



MEETING MINUTES
NORTH HAMPTON PLANNING BOARD
Thursday, September 17, 2009
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, Barbara Kohl, and Tom McManus.

Others present: Brian Groth, RPC Circuit Rider and Wendy Chase, Recording Secretary.

Alternates present: None

Mr. Kroner convened the Meeting at 7:03pm.

Mr. Brian Groth introduced himself to the members as the new Rockingham Planning Commission Circuit Rider for the Town of North Hampton.

I. Old Business

None

II. New Business

Ronald Moores – correction to 1999 Subdivision Mylar for Helen R. Taylor Family Trust, Lafayette Road, M/L 007-118.

In attendance for this discussion:

Ronald Moores, Surveyor

Greg Taylor, Owner of the subject property

Mr. Moores explained that he had prepared the original subdivision plan for the Taylor Family Trust and had discovered a calculation error on one of the bearings, moving it 4 ½ feet to the north when it should be 4 ½ feet to the south. He asked that the Planning Board sign a corrected Mylar. He produced a corrected subdivision plan and explained where he had made the correction and also updated the plan per a boundary agreement between Mr. Jeppesen and Mr. Taylor. He reset three concrete bounds.

Mr. Wilson voiced concern that the abutter that would be affected by any change to the Mylar was not present. He asked if the abutters had been notified; they had not. Mr. Taylor said that he spoke to his abutter Mr. Lupoli and he said he was fine with the correction.

Dr. Arena said that if the abutter, Mr. Lupoli, is fine with the correction then he should state that fact in writing. He said that he has no problem signing the corrected Mylar if the abutter is okay with the change.

Mr. Moores said that if he had done a “straight” survey of the land he would not need Planning Board approval and he would just correct the plan, inform the abutter of the change, and register the Mylar at the Registry of Deeds.

Mr. Wilson moved and Mr. Kroner seconded the motion that the Planning Board approve a corrected Mylar with the following conditions: (1) that the Planning Board receive a letter from N/F Lupoli Family Trust stating that they understand that this is merely an administrative correction of a bearing on the boundary line between the two properties and (2) that the Building Inspector send the Planning Board a memo that he has reviewed the description of the meets and bounds in the deed to the affected properties and agrees that this is a correction of the Mylar that accurately represents the meets and bounds as described in the deeds. The vote was unanimous in favor of the motion (5-0).

Joseph Roy to discuss Greystone Village

In attendance for this discussion:

Joseph Roy, Shawn Roy and Bill Brown

Mr. Roy said that he has been working with the bank to possibly purchase the Greystone Village development. He said that over the past few months he has been working at the site doing minor improvements. He was before the Board to ask what would be expected from him if he were to purchase the development, in terms of posting a surety bond. He said that what the Town expects from him will have an impact on his decision on purchasing the development. He said that he would develop it the same way as he has developed his current mobile home park; one home at a time.

Mr. Roy said that there are twelve lots left to develop in phase I, and was told by John Chagnon of Ambit Engineering that there is not a lot left in finishing the drainage for that phase. He said that he has three homes ready to be sold in anticipation that he is purchasing the development. He said that he plans to sell homes and as the income comes in slowly build back.

Mr. Kroner said that it is important that there is a full understanding of what the plan is. He said that there are unique conditions of approval on the development. The Board discussed the original self-calling letter of credit established by GFI. The Town is involved in a law suit to recover the balance of \$751,840.71. If the Town prevails the money could be used to finish the entire infrastructure of all four phases.

Mr. Wilson said that given the terms of the letter of credit, he was not certain that it would be the Town's legal obligation to use the money to complete the development's infrastructure; the money could be placed in the general fund.

Dr. Arena said that it would be the Town's moral obligation to use the money on finishing the Greystone Village project. Mr. Wilson agreed that it would be morally correct to use the money toward completing the Greystone Village project.

Mr. Wilson explained to Mr. Roy that the last thing the Board decided was to have the last owner complete phase I making it livable for current residents in perpetuity. A couple of the main issues that need to be addressed are that the temporary road in the development needs to be made permanent, and the existing detention pond that was meant to be temporary needs to be completed. He suggested that Mr. Roy come back before the Board with a surety amount that would cover the completion of phase I.

Mr. Roy said that he had several conversations with the Building Inspector, and was told that the latest figure discussed was \$52,000 to complete phase I, and he thought that was a high price. He thought he could complete it for less because everything was being done "in-house".

Mr. Roy explained that he is proposing to buy GFI's debt and then foreclose on the property instead of the bank.

Mr. Wilson said that the Board agrees that they would like to see someone take over the Greystone Village project, both for the sake of the Town, and the current residents of Greystone Village. He said that no one knows how the letter of credit with TD Banknorth is going to "play out". If a settlement is reached, then at that time, it needs to be determined what to do with it. He said that he believes the Board agrees that the moral obligation of the Town would be to devote any monies to what it was originally designed to do.

The Board discussed with Mr. Roy a sufficient surety amount that would cover the completion of phase I.

Mr. Fred Demar, a resident of Greystone Village was present. He told the Board that the people of Greystone Village are happy about the potential of a new owner taking over the development but, they also had concerns, such as lighting, and mailbox issues and access to the club house. He said that if the issues with the resident's homes and the issues of phase I are taken care of then the residents would be happy. He said that he personally has site issues as well as issues with his home. He explained that he has put his monthly rent in an escrow account and used some of the money to take care of the issues with his home.

Mr. Roy said that he met with the residents of the village. He said that the homes come with a one year warranty. He said if the residents had issues with their homes they should have gone through the manufacturer within that one year and not GFI. He said that the issues of the homes have nothing to do with him. He said that even though it would not be his responsibility he would do what he could to help the residents with their issues. He said that he explained to the residents that he will address anything that is a real problem and try and rectify it, and then try and address the issues of first person in the park, and go down the list from there. He said that there are no code issues, just little things that should have been taken care of when they put the home in. He said that he thought all the residents were happy with the proposed plan.

Mr. Demar said that the resident's have issues with the park also, such as the lighting out on Route 1. He said that it is impossible to see the entrance of Greystone Village at night heading in either direction along Route 1.

Mr. Kroner said that if a street light were to be put up it would be mandated by the State because they own the right-of-way. He said that the developer is only responsible for what is on the accepted plan. The developer is not under any obligation to provide lighting on Route 1.

Mr. McManus pointed out that the Board has put a hold on the issuance of building permits and occupancy permits for the development.

Mr. Roy said that he would like to go in and get the Residents taken care of, get the two model homes ready to be shown, and get all the lots graded. He said that \$50,000.00 would cover the completion of phase I.

Dr. Arena said that the original letter of credit was established for the entire project. He said they were concerned with the completion of phase I and that Mr. Roy would need to come back before the Board before the development of any other phase.

Mr. Wilson reviewed data submitted by Ambit Engineering showing what needed to be done to complete phase I, and the amount it would take to complete each item:

- Storm water controls 75% complete balance to remain = \$ 39,930.00
- Sidewalks 45% complete balance to remain = \$ 13,500.00
- Road pavement 45% complete balance to remain = \$ 20,625.00
- As built drawings = \$ 8,987.32
- Cleanup debris = \$ 29,000.00
- SWPP Inspections = \$ 7,000.00
- Subtotal \$119,042.32
- 10% contingency \$ 11,904.25
- Totals \$130,946.55

The Board agreed that it would be nice to have the as built drawings, but would be willing to eliminate it.

The Board agreed to strike the amount for *cleanup debris*.

The Board agreed that the surety should cover the storm water controls (40k), road pavement (20k), SWPP inspections (7k), and an additional 10%.

Mr. Wilson explained that if Mr. Roy secured a surety amount of, for example, \$70,000.00, he could draw down from that amount as he completes the project by allowing Mr. Clifford of Altus Engineering to verify the work that is done and recommend to the Board the appropriate draw down amount.

Dr. Arena brought up the fact that the letter of credit issue is still unresolved and that money may be used for the project.

Mr. Roy asked if the Board could find out where the law suit on the letter of credit stands.

Ms. Kohl suggested Mr. Roy's Attorney contact the Town's Attorney to see what would happen to the law suit if the property were to be sold.

Mr. Wilson moved and Ms. Kohl seconded the motion that the Board agrees to allow the Building Inspector to release occupancy permits in phase I of Greystone village as soon as an owner provide surety in the amount of \$70,000.00 that the Board has found is sufficient to complete the necessary storm water controls, road pavements, and SWPP inspections.

Dr. Arena said that there is a bond out there that rightfully belongs to the Town to be used to complete the project. He is concerned that the Board is asking for a surety of \$70,000.00.

Mr. Kroner said that the Board could take another route and not require the surety, but they would not be able to allow the release of occupancy permits until the "punch list" was complete.

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

Mr. Wilson said on behalf of the Board, they wished Mr. Roy luck and that the Board will be as cooperative as they can reasonably be while protecting the interests of the Town.

Discussion on HB 86 – allowing towns to issue citations and accept pleas by mail for local code violations.

Mr. Wilson said that State Representative Judy Day sent him a copy of HB 86, which became effective June 10, 2009. He explained that the bill allows municipalities to enforce municipal codes and ordinances by issuing citations and accepting pleas by mail for violations.

Discussion ensued on where the money for the citations goes.

Mr. Groth read from the document:

"Civil penalties collected by the district court under this section shall be remitted to the municipality issuing the citation".

The board would need to establish the penalty amounts, and draft a Town Ordinance to be voted on by the Legislative Body.

A subcommittee was created and Dr. Arena, Ms. Kohl and Mr. Groth volunteered to be members. They will meet and draft an Ordinance, and present it to the Planning Board for review.

III. Committee Updates

1. Long Range Planning Committee

- a. discussion on the Board or Committee's involvement with the RFP for engineering and design work.

Mr. Wilson explained that the Town has received the proposals requested for the design-build services for the Municipal Campus Study. He explained that Mr. Fournier along with each of the Department Heads, and a member of the Library were asked to review them, and to provide feedback to the Selectmen on which firm to hire.

Mr. Wilson stated that he has great respect for the Town Department Heads, but at the same time said that their interests in this project are not always identical to the interests of the people in the Community. Mr. Wilson said that the proposals should be reviewed by other people within the Community. He further stated that the Planning Board and people in the Community invested a lot of time in 2005 on this problem, and those people may have

something to offer in the review. Mr. Wilson said that the process did not involve the public, and Mr. Fournier said that it was a non-public process. Mr. Fournier sent Mr. Wilson emails of a memo from the Attorney General that made reference to a Supreme Court Case, which Mr. Fournier said indicated that the Town was not obligated to make this process a public process. Mr. Wilson said that he read the Attorney General's memo and the Supreme Court Case Mr. Fournier sent and disagreed because it sounded like it referred to State spending not municipality purchasing processes. He said the Supreme Court case cited in the memo deals with municipal property being sold, and the outcome was that the Court said the Town has discretion when selling Town property. He said that the Court Case had nothing to do with this issue. Mr. Wilson said that the Select Board in the past have requested bids, and opened them in a public meeting, and doesn't understand why this is non public.

Mr. Wilson said that it was up to the Board whether or not they wanted to get involved.

Ms. Kohl said that resulting from the 2005 survey conducted by the Board, that it was determined that the majority of the townspeople do not want this type of expansion.

Dr. Arena said that there is a conflict of interest where there are the people involved in making a determination, and the Town that has to pay for it being totally "out of the loop".

Mr. McManus agreed that the process should be handled in the "light of day". He said that it is important for the townspeople to be knowledgeable about it from the very beginning.

Ms. Kohl said that she believes that the townspeople do not want their taxes to go up, and these types of projects do in fact raise property taxes.

Mr. Wilson said that in 2005 a survey was conducted and the townspeople responded that they were not interested in investing money to build new buildings. He explained that the surveys were done because the Planning Board had to write a Vision Section for the Master Plan. The Board also updated the Municipal Facilities and Services Chapter at that time. Mr. Wilson said that all of the Department Heads were interviewed as well as other similar communities. During the process deficiencies within some of the departments were discovered and some are safety issues. He said that some of the people in Town are not aware of such deficiencies only because they are not as involved as others might be in the everyday workings of the Town Departments.

Ms. Kohl said that most of the deficiencies can be handled without building a new complex.

Mr. Wilson asked if members of the Long Range Planning Committee wanted to get involved in the process. Mr. Wilson said that the first thing would be to go and review the proposals so that they could make recommendations to the Select Board on who to select.

Arthur Nadeau, 34 Pine Road, asked if the RFPs were public information. Mr. Wilson said he believed that they were.

Dr. Arena, Ms. Kohl and Mr. McManus said that they would review the proposals. Mr. McManus would also like to enlist interested citizens to participate in the process.

Mr. Wilson moved and Mr. Kroner seconded the motion to authorize the Vice Chair to enlist any citizen that express the interest and have the qualifications to assist the

Long Range Planning Committee in making a contribution in selection of the vendor for the municipal complex design work that has been sought by the Select Board. The vote was unanimous in favor of the motion (5-0).

IV. Other Business

Minutes

July 16, 2009 Meeting Minutes – Mr. Wilson made an amendment to the minutes line 230 – remove *let us* and change *among* to *upon*.

Mr. Wilson moved and Ms. Kohl seconded the motion to approve the Meeting Minutes of July 16, 2009, as amended, August 6, 2009 and September 3, 2009. The vote passed (5-0 with Mr. Kroner abstaining from the vote on the August 6, 2009 Meeting Minutes).

Any other business to come before the Board

Mr. Wilson received a letter from New Hampshire Department of Environmental Services (NHDES) informing him that the Town of North Hampton is eligible to become a member of the Southeast Watershed Alliance (SWA). The SWA was created to help increase intermunicipal coordination to deal with water quality issues within the watershed, such as creating effective solutions to pollution problems.

Mr. Wilson explained that the Planning Board would need to vote to recommend to the Select Board whether or not to join the SWA.

Ms. Kohl moved and Mr. Wilson seconded the motion to recommend to the Select Board that the Town of North Hampton joins the Southeast Watershed Alliance (SWA). The vote was unanimous in favor of the motion (5-0).

The meeting was adjourned at 9:38pm.

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved October 15, 2009