

Planning Board Meeting Minutes

February 10, 2016

6:00 PM

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Chairman Scott Burns called the meeting to order at 6:00 PM on February 10, 2016 in Whitefield, NH.

Chairman Burns took roll call:

**Members Present:**

Everett Kennedy, Mark Lufkin – Selectman, Frank Lombardi, Scott Burns – Chairman, Michael Carifio – Alternate and Joyce McGee – Secretary.

**Absent:**

John Tholl Jr. and Alan Theodhor – Alternate.

**Public Present:**

See attached list.

Chairman Burns appointed alternate Michael Carifio as a voting member in the absence of John Tholl Jr.

**Minutes:**

Selectman Lufkin asked that the minutes of February 2, 2016 be deferred.

**Public Hearing(s):**

**1. Minor Subdivision**

**#591 – Owner(s): Robert Stiles Enterprises, LLC** - who is/are requesting a 2 – Lot Subdivision, said property is located off of Freds Way, Tax Map 101 Lot 018 – 0.98 acres. Lot 1 of the subdivision will be 0.89 acres and Lot 2 will be 0.09 acres, a non-building lot. Lot 2 will be used to construct and install a Booster Pump Station for the Town of Whitefield.

Chairman Burns asked who would be speaking on this subdivision. Dexter Lefavour, P.E. from Horizons Engineering, Inc., presented the Board with an up-to-date plan. Mr. Lefavour explained that Lot 1 on the plan would continue to house the liquor store and Lot 2 would be where the pump station would be. Several easements were shown on the map with one easement giving access from Lot 1 to Lot 2. The rest of the easements are for utility access.

Mr. Lefavour stated that a new gravel driveway is to come off of Freds Way along side the Liquor Store with a hammer head for turning purposes. The booster pump station may be visited on a daily basis but doesn't have to be. The storm water is a sheet flow so no other drainage is planned. A retaining wall on the steep side of the hammer head will be put in. Building will be 11' 4" x 16' 4" with double doors facing away from Rte 3. Clap boards will be used to match the Liquor Store siding.

PR Meeting 2/10/16:

Public In Attendance:

| <u>Name (Print)</u> | <u>Address:</u>                       |
|---------------------|---------------------------------------|
| David Dodge         | 100 Calumet St, Boston MA 02120       |
| RALPH McLENN        | 170 HALL RD., WHITEFIELD, NH<br>03598 |
| John Riff           | 104 main Street, Lancaster, NH 03584  |
| Eleanor Birard      | 88 LANCASTER RD. Whitefield NH 03598  |
| Edith Tucker        | 13 Cold Brook Rd RANDOLPH NH 03593    |
| Jody Hodgdon        | PO Box 70, Littleton NH 03561         |
| MARK VANDER-MEYDEN  | DALTON NH                             |
| RICHARD HARRIS SR.  | WHITEFIELD NH                         |
| Ursula Cleary       | Whitefield NH                         |
| KATHLEEN ROOP       | 65 ELM ST. WHITEFIELD, NH 03598       |
| SALLY MAROON        | 107 HALL RD., WHITEFIELD, NH 03598    |
| Bob Maroon Jr.      | 107 HALL Rd, Whitefield, NH 03598     |
| CASEY MAROON        | 102 Hall Rd "                         |
| RICHARD HARRIS JR   | WHITEFIELD NH                         |
| Carlene Abbott      | 237 Hall Rd Whitefield NH 03598       |
| Kevin Caron         | 237 Hall Rd Whitefield NH 03598       |

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Chairman Burns stated that there was a condition that Mr. Robert Stiles was to put in a drainage ditch, so as water would not flow into abutter's property.

The abutter Eleanor Birard was present. She asked about the effect of the drainage from the hill as it was not fully addressed, still having problems. Mr. Lefavour stated that the building would be 30' away from the Liquor Store building. During construction drainage will be temporarily re-routed and everything will continue the same after that. He did not know that there was an issue with drainage.

Board asked about the water pressure. Mr. Lefavour explained that there would be two pumps in the building, one would be designed to run when needed and the other was a backup. The noise will be very minimal as 5 Hp pump will be installed this will run 6 hours a day. Building will be insulated. The pressure will not change as that is controlled by the Bray Hill tank. This station will be for reliability for backup if something should happen with Bray Hill. The current system is below ground just up the road from the proposed lot. Reporter Edith Tucker asked what problem is this addressing. Mr. Lefavour stated reliability, safety and access. The Board wanted to know if this was going to solve the problem of no water if that should occur. Mr. Lefavour stated that this will not solve leaks and no water, but would allow the system to recover quickly if something should happen. People will still lose water but the new pump will generate 172,000 gallons a day opposed to the old pump of 90,000. If the new pump fails the backup would kick in.

