



**Meeting Minutes
North Hampton Planning Board
Tuesday, May 1, 2012 at 6:30pm
Town Hall**

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

Members present: Shep Kroner, Vice Chair, Joseph Arena, Laurel Pohl, Mike Hornsby, Tim Harned, and Phil Wilson, Select Board Representative.

Members absent: Barbara Kohl

Alternates present: Tom McManus

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

Mr. Kroner seated Mr. McManus for Ms. Kohl.

1. **12:06 – Sagamore-Hampton Golf Club, Richard Luff, President, 101 North Road, North Hampton, NH 03862. Property location: 101 North Road; location of activity: adjacent to 3rd Fairway & Route 95 on Sagamore-Hampton Golf Club; M/L 018-036-000 and 022-005-000.** The Applicant, Richard Luff, submits a Conditional Use Sign Application with two waiver requests: (1) Article V, Section 506.6.R – (amount of signs) to allow more than one sign per business, (2) 506.6.G – (size of signs in the Residential District) to allow a 240 square-foot sign where a sign in excess of 18 square-feet is not permitted, (3) Article V, Section 506.6.B (Height, ground sign or braced sign), Article V, Section 506.6.C – (Height, monument sign) and Article V, Section 506.6 D – (Monument sign) to allow a sign to exceed the allowable 60 square feet . Property Owner: Sagamore-Hampton Golf Club, Inc., 101 North Road, North Hampton, NH 03862; Zoning District: R-1. This case is continued from the April 3, 2012 meeting, and the Board has not taken jurisdiction of the application.

In attendance for this application:

Richard Luff, Owner/Applicant

Mr. Kroner recused himself.

Ms. Pohl assumed the Chair.

Case #12:06 – Sagamore-Hampton Golf Club is continued from the April 3, 2012 Planning Board Meeting. The Applicant submitted a new sign design and additional waiver requests, which were properly noticed for this meeting.

Mr. Luff explained that the new sign design shows a reduction in the size of the originally proposed sign down to 140 square feet and the new design is more characteristic with the Town; it no longer has the "billboard" look. Mr. Luff asked for clarification from the Board on the "content" of the sign he said he received conflicting statements. He presented two pictures of the sign with different content. One example shows the Golf Club's website and the other does not.

Ms. Pohl questioned the additional waiver requests.

Mr. Luff said that it was a bit confusing because he wasn't sure if it was more of a "monument" sign or "ground" sign. He said the sign he was pursuing had the lattice work and assumed it was a "monument" sign.

Mr. Wilson commented that the new proposed sign is attractive and more keeping in character with the Town. He said, in response to Mr. Luff's question about sign content, the definition of "billboard" states that it is a sign that directs attention to a business offered at another location. He said that because of the First Amendment, Freedom of Speech, the Board has no authority to regulate the content. He said that if the Applicant cannot successfully argue that the sign presented is not a "billboard" then he didn't think the Planning Board could approve it. He further commented that the sign presented is a "nice" sign.

Mr. McManus asked whether the issue was the dimensions of the sign or the content of the sign.

Ms. Pohl read the definition of "billboard" into the record. *A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.*

Discussion ensued on ways of getting around putting the Golf Club's website on the sign. A suggestion was made to create a separate domain name. Mr. Hornsby said that a majority of the population uses "Google" as a search engine, so the actual website didn't matter because if you "Google" Sagamore the whole site comes right up. Ms. Pohl's said that you can "click" through to any site on the web from any other site on the web. Mr. Wilson said that he didn't think the Board can legally require him to obtain a new domain name or if the Board can hold him to it if he does do it.

Dr. Arena said that the sign is a "billboard", but the Planning Board needs to take into consideration things like the land mass compared to the size of the sign. He said that he is in favor of the sign and doesn't think it is advertising anything else. He thinks the Board is trying to micro manage something the Board has no business in doing. He said the sign's purpose is to guide out of town people heading north on Route 95 to the Golf Course. He commented that common sense must prevail.

