

PUBLIC HEARING AND BUSINESS MEETING

- A. CALL TO ORDER – 7:00 PM:** C. Brown called the meeting to order.
- B. ROLL CALL:** C. Brown, Chairperson; L. Smith and A. Tonry, Vice Chairpersons; C. Gordon, D. Mitchell, Members; F. Ferreira, Jr., Selectmen’s Representative; R. McDermott, Alternate Member; R. Vigneau, Building Inspector; L. Ruest, Secretary
NOT PRESENT: R. Duchaney, Member; Glenn Greenwood, Interim Circuit Rider Planner

R. McDermott was designated a voting member for tonight’s meeting.

C. PUBLIC HEARINGS:

- 1. Case 04-12-01:** Application from **Scott Warren** for a Final Public Hearing regarding amending the Site Plan for the development of the property at 143 Lafayette Road to adjust the unit mix from 400 to 550 units with no change in building size. (Map 8 Lot 56)

Scott Warren was present. C. Brown explained that this matter is on the agenda due to the lack of a conclusive vote at last month’s meeting. In speaking with counsel, it was recommended that the hearing be continued as the matter is within the 65 day time frame allowed. Abutters have been re-noticed. C. Brown asked the Board to reopen the hearing for public discussion so that those not present at the prior hearing would have a chance to hearing input from the Board and abutters.

MOTION: To reopen this matter for public discussion.

MOTION: D. MITCHELL
SECOND: R. MCDERMOTT
UNANIMOUS

C. Brown asked S. Warren to make a presentation for the benefit of those who were not present at last month’s meeting. S. Warren restated his plan to develop a self-storage facility at 143 Lafayette Road. He noted that the project has gone through a number of amendments and added that he plans an attractive look with a professional office. The entire property is to be landscaped and a deceleration lane is planned for access/egress.

He stated that the approval of the project is for 400 storage units. With this application, he is asking for 502 units. With the approved amendment to make one large building, there is greater economic viability now and thus an allowance for a greater number of units. The amendment to 502 units addresses a change to the interior mix only. No external changes are requested.

Although the application requests 550 units, S. Warren requested to amend the application to the 502 units proposed for this building. He provided information as to the number of trips/visits per day based on number of units. This increase in units would result in approximately eight additional visits per day. Discussion of the general activity for this type of use throughout the year took place at this time.

With regard to the abutter’s concern with questionable activity, S. Warren stated that every business has an edge to it and that it is his plan to hire good employees who will watch activity in the facility.

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Hearing no further questions of the Board, C. Brown opened discussion to abutters and members of the public. Abutter C. Richardson stated he was under the impression this request was denied at the last meeting. C. Brown explained the reasons for the need to conduct further discussion. C. Richardson stated that he has a bad feeling regarding an increase in the number of units and noted that the original approved plans had three stories and now the building plans show a basement or four stories. C. Richardson restated reasons for his objection to this project. C. Brown informed him that the conditions of the original approval still stand. The buildings have been amended to one building and now the applicant seeks additional units. Discussion on when the building was changed from three levels to four levels took place. The building plans presented at the August 2004 meeting include a basement. The Board asked Fire Chief J. Lord if he is aware of a basement level. He stated he is and added a personal statement in support of this project. He noted that the issue of traffic is one that affects every business along Route 1. He further stated that until Route 1 has water and sewer, uses will be limited. This use is good looking, to be maintained and environmentally friendly.

C. Richardson restated his concern with the lack of a holding pond. C. Brown stated that snow removal and run-off were addressed by the Town Engineer in 2001. D. Mitchell asked if each patron has to come in at one point of entrance. S. Warren stated all have to go by the attendant and explained the security and surveillance system. S. Roberts, member of the public, asked how one person could watch the security screens and attend the counter at the same time. S. Warren noted that activity is being recorded and that should there be a problem the tapes could be reviewed. Hearing no further comments, C. Brown closed the public hearing.

MOTION: To approve the application from **Scott Warren** for a Final Public Hearing for the development of the property at 143 Lafayette Road (Map 8 Lot 56) as amended to 502 units with the following conditions:

1. That any and all fees due the Town of Hampton Falls and its consultants be paid before the mylar is signed and recorded.
2. That no changes to the approved plan(s) can be made without appearing before the Planning Board.
3. That all other conditions of approval (March 6, 2001) apply.
4. That this amendment is to address request to the number of units only from 400 to 502.

MOTION: L. SMITH
SECOND: R. MCDERMOTT
UNANIMOUS

2. **Case 04-11-01:** Application from **Sean Roaf** for a Final Public Hearing regarding the Site Plan for the development of the property at 4 Lafayette Road. This hearing is a compliance hearing for a site plan accepted as complete at the Planning Board Meeting held on November 23, 2004. (Map 7 Lot 48)

Sean Roaf was present for this compliance hearing. He presented the status since last meeting by reviewing the comments received. He reviewed the letter and comments from Jones and Beach Engineers by responding as follows:

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1. A written request for waiver to Section 6.2.18 has been provided to the Board, as supported by the town engineer.
2. A concrete slab is to be listed in the notes as recommended by the town engineer (see Note 15).
3. A Department of Transportation driveway permit for a change in commercial use is forthcoming. The DOT responded to the applicant's request indicating that a permit number will be assigned once new deeds are drafted and the 12' easement is shown on the plan.
4. The existing pavement encroachment has been addressed in Note 14 on the plan.
5. The access to the dumpster has been relocated as recommended by the town engineer. It will be fenced and screened at all times. The distance has been approved by the Fire Chief.
6. M. Cuomo of the Rockingham County Conservation District has reviewed the plan and has issued a letter of findings to the Board.

M. Cuomo's comments were reviewed at this time. Two letters have been received from M. Cuomo, one informing the need for a shelf plan (an approved shelf plan is on file and a construction approval number for the existing system is on file) and another addressing the need for variance in response to the applicant's request to install a replacement system. A copy of the proposed septic plan was provided to the Board for review. M. Cuomo's letter of January 18, 2005 provides information on how Mr. Roaf will need to seek ZBA relief to the 20,000 square foot reserve requirement in order to get approval for a replacement septic system. Discussion of the applicant's plans with respect to the septic system took place at this time. R. Vigneau noted that a new system will result in a better situation than what is on the property now. A condition of the Planning Board will be that the applicant obtains state approval and that of the ZBA.

C. Brown stated that the Conservation Commission comments that there is no indication of violation of town or conservation commission bylaws. The Fire Department reported no concerns. The Board addressed the request for waiver to the need for a drainage control plan at this time.

MOTION: To approve the applicant's request for waiver to Section 6.2.18, Stormwater Drainage Control, as submitted and on recommendation of the town engineer.

MOTION: L. SMITH
SECOND: F. FERREIRA, JR
6 IN FAVOR, 1 ABSTENTION, PASSES

C. Brown acknowledged receipt of an email from abutter Macionski. She asked the Board whether it wished to consider the contents of the email noting that the public hearing was closed. It was felt that this information has not come to the Board in a timely manner and that the applicant was properly notified for both hearings. The email will be made part of the file, however, is not to be addressed as part of this compliance hearing.

The outstanding issues are:

1. A resolution with respect to the septic system which will require ZBA decision.
2. A draft deed showing the DOT easement for the file.

MOTION: That all items of compliance have been met with the exception of the need for the following:

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1. a draft deed showing the DOT easement for the file
2. the DOT driveway approval number be added to the plan
3. the ZBA approval/decision for septic be noted on the plan before the mylar is signed and filed.

MOTION: L. Smith
SECOND: R. McDermott
6 in Favor, 1 Abstention, Passes

3. **Case 05-01-01:** Application from **John F. Sanborn, Jr. and Mary V. Sanborn** for a Final Public Hearing for a Lot Line Adjustment for lots on Sanborn Road. (Map 6 Lots 4 & 5)

John Sanborn, Real Estate Agent Dot Milbury, H. Boyd of Parker Survey, and Mr. and Mrs. Frank Depeters were present. H. Boyd displayed the plan as presented to the Zoning Board of Adjustment for variance to frontage requirements. C. Brown noted that R. McDermott is Chairman of the ZBA and asked if there is any objection to his voting on this application. No objections were heard from the Board, applicant or public.

H. Boyd referred the Board to a lot line adjustment plan adding acreage to Map 6, Lot 5 (resulting in 13.2 acres) and reducing acreage to Map 6, Lot 4 (resulting in 32.4 acres). He identified the parcels as they are today (with split frontage for Map 6, Lot 4) as well as the plan for adjusted lines. These plans show the 163.2' of frontage as approved by variance. A condition of variance approval restricts Map 6, Lot 4 to no further subdivision.

H. Boyd stated that Map 6, Lot 5 will result in 500' of frontage complying with all town regulations. He informed the Board of work done to prove two buildable lots. It is not the plan of the owner to subdivide this parcel, but survey and test pit work has been done to allow subdivision into two lots in the future. Map 6, Lot 4 will comply as well with the exception of the variance for frontage requirements. H. Boyd identified a note on the plan referencing ZBA approval. The Board requested he include the condition of no further subdivision with this note on the plan.

Review of G. Greenwood's memo took place at this time and answered as follows:

1. H. Boyd stated he would write up a waiver request to address the items not shown on the plan. A written waiver request to subdivision regulations 6.2.16/topos, 6.2.21/HISS mapping and 7.1.6.2/125' lot width requirement was provided to the Board for the file.

MOTION: To grant the applicant's request for waiver to Section 6.2.16 topographical requirements.

MOTION: F. FERREIRA, JR.
SECOND: R. MCDERMOTT
UNANIMOUS

MOTION: To grant the applicant request for waiver of Section 6.2.21 HISS mapping.

MOTION: C. GORDON
SECOND: R. MCDERMOTT
UNANIMOUS

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MOTION: To grant the applicant's request for waiver to Section 7.1.6.2, 125' lot width requirement.

MOTION: R. MCDERMOTT
SECOND: C. GORDON
UNANIMOUS

1. Lot line setbacks are to be added to the plan.
2. If the application is approved, monumentation will be required. H. Boyd suggested granite monuments instead of concrete. The Board approved.
3. It was noted that the excessive frontage area referred to by G. Greenwood is owned by the Town and not the applicant.

Discussion was opened to abutters and members of the public. John Savoy of 24 Sanborn Road inquired as to the proposed driveway access and house location as he is concerned with lights shining to his residence. H. Boyd showed him the location on the plan. Hearing no further comments, C. Brown closed the public hearing.

MOTION: To accept jurisdiction of the plan as complete.

MOTION: C. GORDON
SECOND: L. SMITH
UNANIMOUS

MOTION: To approve the application from **John F. Sanborn, Jr. and Mary V. Sanborn** for a Final Public Hearing for a Lot Line Adjustment for lots on Sanborn Road (Map 6, Lot 4 resulting in 32.4 acres & Map 6, Lot 5 resulting in 13.2 acres) in accordance with the Plan by Parker Survey, dated January 4, 2005, with the following conditions:

1. That the three approved waivers be added to the plan.
2. That test pits be shown, for both lots, on the plan.
3. That ZBA approval of no further subdivision be shown on the plan and included in the deeds for Map 6, Lot 4.
4. That setbacks be shown on the plan.
5. That proposed deeds be provided for the file.
6. That new monumentation be set and a Certificate of Monumentation be provided for the file before the mylar is signed and recorded
7. That any and all fees due the Town of Hampton Falls and its consultants be paid before the mylar is signed.

MOTION: A. TONRY
SECOND: L. SMITH
UNANIMOUS

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES:

MOTION: To approve the minutes of the December 28, 2004 meeting as written.

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**MOTION: R. MCDERMOTT
SECOND: F. FERREIRA, JR.
4 IN FAVOR, 3 ABSTENTIONS, PASSES**

F. OTHER BUSINESS

1. Ted Ham – Subdivision - RSA 676:18: Attorney Bart Mayer has provided verbal information that this matter falls under RSA 676:18. A written letter is forthcoming.
2. Building Inspector's Report: The Board acknowledged the year end report of the Building Inspector.
3. Committee Reports: The CIP/Master Plan Committee did not meet. The Road Committee met and approved release of funds from the Swain Drive construction fund. The Ordinance and Regulations Review Committee did not meet.
4. Election Filing Dates -- January 19 through January 28, 2005: C. Brown reminded the Board members of this filing period. She also noted that there is a need for an additional alternate.

G. COMMUNICATIONS TO BOARD MEMBERS:

C. Brown acknowledged documents received from:

- Rockingham County Conservation District – New fees to witness test pits.
- Plan NH Charrette Committee – Design Assistance for New Hampshire Projects
- USGS Newsletter – Occurrence of MTBE in wells in Rockingham County
- The Source – New MTBE Data
- Gulf of Maine – periodical

She noted that all this information is available to members.

H. ADJOURNMENT

MOTION: To adjourn the meeting at 9:34 p.m.

**MOTION: A. TONRY
SECOND: R. MCDERMOTT
UNANIMOUS**