

PLANNING BOARD	September 28, 2021 7:00 PM
TOWN OF HAMPTON FALLS	TOWN HALL

FINAL

A. CALL TO ORDER

Todd Santora, Chairman called the meeting to order at 7:00 PM.

B. ROLL CALL

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

ABSENT: Andrew Brubaker, Member.

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

The Chairman decided to reverse the sequence of the agenda, so as to hear the two (2) applications under "Other Business" first, before the Public Hearings regarding 41 Lafayette Road.

C. OTHER BUSINESS

1. Application from Jeffrey White, Surveyor, for Shabiki/Mitchell for Granite Bound alternatives for property located at 2 Mariners Lane/25 Depot Rd, Map 8, Lot 84-5.

Jim Mitchell of Shabiki Realty Trust stated that he has already obtained his Certificate of Occupancy ("CO") from the Building Inspector, and he is looking for approval of granite bound alternatives, as otherwise required in the Subdivision Regulations Section 7.3 Monumentation Requirements. Jeffrey White, Field Survey manager with GPI survey company described how the survey crew is setting roadway/R.O.W. monuments for the two-lot subdivision located at 25 Depot Road/2 Mariner's Lane and found two instances where setting granite bound markers were challenging, namely: (1) in a newly paved driveway, and (2) in the concrete footing of a new chain link fence recently installed by the abutter. The applicant requested a substitution of the requirement for granite monuments with a five-inch (5") long cotton gin spike, made of hardened steel, that has a raised beveled edge, so as not to interfere with plowing. The spikes are easily located with a mag locator, last longer than iron rods (do not corrode as railroad spikes do), and are useful in asphalt and concrete applications.

A.Tonry asked about the proposed location of the markers, and the applicant confirmed that the markers are proposed where the roadway changes direction. She further inquired about the applicant's ability to utilize the required granite markers and locate them in an off-set position and note those off-set dimensions on the plans. The applicant responded that an off-set plan would require a separate, additional plan to be filed at the Registry of Deeds.

G. Coppelman asked what would happen to the proposed spike in the driveway at a future date when/if the driveway needed to be reconstructed, and the response was that the spike would need to be re-established and/or located using a magnetic device if it had been paved over.

MOTION: To approve the application from Jeffrey White, Surveyor, for Shabiki/Mitchell for Granite Bound alternatives for property located at 2 Mariners Lane/25 Depot Rd, Map 8, Lot 84-5.

MOTION: E. CIMON

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SECOND: L. BROWN-KUCHARSKI
5 IN FAVOR
1 OPPOSED
PASSED

2. Application from Lisa and Richard Chace for Development on a Class VI Road for property located at 21 Curtis Road, at Map 4, Lots 46-13 and 46-14.

Attorney Mary Ganz and John Chagnon, of Ambit Engineering, explained that the Chaces own two abutting properties on Curtis Road, where they currently reside and plan to build a new home for themselves on the adjacent lot, while a family member will reside in their existing home. The problem is that the lot, on which they want to build a new home, has frontage on the "Class VI" portion of Curtis Road where there are wetlands along the frontage. If they requested/built a separate driveway for the new home, there would need to be a very expensive wetlands crossing project to access the dryer upland area of the lot for the new house. Their proposed solution is to utilize the existing driveway to their existing home and extend that driveway to the adjacent lot for the new home, thereby having a single shared driveway (over Lot 14 to access Lot 13) servicing the two houses.

E.B. Beattie recused himself from the application review, as he is an abutter across the street. S. Hanson asked for some context around the Class VI Road designation, and how that came to be. E.B. Beattie offered some background that the school bus used to go down the street, and it was a dry street however beavers moved into the wetlands and increased the wetland area as the water seasonally encroached on the road. That section of road was then classified as Class VI and made subject to Gates and Bars. Curtis Road and Blake's Lane became dead-end roads.

M. Ganz referenced the State RSA 674:41, 1C Provision of Building Permits on Class VI Roads, where the Board of Selectmen are required to approve the application, but the Planning Board provides comments to the Selectmen.

