

PLANNING BOARD	August 24, 2021 7:00 PM
TOWN OF HAMPTON FALLS	TOWN HALL

FINAL

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

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 July 27*)

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 July 27*)

John Chagnon, Ambit Engineering, was present, together with the applicant Sam Patterson, and his attorney, Mary Ganz. J. Chagnon presented a status report on reviews completed since the July Planning Board meeting with: the Town Department Heads, Rockingham County Conservation District (RCCD), and the Town's Engineer, Jones & Beach.

The applicant attended the August 10th Conservation Commission meeting to obtain their input on the proposed plan. J. Chagnon presented a summary of all that transpired since the July 2021 Planning Board meeting, as follows:

- 1) From RCCD letter 08/16/2021, comment #6 that the plan set needs to label the wetland as a Prime Wetland. The applicant agreed to update the plan to show the Prime Wetland.
- 2) Required permit from the State Wetlands Board has been obtained.
- 3) Traffic flow painted arrows and traffic directional signs have been added to the site plan.
- 4) A sign detail has been added to the plans.
- 5) A Driveway Permit for the connection to Brimmer Lane, was granted by the Road Agent Russ Hilliard, and the applicant provided a copy of the approved permit to the Planning Board. The Road Agent included the following Condition of the Driveway Permit on Brimmer Lane: to provide new "No Outlet" "Dead End" signs, at the new entrance of Brimmer Lane near Route 1, and to add a Stop Sign and Stop Bar.
- 6) The Hampton Falls Board of Selectmen signed the DOT permit application, for Brimmer Lane, by J. Chagnon.
- 7) At the July 2021 Planning Board meeting the approval for the Plan Scale Waiver was granted.

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- 8) Planning Board sent out for peer review of the site plan, that was conducted by RCCD and also by Jones & Beach engineers, and that resulted in plan set comments.

J. Chagnon read into the record the Department Heads' comments:

Police Dept: (1) Items for sale outside will be left unattended during non-business hours making them targets for theft. Requesting anti-theft precautions such as locking gates, fencing, lighting, and video surveillance, to help reduce incidences of theft. (2) Consideration of traffic exiting from the business may create potentially hazardous traffic conditions, especially for traffic turning left out of Brimmer Lane onto Route 1. The applicant may consider installing video surveillance, however, there already is included on the plan: locking gates, fencing, and lighting. G. Coppelman made the point that the NH DOT Driveway permit application and review will address the state's concerns with the Driveway access on Route 1, as it is a State Road, and is therefore within the State's jurisdiction, and may result in a Condition as part of the NH-DOT Driveway Permit.

Road Agent: as previously mentioned, new "Dead End" and "No Outlet" signs, on Brimmer Lane, should be installed at new entrance of Brimmer Lane near Route 1. The applicant has agreed to the new signs.

Building Inspector: Wants traffic arrows added and snow storage areas shown on the plans. The applicant has updated the plans with those added aspects.

Fire Department: No areas of concern at this time for Fire Department.

Highway Safety Committee: Not concerned with the location of products to sell, as long as the height closest to the road does not impede visibility for traffic traveling south on Lafayette Road to be seen by cars exiting Brimmer Lane. G. Coppelman added that if, at some future date, the applicant wants to add to the display area, then he would need to return to the Planning Board for a site plan amendment.

Conservation Commission: In terms of "Areas of Concern" there is *"no additional impact; clean-up remaining pavement, otherwise no serious concerns. Additional comments were: reduction of impervious surface, and treating runoff before entering wetland."*

J. Chagnon proceeded to discuss the **Jones & Beach Engineers** comments as mostly drafting details/comments, with the following points to discuss:

(1) Case #21-02-02 plan set C2, comment (b) recommends the applicant move the two parking spaces located on the access drive to Brimmer Lane to the display area behind the proposed fencing, or remove the spaces. After some discussion, the applicant agreed to move the parking spaces to the location recommended by Jones & Beach.

(2) Case #21-02-02 plan set C4, comment (e) recommends installation of a vegetated swale, raingarden, or other stormwater treatment feature downstream from Field Drain #1, and the applicant agreed to this recommendation.

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(3) Case #21-02-03 Special Use Permit review determined that the application appears to meet the standard.

G. Coppelman reminded the applicant of his comment, submitted earlier by email, that the property street number (#41) should be added to the proposed signage and/or to the sign post for the purposes of 911 and to facilitate property identification, and the applicant agreed to this request.

M. Sikorski commented that he is requesting protective bollards, or large rocks, be installed around the periphery of the propane tanks, even if the tanks may be located underground. He is concerned about heavy machinery moving around display items, and the need to protect the tanks. The applicant agreed to this request.

S. Hanson commented that test pits were identified in the catch basin area, so he wanted to make sure that the detention basin was not located in the water table, and J. Chagnon said that he would address that concern in his response to Jones & Beach.

A. Tonry asked about snow storage within the detention area, and whose responsibility is it to maintain and monitor the detention areas. J. Chagnon responded that it is acceptable practice to combine the snow storage within the detention basin area, and if sand builds up then the filter needs replacement periodically. M. Sikorski added that it is a requirement that an Operations and Maintenance Manual be submitted to the Town regarding the detention basin, and that the Planning Board could consider adding that as a Condition. Ultimately, it is in the owner's best interest to maintain the detention basin free of weeds, to ensure proper drainage of the site.

PUBLIC COMMENT:

E. Cimon opened the meeting to Public Comment.

Bev Mutrie, Brown Road, is Chair of the Heritage Commission, and commented that the Heritage Commission has no concerns regarding the building proposed at 41 Lafayette Road, and that it is acceptable. She asked if the pre-fabricated building was proposed to be bolted to the ground, or if there was going to be a foundation built underneath. S. Patterson said that he can put the building on a cement slab, if that is what is recommended. M. Sikorski said that the foundation type is dependent on the building type, and that is handled through the process of the applicant applying for a Building Permit. S. Patterson said that he could use anchor bolts to bolt the building to the ground. E. Beattie said that the Planning Board is providing feedback to the applicant ahead of obtaining a Building Permit, as subsequent permitting will be required for plumbing, gas, electrical, and building. Additionally, B. Mutrie asked if there are future changes proposed to the building, would it need Architectural Review in the future, and G. Coppelman responded that yes, the proposal would need to return to the Planning Board for changes to the building. Another question was regarding the sign and if it would be illuminated, and the response was that yes, the sign will be externally illuminated with downward lighting.

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E. Cimon closed the Public Comment portion of the meeting for this application, as there were no other members of the public present.

E. Cimon and S. Hanson both commented that the signage proposal looks good, and S. Patterson clarified that the sign posts will be granite materials.

E. Cimon summarized the discussion saying that he felt as though there were too many changes necessary to be able to issue a conditional approval at this meeting, because he wants to see the Special Use Permit corrections made by the applicant, with Jones & Beach's review afterwards, with the goal of approving the Site Plan at the September Planning Board meeting. S. Hanson agreed, adding that he wants to see a clean set of plans.

The Planning Board inquired if there would be sufficient funds available, from the \$3,500 already provided, to fund a second review by Jones and Beach. The Planning Board Secretary was tasked to handle that inquiry administratively. The applicant agreed to pay the additional amount for review, to be determined.

MOTION: To extend the jurisdictional time clock to September 30, 2021, which was previously extended to August 31, 2021.

MOTION: E. BEATTIE

SECOND: LISA BROWN-KUCHARSKI

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The applicant approved of the extension of the jurisdictional time clock.

MOTION: To continue Cases 21-02-02 and 21-02-03 to September 28, 2021 at 7PM with any new materials submitted no later than the agenda close date of September 20, 2021. The applicant is tasked with addressing and reconciling the items in the following reconciliation list, and as documented in the written review reports by RCCD and Jones & Beach Engineers, and then submitting those changes for engineering review (pending availability of funding) to comply with a September 20th agenda close deadline for the Planning Board meeting September 28th. The Planning Board grants permission for the applicant's Engineer to communicate directly with the Town Engineer regarding the changes requested regarding the drainage issue.

Reconciliation List:

- 1) Provide the wetland labeled as a Prime Wetland on the plans.
- 2) Provide a copy of the approved permit from the State Wetlands Board.
- 3) Provide traffic flow painted arrows and traffic directional signs to the site plan.
- 4) Provide a sign detail added to the plans.
- 5) An approved Driveway Permit for the connection to Brimmer Lane, has been provided. Install new "Dead End" and "No Outlet" signs, on Brimmer Lane, at new entrance of Brimmer Lane near to Route 1.
- 6) Add a Stop Sign and Stop Bar at Brimmer Lane and Route 1, notes on the plan.

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- 7) Provide the approved NH-DOT Driveway permit application, for the driveway permit on Route 1, as a Condition of Approval for the site plan (if not in hand for the PB 09/28 mtg)
- 8) Provide snow storage area(s) on the plans.
- 9) Specify on the plans the location and height of products to sell, so that the height closest to the road does not impede visibility for traffic traveling south on Lafayette Road to be seen by cars exiting Brimmer Lane.
- 10) Move the two parking spaces located on the access drive to Brimmer Lane to the display area behind the proposed fencing.
- 11) Install a vegetated swale, raingarden, or other stormwater treatment feature downstream from Field Drain #1.
- 12) Add the property street number (#41) to the proposed signage and/or to the sign post for the purposes of 911 and to facilitate property identification.
- 13) Add protective bollards, or large rocks, to be installed around the periphery of the propane tanks, even if the tanks may be located underground. The concern is regarding heavy machinery moving around display items, and the need to protect the propane tanks.
- 14) Ensure that the detention basin is not located in the water table.
- 15) Submit an Operations and Maintenance Manual annually to the Town regarding the detention basin, as a Condition of approval of the site plan.

MOTION: S. HANSON

SECOND: LISA BROWN-KUCHARSKI

UNANIMOUS

Case #21-08-01: Application from **Unitil Energy Systems, Inc.** for Final Public Hearing for **Wetland Special Use Permit** relative to Article III, Section 8.6 of the Town of Hampton Falls Zoning Ordinance to permit reconstruction of approximately 5.6 +/- miles of the existing 3348/3350/3359 Lines in the Towns of Hampton, Hampton Falls and Seabrook running from the Hampton Substation to the Seabrook Beach Substation. A Town of Hampton Falls Wetlands Special Use Permit is required for the proposed work within the Hampton Salt Marsh complex, located at Utility Right-of-Way (ROW) Hampton Falls River to Browns River, Map and Lot varies (ROW).

Nicholas Golon, Senior Project Manager with T. F. Moran Engineers presented the application on behalf of Unitil Energy Systems, for a Wetland Special Use Permit for Unitil's plan to rebuild their electric utility line and to replace 21 wooden poles in Hampton Falls, which serves approximately 10,000 users in the region and will allow for increased electrical reliability for residents and businesses. Some of the poles date to the 1940s and 1950s, with some having been replaced in the 1970s.

MOTION: To accept jurisdiction on Case #21-08-01: Application from Unitil for Final Public Hearing for Wetland Special Use Permit relative to Article III, Section 8.6 of the Town of Hampton Falls Zoning Ordinance to permit reconstruction of approximately 5.6 +/- miles of the existing 3348/3350/3359 Lines in the Towns of Hampton, Hampton Falls and Seabrook running from the Hampton Substation to the Seabrook Beach Substation. A

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Town of Hampton Falls Wetlands Special Use Permit is required for the proposed work within the Hampton Salt Marsh complex, located at Utility Right-of-Way (ROW) Hampton Falls River to Browns River, Map and Lot varies (ROW).

MOTION: S. HANSON

SECOND: LISA BROWN-KUCHARSKI

UNANIMOUS

The applicant stated that construction would begin in 4th Q 2021 in late Fall/ early Winter, with completion targeted for 4th Q 2022. There was a study conducted which identified that the poles have reached the end of their useful life. Currently there are double poles, and the new poles will be single wood poles with storm guying wires on every pole. The height of the new poles will be 50 to 60 feet, and Unutil will be upgrading the insulators as part of this project. As most of the pole locations are in remote areas, they have planned access for construction by barge, and/or helicopter, and/or by utility truck utilizing mats over the wetlands only at high tides, with all equipment strategically removed daily, around the tide schedule. A single Helix Auger tool will be used to drill the holes for the new poles. Disturbed areas will be stabilized at completion of the project.

