



Meeting Minutes
Town of North Hampton
Planning Board
Thursday, August 5, 2010 at 6:30pm
Mary Herbert conference Room

These minutes were prepared as a reasonable summary of the essential content of the meeting, not as a transcription. All exhibits mentioned in these minutes are a part of the Town Record.

Attendance

Members present: Phil Wilson, Chair; Barbara Kohl, Vice Chair; Dr. Arena, Shep Kroner, Laurel Pohl, Mike Hornsby, and Jim Maggiore, Select Board Representative

Members absent: None

Alternates present: None

Staff Present: Brian Groth, RPC Circuit Rider and Wendy Chase, Recording Secretary

Mr. Wilson convened the Meeting at 6:39pm.

Old Business

1. **#10:08 – Michael Negm, 302 Main Street, Somersworth, NH 03878.** The Applicant proposes to convert an existing multi-family unit into Workforce Housing. Property owner: MA Negm, LLC, 302 Main St., Somersworth, NH 03878; property location: 224 Lafayette Road, North Hampton; M/L: 021-031-000; zoning district: I-B/R. This case is continued from the July 1, 2010 Meeting.

In attendance for this application:

Michael Negm, Owner/Applicant

Geoff Aleva, Civil Consultants

Mr. Aleva updated the Board on the following:

- The septic design is complete and was sent to NH DES for review and approval.
- The Applicant has submitted a copy of a letter from MB Management indicating that they would be willing to be the third-party reviewer for the income verification.
- Mr. Negm received a copy of the Workforce/Affordable Housing Land Use Restriction & Lien Agreement today and commented that Mr. Negm's Attorney has not had a chance to review the document, but after briefly reviewing it, neither Mr. Aleva nor Mr. Negm had any real issues with it.

- Concerning the recommended site changes, the handicap rail is done; replacement windows and fire alarms installation completed; screening around the dumpster is complete; the green space for the recreation area will be created and the polyurethane fence will be installed around the propane tank once the septic is installed.

Mr. Aleva said that an agreement with MB Management has not yet been negotiated, but they intend to meet with the Management Company and enter into one.

The Board discussed probable conditions of approval.

Mr. Wilson noted for the record that there is a mistake under Section 7 which refers to “C” below and there is no “C” under Section 7, but there is a “C” under Section 8.

Mr. Wilson suggested the following conditions of approval:

- Recordable Mylar
- Certificate of Monumentation – Mr. Aleva said that there are no changes to the lot and does not think it is necessary to do a new boundary plan. The Board agreed not to require certificate of monumentation.
- Signed agreement between Mr. Negm and MB Management, or equivalent, for monitoring responsibilities regarding workforce housing.
- Signed Land Use Restriction and Lien Agreement. Mr. Wilson has been working on the document with Town Counsel for the past two weeks. He suggested that Mr. Negm have his Attorney review the document and if he had any questions to forward them to Town Counsel.
- Mr. Negm incorporated into the tenant’s lease agreements that propane grills are not allowed under covered porches. Mr. Negm said that it is already in the lease agreement that propane tanks are not allowed under cover porches, and if violated it is a move for eviction.
- Applicant shall install fencing around the propane tank after the septic construction is completed.
- Applicant shall landscape the leach field in such a way that it is suitable for a play area for children.

Mr. Wilson explained that the Mylar is a plan of the site and it should show where the screened dumpster is located on the site; the screening around the propane tank; the location of the leach field; a note should be added that the application was approved under the Town’s Inclusionary Housing Ordinance that includes five work force housing units; and a note should be added to the plan that shows the Book and Page number of the recorded Land Use Restriction & Lien Agreement, and where it was recorded.

Mr. Wilson opened the Public Hearing at 6:55pm.

Mr. Wilson closed the Public Hearing at 6:55:10pm without public comment.

Mr. Kroner moved and Dr. Arena seconded the motion to approve the Conditional Use Application to convert the existing multi-family units into Workforce Housing with 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.**

2. **The screened dumpster and screened propane tank shall be depicted on the plan.**
3. **A note shall be added to the plan that the Application was approved under the Town’s Inclusionary Housing Ordinance.**
4. **A note shall be added to the plan that shows the Book and Page number of the recorded Lien Agreement and where it was recorded.**
5. **The Applicant shall submit a signed agreement between Michael Negm, MA Negm, LLC and M.B. Management Company.**
6. **Land Use Restriction & Lien Agreement. The Applicant shall submit to the Town, a signed copy of the Land Use Restriction & Lien Agreement.**
7. **The Applicant shall install fencing around the exposed propane tank after the septic construction is completed.**
8. **The Applicant shall landscape the leach field area in such a way that it is suitable for a play area for children.**

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

#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, (2) Section X.G.1 of the site plan review regulations and (3) Section XII.Q of the subdivision regulations – fencing around bodies of water. Property owner: J&S Greystone Village, LLC; property location: 223 Lafayette Road; M/L 021-001-000; zoning district: I-B/R. This case is continued from the July 1, 2010 Meeting.