T. Santora asked M. Ganz to describe the proposed Access Easement documents. M. Ganz explained the four documents developed to address the Chaces' proposal, namely: 1) a Declaration of Shared Driveway Maintenance Agreement, 2) an Access Easement, 3) an Access Easement Plan, and 4) an Agreement and Release document, between the Chaces and the Town. M. Ganz inquired if the Town's Counsel had reviewed the proposed documents, and R.D. Webb said that she would confirm that with the Interim Town Administrator the next day.

E. Cimon asked if the documents would be recorded at the Registry of Deeds, and the response from M. Ganz was yes, that the applicants have agreed to that responsibility.

T. Santora said that he would write a letter to the Board of Selectmen in support of the request for Development on a Class VI Road, by developing a mutually agreeable Shared Driveway Maintenance Agreement, an Access Easement, an Access Easement Plan, and an Agreement and Release document, all to be recorded at the Registry of Deeds.

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D. 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 for 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 August 24)

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 for Wetlands Special Use Permit Review for Landscape supply including retail sales. (Continued from August 24)

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 August Planning Board meeting. J. Chagnon made the changes recommended by Jones & Beach's first review (and as a result of the August Planning Board meeting) and submitted those changes back to Jones & Beach. Jones & Beach conducted a second review for compliance with their initial comments, which resulted in a second review letter dated September 23, 2021. J. Chagnon presented a response to Jones & Beach's review letter of 09/23/2021 in the form of a letter to the Planning Board dated today 09/28/2021, with comments in the following areas of: 1) Required Permits, 2) Plan Set C4-Grading, Drainage, and Erosion Control Plan, 3) Plan Set D5 – Details, and 4) Drainage Calculations.

T. Santora stated that he was absent from the prior two (2) Planning Board meetings in both July and August, but that he had listened and watched the videos from those two meetings and read the minutes. He inquired if the fifteen (15) items from the August Planning Board minutes had all been addressed, and E. Cimon responded that all fifteen items were not necessarily action items, that some were notes, but documented and acknowledged that they were addressed. T. Santora felt it was important to specify that the Operations and Maintenance Schedule for the catch basin and drainage system be submitted annually to the Town for the file.

There was a lengthy discussion about the purpose and height and material of the proposed fencing on-site, with the thrust of the discussion centering on the aesthetic look of the site for the public traveling on Route 1 in Hampton Falls. There was agreement that it was in the applicant's best interest to make the site look as nice as possible. There are two proposed areas of fencing. The southern half of the site has a fence proposed around three sides of an outdoor product sales area, located parallel to and approximately 30' east of Route 1 (relatively close to the road – Rt. 1). The northern half of the site has a fence proposed around three-sides of three 6' tall concrete storage bins, located approximately 1,200' east of Route 1, toward the rear of the lot, behind the building on-site (relatively far away from the road – Rt. 1). Both fence types are proposed to be the same 5'11" high pine wood fence, of 1" by 6" vertical pine planks. Several Board members expressed their preference for horizontal fencing, as opposed to vertical fencing. The consensus of the Planning Board, after much discussion, was to recommend for the southerly half of the

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site's fencing, around the outdoor product sales area, a 4' high wood or vinyl split rail (with two rails) horizontal fence, with the applicant's option of installing black mesh fencing behind it. The Board recognized the function of the fencing on the northern half of the lot was to screen the concrete block bins, so kept those fencing specifications as proposed. L. Brown-Kucharski raised concerns that the fence color should not be Lime Green, as that would not, in her opinion, be in the spirit of the Design Guidelines.

There was question about the possible height of materials stored in the bins, and the reference to a note on Plan Sheet C-2 that states: "6' height limit above top of bin for material".

There was also discussion regarding the proposed building, and how the building will be attached to its foundation. The Building Inspector responded that the building will have the appropriate foundation and attachment to it, based on the specifics proposed on their building permit.

