

PLANNING BOARD	July 27, 2021 7:00 PM
TOWN OF HAMPTON FALLS	TOWN HALL

DRAFT

A. CALL TO ORDER

Eric Cimon, Vice-Chairman, called the meeting to order at 7:00 PM.

B. ROLL CALL

PRESENT: Eric Cimon, Vice-Chairman; Edward B. Beattie, Selectmen's Representative; Shawn Hanson, Lisa Brown-Kucharski, Abigail Tonry, Members.

ABSENT: Todd Santora, Chairman; and Andrew Brubaker, Member.

NON-VOTING: Mark Sikorski, Building Inspector; Glenn Coppelman, RPC Circuit Rider Planner; Rachel D. Webb, Town Secretary.

C. PUBLIC HEARINGS

The Vice-Chair spoke with the other Planning Board members and applicants to see if they were in agreement to reverse the sequence of the applicants on the agenda, due to anticipated timing, and everyone was in agreement.

Case #21-07-01: Application from Unitil for Final Public Hearing for a Scenic Road Alteration Permit of routine line-clearance maintenance tree pruning work on an overhead distribution circuit that runs along several Scenic Roads in town. Included Scenic Roads are: Stard, Dodge, Mill, Goodwin, Crank, and southern portion of Nason. This work is necessary to ensure safe, reliable electric service.

Mr. Christopher Moulthrop, Forestry Supervisor for Unitil, presented his application for a Scenic Road Alteration Permit, within the context of Unitil's regular five-year (5-yr) pruning and maintenance work, for the following Scenic Roads: Stard, Dodge, Mill, Goodwin, Crank, and the southern-portion of Nason. C. Moulthrop stated that Unitil would abide by the Hampton Falls' Scenic Roads section of the Zoning Ordinance (Article IX, Section 3), as they have done in the past, which states that *"cutting of branches is permitted within six-feet (6') of transmission wires"*. He said that removal of hazardous trees was a priority, and that Asplundh Tree Service would be doing the tree removal work. A. Tonry asked for a definition of "hazardous tree", and was informed that it is any tree that has a chance of falling onto the wires within a five-year (5-yr) window, that are most likely damaged or diseased. E. Beattie requested that trees be marked prior to being removed, so that the public would have some warning. E. Beattie continued that in the past, when people have noticed tree removal without being forewarned, they call the Selectmen with questions. C. Moulthrop offered that any complaints received could be forwarded to him, at Unitil. E. Beattie and E. Cimon both discussed how the Town would like to know which trees were being planned for removal ahead of time. C. Moulthrop said that he could request a list of the trees planned for removal from Asplundh, that he would do a preliminary review, then forward the short list to the Board of Selectmen, to make the final decision. E. Beattie informed C. Moulthrop that the Selectmen are only meeting once in August on 08/18, but then back to their regular schedule of twice-per-month resuming in September on 09/01 and 09/15/2021.

MOTION: To accept jurisdiction on Case #21-07-01: Application from Unitil for Final Public Hearing for a Scenic Road Alteration Permit of routine line-clearance maintenance

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tree pruning work on an overhead distribution circuit that runs along several Scenic Roads in town. Included Scenic Roads are: Stard, Dodge, Mill, Goodwin, Crank, and the southern-portion of Nason. This work is necessary to ensure safe, reliable electric service.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS

PUBLIC COMMENT:

E. Cimon opened the meeting for Public Comment and asked if there was anyone wishing to speak regarding this application. There was no one in the audience indicating interest to speak.