Mr. Groth presented "photo shop" renderings, to scale, of the proposed sign to give a better understanding of what the sign would actually look like at the location proposed. The pictures were what the sign would look like from Post Road and Lovering Road. Dr. Arena commented that the object of the proposed sign was to give people driving on Route 95 information; people on Lovering Road already know where the golf course is. Mr. Harned said that he was one of the people who raised the question at the last meeting, whether or not the sign was going to fit in with the landscape or was it going to be "front and center" to everyone travelling down Lovering Road and turning onto Post Road in either direction.

Mr. Groth reminded the Board that there were two different proposals of the sign before them.

Mr. Luff asked if sticking with the "monument" sign without the .com in the content solve some of the Board's issues. He said that eventually he'd like to change it to Sagamore-Golf. Ms. Pohl said it would take him further away from it being a "billboard".

Dr. Arena said that the sign is obviously a "billboard", but the Board needs to use common sense. He said that he would like to hear from the public; those who are against the sign, who would drive by it every day.

Ms. Pohl explained to the Applicant that the Board needed a commitment from him as to which sign he proposes before the Board could take jurisdiction of the Application.

Mr. Luff committed to the sign proposal with the lattice work at the base and without the "sagamoregolf.com".

Mr. Groth referred to the depiction of the structure and said that it represents something different than the sign. Mr. Luff said that the structure is designed to handle winds up to 75mph.

Mr. Wilson moved and Mr. McManus seconded the motion to take jurisdiction of the application based on the plan represented by the applicant.

Discussion ensued on the structural support of the proposed sign and the definition of a monument sign.

Ms. Pohl read a portion of the definition of a monument sign for the audience's benefit, *a freestanding sign supported primarily by an internal structural framework*. The contention is the posts that are depicted are external.

The vote to take jurisdiction of the sign application based on the plan submitted was unanimous in favor of the motion (6-0).

Mr. Wilson called for a point of order. He was recognized by the Chair. He suggested that the Board hold one Public Hearing for the public to comment on all of the waiver requests and the Board can vote on them separately.

Ms. Pohl opened the Public Hearing for the waiver request to Article V, Section 506.6.R, regarding the number of signs allowed, at 7:08pm.

Ms. Pohl closed the Public Hearing at 7:09pm without public comment.

Mr. McManus said that he watched last month's broadcast of the meeting and read the minutes and has thought a lot about it. He commented that the viability of the golf course is important to the Town of North Hampton. The Golf Course has been a good neighbor and good corporate citizen of the Town of North Hampton. He said what goes on there is important to the viability of the Town. He said that he went on the town's website under Vision Appraisal and based on the current tax rate he calculated that the Golf Club pays approximately \$58,000 per year in property taxes. He said they also employ a lot of

people in Town. He said that at last month's meeting Mr. Luff represented that the golf course has over 7,000 linear feet of frontage between North Road, Post Route and I-95. Mr. McManus opined that the sign is not inappropriate considering the distances and amount of space where the sign is located.

Mr. Wilson moved and Dr. Arena seconded the motion to approve the waiver request to Article V, Section 506.6.R allowing the third sign.

Dr. Arena asked Mr. Luff why the name of the golf club was not Sagamore-North Hampton Golf Club. Mr. Luff said it was only because it was too much of a mouthful.

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

Ms. Pohl opened the Public Hearing on the waiver request to Article V, Section 506.6.G- Size of sign in a residential district at 7:15pm.

Ms. Pohl closed the Public Hearing at 7:16pm without public comment.

Mr. McManus moved and Dr. Arena seconded the motion to approve the waiver request to Article V, Section 506.6.G to allow the sign depicted in the plan in the residential district.

Mr. Wilson noted for the record that there is a semicircle at the top of the sign not included in the dimensions; for clarification purposes the approval of the waiver is for a 160 square-foot sign including the semicircle at the top of the sign that was not calculated in the 160 square-feet.

The Board agreed to label the plan submitted as plan "A".

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

There was no action taken on the waiver request to Article V, Section 506.6.B – height of a ground sign or braced sign.

Ms. Pohl opened the Public Hearing for the waiver request to Article V, Section 506.6.C – height of a monument sign at 7:21pm.

Mr. McManus moved and Dr. Arena seconded the motion to approve the waiver request to Article V, Section 506.6.C- height of monument to allow a monument sign as depicted in Plan "A" of approximately 13-feet.