Richard Harris asked, if this would create additional capacity and allow for hook-ups. Mr. Lafavour stated zero capacity and it wasn't designed to add additional hook-ups.

The drainage ditch was brought up again and Mr. Lafavour felt that Horizons could help with the problem. Mark Lufkin stated he would follow up to make sure it was addressed and Frank Lombardi stated someone should talk to Mr. Stiles. Mark Lufkin will try to work it out. The Board will revisit to make sure that it is taken care of.

Chairman Burns asked if there were any more questions, seeing none the following motion was made:

**A motion was made by Frank Lombardi to accept the application as complete, seconded by Everett Kennedy. All in favor, motion carries.**

**A motion was made by Frank Lombardi to accept the plan with the condition that the drainage issue with the Birard's be taken care of and that they are satisfied along with Mr. Robert Stiles and the Town, seconded by Michael Carifio. All in favor, motion carries.**

## 2. Lot Line Adjustment(s)

**#592 – Owner(s): Harris Family Trust, Richard S. and Nancy J. Harris Sr., Trustees** – who are requesting a Lot Line Adjustment between Tax Map 218 Lot 050 and 051. Lot 050 is currently .70 of an acre. 4.8 acres from lot 051 will be added to Lot 050, totaling 5.5 acres. Lot 051 is currently 128.12 acres and will reduce to 123.32 acres.

Surveyor Mark Vander-Heyden was present. Mr. Vander-Heyden stated he and Attorney Jody Hodgdon were there to represent Mr. Richard Harris. Mr. Vander-Heyden gave an overview of the Lot Line Adjustment stating that Lot 50 would be adding 4.8 acres to the existing .70 of an acre making it a total of 5.5 acres. The 4.8 acres would be coming out of Lot 51.

Chairman Burns asked if the public had any questions. Attorney John Riff stood and stated that he represented David Dodge and others. Attorney Riff stated that Mr. Harris has submitted three plans and shouldn't be taken one at a time they should be as a whole. He is piece meal one at a time to get around the Comprehensive Development Guide (CDG), Manufactured Mobile Home Parks are not allowed within the guide. For the record at this time Attorney Riff handed out a 14 page Objection on the Plan of Richard Harris (see attached).

Attorney Riff emphasized on the following: the unknown of the remaining acreage and that the Planning Board has an obligation to know what the intent is; The Guide doesn't allow for Mobile Home Parks; Calling it a Boundary Line Adjustment does not change the fact that it's still a manufactured housing park; Open Space does not allow the development; The proposed plan and/or Master Plan do not meet the requirements of the Guide; Vested rights of the road within the prior subdivision of the Rexford's plan, no substantial development has occurred nor is the road substantially complete; The screening along Hall Road is gone as the trees were cut down by doing this it creates a negative impact and destroy the historic nature of Hall Road; Devaluing surrounding properties; and the Soil Types not meeting density guide. You as a Planning Board have been given three separate attempts but it is all part of one big plan, therefore on behalf of my clients I ask that you deny all three plans.

Attorney Hodgdon responded saying that "yes, three separate plans, this plan is rather a single boundary line adjustment, why wouldn't this not be allowed to be approved by the Town." Attorney Fillmore wondered if it would create a problem, does it in itself meet the guide. Frank Lombardi asked about Lot Configurations within the guide (page 44). Mr. Vander-Heyden stated that it's rare for a small lot to be denied if it deals with existing lots, he also is confident that the 5.5 acre lot would meet the town standards.

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Concerns with the soil type were brought up by Attorney Riff regarding lot size. Frank Lombardi referred to page 29:3a, the existing lot is to expand. Attorney Riff said that is the problem, it's expanding and utilizing the lots as a whole, the effect of all the lots is to expand and it's not allowed. Mr. Harris wondered where in the guide it wasn't allowed. Attorney Hodgdon stated that town counsel agreed it's in D. Activity: Residential in prior minutes. He also disagreed with Attorney Riff that the Lot Line Adjustment has nothing to do with the Master Plan. Attorney Riff, what is the plan, no master plan?