In attendance for this application:

Joseph Roy, Owner/Applicant
 Sean Roy, Construction Manager
 John Chagnon, Ambit Engineering

Mr. Hornsby recused himself.

Mr. Chagnon said that he met with the Police and Fire Chiefs regarding the proposed modifications to the plan, and the Board’s concerns with “lighting” in the park. Chief Page stated in his letter to Mr. Chagnon, dated August 5, 2010, that relative to the Emergency Access Way between Greystone Village and Maple Leaf Village, as long as Fire Chief Cote has approved the dimensions of it then he has no issue with the changes. He also reported that as long as the lamp posts are placed in front of the individual homes as described, he doesn’t feel it’s necessary to place any additional street lighting in the village. Chief Cote reported to the Board by letter dated August 5, 2010 that he has no pending issues with the proposed plan of Greystone Village.

Mr. Chagnon said that Mr. Roy plans to add lighting to the entrance of the park.

Mr. Chagnon said that the Fire and Police Chiefs were happy with the 12-foot width of the access road.

Dr. Arena voiced concerns over the proposed “lighting” in the park and possible security issues. Dr. Arena said that in his opinion the lamp posts in front of each unit should automatically be turned on

from dusk to dawn under the control of the Park Owner. He said that he was under the understanding that some of the home owners did not want to have their individual lamp post lighted from dusk to dawn because of the cost of electricity, and said that they may not realize that they would have to pay for electricity for street lighting as part of their rental fees.

Mr. Chagnon said that the Police Chief, Brian Page, said he has no issue with each individual owner being in control over the lighting of their own lamp post.

Mr. Roy said that he has 127 units at Maple Leaf Village and has operated that park for 20-years and there has been 1 "break in". He said that park is not lighted throughout the night.

Ms. Kohl said that street lights throughout Greystone Village would be nice, but she would also like to see the project move forward, and changing the lighting plan at this time is not the direction to take. She said that they should adhere to the original lighting plan. Mr. Wilson said that the original plan was individual lamp posts at the end of each driveway with timers on the lights.

Dr. Arena moved and Mr. Wilson seconded the motion that the Park Developer consider dawn to dusk lighting for each resident's lamp post using low wattage compact fluorescent lamp (CFL) light bulbs for efficiency, cost and security.

Dr. Arena said that using this CFL lighting would be cost effective because they last a lot longer than the incandescent light bulb, and having lights on from dusk to dawn would address security issues within the park.

Mr. Wilson said that he agrees with Dr. Arena about the CFL light bulbs. Mr. Wilson said that the Board may wish to come up with energy efficient standards and build them into the Zoning Ordinances, such as requiring the use of compact fluorescent lamp light bulbs in the future, but as it stands now there is no such regulation or ordinance in place.

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

Mr. Demar said that when traveling from north to south on Route 1 it's almost impossible to see the entrance to Greystone Village.

Mr. Roy said that there is a pole at the entrance of Greystone Village where they will install a light. Mr. Chagnon said that they will include it on the plan.

Mr. Chagnon updated the Board on the emergency access roadway. Mr. Chagnon submitted copies of a plan and referred to sheet 5 and explained that when preparing the Wetlands Application with NH DES they discovered more wetland area at the site of the proposed emergency access way, so the location of the road was slightly changed. He said that the gravel roadway is 12-feet with 2-foot shoulders, totaling a width of 16-feet.

Mr. Chagnon said that the roadway will be maintained during the winter months because the owner will use it to access both Maple Leaf Village and Greystone Village.

The Board discussed the Applicant's waiver request from Section XII. Q, of the Subdivision Regulations regarding fencing around the detention ponds. Mr. Chagnon asked the Board to determine whether or

not they would require fencing around the detention ponds, and if not the waiver request was not necessary. He testified as well as the Town's Engineer, Jeff Clifford at the last meeting that the length of time, under normal conditions, that the detention ponds will hold water within the next 20-years is minimal. Mr. Roy said that he consulted with his insurance company and they said that because the detention ponds rarely have water in them, fencing around them would be unnecessary. Dr. Arena suggested he have that statement added in his insurance policy for his own protection.