PUBLIC COMMENT:

T. Santora opened the meeting to Public Comment.

Bev Mutrie, Brown Road, commented regarding the 41 Lafayette Rd Site Plan fencing proposal, that the lower height and horizontal style fencing is better than what was originally proposed for the southern half of the site. Her preference would be for a three-rail fence, like what you see in Kentucky, or for a "living wall" as fencing, such as non-deciduous Holly or a tall vine on wire or a pergola.

G. Coppelman commented that the fence provides architectural detail, and that the combination proposed of the fence together with the proposed landscaping is great, and those elements will mature well together.

T. Santora closed the Public Comment portion of the meeting for this application, as there were no other members of the public present, and at 8:30 pm and recessed the meeting for a five-minute break, to reconvene at 8:35 pm.

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 a travel-way through a wetland buffer, for Landscape supply including retail sales. (Continued from August 24). The Planning Board referenced the Hampton Falls Zoning Ordinance Article III, section 8.6.1.1: the proposed construction is essential to the productive use of land not outside the wetlands, setbacks, or buffers: *This project has been designed to provide access from Lafayette Road and re-define the Brimmer Lane access. The Brimmer Lane access was to a paved parking area for the previously developed, now abandoned, site restaurant use. This parking area flowed untreated into the adjacent wetland. This proposal will remove existing asphalt located within the wetland buffer, resulting in a net decrease in impervious surface within the wetland buffer. The change to the site design provides for adequate fire and emergency access to the proposed building and landscape supply business. Removing the paved area allows the area to be replaced with stormwater treatment components, providing more protection to the wetland. This area is essential to the productive use of the area*

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outside of the buffer. We believe this design layout is essential to the productive use of the property not in the buffer zone. Please note there are no impacts to wetlands as part of this proposal, impacts are to the wetland buffer only.

MOTION: To affirm that the condition as specified in 8.6.1.1 is found to exist.

MOTION: S. HANSON

SECOND: E. B. BEATTIE

UNANIMOUS

The Planning Board referenced the Hampton Falls Zoning Ordinance Article III, section 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: *Best management practices for erosion and sediment control are integrated with the site plans and will be maintained during construction until the entire site is stabilized. The proposed construction reduces the impervious area within the wetland buffer and provides stormwater treatment where none existed. Areas where existing pavement will be removed will be utilized as the location for proposed stormwater structures. Currently run off from the paved area flows directly into the buffer, and eventually in to the wetland without any treatment. Under proposed conditions, stormwater will be collected by the proposed stormwater structures and treated through the use of catch basins with hooded sumps, a mechanical stormwater separator, and a detention pond before discharging into the adjacent wetland. This treatment of stormwater is function that does not currently exist on site. The site grading resembles the previous development. Where changes to grade are shown, they are needed to ensure that flow from the developed area flows to the treatment devices.*

MOTION: To affirm that the condition as specified in 8.6.1.2 is found to exist.

MOTION: S. HANSON

SECOND: E. B. BEATTIE

UNANIMOUS

The Planning Board referenced the Hampton Falls Zoning Ordinance Article III, section 8.6.1.3: No alternative route that does not cross a wetland nor has less detrimental impact on the wetland is feasible: *The proposed impact is to the wetland buffer, of which portions thereof are already disturbed and/or developed. No wetlands are impacted by this proposal. While previous versions of this site design may have eliminated the access to Brimmer Lane the site design preferred by the Planning Board will connect to Brimmer Lane. This route does not cross a wetland; it crosses the wetland buffer. Access ways are allowed to be in the wetland buffer, and this area is previously paved and the pavement in the buffer is reduced in favor of storm water treatment.*

MOTION: To affirm that the condition as specified in 8.6.1.3 is found to exist.

MOTION: S. HANSON

SECOND: E. B. BEATTIE

UNANIMOUS

The Planning Board referenced the Hampton Falls Zoning Ordinance Article III, section 8.6.1.4: Economic advantage alone is not the reason for the proposed construction: *The proposed location of access and egress provides for safe access for both vehicles and pedestrians. The*

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safety of the public when entering, leaving, and circulating within the site were considerations for the site design that is shown on the plans. The buffer zone impact is necessary to provide enhanced stormwater treatment, which will protect the public. There is no economic advantage gained by the applicant to provide additional stormwater treatment; the systems add expense to the site development.