Frank Lombardi pointed out that the plan in question includes the original subdivision and still wonders if it should be revoked or not. The Board needs to decide if it can be revoked and was the subdivision completed or not.

Attorney Fillmore advised that if the current Lot Line Adjustment is approved it should not show the current Rexford Subdivision.

Mark Lufkin stated that it's as it stands as of record that is how the land was purchased.

Mr. Harris wondered how can you not approve it as shown, it's a Lot Line Adjustment. Frank Lombardi, we need a time line showing how many years to complete project.

Attorney Hodgdon, the Town would have to show what the existing status is of the road and what is shown on the plan is legal.

Frank Lombardi thought that the Rexford Subdivision should be removed from the plan and that it might be sufficient to show as other land owned by the applicant. Mark Vander-Heyden said that within reason he could show it as the Harris Family Trust with Map and Lot and only show lots in question not other lots, so Lot 50 and 51 no others.

**A motion was made by Frank Lombardi to accept the application as complete, seconded by Everett Kennedy. No other questions, all in favor. Motion carries.**

**A motion was made by Frank Lombardi to remove any lots that are not part of Lot 50 and 51. Only show these lots on plan with abutting property owners stated.** Attorney Riff felt that this was going backwards and that it shouldn't be decided on, as the Master Plan only addresses 8% of the land. What is happening to the entire parcel? A lot of the land is wetlands, is that correct. Mr. Harris stated "that is correct". Attorney Riff wondered why those areas are not shown on the plan, the Master Plan should be an overall plan and really one in the same project.

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Attorney Hodgdon stated that the Master Plan is what he is using the property for and the lot line is for making an adjustment.

A question was asked if Mr. Harris intended on selling any of the lots. Mr. Harris, it's a possibility, they are legal lots. I could sell them tomorrow.

**Frank Lombardi added to the motion to continue said hearing until the next meeting on Wednesday, March 9, 2016 at 6:00 PM. This will allow the Board to look at the Rexford Subdivision to see if they can revoke it, if this happens then it needs to be determined on what will happen with the rest of the parcel as it would change the Master Plan.**

Mr. Harris wondered what this had to do with the Lot Line Adjustment. Chairman Burns said, we are continuing it, that doesn't mean we are denying it.

The above motion reads: **A motion was made by Frank Lombardi to remove from the plan any individual lots other than Lot 50 and Lot 51. Show only those two lots on the plan with abutting property owners listed, and continue said hearing until the next meeting on Wednesday, March 9, 2016 at 6:00 PM. In addition, that the Board hold a hearing on the same date regarding the Rexford Subdivision to determine whether or not to revoke it. If this happens then it will affect what will happen with the rest of the parcel as it would change the Master Plan.**

**With the motion on the table, Michael Carifio seconded the motion. All in favor were Michael Carifio, Frank Lombardi and Everett Kennedy. Mark Lufkin abstained. Motion carries.**

Formally, what have been put on hold are the lot line adjustments and the preliminary master plan.

**A motion was made by Frank Lombardi to move to continue Case #593 until the next meeting, Wednesday, March 9, 2016 at 6:00 PM, seconded by Michael Carifio. All in favor were Michael Carifio, Frank Lombardi and Everett Kennedy. Mark Lufkin abstained. Motion carries.**

**A motion was made by Frank Lombardi to move to continue Case #594 until the next meeting, Wednesday, March 9, 2016 at 6:00 PM, seconded by Michael Carifio. All in favor were Michael Carifio, Frank Lombardi and Everett Kennedy. Mark Lufkin abstained. Motion carries.**

Mr. Harris asked about the Driveway Permit for Lot 50 as it was continued at the meeting in January. Mark Lufkin stated that PWD Shawn White told him that a driveway permit was necessary as it was

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going from a single use to a multi use. Attorney Riff stated that it's premature as it's for more than one access, it's multiple.

Attorney Fillmore asked what the application says, if it says for more than one residence it's premature at this time.

**A motion was made by Frank Lombardi to table the driveway permit for Lot 50 until the other issues are resolved, seconded by Michael Carifio. All in favor were Michael Carifio, Frank Lombardi and Everett Kennedy. Mark Lufkin abstained. Motion carries.**

Mark Vander-Heyden asked what the next meeting will be, what do we need to do since all are continued. How will the meeting go?