Ms. Pohl moved and Mr. Kroner seconded the motion that the Board finds fencing around the detention ponds in Greystone Village unnecessary.

The vote passed in favor of the motion (5 in favor, 1 opposed and 0 abstention). Ms. Kohl opposed.

Mr. Chagnon withdrew the waiver request for Section XII. Q. – fencing around bodies of water.

Mr. Sean Roy said that he spoke with Aquarion Water Company and they reviewed the plans and have no issues with the water system presented to them.

The Board discussed proposed conditions of approval.

Mr. Chagnon was asked to come up with a revision to the original condition of approval #4 – Tree Preservation. He did not have anything prepared for the Board to review. Mr. Chagnon said that the condition references a letter that is getting old and it references practices that are covered under most erosion management plans.

The Board decided to leave the existing condition #4 – Tree Preservation in place.

Mr. Chagnon said that the revised plans will be submitted to Jeff Clifford, Altus Engineering for his review. The Board agreed that if Mr. Clifford did not agree with the modifications to the drainage plan, the issues would be brought back before the Planning Board; if he agrees to the modifications to the drainage plan, a letter stating so would suffice. It was also decided that if there are any other issues Mr. Clifford has with the revised plan, such as lot configurations or road configurations or any other modification to the plan, it would need to come back before the Planning Board for review.

Mr. Roy said that 90% of the work on the site will be done in-house. He requested that the Board require a condition of approval that in lieu of surety, no building permits would be issued until the infrastructure is completed to base course. The Board was agreeable to that condition. Mr. Roy said that there is a surety already set up for the final paving for phase I.

Discussion on the "clubhouse" ensued.

Mr. Kroner said that the "clubhouse" was part of the original approval, but would rather not get "hung up" on the issue, because the project as a whole will have a positive impact on the Town. He said that the residents of Greystone Village have unanimously stated that the "clubhouse" is not important to them.

Mr. Wilson added that the "clubhouse" is not being advertised as part of the sales package for the current lots.

Mr. Demar said that he bought into the park with the “clubhouse” as part of the package, but said that he does not care one way or the other about what they do with the building. He said that the rent amount that he is currently paying per month is a “locked in” amount for 5-years. He opined that the current residents are happier with the 5-year plan as opposed to a yearly lease renewal.

Mr. Roy said that the rent amount includes plowing, shoveling and mowing and spring and fall cleanup, which aren’t typically covered in area parks.

Mr. Roy explained that there are State Regulations put in place for 55-year old and older parks to protect the property owner from discrimination. He said that by offering a service as simple as having a person come to the park once a month to provide a service for the people in the park such as a “hairstylist” would satisfy the regulation.

Mr. Wilson read from the Human Rights Commission Regulation, *in determining whether housing qualifies as housing for persons 55-years or older the Commission shall adopt rules to require at least the following factors: the existence of significant facilities services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons.*

Mr. Roy said that by providing the service of snow removal and mowing in the park would be the distinguishing factors to allow the park to be restricted to 55-years or older.

Dr. Arena was adamant that the “clubhouse” should remain as a “clubhouse” and be part of the Greystone Village development to be used by the residents of that park. He said that the “clubhouse” is a major selling point for the units in the park.

Mr. Wilson said that if one resident from Greystone Village had come to the meeting stating that they bought into the development knowing they would have use of the “clubhouse” he would agree that Mr. Roy would need to abide by the initial agreement. Mr. Wilson said that if the conditions the Board puts on the approved plan make it so expensive then the owner is going to be put in the position of not being able to market the property.

Dr. Arena said that the first structure to be completed in Greystone Village was the “clubhouse”. He questioned why the developer would build it first if they didn’t think it would be important for the people buying into the development.

Mr. Wilson said that Mr. Roy is no longer representing to potential buyers that they would have access to the “clubhouse” in perpetuity. He said that the current owners in the park that made the purchase with the understanding that they would have access to the “clubhouse” in perpetuity have all agreed that they no longer want the “clubhouse”.

Mr. Roy said that the previous owner made a business mistake when he built the “clubhouse” first. He said that keeping the “clubhouse” as a “clubhouse” will cost him the potential income of rent, plus the expense of furnishing and maintenance until the rest of the units are sold.