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.

The Planning Board addressed the individual criteria of the Wetlands Special Use permit, with the applicant reading into the record from their application their prepared comments for each criteria, and the Board voted on each separately, as follows:

8.6.1.1 The proposed construction is essential to the productive use of land not outside the wetlands, setbacks or buffers. The Planning Board voted to confirm that the application meets the requirement as specified.

MOTION: That the application meets the requirement as specified in the Special Use Permit condition 8.6.1.1.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

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8.6.1.2 Design and construction methods will be such as to minimize detrimental impact upon the wetlands and will include restoration of the site as nearly as possible to its original grade and condition. The Planning Board voted to confirm that the application meets the requirement as specified.

MOTION: That the application meets the requirement as specified in the Special Use Permit condition 8.6.1.2.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

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8.6.1.3 No alternative route which does not cross a wetland, setback or buffer or has less detrimental impact on the wetland is feasible. The Planning Board voted to confirm that the application meets the requirement as specified.

MOTION: That the application meets the requirement as specified in the Special Use Permit condition 8.6.1.3.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

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8.6.1.4 Economic advantage alone is not the reason for the proposed construction. The Planning Board voted to confirm that the application meets the requirement as specified.

MOTION: That the application meets the requirement as specified in the Special Use Permit condition 8.6.1.4.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

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E. Cimon stated that since the Planning Board affirmed all four (4) of the Wetlands Special Use Permit conditions that he felt comfortable making a motion to grant approval.

MOTION: To approve Case #21-08-01: Application from Unitil, by T.F. Moran, Engineers, for Final Public Hearing for Wetland Special Use Permit relative to Article III, Section 8.6 of the Town of Hampton Falls Zoning Ordinance to permit reconstruction of approximately 5.6 +/- miles of the existing 3348/3350/3359 Lines in the Towns of Hampton, Hampton Falls and Seabrook running from the Hampton Substation to the Seabrook Beach Substation. A Town of Hampton Falls Wetlands Special Use Permit is required for the proposed work within the Hampton Salt Marsh complex, located at Utility Right-of-Way (ROW) Hampton Falls River to Browns River, Map and Lot varies (ROW), and located on Map sheets C07, C08, and C09 of the applicant's submittal documentation; with the following Conditions of Approval:

- 1) That any and all fees due the Town of Hampton Falls be paid.
- 2) That the Department of Environmental Services permit number and date of permit be shown on the plan.
- 3) That upon completion of the project that the Conservation Commission will be provided with photo documentation of the restored areas that were disturbed by construction, where practical.

MOTION: S. HANSON

SECOND: L. BROWN-KUCHARSKI

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D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: July 27, 2021

MOTION: To approve the minutes of the Planning Board from July 27, 2021 as written.

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MOTION: S. HANSON
SECOND: L. BROWN-KUCHARSKI
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E. OTHER BUSINESS

E. Beattie showed an example of Tricentennial Committee merchandise that will be for sale by the Historical Society, as a fundraiser for the town's Tricentennial celebration next summer 2022. He showed everyone a baseball hat, and said that there are also long-sleeved shirts, and there will be winter beanie hats available as well. Locations for purchase are being finalized, and may also be available for sale online.

F. COMMUNICATIONS TO BOARD MEMBERS

1. NHMA 2021 Virtual Land Use Law Conference (\$70), September 18, 2021, Saturday 9-4.
2. NHMA, A Look at the New Housing Appeals Board, October 13, 2021, Wednesday 12-1, free lunch-time webinar.

G. ADJOURNMENT

MOTION: To adjourn the meeting at 8:50 PM.
MOTION: L. BROWN-KUCHARSKI
SECOND: S. HANSON
UNANIMOUS