



**Meeting Minutes**  
**North Hampton Planning Board**  
**Thursday, June 3, 2010 at 7:00pm**  
**Mary Herbert Conference Room**

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

**Members present:** Phil Wilson, Chair; Barbara Kohl, Vice Chair; Shep Kroner, Joseph Arena, Laurel Pohl, Mike Hornsby, and Jim Maggiore, Selectmen's Representative.

**Members absent:** None

**Alternates present:** None

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

Mr. Wilson convened the Meeting at 7:03pm, and noted for the record that the Agenda was properly posted and there was a full complement of the Board.

Mr. Wilson welcomed Mr. Maggiore as the Selectmen's representative to the Planning Board, he also congratulated and welcomed newly elected member Mike Hornsby and re-elected member Barbara Kohl.

## **I. Old Business**

There was no "old business" before the Board.

## **II. New Business**

**10:07 – Nicholas & Paula Jarek, PO Box 442, Pelham, NH 03076.** The Applicants propose to operate a collectible auto sales business out of an existing auto repair business. Property owner: 12 Elm Development; property location: 12 Elm Road, North Hampton; M/L: 013-020-000; zoning district: I-B/R.

### In attendance for this application

Nicholas Jarek, Applicant

Matthew Wood, Owner of East Coast Classic Auto and Restoration

Mr. Nicholas introduced himself and presented his case before the Board. Mr. Jarek stated that he owns Jarek Auto Sales, and has owned and operated it for 22 years. He explained that he currently owns a dealer's license out of Pelham New Hampshire and would like to transfer the license to 12 Elm Road,

North Hampton at the existing auto repair business, East Coast Classic Auto and Restoration. He said that there will be no changes made to the existing site; and that his vehicles are, and have been restored at that location for some time. He further explained that he would be working out of a 1,200 square foot space, and the State requires he provide 25 parking spaces for vehicles.

Mr. Jarek said that his business is exclusive to restoring "high end" collectible cars and he does all of his sales through the internet and public auctions. He said that there will be no changes to the site, no sign and no "foot traffic". Mr. Jarek depicted the parking spaces on the septic plan he submitted.

Ms. Kohl asked if their business was the same as 7-auto sales on Lafayette Road and if he planned on displaying vehicles on the premises, and Mr. Jarek said "No". He said that Mr. Wood restores the vehicles and Mr. Jarek "details" them and ships them off to auction. He said that the cars sell for \$100,000 and above, and they usually restore just one or two vehicles at a time; they do not display the vehicles at the site.

Dr. Arena asked how many cars they are working on currently and voiced concerns on how they manage the cars that they use for parts without making the site look like a junk yard.

Mr. Wood explained that they pick the cars apart for parts they need and send them off to other places to use or to the junk yard. He said that the cars that they currently use are covered each night with a blue tarp.

Mr. Wilson informed the applicant that the Site Plan Regulations requires 1 parking space per 300 square feet of retail use; the 1,200 square foot facility would require 4 spaces. The applicant pointed out the location of the spaces on the septic plan he had submitted as the site plan. It was determined that the State requires 25 spaces and that did not leave enough spaces to fulfill the Town's required 4 parking spaces.

Dr. Arena said that because it is not a "dealership" the application should be handled differently, and it is not a "change of use" because there is an existing approved auto body shop at that location.

Mr. Wilson asked if the Applicant would be willing to state that they would never sell cars from that location and accept it as a condition of approval. He said that if they agreed to that condition they would not need the required 4 parking spaces per the site plan regulations.

Mr. Wood said that he is allowed to sell up to five cars a year without a dealer's license. He explained that it is imperative to have the dealer's license for insurance purposes when transporting and test driving the vehicles. He said that he was not willing to stipulate that they would never sell a car from that location.

Mr. Wilson said that the Board did not have to agree with him but, as far as he was concerned, the application was incomplete because the applicant did not provide a site plan of the property, and did not provide proof of adequate parking. He explained to the applicant that he was entitled to request waivers to any of the site plan requirements, and that the requested waivers would need to be properly noticed.

Mr. Wilson said that the applicant needs to produce a site plan that can be registered at the Registry of Deeds that shows the required customer parking, and a request for any waivers pertaining to the site plan checklist.