E. Cimon closed the Public Comment section of the meeting, regarding this application.

MOTION: To approve Case #21-07-01: Application from Unitil for Final Public Hearing for a Scenic Road Alteration Permit of routine line-clearance maintenance tree pruning work on an overhead distribution circuit that runs along several Scenic Roads in town. Included Scenic Roads are: Stard, Dodge, Mill, Goodwin, Crank, and the southern-portion of Nason; this work is necessary to ensure safe, reliable electric service; with the following Conditions of Approval:

- 1) All tree trimming will be in compliance with the Hampton Falls' Zoning Ordinance Article 9, Section 3;**
- 2) Any "hazardous trees" be identified by Asplundh and/or by Unitil, and permission obtained from the Board of Selectmen prior to removal.**

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

4 IN FAVOR, 1 ABSTAIN, MOTION PASSED

Case #21-02-02: Application from Sam Patterson Real Estate Development, LLC for property located at Map 7 Lot 61 – 41 Lafayette Road for Final Public Hearing Site Plan Review to construct a 4,000 SF +/- building on the lot with associated site improvements including material storage bins. Waiver requested. *(Continued from June 22)*

Case #21-02-03: Application from Sam Patterson Real Estate Development, LLC for property located at Map 7 Lot 61 – 41 Lafayette Road for Final Public Hearing Wetlands Special Use Permit Review for Landscape supply including retail sales. *(Continued from June 22)*

John Chagnon, Ambit Engineering, presented the fifth (5th) site design proposal for 41 Lafayette Road, regarding a landscape supply business. He described the following areas of interest, namely, the northern-half of the site will function with a dual in/out entrance from Lafayette Road, with vehicles moving in a counter-clockwise direction, to load materials from storage bins, and then pay. The southern-half of the site will have access to/from Brimmer Lane for an outdoor sales area that will be encapsulated by a solid board fence, for sales of items such as: picnic tables, outdoor fireplaces/fire pits, cobble stone, granite steps, granite posts, paver bricks, lawn furniture, bagged compost, bark mulch, and peat moss, plants and associated landscape

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products. The access at Brimmer Lane is an allowed use in a Wetlands Buffer. The applicant is proposing to remove some existing asphalt area in the southern-half of the site. In terms of Drainage, there will be a run-off collection system in the center of the northern-half of the site, and there will be a catch-basin serving the southern-half of the site, in the area of Brimmer Lane. The applicant's engineer has prepared a full set of plans, with this submittal to include the following plan sheet topics: existing conditions; site specific soil map; site layout plan; utility plan (including signage and gas service trench); subsurface disposal system plan; grading, drainage, and erosion control plan (including field drain, and, advanced drainage system ADS flared end section); landscape plan; cup and NHDES permit plan (including disturbed areas in 100' prime wetland buffer, and, impervious surface areas in 250' protected shoreland); lighting plan (including concrete light pole base); building elevations; erosion control notes & details (Filtrexx Siltsoxx filtration system, stabilized construction entrance, erosion control blanket, catch basin inlet basket, typical bituminous concrete curb section, full-depth pavement section and pavement joint detail, trench- pavement replacement, Portland cement concrete sidewalk, shrub planting detail, tree planting detail, utility trench, sign post detail, sign details, swing gate detail, parking stall detail, handicap symbol, wood fence details, typical pipe trench, riprap rock gradation table, catch basin detail, Contech stormwater treatment system, rolling gate, headwall detail, stormwater detention basin detail, and outlet control structure).

S. Hanson wanted to verify the Wetlands Special Use Permit's four (4) criteria for approval, regarding this 21-02-03 application, as it had been since January 2021 when the application was originally submitted, and since then, a total of five (5) variations of the site design have been proposed. He stated that the Board had agreed to set aside discussion of this permit application, until there was consensus regarding the proposed site design. He went through the four criteria for approval, and had particular issue with Article III, Section 8.6.1.3 which states that "*No alternative route which does not cross a wetland, setback or buffer or has less detrimental impact on the wetland is feasible.*" He said that his concern was regarding the access point on Brimmer Lane that is impacting the 100 foot-prime-wetland-buffer area, and is proposed to be both impervious pavement, and proposed drainage and grading within the buffer area.

E. Cimon asked why Brimmer Lane was opened-up for access, as compared with earlier site designs where it was closed. J. Chagnon responded that the site design evolved over time, from an original proposal of a larger building size, to the current proposal which adheres to the Design Guidelines in terms of no parking in front of the building, and several other aspects. The current proposal responded to the Planning Board's request to locate the storage bins as far to the rear of the site as possible. Additionally, the proposal reduces as much impervious area as possible. The smaller building size resulted in more of an outside sales environment, so the southern-half of the site became important for sales of materials, however location of the storage bins within the buffer area was not allowed, but the applicant could leave an access way to Brimmer Lane in the wetland buffer zone. If the applicant was to not have that access way open, then the "flow-through" of the site would be negatively impacted. This alternative represents the least impacting alternative.