Mr. Wilson suggested it be either noted or included in the motion that the Board finds that the plan presented represents a "monument" sign because there is some question of in fact this is a "monument" sign.

Ms. Pohl closed the Public Hearing at 7:24pm without public comment and asked that the motion be made again.

Mr. McManus moved to approve the waiver request to Article V, Section 505.6.C – height of a monument sign as represented in the plan submitted by the Applicant that “looks” like a “monument” sign.

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

Mr. Wilson moved and Mr. Harned seconded the motion that the Board finds that the plan as presented (“A”) is a “monument” sign.

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

Ms. Pohl opened the Public Hearing for the waiver request to Article V, Section 506.6.D – monument sign greater than 60 square-feet at 7:26pm.

Ms. Pohl closed the Public Hearing at 7:27pm without public comment.

Mr. McManus moved and Dr. Arena seconded the motion to approve the waiver to Article V, Section 506.6.D., to allow a monument sign to exceed the allowable 60 square-feet.

Ms. Pohl commented that the proposed sign is more than doubled in size of what is allowed for a “monument” sign.

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

Mr. Wilson moved and Mr. McManus seconded the motion to approve the plan as submitted on 1 May 2012 as a monument sign and labeled Plan “A”, page 1 and page 2.

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

Mr. Kroner resumed the Chair.

Mr. Kroner called for a five (5) minute recess.

Mr. Kroner reconvened the meeting.

I. New Business

1. 12:07 – W/S North Hampton Properties, LLC, 1330 Boylston St., Chestnut Hill, MA 02467. Property location: 43 Lafayette Road; M/L 007-053-000; Zoning District: I-B/R. The Applicants Jiang Yang Qupi and Dolma Lhamo, 102 Ledgewood Drive, Apt. #5, Portsmouth, NH 03801 submit a Conditional Use Sign Application with one (1) waiver request: Article V., Section 506.6.K –(Wall sign size) to allow a 59.5” sq. ft. wall sign exceeding the permitted size of 24 sq. ft. Property owner: W/S North Hampton Properties, LLC.

In attendance for this application:

Jiang Yang Qupi, Applicant

Dolma Lhamo, Applicant

Mr. Kroner said that the Board received an authorization letter from the property owners for the Applicants to apply to the Planning Board for the proposed sign.

The Applicant explained that when originally working with the sign company they designed a sign that was over 90 square-feet. The owners would not allow it because it was too big. The Applicant and owner agreed on a sign of 59.5 square-feet. The Applicant explained to the Board that they will have no other signs and the proposed size is proportionate with the façade; the allowable 24 square-feet would be too small and not look good.

Mr. Kroner said that the building was previously occupied by T.G.I.Friday's Restaurant and the East Asia Restaurant and the location of the building doesn't lend the opportunity for them to have a monument sign or a pole sign.

Mr. McManus asked what material the proposed sign would be made of and the Applicant replied that it would be made of plastic material. He said the material was recommended by the Sign Company because of its fire safety features.

The Applicant explained that there will be three "goose neck" lamps lighting the sign even though the picture submitted only shows two.

**Mr. Wilson moved and Ms. Pohl seconded the motion to take jurisdiction of the application.
The vote was unanimous in favor of the motion (7-0).**

Mr. Kroner opened the Public Hearing for the waiver request from Article V, Section 506.6.K –size of a wall sign at 7:40pm.

Mr. Kroner closed the Public Hearing at 7:41pm without public comment.

Mr. Wilson commented that the essence of the sign is the "Sushi Bar and Grill"; the logo on top is more of an architectural feature. He said that he would be in favor of granting the waiver to the size presented.

Dr. Arena commented on the fact that a previous business there had trouble with the septic system because of grease trap issues. He asked if there would be any frying of food. The Applicant said the food will mainly consist of sushi.

Ms. Pohl commented for the record that the sign request is "doubled" in size of what is allowed.

Dr. Arena said that the proposed sign is more visible than the previous occupant's sign "East Asia".

Dr. Arena moved and Ms. Pohl seconded the motion to approve the waiver request to Section 506.6.K – Wall sign size.

Mr. Kroner offered a friendly amendment that the waiver is granted in relation to the fact that they only have one opportunity for a sign at that location.

Mr. Wilson commented that it appeared that the sign was measured as a rectangle around the whole sign including the logo. He said most of the space within that rectangle is shingle siding. Mr. Harned estimated the sign and logo to be a skosh over 40 square-feet.

Dr. Arena accepted the friendly amendment.

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

Mr. Kroner opened the Public Hearing at 7:47pm.

Mr. Kroner closed the Public Hearing at 7:48pm without public comment.

Dr. Arena moved and Mr. Hornsby seconded the motion to approve the Conditional Use Sign Application for Case #12:07.

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

2. 12:08 – Harbor Street Limited Partnership, Joseph Falzone, 7B Emery Lane, Stratham, NH 03885.

Property location: 160-186 Post Road; M/L 018-038-000; Zoning District: R-1 & R-2. Property owner:

Black Marble Realty Trust, John D. McGonagle, Trustee, PO Box 679, Rye, NH 03870. The Applicant, Joseph Falzone, Harbor Street Limited Partnership, submits a pre-application Design Review pursuant to Subdivision Regulation VI.A.2 – Design Review Phase, for the purpose of familiarizing the Planning Board with the basic concept of a proposed 53-lot Workforce Housing Subdivision and Proposed Road totaling 3,200 feet (Plan “A”); the Applicant has also submitted a proposed 19-lot Conventional Subdivision Plan for Design Review (Plan “B”).

In attendance for this application:

Joseph Falzone, Applicant/Developer

Malcolm McNeill, Applicant’s Counsel

Jim Gove, Certified Wetlands Scientist, Gove Environmental Services

David McClain, G.O. insight

Christian Smith, Engineer, Beals Associates

Mr. Kroner read the Design Review regulation into the record:

The optional design review phase on applications is beyond a preliminary consultation and involves more specific design and engineering details. Such review shall not bind either the applicant or the Planning Board. The design review phase may proceed only after notice to abutters and the general public as provided for in Section VI-D of these regulations. The applicant shall submit a completed application form, a check for the filing fee, an abutter's list, and a preliminary plan, seventeen (17) days prior to the hearing date.

The purpose of the Design Review is to familiarize the Planning Board with the basic concept of the proposed subdivision and to:

a) acquaint the potential applicant with the formal application process and particular information that the Planning Board may request;

b) to suggest methods for resolving possible problems in the development, design and layout;

c) to make the potential applicant aware of any Master Plan recommendations applicable to the site; and,

d) to acquaint abutters with the proposed subdivision.

320 **If the applicant wishes to proceed beyond the design review phase, a public hearing for the final**
321 **subdivision plan must be held.**

322 Mr. Kroner said that after the design review phase there will be a public hearing on the application
323 where everyone will have the opportunity to speak directly on this application. He said the purpose of
324 tonight's meeting is to get familiarized with the plan for the board to be able to establish some of the
325 expectations the Board will have upon the applicant.

326
327 Mr. McNeill explained that the Applicant, Joseph Falzone has an option on the subject property and
328 would like to see what direction the Town would like to go in, in regards to the Workforce Housing
329 Ordinance.

330
331 Mr. McNeill said that they have examined the State's Legislation as it relates to the mandate for
332 Workforce Housing, the Town's Workforce Housing Ordinance, the Zoning Ordinances and have spoke
333 to the Town's Circuit Rider, Brian Groth.

334
335 Mr. McNeill stated that they are before the Board for clarity as to whether or not the Planning Board is
336 in fact in favor of Workforce Housing. He said that they believe the proposal meets the terms of the
337 Ordinance to go forward. He commented that there is an absence of language that describes a
338 conditional use permit process.

339
340 Mr. McNeill explained the two options: Plan "A" – 53-lot Workforce Housing plan and Plan "B" – 19-lot
341 conventional subdivision plan. He said that the developer's preference is for the 53-lot Workforce
342 Housing Plan. He read into the record comments made by the Town's Circuit Rider, Brian Groth
343 regarding Plan "A": (1) "Plan A represents a significant opportunity for North Hampton to employ its
344 Inclusionary Housing Ordinance in an area of town well suited to develop a high-quality, pedestrian-
345 oriented neighborhood that contributes to the region's housing need." (2) "If the Applicant can
346 demonstrate to the Board's satisfaction, that matters relating to environmental protection and water
347 supply are adequately addressed, then the lot size, setbacks and density is under the purview of Article
348 418 (Inclusionary Housing)." (3) "Therefore it is the RPC's opinion that if the applicant can meet the
349 goals of aquifer protection, a minimum lot size of 1/3 acre should be used".

350
351 Mr. McNeill explained the proposed Plan "A":

- 352 • 55-acre parcel of land that is bounded on one side by I-95 and next to Sagamore-Hampton Golf
- 353 Club
- 354 • There are existing buildings on the site
- 355 • It is located in the Residential zone and has public water
- 356 • The lot sizes will vary from 1/3 acre to 2 acres
- 357 • 24 lots will be 1/3 to 1/2 acre
- 358 • 8 lots will be 1/2 acre to 1 acre
- 359 • 9 lots will be 1 acre to 1 1/2 acres
- 360 • 6 lots will be 1 1/2 acre to 2 acres
- 361 • The length of the road will be 3,200 feet
- 362 • Total wetlands impact = zero
- 363 • Total requested waivers = zero

- It will be consistent with the regulations and built in phases, the 7 lots along the road will be the first phase; phase II will depend on construction of the roadway; phase III will consist of anything that's left.
- North Hampton's percentage for "fair share" is 46%; 25 lots are required to meet Workforce Housing standards
- The maximum purchase price for Workforce Housing is \$277,000 or rent of \$1,140. Per month; the developer would rather build houses to sell than to rent; the income guidelines to be eligible for the Workforce Housing units is \$80,000 to \$90,000 per year
- Workforce Housing units will consist of 3 bedrooms, approximately 1,400 to 1,600 square-feet with a maximum selling price of \$277,000
- The market priced units will be between 1,500 to 2,000 square feet, 3 to 4 bedrooms with a price range in the \$400,000

Plan "B" Conventional Subdivision 19-units

- The units will range in size of 2,400 to 3,200 square feet, 3 to 4 bedrooms ranging in price between 475,000 to 800,000
- The large house on lot 26 will remain
- The Care Taker's house will remain and may be characterized as Workforce Housing
- The barn will remain
- The outbuilding will remain and be utilized for housing purposes

Mr. McNeill said that they are willing to work with the Board on road widths and sidewalks and that the shared driveways on the lots will cut down on pavement and number of curb cuts. He said they will engage with a monitoring agent to assure continued compliance with affordability regulations. He said the resale restrictions in the Workforce Housing Ordinance doesn't prescribe a time period and either does the State legislation; they will work with the Board to determine the "time" the houses remain under Workforce Housing. The resale of houses will not exceed two times the increase of the Consumer Price Index (CPI); all the covenants to resale restrictions will be added to the deeds and recorded; they will be enforceable by the affordability monitor. The Monitor will provide an annual report. They believe both plans are "doable"; they are looking for commitment of North Hampton to the Ordinance it drafted.

Christian Smith, Beals Associates – Mr. Smith commented that many of the surrounding houses are within the same price range as the Workforce Housing units; people feel that Workforce Housing is Welfare Housing, which is not the case. He addressed the plan as follows:

- One entrance will align with North Road; the other proposed entrance meets the required site line distances, all entrances will need NH DOT approval
- The Developer met with the Fire Chief and they may be requesting a 4th curb cut from NH DOT which isn't outrageous because of the extensive amount of frontage; it would allow an additional common driveway and reduce the length.
- Alteration and Terrain permits are required which involve groundwater infiltration and water recharge requirements and treatment of water from stormwater runoff.
- The Culvert(s) depicted on the plan leads to massive wetlands and eventually hits the head waters of the Winnicut River; they will capture smaller biotechnical areas to treat
- Impervious area comes out to be 4 acres out of the entire 55 acres, less than 10%

- They received a “no impact” letter from the Historical Resources Review and regarding rare and endangered species received a “no hit” return from the data base of the National Heritage Bureau

Jim Gove, Environmental Services reported the following:

- Out of the 55 acres there are 8 acres of wetlands, some are natural and some are man-made
- The proposed road area is well drained soils, there is an area with poorly drained soils and a small area of very poorly drained soils; there are no wetlands impacts, the 100-foot buffer has been maintained
- The man-made wetlands in the lower field are common in old farmland; they are dug ditches that round out to a stream to make the field more productive. These man-made wetlands fall under the Zoning Ordinance Article IV, Section 409.9 “the buffer zone shall not include a vegetated swale”; these man-made wetlands are vegetated swales

David McClain, Hydrologist, GO Insight, sated the following:

- He was brought in to evaluate the extent of the aquifers on the property
- USGS maps are what RPC uses to define Aquifer protection districts
- They installed 3 monitoring wells
- Aquifers are determined by the transmissivity level; transmissivity of 1000 square feet per day is an aquifer. Well #1 by the barn was low, up to 14 square feet but they never hit the bottom; well #2 hit bedrock and got a reading of 9 square-feet per day and well #3, by Post Road, got a reading of 900 square-feet per day and it never hit bottom; most likely in the Aquifer; this area includes 5 or so lots

Mr. Falzone had an Architect do plans to show the dispersement of “affordable” and “market value” houses and said that there is not a big visual difference. He said the project fits on the site and is in the zoning district the Town wanted it in. He said that Eric Chinburg will be building the houses and is completing a Workforce Housing subdivision in Greenland off of Breakfast Hill Road. Mr. Falzone reiterated that he will not require any waivers. He also commented that he would like to reduce the road width to allow him to add a grass strip and sidewalks as well as 7 or 8 street lights.

Mr. McNeill said that they have an option on the property and came to the Board to lay their “cards on the table”. He said that the State has mandated Workforce Housing and some towns take it seriously and some don not. He said it is not Mr. Falzone’s desire to do the 19-lot subdivision and he will deal with the issues concerning the aquifer. He said that they came to give the Board as much information as possible and would like “feedback” from the Board on what they think about the proposal.

Mr. Kroner asked each member to comment on the proposal regarding any concerns they may have.

Mr. Kroner read the Conservation Commission into the record.¹

Ms. Pohl’s questions on amount of Workforce Housing units and shared driveways were answered by Mr. McNeill and Mr. Smith.

Mr. McNeill said that there will be 25 Workforce Housing units and 28 Market Priced units in the development.

456 Mr. Smith went over the lots that share driveways: lots 51-53; lots 48-50; lots 44 and 45; lots 42 and 43;
457 lots 1 and 2.

458
459 Mr. McNeill said that they will address all the issues stated in the Conservation Commission letter except
460 for the opinion to do the traditional subdivision.

461
462 Mr. McManus asked what was behind the motivation for the 53-lot subdivision.

463
464 Mr. Falzone said that he determined the 53 lots based on the Workforce Housing Ordinance regarding
465 frontage, acreage and setback requirements. He said that he hasn't tested every site individually but
466 the soils are great.

467
468 Mr. Smith said that how you determine what a site can sustain is based on NH DES subsurface lot
469 loading calculations.

470
471 Mr. McManus asked what the intentions were for the barn that currently exists. Mr. Falzone would like
472 to keep the barn and maybe rehab it into a "market priced" unit.

473
474 Mr. McManus commented that when developing the Workforce Housing Ordinance the question of how
475 to keep the affordability aspect of it protected long term came up a lot. He asked if Mr. McNeill had any
476 verbiage pertaining to that issue. Mr. McNeill said that he has worked on projects in Exeter and
477 Brentwood and the data is all public information. He said that the term for those projects was for 30
478 years.

479
480 Mr. Wilson referred to Section 418.9 of the Ordinance. He said it was based on the Town's achievement
481 of its "fair share". Mr. Falzone said that the first thing buyers want to know is how long they are "locked
482 in" for so if they want to add on a garage they know when they can do it and not lose the value of what
483 they put into it.

484
485 Mr. Wilson said that they are very committed to Workforce Housing and would not have wasted time on
486 the Ordinance if they were not. He said that the affordability section was the most difficult to draft; it
487 distinguishes from what the State mandates but is still consistent with it. He said that if the State and
488 towns are truly committed then affordable should be forever; not for 30 years when someone can flip it
489 to make a profit. He said that this Town is committed to Workforce Housing.

490
491 Mr. Wilson said that the Board will want an Environmental impact analysis and wetlands delineation and
492 would suggests the Board ask Dr. Leonard Lord from the Rockingham County Conservation District to
493 review it if he's willing at the expense of the Applicant. They should also do a traffic impact study. He
494 voiced concerns over the shared driveways regarding emergency services. He would also like to know
495 the soils types of the manmade swales. He said that Section 409.9 of the Zoning Ordinances addresses
496 manmade swales that are put in to treat stormwater runoff not used as drainage swales. He voiced
497 concerns on who would maintain sidewalks and what affect they would have on snow plowing. He
498 voiced concerns on the frontage on Post Road that doesn't access the lots. He asked if any mitigation
499 plan included "rain gardens". Mr. Smith said he did not know yet.

500
501 Mr. Kroner offered the following:

- 502
- He appreciated the effort to maintain the structures currently existing on the site

- Concerned with shared driveways; not consistent with the subdivision regulations
- He shares concerns with the Conservation District on lot density – looks forward to seeing plans on mitigation plans for stormwater runoff
- Concerned with septic system use; in general the public is uneducated with septic systems which can lead to failures – provisions to ensure proper use of septic systems has been talked about by the Board in the past.
- Would like to see something on the plan representing an area for recreation
- Would like a traffic impact study with emphasis on Exeter Road and Post Road; North Road and Lafayette Road; Hobbs Road and Lafayette Road; North Road and the new subdivision entrance
- Agrees with requiring an Environmental Impact Study reviewed by Dr. Lord

Mr. Kroner said that the Board unanimously supported the Workforce Housing Ordinance.

Dr. Arena said that Workforce Housing is supposed to have a recreation area for the children. Mr. McNeill said that there is no specific provision in the Ordinance, but it is something that can be discussed.

Dr. Arena said that he was never in favor of Workforce Housing being mandated by the State; it should be determined locally. The rest of the people need to be considered; this will have an impact on their taxes. He said in his opinion there will be an increase in the schools; increases with Police and Fire services; with added roads there will be more costs to the Town creating an increase in taxes. He said that he would like to see the entire infrastructure completed including roads and utilities before the first lot is sold.

Mr. McNeill said that phasing is part of the regulations and each phase will have to be bonded.

Mr. Harned said that the Town gives up considerable concessions; therefore the “Affordability” has to stay in place forever, until it naturally expires when the town meets its quota. He asked how the monitoring is funded. Mr. Falzone said that he pays a one-time fee to a monitoring company that monitors it when a sale takes place.

Mr. Harned said that a lot of people in Town think Workforce Housing was an unfunded mandate; the State said the Town had to do it and the Board put an Ordinance in place to try and manage it. He said that these types of projects will not pay their costs to the Town so they will end up being subsidized by the rest of the people in Town. He said they can’t say “no” to Workforce Housing but they will be looking at everything very carefully; it doesn’t take much, 1 failed septic system can cause significant problems.

Ms. Pohl said that the Applicant may wish to consider offsite improvements. She said adding turn lanes on Post Road and signalization at the end of North Road that intersects Lafayette Road should be considered. She said with the amount of units proposed there could be 50 to 100 additional kids in the school system. She said that she would like to see reconsideration of the route of the road; would rather see the house back up to Post Road and the lots be accessed internally of the subdivision. She voiced concern on the intentions of the manmade drainage swales; there will be many lawns instead of fields with pesticides on them. She would like to see a plan on how these particular drainage swales are going to flow and the potential impact on the wetland.

549
550 Mr. McNeill said that they would look at offsite improvements in the context of how the Ordinance is
551 written.
552
553 Mr. Wilson asked if someone could point out the natural spring on the site.
554
555 Mr. Gove said that there is a capped well near Post Road that may be functioning as a spring; it is
556 discharging and has a structure in it.
557
558 Mr. Wilson asked if that would indicate that the stratified aquifer is at that location. Mr. Gove said he
559 didn't know; a hydrologist would have to answer that.
560
561 Mr. Kroner said he would be looking for Public comment once a formal application is submitted, but felt
562 it was important to get "feedback" from the audience. He asked for a show of hands for all those that
563 came to learn about the plan; all those that were in favor of the plan and all those concerned with the
564 plan. Mr. Kroner reminded everyone that they would have a chance to comment once a formal
565 application is submitted.
566
567 Mr. McNeill reminded the Board that the Board and Applicant can mutually decide when the Design
568 Review is done and then they have one year from then to submit a formal application. He thanked the
569 Board for their candid comments.
570
571 Mr. Kroner called for a recess.
572 Mr. Kroner reconvened the meeting.
573
574 Mr. McManus stepped down.
575
576 Mr. Wilson received a Birthday card signed by the Board and staff and thanked everyone.
577
578 The Board was in receipt of a letter from Attorney Craig Salomon. He requested the Board rescind the
579 Subdivision Approval for Shane Smith based on an issue involving an Abutter to the property.
580
581 Mr. Groth commented that there would be a valid issue if the Abutter was not properly notified of the
582 Subdivision Application, which it was determined that the Abutter was properly notified.
583
584 Attorney Matt serge communicated to the Board by E-mail that it was a civil matter and any action by
585 the Board would do little good because the case in question is currently in litigation at Superior Court.
586
587 The Board determined that it was a civil issue and took no action.
588
589 Mr. Groth and Ms. Pohl will be attending the hearing in Superior Court regarding the Adriana Salomon v.
590 Town of North Hampton Planning Board regarding the Shane Smith Subdivision.
591
592 Mr. Groth informed the Board of grants that will be available through the New Hampshire Housing and
593 Finance Authority for planning purposes. Mr. Kroner asked if they could be used in planning the
594 Municipal Complex. Mr. Groth said that was a good idea and will look into it. The grant topic will be
595 added to the Work Session Agenda.

Mr. Groth disclosed that he had done freelance work, in the past, for Eric Chinburg and it was revealed this evening that Mr. Chinburg is part of the Mr. Falzone's development team. Mr. Groth would like to do freelance work for Mr. Chinburg again in the future. Mr. Groth offered to recuse himself from this project and have a different planner from Rockingham Planning Commission handle the project moving forward. Mr. Wilson opined, and the rest of the Board agreed, that it would be a conflict of interest and that another member of the Rockingham Planning Commission would have to take over the technical reviews for the project. Mr. Groth understood the Board's decision.

The meeting adjourned at 10:05pm without objection.

Respectfully submitted,

Wendy V. Chase
Recording Secretary

Approved May 15, 2012

¹ North Hampton Conservation Commission
Town of North Hampton

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April 23, 2012

North Hampton Planning Board
233 Atlantic Ave.
North Hampton, NH 03862

RE:Map 18, Lot 38, 160-180 Post Road
Dear Planning Board Members,

The Conservation Commission has received and reviewed the application and Preliminary Plans dated March 28, 2012 of parcel Page 18 Lot 38, for a subdivision off Post Road.

Following our review, we concluded that we would like to make several recommendations for your consideration, related specifically to Conservation issues regarding the subdivision plans. We would like to recommend the following:

First, we recommend that the applicant include in its plans, a quantification of the total additional impermeable surface area that would be created from the proposed subdivision, the resulting quantity

of surface water runoff and the proposed mitigation measures for controlling the runoff to prevent flows into the wetlands surrounding the Winnicut River. We would further suggest that the applicant conduct a detailed wetlands impact assessment to show the impact of the runoff into the wetlands abutting the river. It is our understanding that presently, the surface water from the site flows to a collecting culvert (s) beneath I-95 and into the wetlands on the west side of the highway.

Next, we would like to recommend that the applicant provide a detailed plan for septic system design, operations and maintenance and to prepare additional contingency plans for security bonding and for mitigating potential septic failure flows into the wetlands surrounding the Winnicut River. We recommend that the applicant include state-of-the-art pre-treatment designs in the proposed septic system(s) for the sub-division homes.

We would like to recommend that the applicant provide a detailed plan for mitigating the potential impacts to the nearby sub-surface drinking water aquifer.

The general consensus of the Commission was that, from a conservation and environmental impacts standpoint, the 19-lot subdivision Plan B is far more practical.

While not directly related to conservation, we assume that your Board will assess detailed traffic impacts to the surrounding area, particularly near wetlands; and other considerations such as added Town infrastructure demands that might result from the proposed sub-division.

Thank You for your Consideration.

Sincerely,
Chris G Ganotis, Chair