**Ms. Kohl moved and Ms. Pohl seconded the motion to deny jurisdiction of the Site Plan Application for Case #10:07 – Nicholas and Paula Jarek without prejudice because of the following deficiencies (1) the plan submitted with the application was an outdated plan of the site that a) did not indicate all required information, such as customer parking, b) would not prove a basis for a recordable Mylar and 2) a waiver request for waiving some or all customer parking spaces was not submitted or noticed for this hearing.**

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

**Dr. Arena moved and Ms. Kohl seconded the motion to waive all application fees except for abutter notification if the applicant reapplies within 60-days of this meeting.**

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

**10:08 – Michael Negm, PO Box 449, Somersworth, NH 03878.** The Applicant proposes to convert an existing multi-family unit into Workforce Housing. Property owner: MA Negm, LLC, PO Box 449, Somersworth, NH 03878; property location: 224 Lafayette Road, North Hampton; M/L: 021-031-000; zoning district: I-B/R.

In attendance for this application:

Geoff Aleva, Civil Consultants

Mr. Wilson noted that Mr. Negm had been before the board with a preliminary consultation of this proposal on December 17, 2009 and presented this application before the Application Review Committee on May 26, 2010. The following comments for consideration were discussed at the ARC meeting:

1. Applicant should consider providing recreational area for children.
2. Applicant needs to specify third-party monitoring agent.
3. Applicant should propose a method for ensuring that rentals remain within HUD limits in perpetuity.

Mr. Aleva explained that the Applicant proposes to convert an existing non conforming multi-family complex into a conforming work force housing rental use. He gave a brief history and proposals of the property:

- 1986 a site plan was approved for the construction of a 2-bedroom apartment to be accessory to the existing office building
- Between 1986 and 2005 the residential use was expanded to 7 residential units and 2 office units (without approval).
- The property currently consists of 7 residential apartment units and 2 office units.
- The proposed project creates 6 residential units and 3 office units.
- The existing septic system has been well maintained and there are no current issues; the leach field size does not meet current requirements, but the property allows for easy construction for additional capacity.

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- The building owner is currently working on resolving issues with egress and smoke detection systems with the Fire Department.

Mr. Aleva explained that new lease agreements will be drawn up to include utilities in the monthly rent amount for the work force housing units.

Dr. Arena asked if there was a common area where the children who reside there will have a safe place to play.

Mr. Aleva said that the current children residents consist of a 16-year old and a 6-month old. He said that it is their intention not to provide a recreation area. He said that if it is required they would have to “clear” an area and add barriers on the property.

Ms. Kohl asked how much of the property was in Rye. Mr. Aleva referred to the plan that showed that approximately 10,250 square feet of land is located in Rye.

Mr. Kroner asked if the project should be considered as regional impact requiring regional notification. Mr. Aleva said that the plan showed that the land located in Rye and the wetland area were not part of the calculation when determining and satisfying the density requirement.

Mr. Wilson asked if the Rye abutter had been notified and Ms. Chase confirmed that they had been notified of this application and Public Hearing.

Mr. Aleva explained that the current published guidelines for this area are determined by the Metro Area of Portsmouth-Rochester, and the current income is listed as \$43,200, with a maximum monthly rent of \$1,080.00.

The Board discussed the lien provision in the ordinance with Mr. Aleva. Mr. Aleva said that MB Management is under consideration as the Applicant’s third-party monitoring agent, and they would submit a written report annually to the applicant and the Planning Board proving all affordability standards are continuously met.

Mr. Wilson explained that the way the inclusionary ordinance is written is that the owner would grant the Town with liens that would equal the difference between “fair market” value and HUD limits; this case is unusual because the existing rents fall below the HUD limits.

Mr. Aleva suggested that in lieu of establishing a lien they could add deed restrictions stating that the units will remain within the HUD limits in perpetuity and rely on the monitoring agent to verify. He asked whether or not it would be a code violation if the rents increased.

The Board discussed possible violations and remedies to them. The Board considered revocation of the site plan and certificate of occupancy if violations occur. Ms. Kohl asked if that would result in putting people out on the streets. Mr. Wilson said that Town would need to receive a legally binding contract that would give everyone assurance.