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G. Coppelman made the point that the Board is going to want to see the Town Engineering Review first, before addressing the Wetlands Special Use Permit details of 21-02-03; however, the paperwork of the permit application submitted in January needs to be revised and updated as per the current site design and the proposed changes to the wetlands buffer areas. J. Chagnon responded saying that he would update the paperwork, but that they were not proposing a new use within the wetland buffer area, as the prior use had been a parking lot, so he is not sure that the criteria of “no other alternative” will be applicable. G. Coppelman commented that all four (4) of the conditions of approval for the Wetlands Special Use Permit must be met, and are voted on separately, for the permit to be approved.

E. Cimon commended the applicant for all of their hard work responding to the concerns of the Planning Board, and he said that it was his opinion that the current proposal is the most favorable plan. From a safety aspect he said in his opinion that it was reasonable to keep Brimmer Lane access open. L. Brown-Kucharski agreed with E. Cimon and said that she liked the current proposed site plan, she likes the fencing in front of the bins, and said that the applicant just needs to get through the Wetlands Special Permit Application next. She focused on the word “detrimental” impact, as specified within the third criteria. She stated that she thought having two access points (on Lafayette and also on Brimmer) for the site would be safer. E. Beattie asked if the Brimmer Lane entrance area could be gravel, instead of pavement, to lessen the impact on the buffer area, and the response was that a change in material would not be enough of a difference, that the Special Use Permit is based on the use and not the material.

S. Hanson also commended the applicant for doing a tremendous job implementing everything the Planning Board has asked for in terms of visibility and site layout. He just wants to make sure that the applicant updates their Wetlands Special Use Permit application to reflect the current site design proposal.

E. Beattie asked how far down Brimmer Lane is the proposed access way, and the response was approximately sixty-feet (60’). E. Cimon asked if the proposed building is the same as previously proposed, and J. Chagnon responded that the building is the same, and has a pitched roof, in response to the Board’s request.

E. Cimon reviewed **G. Coppelman’s Plan Review Memorandum**, and after briefly discussing the first two items, namely: Item (1) that the Board had previously invoked jurisdiction February 23, 2021, and Item (2) that the Board will most likely be forwarding this application for Town Engineering Review as a result of tonight’s meeting, he asked the applicant about Item (3) whether the sign materials could be made to look like wood, perhaps of vinyl material with wood-looking character, and the applicant responded that he typically works with Timberline Signs. E. Beattie asked if he would consider using granite posts on the sides of the signs, as product samples. L. Brown-Kucharski asked about the color of the sign, and whether there was going to be an edge around the sign. J. Chagnon questioned whether the Planning Board could review information that would be part of the Sign Permit application, and the Building Inspector responded that review of the design of the sign is part of site plan review. G. Coppelman cited the **Design Guidelines for Hampton Falls Business District North & Business District South**,

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Appendix IV of the Zoning Ordinance, page 9, Section F. 5) “*Signage: Signage should be aesthetically pleasing and appropriate to the façade or design of the building. Refer to Hampton Falls Sign Ordinance.*”

Item (4) on the Plan Review Memo identified a discrepancy between the Landscape Plan and the color-photo-rendering, so E. Cimon asked the applicant which one was correct, and the response was that the Landscape Plan is accurate.

Item (5), regarding traffic flow on-site, prompted L. Brown-Kucharski to inquire about traffic flow on the site, specifically would it be two-way, or one-way, and J. Chagnon responded that the northern-half of the site will be one-way counter-clockwise, and the southern-half of the site will be two-way traffic on-site. She stated that it would be helpful to show the traffic flow direction on the site plan.

