



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD

Work Session

Monday, November 20, 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, Joseph Arena, Laurel Pohl and Vince Vettraino.

Members absent: Shep Kroner, Vice Chairman and Henry Marsh, Selectman's Representative.

Others present: Jill Robinson, RPC Circuit Rider, Richard Mabey, Building Inspector and Wendy Chase, Recording Secretary.

Alternates present: None

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

Minutes

Dr. Arena moved and Mr. Salomon seconded the motion to approve the Public Hearing minutes of June 19, 2006.

The vote was unanimous in favor of the motion (3-0).

Emendations were made to the October 16, 2006 Work Session minutes.

Dr. Arena moved and Mr. Vettraino seconded the motion to accept the October 16, 2006 Work Session minutes as amended.

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

Emendations were made to the November 6, 2006 Regular Meeting minutes.

Ms. Pohl moved and Mr. Salomon seconded the motion to accept the November 6, 2006 minutes as amended.

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

New Business

1. Board of Selectmen request for Planning Board recommendation regarding a land swap, pursuant to RSA 41:14a.

Mr. Wilson explained to the Board members that the Board of Selectmen are in negotiations with Mr. and Mrs. Hart of Pea Patch Properties, owners of the Hampton Airfield, to swap land they own at the entrance of the Airfield off of Lafayette Road for Town owned land on Cedar Road for future construction of a public works building and salt shed. He further explained that pursuant to RSA 41:14a the Board of Selectmen must first submit any such proposed acquisition or sale to the Planning Board and the Conservation Commission for review and recommendations.

Mr. Mabey presented aerial photos of the proposed site and a sketch of where the buildings would be located on the Airfield lot. He explained that there would be a 20' right-of-way through the middle of the lot and the proposed 100' x 60' highway garage building would be located on one side of the right-of-way and the proposed 60' x 60' salt shed building on the other side.

Ms. Pohl commented that Mr. Stout publicly stated in the minutes of the Highway Garage Committee that he would need a minimum of 2 ½ to 3 acres for the new highway garage site. She questioned whether or not there would be adequate space at the proposed 1+ acre lot. Mr. Mabey assured her and the Board that the proposed lot would have adequate room for both buildings.

Ms. Pohl asked Mr. Strout for a list of the equipment that would be stored at the Cherry Road site. Mr. Strout said that seasonal equipment will be stored at Cherry Road, for instance the plows will be stored there in the summer and the lawn equipment in the winter.

Mr. Salomon asked for Mr. Strout's opinion on the adequacy of the site in future years. Mr. Strout indicated that it would be adequate because there is not a lot of potential for future growth and he does not foresee the department staff expanding.

Dr. Arena moved and Mr. Salomon seconded the motion to recommend to the Board of Selectmen that they proceed with the land swap proposal. The motion passed (4 yes, 0 no and 1 abstention). Ms. Pohl abstained.

2. W/S Development, LLC, TGIFriday surety reduction request for site work and landscaping for Phase 4, Lafayette Crossing.

The Board reviewed the request from W/S North Hampton, LLC to reduce the original site work letter of credit of \$917,243.00 by 95% leaving a balance of \$45,862.00, and a separate request to reduce the original landscaping surety from \$50,000.00 to \$12,500.00 for the Town to retain for a period of two years.

Mr. Wilson read Town Engineer, Ed Kelly's report of the on-site inspection he did. Mr. Kelly stated that he concurs with the requested 95% reduction in the sitework surety, and the \$37,500.00 reduction request in landscaping. There will be enough remaining in the letter of credit to cover the items that still need to be addressed. Mr. Kelly also stated in

his review that he has requested from Gorrill-Palmer, a statement on their letterhead and stamped by a registered Professional NH Engineer that the improvements, as indicated on the plans for Lafayette Crossing Phase 4 were constructed in essential compliance with the approved plans and that the letter shall be received by the North Hampton Planning Board prior to the actual reduction of the surety.