Frank Lombardi advised that the Rexford Subdivision that is currently shown needs to be removed from the Lot Line Adjustment plans and then the Board needs to look at the issue of whether to revoke the subdivision or not.

Attorney Hodgdon referred to page 29 of the CDG – Manufactured Housing including but not limited such as these uses: CDG is to be flexible. Attorney Fillmore stated that it's a highly unusual ordinance.

**Any other business:**

Mark Vander-Heyden asked the Board to look at a proposed Lot Line Adjustment for a Thomas Fill – Map 239 Lot 15 & 16 so as to make the house 25' away from lot. Mr. Fill owns both properties. Board did not have any questions. Mr. Vander-Heyden will contact Secretary McGee so as to get on the March agenda for a Public Hearing.

The Board discussed doing a site visit of the road within the Rexford Subdivision. Mr. Harris was still present and agreed to this. Secretary McGee will set up a time and date. The Board would like to include PWD Shawn White and Fire Chief James Watkins in the visit.

**A motion was made by Everett Kennedy to adjourn the meeting at 8:15 PM, seconded by Mark Lufkin. All in favor, motion carries.**

Respectfully submitted by:  
Joyce McGee – Secretary

  
Scott Burns - Chairman

**TOWN OF WHITEFIELD**

**Objection on Behalf of David Dodge et al**

**to**

**Plan of Richard Harris**

NOW COMES David Dodge and others by their attorney, John L. Riff, IV, and respectfully object to the Plan(s) of development proposed by Richard Harris for Tax Map 218, Parcel 51, 50 and 53, as follows:

**Overview of Objection**

The developer's Plan should not be approved for one or more of the following reasons:

- a. Manufactured Mobile Home Parks are not allowed.
- b. The Proposed Plan does not meet the Master Plan requirements of the Guide.
- c. The developer does not have any vested rights in the road shown on Plan # 3148.
- d. The Plan does not provide for any screening as originally agreed to.
- e. The Plan destroys the scenic road status of Hall Road.
- f. The Plan would have a negative economic effect on the abutters, neighbors and overall Town.
- g. The Plan does not meet the Guide's soil type requirements.

**Manufactured Mobile Home Parks are not allowed.**

- 1. The Town of Whitefield Comprehensive Development Guide (hereinafter "Guide"), was first adopted in 1992.
- 2. Since 1992, the Guide has been amended six (6) times.

3. That is, since 1992, the governing body for the Town of Whitefield, has had sufficient opportunity to evaluate the provisions of the Guide and to vote on what is allowed and what is not allowed.
4. Given that history and the clear language of the Guide, the governing body has adopted a Guide that does not allow the further development of Manufactured Housing Parks.
5. The prohibition against manufactured housing parks is evident by examining the Absolute Criteria of the Guide, "Section D, Activity: Residential." Here, the Guide specifically states that only "manufactured housing" is allowed.
6. Despite the clear language of the Guide the developer is trying to convince the board that he should be allowed to develop a manufactured mobile home park or be allowed to expand the preexisting Manufactured Mobile Home Park.
7. First, the developer will argue that a developer can do whatever they want with the land or that if the Guide does not prohibit it then it should be allowed, or that it is discriminatory not to allow a manufactured mobile home park. That is simply not true.
8. While a Town cannot prohibit mobile homes outright, NH RSA 674:32 specifically gives Towns the authority and power to regulate their location and development within a Town.
9. Specifically, RSA 674:32 gives Towns four (4) options to choose from regarding how a Town wants to regulate manufactured mobile homes. Those options are:
  - a. "allow, in [the town's] sole discretion, manufactured housing to be located on individual lots in most, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality;" or

- b. (2) or in manufactured housing parks;" or
  - c. (3) subdivisions created for the placement of manufactured housing on individually owned lots;" or
  - d. (4) "or in all 3 types of locations."
10. The Town of Whitefield has only authorized the first option of RSA 674:32, which is to only authorize Manufactured housing on individual lots.
11. That is, the Town of Whitefield, by not mentioning manufactured housing parks as an allowed use, has thereby prohibited it.
12. For these reasons, the developer's plan should be denied.
13. The second argument that the developer can be expected to raise is that because the developer already has an existing mobile home park, the developer is grand-fathered.
14. This is true, but only to the existing manufactured mobile home park.
15. The grand-fathered status of an existing manufactured mobile home park does not allow a developer to expand an existing mobile home park, because the expansion is a new development and by its' very nature, not grand-fathered.
16. In fact, this very issue was decided by the New Hampshire Supreme Court in the case of Pope v. Town of Hinsdale, 137 N.H. 233 (1993).
17. In Pope, the New Hampshire Supreme Court clearly held that while a grand-fathered manufactured housing park can continue in existence, such grand-fathering does not include the right to expand the park.
18. Yet that is exactly what the developer is trying to do with the submission of these plans-expand the park.