Mr. Wilson said that any changes to the “clubhouse” use will need Planning Board approval, and if Mr. Roy plans on using it commercially, he will have to come before the Board with a subdivision application.

Ms. Pohl said that she didn't fully agree that the services Mr. Roy provides such as plowing and mowing would satisfy the law in providing a service that is specific to physical or social needs of older persons. She suggested that Mr. Roy provide a specific service for the residents of the park.

Mr. Roy said that he provides mowing of each individual lot; whereas other mobile home parks do not provide that service; it is the individual home owner's responsibility.

Mr. Groth said that on behalf of the Town he spoke with a Representative of the Commission of Human Rights, and the services that Mr. Roy is providing well qualifies for what is required under the law.

Mr. Wilson opened the Public Hearing at 8:41pm.

Mr. Demar said that when he bought into the park (from GFI), use of the "clubhouse" was part of the package, and the "clubhouse" was advertised as having a fitness center, library and other services for the residents of the park. He said that the previous owner never put in the library, fitness room or even furnished the building. Mr. Demar said that the park is shaping up and it is going into the right direction under Mr. Roy's ownership.

Mr. Wilson closed the Public Hearing at 8:43pm.

Dr. Arena said that he likes everything that Mr. Roy is doing with the development of Greystone Village, but is totally against eliminating the "clubhouse" use.

Mr. Kroner moved and Ms. Kohl seconded the motion to approve the modifications to the originally approved Site Plan Review Application for Greystone Village, Case #10:09 – J&S Greystone Village, LLC with 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.
2. **Applicant shall agree in writing that no building permits shall be issued prior to the completion of Phase II infrastructure improvements, and residual surety from Phase I shall not be released prior to such completion.**
3. **Applicant shall submit documentation of approval from the Conservation Commission for proposed changes in conservation easement areas, or the final Mylar shall be submitted with the original locations of conservation easements shown.**
4. **Applicant shall submit documentation verifying that use of garbage disposals shall be prohibited in the development, consistent with the condition of approval of the waiver allowing replacement of "Clean Solution" septic systems with "Enviro-Septic" systems.**
5. **NH DES permits.** Applicant shall submit documentation of NH DES approval of:
 - a. **amendment of the Alteration of Terrain Permit (WPS-6984B) originally approved for this development and**
 - b. **a new Wetland Permit to replace permit 2004-00919 that was approved for the original plan.**
6. **Applicant shall submit documentation of US EPA approval of Phase II Construction Permit (Tracking number NHR10AX04).**
7. **Applicant shall submit documentation that the Town's Engineer has accepted the proposed modifications to the drainage plan. If the Town's Engineer does not approve the proposed modifications, then he shall present his recommendations to the Board before**

this condition shall be met. Any modifications to the plan beyond drainage specifications shall be brought before the Planning Board.

8. Tree preservation.

- a. **Applicant shall delineate on the plan specific areas on the site where trees shall be preserved, including specific trees that may be jeopardized during construction.**
- b. **Applicant shall add a note to the plan stating that applicant shall adhere to the tree preservation plan prepared by Mr. Jeff W. Ott, Certified Arborist, of Northeast Shade Tree, as presented in his letter to Mr. Jeff Clifford, dated 21 July 2004.**

Mr. Roy said that Phase I is complete with the exception of the top coat, and the remaining development will be completed in Phase II.

The vote passed in favor of the motion (5 in favor, 0 opposed and 1 abstention). Dr. Arena abstained.

Mr. Wilson called for a recess at 8:53pm.
Mr. Wilson reconvened the meeting at 8:58pm.

Mr. Hornsby was reseated.

New business

1. **#10:10 – Robert Gray Construction, PO Box 252, Rye, NH 03870.** The Applicant proposes to change the existing approved site plan to include construction of a 24'x30' 1-story building to be used for storage. The Applicant requests the following waivers: Site Plan Regulation X.D.1 – Greenspace Requirement, and Site Plan Regulation X.A.1 – NHDOT approved driveway permit. Property location: 88 Lafayette Road; Property owner: Alpha Equity Realty LLC, PO Box 670, North Hampton; M/L 013-005; zoning district I-B/R.