**Dr. Arena moved and Mr. Hornsby seconded the motion to take jurisdiction of case #10:08 – Michael Negm.**

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Mr. Kroner asked if there was a professional review of the sub surface disposal system. Mr. Aleva said that the new leach field will go off of the same area and the Applicant has been in contact with the Building Inspector regarding this issue.

Mr. Aleva said that he would find out what the "fair market" value is in the area for rents, and if the "fair market" value is higher than the HUD limits, he will come back to the Board with a lien agreement.

The Board voted on the motion to take jurisdiction.

**The vote passed in favor of the motion (5 in favor, 2 opposed and 0 abstentions). Ms. Kohl and Ms. Pohl opposed.**

**Ms. Kohl moved and Dr. Arena seconded the motion to continue case #10:08 – Michael Negm to the July 1, 2010 meeting.**

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

Dr. Arena suggested the Board conduct a site walk of the property.

The Board decided to conduct a site walk of Michael Negm's property at 224 Lafayette Road on Thursday, June 17, 2010 at 5:00pm (before the regular work session meeting at 6:30pm). Ms. Chase will "notice" the site walk.

**10:09 – J&S Greystone Village, LLC, PO Box 1627, North Hampton.** The Applicants propose to modify the approved site plan for Greystone Village Development by eliminating 6 units, roadway re-design and drainage design update. The Applicants request the following waivers: (1) Section X-A.3 – Street Design and Construction Standards to allow a dead end road system, and (2) Section XII.O – to modify the existing condition of approval regarding the septic systems and allow state approved systems that will be maintained by the owner. Property owner: J&S Greystone Village, LLC; property location: 223 Lafayette Road; M/L 021-001-000; zoning district: I-B/R.

Mr. Hornsby recused himself from case #10:09.

Mr. Wilson called for a 10-minute recess.

The Board reconvened.

In attendance for this application:

John Chagnon, Ambit Engineering

Sean and Joe Roy, Owners/Applicants

Mr. Chagnon submitted a copy of the deed into the record. Mr. Wilson asked if there was a clause in the deed stating that the Planning Board should be notified if ownership of the property changed, because it was the Board's understanding that the original owner agreed to that stipulation so that the Board would be certain that the development would always be managed by a certified management company. Mr. Chagnon said that there was no such stipulation in the deed he submitted.

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Mr. Chagnon went on to explain the main proposed changes to the original plan:

- Eliminate six units - Road "D", Summer Court, will be eliminated.
- Reconfigure the drainage scheme – update the drainage design by eliminating the curbing and adding swales for water collection to be drained into an infiltration device; a lot of the runoff will be treated in the swales.
- New lay out of the road for emergency access – Mr. Chagnon said that the proposed development will have a dead end road system, however emergency access will be provided.
- Change the septic systems – Mr. Chagnon explained that the original approved individual septic systems cost up to \$7,500 per unit and the conventional systems cost a third of that. The applicant proposes to provide state approved systems that the park owner will be responsible to maintain. Mr. Chagnon said that concentrating flow to a two acre site is not the best environmental solution. Mr. Roy has conventional septic systems in the Maple Leaf Mobile Home Park and has never had an issue or problem with the health, welfare and safety of the tenants. Mr. Chagnon read a letter from NHDES stating that the Bureau has found that the utilization of waste water alternative systems is an acceptable alternative to conventional leaching systems.
- Exclude the "clubhouse" from the project. Mr. Chagnon explained that Mr. Roy met with the residents and they agreed to eliminate the "clubhouse". He explained that in the original lease each tenant was responsible for a pro-rated share of the maintenance costs of the building.
- Eliminate sidewalks – Mr. Chagnon said that they would like to eliminate the sidewalks and help reduce the impervious surface.
- Lighting – Mr. Chagnon said that he will put lighting at the entry of the park and that each individual site will have a light at the end of each driveway. They were to be set on timers but the tenants were not in favor because the electricity would come from each unit.

Mr. Chagnon said that the proposed plan reduces the wetland impact from 26,232 square-feet down to 11,542 square-feet.

The Board discussed whether or not the application was complete to take jurisdiction.