19. The developer's plans clearly shows additional manufactured mobile homes that will be placed on the developer's contiguous property, which will share common driveways, common wells and common septic systems.
20. Further, the land will be rented for the placement of manufactured mobile homes.
21. That arrangement fits squarely into the Guide's definition for a Manufactured Home Park or Subdivision, defined as follows: "...a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale."
22. Finally, even the board recognizes that the developer is attempting to expand the mobile home park.
23. The February 2, 2016 minutes clearly note that "[t]he Board looked that the Preliminary Plan ...for an expansion of use to existing Mobile Home Park.
24. For these reasons the Plans should be denied.

**Calling it a Boundary Line Adjustment does not change anything.**

25. The prohibition against new manufactured housing parks does not go away simply by calling the Plan a "Boundary Line Adjustment."
26. It is not the name of the Plan that dictates whether the developer's plans are allowable or not but rather, it is the effect of the developer's plans.
27. In this case, the effect of the Plan is to create and/or expand a manufactured Home Park or Subdivision, as defined by the Guide.
28. First, the developer proposes to add 2.15 acres from Tax Map 218, Lot 51 to Lot 53.

29. However, that boundary line adjustment adds 2.15 acres to an existing manufactured mobile home park and the developer proposes to place 4-5 manufactured mobile homes on the 2.15 acres.
30. That is, the developer seeks to expand the existing manufactured mobile home park, which is not allowed for the reasons set forth above. See also, Pope v. Town of Hinsdale, 137 N.H. 233 (1993)(expansion of Manufactured Mobile Home Park not allowed.)
31. The developer is also attempting to expand the park (or create a new park) with the proposed boundary line adjustment of Parcel 50 with 51, going from .7 of an acre to 5.5 acres with two manufactured mobile homes on one lot and by placing 3 mobile homes right off of Hall road, on Lot 51.
32. Not only that, but all of these proposals include shared driveways, and/or shared wells and/or shared septic.
33. Furthermore, because all of these lots are contiguous parcels, simply adjusting the lines does nothing to alter the effect of the plans.
34. The lots are still contiguous to the existing manufactured mobile home park, and thus, the placement of additional manufactured mobile homes on the contiguous land, is in fact an expansion, as identified in Pope and as defined by the Guide.
35. The Guide clearly defines a Manufactured Home Park or Subdivision as a "parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale."
36. The undeniable effect of the plans are to create a new manufactured housing parks and/or expand an existing mobile home park, and the Guide clearly prohibits this.

37. Therefore the Plan should be denied.

**Appendix II Open Space does not allow the development.**

38. Anticipating that the developer may argue that the proposal is an open space development, it is necessary to address why Appendix II, Open Space, does not allow the proposed development.
39. Any attempt to categorize this as Open Space development, is again attempting to ignore what the actual effect of the development is, by renaming it.
40. Even if you call it "Open Space" development, it is still a manufactured housing park, and the governing body of the Town of Whitefield did not authorize the Planning Board to approve manufactured housing parks or the expansion of manufactured housing parks.
41. If the governing body had thought that manufactured housing parks should qualify as open space development, they certainly could have added that to the Guide and/or changed the definition of Manufactured Housing. They did not.
42. The fact that the Town did not, is evidence that manufacture housing parks were not contemplated as being suitable developments under the open space part of the Guide.
43. Finally, the proposed plan clearly violates Article VII, subparagraph e. This section of the Guide, clearly requires any open space development to be located in a location "least likely to block or interrupt scenic vistas, as seen from the public roadways."
44. Here, the majority of the development is right off of Hall Road, a scenic road, and will be clearly seen from the road, to the visual detriment of the public.