Item (6) refers to the height of materials in the bins, above the block walls, so L. Brown-Kucharski asked how high above the block walls was the material going to be stacked, and J. Chagnon responded that it could be a 45% angle slope of material in a space of 30 ft wide and 28 ft deep, so there is the possibility that the material could stick up ten-feet (10') above the block walls, dependent on the material type and its ability to hold a slope. A. Tonry read Plan Sheet C-2 note that there are “(8) proposed storage bins – (5) 9’ tall bins in back & (3) 6’ tall bins in front (**6’ height limit above top of bin for material**).”

Item (7) states that all professional stamps should be on the recordable sheets.

Item (8) is regarding the Wetlands Special Use Permit that is necessary for the paved access way that intrudes into the Wetlands Buffer area. This was discussed earlier.

Item (9) states that NH DOT approval for site access will be required. J. Chagnon said that a Town Driveway Permit is needed for Brimmer Lane. He further stated that State Driveway Permits would be required for both entrances on Lafayette and on Brimmer, and that he would like to be able to attach the approved Town Driveway Permit for Brimmer, to the State application forms. E. Beattie described that once the Town Driveway Permit is submitted, that the Town Road Agent reviews the permit application, looks at the site, evaluates the application against existing conditions, may make some recommendations or conditions of approval, and then the Driveway Permit gets signed.

MOTION: To authorize the Town Administrator to sign the NH DOT Driveway Permit Application for the purposes of NH DOT follow-up regarding the access way of Brimmer Lane, for the purposes of the proposed project at 41 Lafayette Road.

MOTION: E. BEATTIE

SECOND: L. BROWN-KUCHARSKI

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M. Sikorski said that the local/Town Driveway Permit could be attached, as an addendum, to the State application. J. Chagnon clarified that the application for the Brimmer Lane access way was to narrow and to make the approach more defined.

Item (10) is regarding the specific Site Plan Review Waiver from Article IV, Section 6.2.2 for Plan Scale, which states: *“Scale of the plan shall be 1”=20’ (1 inch – 20 feet)”*. The applicant stated in their application of January 18, 2021 that: *“Strict conformity to the ordinance would require plans to be divided so that they would be less understandable. The scales selected (1”=30’) allow plans to be printed on the required sheet size of 22” x 34” sheet, and allows for clarity so that the entire site design is shown on a single sheet. This further allows for ease of plan review. Note that the Septic Design Plan is in the 1” = 20’ format. Increasing the scale from 1”=30’ to 1”=20’ would not further the goal of plan clarity.”*

MOTION: To grant the waiver from Article IV, Section 6.2.2 for Plan Scale, which states: “Scale of the plan shall be 1”=20’ (1 inch – 20 feet)”.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS

G. Coppelman stated that the Planning Board had, at the first meeting regarding this application, in February 23, 2021, determined that this application was going to require Town Engineering Review, but decided to defer that action until there was consensus on the Site Plan Design.

S. Hanson had some additional questions of the applicant’s Engineer regarding on-site parking location, specifically the two (2) added spaces near the Lafayette Road entrance. He was concerned about the travel lane on-site, next to the parked cars, if there would be enough width for a dump truck to pass next to the parked cars, and the applicant responded (after measuring the plan, a right-of-way width of twenty-feet (20’) next to the parked cars) that there would be enough space for the truck to pass, but that if two-directional flow was attempted, next to the parked cars, that they may need to take turns. A. Tonry asked how the applicant can prevent more cars to park behind the first two, in that southern-half of the site, and the response was that it would be difficult to prevent. The primary entrance for large/dump truck access will be from Lafayette Road. A. Tonry asked if the applicant had considered a one-way traffic pattern, (in one entrance and exit the other entrance), and the applicant responded that they would not want to.

J. Chagnon stated that the business will have two (2) employees, namely, one (1) in the shop, and one (1) loading materials outside, and they will use walkie-talkies to communicate. J. Chagnon said that he would add the on-site directional traffic flow identification to the site plan.

