board Work Session.

Attorney Peter Loughlin request for a one-year extension of the November 7, 2005 conditional use approval for Thera Research pursuant to section VI.E.2 of the site plan regulations.

Mr. Salomon moved and Ms. Pohl seconded the motion to grant the one-year extension to Thera Research for the Conditional Use Permit approved on November 7, 2005.

The vote was unanimous in favor of the motion (5-0).

Correspondence from Richard Skowronski and Leila Hanna regarding case #05:20, Leonard and Mary Saunders pertaining to the design of the two turnouts on the Saunder's subdivision plan.

Mr. Skowronski requested that the Board reconsider his request to adjust the turnouts on the Saunders recorded subdivision plan.

Mr. Skowronski referred to condition #5 of the conditions of approval for Leonard and Mary Saunders that states *Applicant shall add a note to the plan stating that the owner, his successors or assigns shall construct two gravel turn-outs meeting the standards of the existing driveway that add a minimum of 10 feet in width to the driveway, are at least 20 feet in length, and have a 1 foot to 1 foot taper and to be depicted on the plan. These turnouts shall be depicted on the plan.* Mr. Skowronski said that he does not agree that the condition reflects what is depicted on the subdivision plan.

Mr. Skowronski voiced concerns that the driveway will not be wide enough for two vehicles or emergency vehicles to pass when the turnouts are in place unless wetlands are filled in to create enough width. Mr. Skowronski would like 10 feet added to the driveway width as described in condition #5 of the Saunder's conditions of approval.

Mr. Salomon said that the plan is stamped by a certified soil scientist and that he was not going to debate that.

Dr. Arena said that the soil scientist said that there would be no wetlands impact. Mr. Skowronski requested that the Board require that the plan reflect what was in the minutes.

Mr. Wilson said that he and the Building Inspector, Richard Mabey reviewed the recordable Mylar along with the decision letter and that it was in both of their opinions that what was depicted on the recordable Mylar that was submitted fulfilled the conditions of approval as stated in the decision letter.

Mr. Salomon stated that the Board had already voted on the issue and unless a member of the majority of that vote wanted to move to reconsider that vote then there was no reason to continue discussion.

Dr. Arena said that the soil scientist stated that he was going to add fill to increase the width of the driveway but that it would not impact the wetlands.

The Board decided not to reconsider their earlier vote taken on September 18, 2006 as follows: Dr. Arena moved and Mr. Salomon seconded the motion to authorize Chairman Wilson to draft a letter informing Mr. Skowronski that it was determined by the Board that the plan submitted fulfills the conditions of approval. The vote passed in favor of the motion (5 yes, 0 no 1 abstention). Mr. Vettraino abstained.

A motion was made and seconded to adjourn at 11:30pm.
The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,

Wendy V. Chase
Recording Secretary