45. In addition, the Plan would also violate the purpose of a cluster development.
46. The proposed development is spread out. It is not clustered.
47. Furthermore, there is no evidence on the Plans to show how the Plans were developed using the calculations required for designing and submitting a cluster development. This is particularly true with regard to the soil types. The Plans do not indicate or show how the developer took into account the wetlands and poorly drained soils, which is required under the Guide.
48. For these reasons, the proposed Plan should be denied.

**The Proposed Plan and/or Master Plan do not meet the requirements of the Guide.**

49. The proposed Plan also does not meet the Guide's requirements to produce a master plan. On page 7 of the Guide, the Guide clearly requires three stages for Plan approval. A conceptual review, a preliminary plan, and a final plan.
50. In addition, a preliminary Master Plan is required at the preliminary stage of the development proposal, if multiple lots and phased development occur according to criteria in the Guide.
51. On page 8 of the Guide, the Guide clearly state that a "Preliminary master plan shall be required for any property intended to be developed over time in two or more separate plan submittals. It is also required if over 10 acres are in common ownership..."
52. The purpose of a master plan is so that the developer will disclose future plans for the entire acreage so that the public and abutters will know how they will be effected overall.
53. In this case, the developer is starting with approximately 128.12 acres.

54. However, the Plan only shows the development of approximately 8 % of the entire parcel.
55. That is not a sufficient disclosure to the Town or abutters and thus, the proposed plan violates both mandates on Page 8 of the Guide. (i.e., development over time and more than 10 acres in size.)
56. In this instance, the developer is only showing a development consisting of about 8% of the total land area at this time.
57. Given this small amount land, it is unreasonable to believe that the developer will not be requesting to develop more land in the future. In fact, at the last meeting the developer specifically noted that he may sell some of the land.
58. If he does sell some of the land, how will that land be developed? The problem is, is that no one knows because the developer has not provided a Master Plan.
59. Second, with approximately 128 acres, the developer clearly has over 10 acres in common ownership. Therefore, the developer is required to provide the board with a master plan for the entire 128 acres, not just 10 or so acres.
60. Furthermore, it is not speculation that the developer plans on selling more land later.
61. At the January 12, 2016 meeting the developer noted that he "might want to sell some land in back."
62. This intention is not shown on any plan.
63. Basically, the board and public have no way of knowing what the developer intends to do with the other 118 acres or so, thereby violating the purpose of requiring a master plan.

64. Therefore, because the developer has failed to comply with the master plan requirements of the Guide, the Plan should be denied.

**The developer does not have a vested right.**

65. At several of the meetings, the developer often stated that he had a vested right to develop the land, presumably as he sees fit, because of the road that was constructed as part of an older subdivision. For the following reasons, the developer is wrong. He does not have a vested right.

66. Rights only vest, with respect to subdivisions and their development, after a developer has “made substantial construction on the property or has incurred substantial liabilities relating directly thereto, or both....” AWL Power, Inc., v. City of Rochester, 148 N.H. 603, 606 (2002).

67. The construction of a dirt road, with no other improvements can hardly be said to be the type of “substantial completion” contemplated in AWL Power.

68. In fact, in AWL Power, the developer had built a road and had constructed six homes. In this case only the road was built, and not completely.

69. Furthermore, the road was constructed as part of that subdivision plan for Wendell and Marilyn J. Rexford, recorded in the Coos County Registry of Deeds as Plan # 3148.

70. Subdivision Plan # 3148 was not done for this developer and this developer did not construct the road.

71. Therefore, because the current developer did not incur any costs in the construction of road, the developer has absolutely no basis for claiming a vested right in the road.

72. For these reasons, the Plans should be denied.

**The Plans do not provide an adequate screening as originally stated.**

73. At the December 8, 2015 hearing the developer was asked whether there would be a buffer between the road and homes. "Mr. Harris answered 'yes'."

74. However, despite the developer's assurances, none of the Plans show any buffer between Hall Road and the proposed home sites.

75. If the developer cannot keep his promise about a buffer, what makes the board think that the developer will not come back for more manufacture home units in the future, which would again negate the whole purpose of having a master plan.

76. What concerns the abutters and neighbors about this proposed development is that it is simply an expansion of the Manufactured Mobile Home park in little steps and over time, the entire property will be one big park.

77. This Board has an obligation to prevent the further development or expansion of the developer's mobile home park.

78. Therefore, the Plan should be denied.

**The Plan would destroy the historic nature of Hall Road in contradiction of the Guide.**

79. The development destroys the scenic value of Hall Road.

80. On page 17 of the Guide, under Absolute Criteria for all Development, the Guide specifically requires the Board to address whether "the project maintain[s] stonewalls, trees, vegetation and other amenities consistent with scenic road designation if located on Hall...road[].".