In attendance for this application:

Robert Gray, Applicant
John Chagnon, Ambit Engineering

Mr. Chagnon explained that Mr. Gray is in the process of purchasing the property from Alpha Equity Realty, LLC. Mr. Gray intends to move his construction business to 88 Lafayette Road and would like to build a storage building to house his equipment. Mr. Chagnon said that the current owner had Board approval in 2005 for an addition to the building that they didn't end up doing. Mr. Gray attended an ARC meeting and submitted revised plans that showed the Committees recommendations.

Mr. Chagnon submitted a copy of the State approved septic plan. He submitted to Ms. Chase for the permanent file.

Mr. Chagnon said that removal of some of the pavement will result in a decrease to impervious surface to the site.

The Board took action on the Waiver requests.

Waiver request X.A.1. – NH DOT approved driveway permit:

Dr. Arena moved and Mr. Hornsby seconded the motion to grant the waiver request from Section X.A.1 – NH DOT approved driveway permit of the Site Plan Review Regulations.

Mr. Wilson opened the Public Hearing at 9:07pm.

Mr. Wilson closed the Public Hearing at 9:07:10pm without public comment.

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

Waiver request X.D.1. Greenspace Requirement:

Mr. Kroner said that the regulation was designed more for retail development. He said that this property is landscaped naturally.

Mr. Wilson opened the Public Hearing at 9:11pm.

Mr. Wilson closed the Public Hearing at 9:11:10pm without public comment.

Mr. Kroner moved and Dr. Arena seconded the motion to approve the waiver request from the Site Plan Regulations, Section X.D.1 Greenspace requirement.

Ms. Pohl commented on how nice the site looks.

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

Dr. Arena moved and Mr. Kroner seconded the motion to take jurisdiction of case #10:10.

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

Mr. Groth suggested that the Applicant add a note to the plan that all lighting will comply with the “dark sky” standards.

Dr. Arena moved and Mr. Kroner seconded the motion to approve the Site Plan Review Application for case #10:10 with the following conditions: (1) Recordable Mylar and (2) a note shall be added the plan that all light fixtures will comply with “dark sky” standards.

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

Mr. Gray said that he will comply with the sign ordinance for his sign. Members of the Board commented on how nice his sign in Rye looks.

Committee updates

Mr. Kroner updated the Board on the Master Plan. He said that he contacted Dr. Charlie French from the University of New Hampshire, who was a huge help with the 2005 survey and he told him that he did not have the staff or resources to assist in the analytical part of the survey, but would review the survey on the Board’s behalf.

Mr. Kroner said that he would like to add a set of matching demographic questions at the end of the survey that match the US Census demographic information to allow the Board to quantify that the

people returning the survey are representative of the Town as a whole. Mr. Kroner said that there is a question on the 2005 survey that some people criticized as being biased. He said that they can either change the wording of the question or eliminate it all together.

Mr. Wilson suggested that when crafting the demographic questions, they should look at the data from the Office of Energy and Planning, which is updated annually.

Mr. Groth said that he didn't have a lot of experience with these types of surveys, but generally people don't like to give out personal information and that may affect the number of responses.

Mr. Kroner would encourage everyone to communicate with neighbors and peers to let them know how important it is to complete and return the surveys.

Mr. Wilson said that the 2005 survey was sent out to each household rather than each individual. They enclosed the survey in one of the quarterly community newsletter. He said that they received a fair return; over 20%.

Mr. Kroner said that he will not be at the August Work Session, but will prepare a survey and submit it for the Board to discuss at the meeting.

Mr. Wilson said that the Board needs to talk about effective ways in getting the survey out to the people.

Mr. Maggiore updated the Board on the "Junk Yard" topic. He said that he brought the information to the attention of the Select Board and it was well received. Mr. Fournier is drafting policy to forward to Town Counsel for review. The Building Inspector, Richard Mabey, will be working with the Select Board on preparing a list of established "junk yards" in Town.

Other business

Ms. Pohl made a public plea to the residents of North Hampton requesting volunteers to serve on the newly established CIP Committee. She reported that Mr. Mike Golden was appointed to serve on the Committee as representative of the Budget Committee, but they still need members from the general public. Mr. Wilson added that the Code of Ethics Ad hoc Committee also needs volunteers from the general public. If any resident of North Hampton is interested in serving on either committee, please write a letter of interest to Town Administrator Steve Fournier, North Hampton Town Office, 233 Atlantic Avenue.

**Ms. Kohl moved and Dr. Arena seconded the motion to adjourn at 9:40pm.
The vote was unanimous in favor of the motion (7-0).**

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved September 16, 2010