PUBLIC COMMENT:

E. Cimon opened the meeting to Public Comment. Bev Mutrie, of Brown Road, asked if the applicant could decide, at some future date, to make the site plan a one-way traffic pattern, at his discretion, and there was discussion about whether that would be considered an Amendment to the Site Plan, and need to return to the Planning Board. E. Cimon offered that the Town Engineering Review would provide input to this topic. B. Mutrie further asked if someone had a

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car with a trailer and they needed to back-up, would that be possible, and the response was no, due to the one-way lay-out of the northern-half of the site. J. Chagnon pointed out that the width of the loading area is fifty-seven-feet (57') wide, and S. Patterson added that an Employee will be available to assist customers with loading of their materials. E. Cimon closed the Public Comment portion of the meeting for this application, as there were no other members of the public present.

MOTION: To send the plan and plan documents to Department Heads, Town Engineer and Rockingham County Conservation District (RCCD) for review and report upon the applicant's posting of \$3,500 review fees (for site plan review), payable to the Town of Hampton Falls, and authorize the comments received to be forwarded to the applicant. Further to authorize the Town's reviewing agents (Jones & Beach Engineers and/or RCCD) to speak directly with the applicants to address questions that may arise during review.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS

MOTION: To continue Cases 21-02-02 and 21-02-03 to August 24, 2021 at 7PM with any new materials submitted no later than the agenda close date of August 16, 2021; and to extend the jurisdictional time clock to August 31, 2021, which was previously extended to July 31, 2021.

MOTION: S. HANSON

SECOND: E. BEATTIE

UNANIMOUS

There was discussion around the name of the 21-02-03 permit application having been erroneously identified as a "Conditional Use Permit – Wetland Special Use Permit", instead of simply a "Wetlands Special Use Permit".

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: June 22, 2021

MOTION: To approve the minutes of the Planning Board from June 22, 2021 as written.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS

E. OTHER BUSINESS

- 1) S. Hanson asked if Planning Board members were familiar with the ARPA American Rescue Plan Act, Local Recovery Funds, for which Hampton Falls is eligible. E. Beattie responded that the Board of Selectmen discussed it at their meeting last week 07/21/2021, and the Town of Hampton Falls has already qualified for, and will be receiving, \$252,000. The Town Administrator is managing the process by working with the Board of Selectmen and all Department Heads to seek their input and requests for proposed

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projects by September 22. There is a list of summarized criteria for which the funds may be used, and an FAQ listing to assist with understanding of the intent of the Local Fiscal Recovery Funds. There is a draft list of eight (8) potential projects being considered, but the process is just starting in Hampton Falls. The Board of Selectmen intends to consider this input in conjunction with the draft 2022 municipal budget.

- 2) E. Beattie raised the subject of the trees planted near the intersection of Nason and Drinkwater Roads, where a property owner had previously removed trees within the Town right-of-way on a Scenic Road without permission, after which the Planning Board had required a remediation plan for the property owner to plant replacement trees. E. Beattie stated that new trees have been planted, in the vicinity; however, on private property, and not where they were supposed to be planted within the Town's right-of-way. The trees that have been planted are very nice trees, but where they have been planted, they are not located where the Town is in control of those trees, which was the intent. M. Sikorski asked if there was a plan showing where the trees were supposed to go, and the response was that there was not. A. Tonry recalled that the Planning Board had specified how many trees and the height of the trees required to be planted within the Town's right-of-way. E. Beattie said that he wanted it to be part of the public record that the Town did not get what they wanted. A. Tonry asked if the Town wants to insist on "As-Built" plans, but then that requires additional inspections and staff time, however, it is a way to regulate compliance. Additionally, she commented that the Town can still insist that the trees be installed now. M. Sikorski said that he did not believe that there was a "sign-off" for compliance with a topic such as tree planting, but that he would review the Planning Board Minutes to see what was documented.

Bev Mutrie, of Brown Road, commented that a way to ensure compliance with stipulations of approval is to require a Performance Bond, which gets released back to the applicant when all of the conditions have been met satisfactorily. A. Tonry responded that the technique works; however, there is a huge clerical component/cost to implement management of performance bonds.

F. COMMUNICATIONS TO BOARD MEMBERS

There were no new communications to Board members.

G. ADJOURNMENT

MOTION: To adjourn the meeting at 8:55 PM.

MOTION: A. TONRY

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS