



MEETING MINUTES
NORTH HAMPTON PLANNING BOARD
Work Session
Tuesday, October 21, 2008
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; Shep Kroner, Vice Chairman; Joseph Arena, Laurel Pohl arrived at 7:10pm, Barbara Kohl, and Tom McManus.

Members absent: Craig Salomon, Selectmen's representative

Others present: David West, RPC Circuit Rider and Wendy Chase, Recording Secretary.

Alternates present: None

Mr. Kroner convened the meeting at 7:08pm.

Minutes

June 5, 2008 minutes were tabled to the October 21, 2008 work session.

August 19, 2008 – **Mr. McManus moved and Dr. Arena seconded the motion to approve the August 19, 2008 Work Session minutes.**
The vote was unanimous in favor of the motion (5-0).

September 4, 2008 – **Mr. McManus moved and Dr. Arena seconded the motion to approve the September 4, 2008 minutes.**
The vote was unanimous in favor of the motion (5-0).

September 16, 2008 – **Dr. Arena moved and Mr. McManus seconded the motion to approve the minutes as amended.**
The vote was unanimous in favor of the motion (5-0).

October 2, 2008 – **Dr. Arena made a motion to approve the minutes. Dr. Arena withdrew his motion because he would have to recuse himself in approving sections of the minutes pertaining to the Salomon case. Mr. McManus moved and Mr. Wilson seconded the motion to table the October 2, 2008 minutes to the November 18, 2008 work Session.**
The vote was unanimous in favor of the motion (5-0).

Ms. Pohl arrived at 7:10pm.

Old Business

Discussion of the Altus Engineering report on “Greystone Village”

In attendance for this discussion:

Steve Duncanson, Greystone Village Project Manager

Mr. Wilson explained that GFI, the owners of Greystone Village were asked to meet with the board to respond to the recommendations made by Altus Engineering regarding the Greystone Village development project. He further explained that the board recently received a letter from Attorney Charles Griffin who represents several individuals who have purchased homes in Greystone Village. The letter listed several deficiencies within the project such as the landscaping has not been installed and lighting that has not been installed as approved on the plan.

Ms. Chase gave a copy of the letter from Attorney Griffen to Mr. Duncanson.

Altus’ Engineering recommendations:

1. *Submit updated phasing schedules* – Mr. Duncanson said that they are developing phase I of the 4-phase project and they have nine more lots to develop and sell before moving onto phase II. He explained that there are people interested in purchasing the homes and that it hasn’t been easy with the slow economy. He said that he doesn’t know how he can give a more detailed schedule.
2. *Submit revised bond* - Mr. Duncanson provided an updated bond schedule. It showed an amount of \$130,946.55, and Mr. Duncanson said that was the amount that they proposed would cover what was to be done to finish phase I. Mr. Wilson asked about the construction bond GFI established as one of the conditions of approval. Mr. Duncanson said that he was not sure where the bond stood. Ms. Chase explained that she spoke to the Assistant Vice President of TD Banknorth and he explained that the bond expired, but because it was set up to be a self-calling letter of credit the money was there if the Town chose to call it in. The VP also informed Ms. Chase that the board needs to give him direction on what to do with the bond.

Mr. Fred Demar, a resident of Greystone Village, described deficiencies within the development and the homes in the development. He said that he met with Mr. Duncanson, GFI representatives and Attorney Griffen on August 19, 2008 and they promised to take care of all of Mr. Demar’s issues within 60-days and nothing has been taken care of. He opined that the residents have had nothing but empty promises from the owners of Greystone Village. He said that some residents are having electrical problems and that his own driveway has collapsed. Mr. Demar said that there are currently 8 residents living there and there are two empty model homes and 9 lots left to be developed in phase I of the 4-phase project.

Mr. Wilson referred to the letter from Attorney Griffin regarding loam and seed on the lots of the residents that live there. Mr. Duncanson explained that each of the lots were loamed and seeded except for one and he is trying to rectify the situation where his predecessor used bad loam so the grass didn't grow.

Dr. Arena said that the board was lead to believe that all the lots would have been loamed and seeded and not done one unit at a time as each home sells. Mr. Duncanson said that he is aware that's how it was presented and he agreed that it is not being done that way.