Mr. Salomon moved and Dr. Arena seconded the motion to approve the requested 95% site work surety reduction and the subsequent \$37,500.00 landscaping surety reduction contingent upon receiving a letter form Gorrill-Palmer on their letterhead and stamped by a registered NH professional engineer stating that the improvements, as indicated on the plans for Lafayette Crossing Phase 4, were constructed in essential compliance with the approved plans. The vote was unanimous in favor of the motion (5-0).

3. Crown Properties surety reduction request, case #05:09.

Mr. Joseph Roy was in attendance regarding the Crown Property reduction request. Mr. Roy presented an estimate from Bell & Flynn, Inc. in the amount of \$14,425.00 for the topcoat paving and berms that need to be completed in the spring and also estimated an amount of \$3,590.00 for landscaping to be retained. He requested that he Board vote to reduce the bond by \$26,989.00.

Mr. Wilson referred to Town Engineer, Ed Kelly's recommendation to retain an additional 10% to 15% above the requested amount.

Dr. Arena moved and Ms. Pohl seconded the motion to reduce the Crown Properties and Sales, LLC escrow account in the amount of \$25,000.00. The vote was unanimous in favor of the motion (5-0).

The amount of \$20,000.00 will be retained in the Crown Properties and Sales, LLC escrow account.

4. Altus Engineering recommendations regarding Greystone Village detention pond/phase I.

Mr. Wilson recapitulated to the Board the requests made by the representatives of GFI to occupy Phase I before building the required detention pond located adjacent to the proposed road in Phase 3.

The Board reviewed the engineering review preformed by Jeffrey Clifford of Altus Engineering, Inc. Mr. Clifford stated in his review that Altus Engineering, Inc. recommends the following:

- a) Bring the site construction into compliance with all permit conditions.
- b) Provide the Planning Board with a schedule for completion of soil remediation, the detention ponds, and wetland plantings.
- c) Provide evidence that NHDES has been notified of the start of construction.

- d) Provide evidence that a renewal of NHDES Site Specific Permit WPS-6984 has been issued, including any proposed revisions to the construction sequence and construction plans.
- e) Notify NHDES that GFI North Hampton, LLC is the current owner

Mr. Salomon suggested that Mr. Wilson, on behalf of the Planning Board, write a letter to the applicant stating that the Board is not inclined to approve their request to change the sequence of construction from the original plan. He further suggested to include in the letter that the Board will be discussing the issues at their January Work Session and that the applicant should contact the Town Engineer, Jeffrey Clifford regarding Mr. Clifford's comments made in his letter to the Board dated November 20, 2006 and GFI will be billed for reimbursement for Mr. Clifford's time.

Mr. Salomon moved and Mr. Vettraino seconded the motion that the Chairman write a letter to GFI North Hampton, LLC stating (1) that their request to populate Phase I before the construction of the detention pond is not approved, (2) that they be provided with a copy of the November 20, 2006 letter from Altus Engineering, Inc. and directed to address all of those concerns prior to the January Work Session of the Planning Board, (3) to address those concerns with Altus Engineering at their expense and (4) to appear at the January 15, 2007 Planning Board Work Session to discuss the letter from Altus Engineering and what they have done to address the issues.

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

Correspondence

1. Letter from Peter Simmons regarding Rite Aid.

Mr. Simmons' letter to the Board listed concerns he has with Rite Aid and their compliance to the approved site plan.

Dr. Arena said that Rite Aid was issued a Certificate of Occupancy therefore it is no longer the Planning Board's responsibility to address any of the issues Mr. Simmons' stated that it would be up to the Board of Selectmen.

Mr. Wilson agreed and said that after discussing it with Mr. Mabey, it sounded more like a civil matter.

Mr. Salomon stated that he is concerned with some of the issues listed in Mr. Simmons' letter, especially the drainage issues. He suggested the Board ask Mr. Mabey to inspect the site regarding some of the issues and report back to the Planning Board before getting the Town Engineer involved.

Ms. Robinson said that she feels that the Planning Board would still have a responsibility regarding violations to site plans even if the Certificate of Occupancy was already issued. She referred to RSA 676:17, Fines and Penalties.

There was discussion on whether or not it was the responsibility of the Planning Board to enforce approved site plan violations after the certificate of occupancy has been issued. Mr. Wilson suggested the topic be discussed at a future Work Session.

Mr. Salomon moved and Mr. Vettraino seconded the motion that the Planning Board forward Mr. Simmons' letter to the Code Enforcement Officer/Building Inspector and ask that he review the Rite Aid site with regards to items #3, 4, 5 and 7 of Mr. Simmons' letter and a copy of the letter to the Building Inspector be forwarded to Mr. Simmons and the applicant at the same time and Mr. Mabey be asked to report back to the Planning Board to what action, if any to take. The motion failed (1 yes, 4 no and 0 abstentions).

Mr. Vettraino moved and Ms. Pohl seconded the motion that the Board responds to Mr. Simmons in the form of a letter stating that although the Board acknowledges his concerns that it is his duty to first bring those concerns to the attention of the Building Inspector and the Planning Board would take any action based on the Building Inspector's recommendations.

Mr. Salomon made a friendly amendment to include a provision that Mr. Simmons be informed that a copy of the letter will be forwarded to the Building Inspector.

Dr. Arena added to the amendment to also include forwarding a copy of the letter to the Board of Selectmen.

Mr. Salomon accepted Dr. Arena's amendment to his friendly amendment.

Mr. Vettraino accepted and Ms. Pohl seconded the acceptance of the friendly amendment.

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

Ms. Robinson updated the Board on the potential zoning amendments to the I-B/R district. She handed out draft copies of the proposed Route One Corridor Access Management Performance District Ordinance. Ms. Robinson stated that if the zoning is continued as it is, Route One would have to be widened in the future because of the amount of traffic.

Committee Reports

Ms. Robinson suggested that the Board review the draft and asked the Board members for their input especially with paragraph five that deals with limited mixed-use of residential and commercial development.

Mr. Wilson said that there are a couple of benefits with the proposed ordinance (1) it would allow for more apartments that qualify for affordable housing and (2) the apartments that are allowed would offset the loss in value of property for certain kinds of development.

Mr. Salomon said another advantage of allowing an apartment within a business is that it would limit the amount of Police and Fire Department calls.

Ms. Chase was directed to add the Route One topic to the December Work Session.

Mr. Salomon left the meeting at 9:00pm.

A letter written by John Anthony Simmons on behalf of the ZBA was discussed. The Zoning Board would like the Planning Board to re-write Article IV, Section 406.2 due to the difficulty in understanding this part of the Ordinance. The section reads as follows: *Any lot of record existing at the effective date of this Ordinance and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this Ordinance.*

Mr. Wilson suggested that due to the late hour and the amount of time that should be put into this topic that the Board table the discussion to the December Work Session meeting. Ms. Chase was directed to add the topic to the December 18, 2006 meeting.

Suggested changes to the sign ordinance under Section 506.8 were discussed. Mr. Mabey's recommendations to the changes were to eliminate the language allowing the owner 60 days to comply with the ordinance if in violation. The language was eliminated. Ms. Robinson will send out a revision to each member. Ms. Chase was directed to place the topic on the December 18, 2006 Work Session.

Mr. Wilson updated the Board on the Long Range Planning Committee. Mr. Wilson has gathered information from the 2006 NH Local Government Center Wage Study comparing Towns with similar population to North Hampton and discovered that North Hampton is off the charts. He will gather more information but will use Towns with a larger population.

Ms. Pohl updated the Board on the CIP. She will have a draft copy at the December 4, 2006 meeting for a preliminary discussion. Ms. Pohl said she would like to have the Long Range Planning Committee vote on it in time to hold a public hearing at the December 18, 2006 Work Session.

**Dr. Arena moved and Ms. Pohl seconded the motion to adjourn at 9:30pm.
The vote was unanimous in favor of the motion (5-0).**

Respectfully submitted,

Wendy V. Chase
Recording Secretary