81. This project is not consistent with a scenic road.

82. Manufacture homes, especially in volume, are not consistent with a scenic road.
83. Furthermore, the developer has cut or will cut the trees and vegetation along the road, thereby fully exposing the manufactured homes, to view. Again, this is not consistent with a scenic road.
84. The proposed Plan is also not consistent with the ideals set out in the Introduction of the Guide.
85. The Introduction specifically mentions that the purpose of the Guide is to facilitate "good neighbors."
86. The neighbors of the developer do not want the project because it destroys the scenic beauty of Hall Road and will devalue their properties.
87. For these reasons, the plan should be denied and not rubber stamped as the Guide warns about in its introduction.

**The Plan would create an economic nuisance by devaluing the surrounding properties and devalue the neighbor's way of life.**

88. The proposed plan would also create an economic nuisance and trespass for the neighbors and those living on Hall Road.
89. It is no secret that manufactured housing parks devalue surrounding properties. That is why New Hampshire law allows municipalities to restrict the location and development of manufactured housing parks. See RSA 674:32.
90. In this case, the developer wants to expand his Manufactured Housing park whether he calls it that or not.
91. If the development goes through, the abutters and nearby neighbors will suffer an economic loss to the gain of the developer. That is unjust.

92. The economic loss will be a loss in the value of the neighbor's properties of Hall Road in the form of decreased values for their properties.
93. This is unjust because the developer will be gaining income from rentals of the units or lots at their expense without fully compensating them for their loss.
94. This is particularly troubling because there is no need for any of the parties to lose value or gain at the expense of another.
95. If the developer were to develop the property as a single family home subdivision and build or require to be build, quality permanent homes, the value would be maintained for all.
96. However, it is not just the neighbors and abutters that will be losing value. The Town will also be losing value.
97. The Town will lose value in the form of lost tax revenue as the neighbor's property loses value, which will not be made up with tax value from manufactured homes.
98. This of course could be avoided if the Town follows the Guide and prohibits the expansion and/or new development of a Manufacture housing park and instead requires the developer to develop permanent homes.
99. The Town and the neighbors and abutters will also lose value in the form of quality of life.
100. People are drawn to the north country for its scenic value and charm. A manufactured housing park does not add this type of value, but rather detracts from it, and destroys the very "rural village character prized by the town residents and visitors alike." See p. 3 of Guide.

101. For these reasons, the Plan should be denied.

**The soil types of the proposed development prevent the Plan from being approved.**

102. Another reason to deny the Plan is because the Plan fails to meet the lot size requirements as determined by soil type.

103. With regard to the proposed 5.5 acre lot, the developer is proposing to place two units on this lot.

104. However, this lot has a soil type of 674A/B Pilsbury Sandy Loam. This soil type requires a minimum lot size of 106,000 feet, per single family home.

105. This lot has 239,580 square feet.

106. However, that is not all that the Guide requires.

107. The Guide also requires that poorly drained soils may only be utilized to fulfill 25% of the minimum lot size requirement. P. 29

108. The Plans clearly show that a portion of the property consists of poorly drained soil types.

109. However, the Plan is devoid of any area calculation for said poorly drained soil. Therefore, it is not clear as to whether the lot conforms to the Guide or not and therefore, should be denied.

110. The same is true with regard to the 2.17 acre lot. This lot consists of 674A/B Pilsbury Sandy Loan and 79B Peru Fine Sandy Loam, but the exact square footage for each is not known.

111. Therefore, it is impossible to say whether the proposed 4 units meet or exceed the allowable units for that lot, and thus, the Plan should be denied.


112. Finally, for similar reasons, the developer's proposed units off of Hall road, should likewise be denied.

113. The developer is proposing units on the remaining acreage without a Master Plan. So again, it is impossible to know whether the developer's future Plans are in compliance with the Guide's soil types or not.

114. For all, or any of the reasons stated herein, the Board must deny the developers Plans.

Dated: 2/10/16

Respectfully submitted,  
David Dodge and others,  
By their attorney,

  
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John L. Riff, IV, Esquire  
PO Box 229  
Lancaster, NH 03584  
(603) 788-5599  
NH Bar # 14603