Mr. McManus asked for an update on the Company GFI. Mr. Duncanson said that he is the project manager for the Greystone Village development, and has been since March 2008. He said most of the original employees were terminated in March.

3. *Resolve the deficiency with temporary sedimentation basin #3* - Mr. Duncanson said that he walked the site with John Chagnon from Ambit Engineering and received a letter from him right before the meeting and only had one copy. He read from Mr. Chagnon's letter "I reviewed the need for temporary sedimentation basin #3 which is proposed to be constructed in phase I in the vicinity of lots 42 – 43; for several reasons I do not find the need to construct the basin at this time, first the area contributing to the basin has established vegetation that is not eroding, second the area has a base of the sub area that has not been stabilized and is clearly directing any runoff to that area of phase II temporary sedimentation basin #4 which does not outlet any other property, in addition there is no evidence of erosion off the site in the vicinity of the proposed temporary sedimentation basin #3. My recommendation is that the basin be eliminated from the phasing plans".

Mr. Duncanson said that GFI would like to present a new plan to the Planning Board that would eliminate basin #3 and construct in a way to force runoff water into basin #4. The Board would need the Town's engineer to inspect the basin to make sure it is completed.

Mr. Wilson asked if sedimentation basin #4 was constructed. Mr. Duncanson said that everything is elevated around it causing the impression.

Mr. McManus said that it sounds like a development in financial trouble.

4. *Comply with all erosion control requirements* - Mr. Duncanson said that there a couple of lots that need to be seeded, and there are a couple of minor issues that will be taken care of this week.

Mr. Wilson commented on the fact that Mr. Demar's driveway collapsed and it was probably due to stormwater drainage problems. Mr. Duncanson said it is not

because of water drainage problems and Mr. Demar concurred. Mr. Demar said it was because it wasn't graded correctly.

5. *Perform stormwater control inspections* - Mr. Duncanson said that the paperwork has not been filled out but will be soon.
6. *Address pending expiration of the NHDES Alteration of Terrain Permit* – Mr. Duncanson said that he spoke with NHDES and they said they will grant an extension for the pending expiration of the NHDES alteration of terrain permit as soon as they get a request from Mr. Duncanson.

Hoping to have the following by the November 6th meeting:

- Revised plan with a better design for the sedimentation basin #3
- Affirmation that the stormwater control inspections have been done
- Completed application for extension from NHDES for alteration of terrain permit

The board determined that an amended plan and the other issues to be addressed by GFI can be placed on the November 6, 2008 agenda with just the legal requirement of posting it at least 24 hours prior to the meeting. The board may decide that the changes are major and that the discussion would need to be tabled and the abutters properly notified. Mr. Wilson informed Mr. Duncanson that he would need to submit the revised plan at least a week prior to the November 6, 2008 meeting.

Mr. Wilson said that Mr. Duncanson would need to address the concerns of the residents by November 6, 2008, for example the lights at the end of their driveways. Mr. Duncanson said that the lighting portion of the plan is part of phase I and doesn't necessarily have to be completed until phase I is completed. Mr. Wilson said that he would like to see all the residents issues addressed and maybe the board would need to take some money out of the bond to hire an outsider to address these issues.

Dr. Arena agreed that the resident's issues must be taken care of first.

Rosalie Paul spoke from the audience and said that she represents a couple that put down a "good faith" deposit to GFI on one of the units in Greystone Village and she was present to receive information to help her decide whether or not to advise her clients to recall their deposit.

Mr. Wilson said that the board wants to see the project succeed. He suggested that she return for the November 6th meeting for more information.

Mr. Wilson suggested writing to the bank and requesting a new expiration date of December 31, 2008 on the current self-calling surety bond in the amount of \$751,840.71.

Dr. Arena moved and Mr. Kroner seconded the motion to authorize Chairman Wilson to draft a letter to TD Banknorth and request an extension to the expiration date of the self-calling letter of credit for the Greystone Village development.

The vote was unanimous in favor of the motion (6-0).

Ms. Chase brought to the board's attention that there is an invoice from Altus Engineering for \$887.00 for engineering services performed at the Greystone Village site. She suggested an escrow account be set up for future engineering bills. Mr. Wilson suggested to Mr. Duncanson that the invoice of \$887.00 be paid by November 6, 2008 and Ms. Chase was directed to contact Altus Engineering and request an estimate on how much future engineering services would cost and the board would set up the escrow account at the November 6, 2008 meeting.

Mr. Demar said that a light needs to be installed at the entrance of Greystone Village because it is very hard to see in the dark. He also mentioned that the area where phase II or III will be going is beginning to look like a dumping ground. There is an old refrigerator and water heater dumped there. Mr. Duncanson said that he is aware of it and said that it will be addressed.

New Business

1. Rite Aid - request release of landscape surety bond:
No one was in attendance for this request. Mr. Wilson said that there are two issues with the area. Mr. Mabey said that not all of the trees and plantings were installed per the plan and Mr. Peter Simmons told him that in the course of construction the monuments were eliminated and never replaced. Mr. Wilson recommended that until these issues are resolved then the bond should not be released.

Ms. Pohl moved and Dr. Arena seconded the motion not to release the surety bond until the issues (planting of remaining trees and replacing monuments) are resolved.

The vote was unanimous in favor of the motion (6-0).

Mr. Wilson asked that the board authorize him to write a letter to the owner of Rite Aid and explain that the monuments are not set and request that they be reinstalled and inspected by a certified surveyor.

Dr. Arena moved and Ms. Pohl seconded the motion to authorize Chairman Wilson to write a letter to the owner of Rite Aid and request that the remaining trees and plants be installed according to the approved plan and that the monuments be reinstalled by a certified surveyor.

The vote was unanimous in favor of the motion (6-0).

2. W/S Development request reduction of (Staples) landscape surety bond:
In attendance for this discussion:
William Haskell, Gorill-Palmer Engineering

Mr. Haskell explained that the landscaping at the Staples site has been completed and inspected by the Building Inspector. The board was in receipt of a report from the Building Inspector indicating that the site was complete and satisfactory.

Mr. Gorrill requested a drawdown on the landscaping bond in the amount of \$25,500.00 of the \$34,000.00 bond leaving a 25% balance of \$8,500.00 for a period of two years. Mr. Kroner commented on the fact that the Staple letters (signage) appear to be larger than the approved 4-feet. Mr. Haskell was not aware of that, but said he would look into it.

Dr. Arena moved and Mr. Kroner seconded the motion to approve the request to reduce the Staples landscape bond in the amount of \$25,500 leaving a balance of \$8,500.00 for two years.

The vote was unanimous in favor of the motion (6-0).

3. W/S Development request reduction of (TGIFriday) landscape surety bond –
In attendance for this discussion:
William Haskell, Gorrill-Palmer Engineering

Mr. Haskell requested the release of the remaining amount in the landscape surety held by the Town for the TGIFriday restaurant. The remaining amount of \$12,500.00 had been held by the Town for two-years and the board was in receipt of a report from the Building Inspector that the site is complete and satisfactory. The two-year expiration date is November 6, 2008.

Mr. McManus moved and Ms. Kohl seconded the motion to approve the request to release the remaining bond of \$12,500 plus interest on November 6, 2008. The vote was unanimous in favor of the motion (6-0).

4. Crown Properties – request release of landscape surety bond - Mr. Roy requested the release of the landscape surety bond in the amount of \$20,000.00 plus interest. The board was in receipt of a report from the Building Inspector that the site is complete and satisfactory. **Mr. Kroner moved and Ms. Kohl seconded the motion to approve the request for release of the remaining balance of the bond. The vote was unanimous in favor of the motion (6-0).**

Discussion on Planning Board engineering fees process – Mr. Kroner commented that the current procedure is sound, whereas the engineer will submit an estimate of what the engineering fees will cost and the Administrator will invoice the applicant and set up an escrow account with the assistance of the Town Treasurer and the board will not take jurisdiction of an application unless the escrow is set up. Mr. Kroner referred to a letter to the editor that was currently in the paper where the Planning Board was criticized for sending the wings your way application to the engineer for review for a deck. Mr. Kroner explained that it was important to clarify that the application was for an entire reconstruction of the parking lot that produced a lot of issues and the amount of engineering fees came from the applicant's engineer not the Towns. He further

commented that he encourages the engineers and applicants to attend the Application Review Committee meetings.

Mr. Fucci suggested that the board could give the applicant a good estimate of how much engineering fees are going to be at the ARC meetings, so they won't be surprised when they receive the invoices.

Mr. Wilson said that the board is going to be more cautious with questions that can drive up engineering fees.

Committee Updates

Long Range Planning – Mr. Kroner passed out copies of a proposed amendment to the sign ordinance Section 506.5 that would prohibit internally lit signs unless the applicant could demonstrate that an internally lit sign would meet the “dark sky standards”. Dr. Arena explained how far light projects differently behind different colors of the spectrum.

Mr. McManus opined that he likes the backlit signs; they are easier to see. He suggested allowing them, and adding a condition that they are to be turned off by a set time and/or when the business is closed.

Mr. Wilson opined that internally lit signs cheapen the look of the business district, and it would be an overall improvement to the I-B/R district to prohibit them. He further commented that downward lighting works well to make the signs visible.

Dr. Arena opined that an internally lit sign looks good with a black background and white lettering, and agreed with the suggestion to add a condition that the sign to be shut off at a certain hour.

Mr. Wilson suggested placing the choice on the ballot to either allow internally lit signs or prohibit internally lit signs and let the townspeople decide.

Ms. Kohl commented that sign regulations are hard to enforce and suggested that internally lit either be permitted or prohibited.

The board discussed the following different options:

- Allow internally lit signs
- Allow internally lit signs and add conditions
- Prohibit internally lit signs
- Prohibit internally lit signs unless you can demonstrate that it would meet the dark sky standards.

The board determined that it is up to the voters of the Town, and to place the amendment on the ballot that internally lit signs are prohibited.

Mr. Wilson moved and Ms. Pohl seconded the motion to draft an amendment to the sign ordinance that prohibits internally lit signs and take it to public hearing and hear what the public has to say and then decide what to do after that.

The vote passed (4 in favor, 1 opposed and 1 abstention). Mr. McManus opposed and Dr. Arena abstained.

The board decided to hold the first public hearing on the sign ordinance amendment at the November 18, 2008 work session meeting at 7:00pm in the Mary Herbert Conference room and be the first item on the agenda.

CIP – Ms. Pohl said that she has not yet received the info on the Department's seven year capital spending items. She said that Mr. Salomon was going to address it at a Select Board's meeting and to her knowledge he has not done that yet.

Mr. McManus suggested that Ms. Pohl write a letter to the Town Administrator and have the request for information added to the Select Board's agenda. Ms. Pohl said that she would write the letter on Planning Board stationery requesting the information and that the topic be placed on the Select Board's agenda.

Dr. Arena opined that the process on gathering the information for the CIP be a part of the Select Board's job description.

Work force housing – Mr. Wilson said that the committee has met a couple of times and that Mr. West sent the workforce housing model ordinance from RPC to them. He said that he drafted an ordinance for the Town of North Hampton using that model. Mr. Wilson emailed a copy of the draft ordinance to all members of the board. He went over the major aspects of the proposed ordinance.

- Combine current zones R2 and R3 and add two new zones (1) wetland conservation district and conservation land district where residential use will not be included.
- It will be dealt with under the conditional use process; all appeals go to Superior Court not the ZBA.
- 2-acre lots are typically assessed for \$125,000, in order to make land affordable the lot sizes would need to be as small as 1/3 of an acre.
- To ensure affordable houses remain affordable, may require the developer to mutually agree on hiring a third party to monitor the property.

Mr. McManus commented that it was a considerable amount of work and thanked Mr. Wilson for all the work he has put into it.

Dr. Arena agreed and said that Mr. Wilson should be commended for his efforts in protecting the Town.

Mr. Kroner noted for the record that North Hampton State Representatives did vote against the initial workforce housing bill.

Mr. Wilson said that any comments about the draft ordinance should be directed to himself, Ms. Kohl or Mr. McManus by email prior to the next RPC workforce housing meeting on Tuesday, October 28th.

Other Business

Any other business to come before the board

Dr. Arena asked if there was an update on the KNC development at 26 Lafayette Road. Mr. Kroner said that they decided not to change anything structurally and if they did they would need to come back before the Planning Board.

The board discussed the Code Enforcer's enforcement procedures. Mr. Wilson explained that the Code Enforcer is guided by RSAs.

A motion was made and seconded to adjourn the meeting at 10:10pm with all in favor of the motion.

Respectfully submitted,
Wendy V. Chase

Approved November 18, 2008