Dr. Arena voiced concerns over excluding the "clubhouse" from the overall project. He said that each of the current tenants bought into the development with the understanding that they would have a "clubhouse" and did not think it was appropriate to eliminate it.

Mr. Roy explained that the agreement with GFI (original developer of Greystone) and the tenants is a work in progress. Mr. Roy sent out a questionnaire to each of the current tenants asking them if they were okay with giving up the "clubhouse" and most of them said they were. Mr. Roy said that providing a "clubhouse" in a retirement community is not a federal or state regulation, and the tenants don't want it. He said it is not economically feasible to keep the "clubhouse". He explained that the tenants would not only have to pay for the maintenance and taxes on the building, but they would be responsible for paying for the services that it would offer, he said that someone would need to be hired full-time, and because it is a retirement community that person would probably have to have a medical background.

Dr. Arena said that the "clubhouse" was presented in the initial proposal as being very important for the tenants use; they were promised the "clubhouse" and it was part of their initial purchase price. Dr. Arena expressed concern that the way the proposal to eliminate the "clubhouse", was presented to

residents, in effect, intimidated them into agreement. He said it is unfair to take it away from the current tenants, and he does not agree with the massive changes.

Mr. Wilson said that he did not believe that the development can be held to the original plan and be economically viable. He said that both the Board and the Park Owner need to be amenable to change in order for this project to work.

Mr. Wilson said that he did not recall that a “clubhouse” was a requirement in an age restricted community, but there has to be something to differentiate it as an age restrictive development. Mr. Roy said that he researched and found that if they offer such things as providing a “hair dresser” to make weekly visits to the residents; that would be sufficient to differentiate.

Ms. Pohl said that she would like more information on the “clubhouse”.

Mr. Roy said that he is not sure what to do with the building at this point. He may use it as an office to sell the mobile homes or rent it out to as office space.

**Dr. Arena moved and Ms. Kohl seconded the motion to take jurisdiction of case #10:09 – J & S Greystone Development.**

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

Mr. Wilson opened the Public Hearing at 9:58pm.

Mrs. Jackie MacDougall, 26 Aspen Way, said that Mr. Roy met with the tenants of Greystone Village and most people were in favor of eliminating the “clubhouse”. They were told that there may be a time when they would be given back the “clubhouse” to use. She commented on the improvements that Mr. Roy has made so far, and even before he took over ownership and is satisfied with them.

Mr. Fred Demar, 24 Greystone Way, said that the residents did “sign off” on the “clubhouse”. He said that the tenants should have a say in what the building will be used for.

Mr. Wilson said that any change in use of the building would need Planning Board approval and the abutters would need to be notified.

Mr. Roy said that he would like to keep his options open on what to do with the “clubhouse” building.

Mr. Roy submitted copies of the original lease agreement from GFI and the new lease agreement between himself and the tenants. Ms. Chase will make copies for each of the members.

The Board was in receipt of an engineering report from Jeffrey Clifford, Altus Engineering.

Mr. Wilson said that given the extent of the report it may be productive to invite Mr. Clifford to the next meeting to explain the report and address any questions or issues the Board or the Applicant may have. Mr. Wilson said that they may need to request a waiver because of the roadway grade.

Mr. Wilson also commented that the Board opted for the individual septic systems because of the concern with flooding of the leach fields.

Mr. Wilson closed the public hearing at 10:24pm.

**Ms. Pohl moved and Dr. Arena seconded the motion to continue case 10:09 – J & S Greystone Development to the July 1, 2010 meeting.  
The vote was unanimous in favor of the motion (6-0).**

Mr. Wilson commented that the Planning Board needs to go by the site plan regulations and subdivision regulations when dealing with a manufactured housing development.

### **Other Business**

The Board was in receipt of revised plans for the recently approved amendments made to the façade of AutoZone, located at 26 Lafayette Road. The Owner's of the property made some slight changes and request the Board's permission to do so.

Mr. Wilson asked that Ms. Chase request more copies of the amended plan so that each Member had their own copy, and they would discuss it at the next Work Session.

**A motion was made and seconded to adjourn the meeting at 10:30pm with all in favor of the motion (6-0).**

Respectfully submitted,

Wendy V. Chase  
Recording Secretary

Approved June 17, 2010