MOTION: To affirm that the condition as specified in 8.6.1.4 is found to exist.

MOTION: S. HANSON

SECOND: E. B. BEATTIE

UNANIMOUS

MOTION: To grant the Applicant's request for Wetland Special Use Permit relating to Map 7, Lot 61, in accordance with the plan by Ambit Engineering dated July 30, 2021, revised to September 28, 2021, for property located at 41 Lafayette Road, as all conditions are found to exist, and subject to the following conditions:

- 1) That the Special Use Permit approved date and reference information be listed on the approved Site Plan.

MOTION: S. HANSON

SECOND: E. B. BEATTIE

UNANIMOUS

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 August 24)*

MOTION: To approve the applicant's request for a Site plan to construct a 371 SF +/- building on the lot with associated site improvements including material storage bins for property located at Map 7 Lot 61 – 41 Lafayette Road subject to 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 the hours of operation be 7:00 a.m. – 7:30 p.m. Monday through Friday; and 7:30 a.m. to 6:00 p.m. Saturday and Sunday.
3. That the building height and sightless objects (pipes, stacks, air conditioners, etc.) not exceed 35 feet.
4. That the landscaping be installed according to plan. No occupancy permit shall be issued until the landscaping is inspected by the Building Inspector.
5. That the applicant post financial security before the mylar is signed. Applicant is to submit a cost estimate to be verified by the Town Engineer to ensure restoration of the wetland setback area effected by the project.

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6. That no building permit be issued until security is posted and an agreement is signed. When and if this approved project changes ownership, the new owner is required to appear before the Planning Board to review the approved plan so as to have a complete understanding of it. Also, that no changes to the approved plan(s) can be made without appearing before the Planning Board.
7. That any and all state permits be obtained and made part of the file before the mylar is signed, including the Driveway permit.
8. That the Planning Board approve any change to the State Department of Transportation driveway permit.
9. That approval is for Retail Sales of Landscape Supplies and shall be noted as such on the final plan, page C2.
10. That all exterior lighting be down-shielded and labeled as such on the final plan in accordance with Site Plan Review Regulation Article VIII, Section 8, Illumination.
11. That wetland district placard markers be obtained from the Conservation Commission, at the owner's expense, and that the placard markers be posted at wetland *buffer* points and corners, with one, or more, additional markers every 50' prior to any tree cutting for road construction or excavation. Wetland district placard markers are to be certified with a Certificate of Wetland *District* Placard Installation form for the Planning Board file.
12. That monumentation *and wetland district placard installation* be bonded, set and certified with a Certificate of Monumentation *and Certificate of Wetland District Placard Installation Form* submitted for the Planning Board file before the mylar is signed and recorded.
13. That blasting must be done in accordance with Article IX, Section 9 of the Hampton Falls Zoning regulations.
14. That all appropriate professional stamps appear on the recordable Sheet C2, this includes: Land Surveyor, Professional Engineer, Soil Scientist, and Wetlands Scientist.
15. That an Operations and Maintenance schedule for the catch basin and drainage system be submitted annually to the Town for the file.
16. That the 6-foot-high vertical board, pine fence, located on the south side of the property (in front of the retail sales area) be changed to a 4-foot-high horizontal fence, as a two-rail split rail fence.

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17. That the items identified by Jones & Beach, in their review letter dated September 23, 2021 to the Planning Board, be incorporated in the final plan set.

18. That Sheet C2 be recorded at the Rockingham Registry of Deeds.

MOTION : E. CIMON

SECOND: E.B. BEATTIE

UNANIMOUS

J. Chagnon had some procedural questions about the bonding requirements and the sequence of the wetland's placards, and the response was that he has to record the plan before any work starts on site. Additionally, there will be a Third-Party Agreement that will need to be signed by the Board of Selectmen.

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 stated that the free-standing sign had been updated to add the street address.

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: August 24, 2021

MOTION: To approve the minutes of the Planning Board from August 24, 2021 as written.

MOTION: L. BROWN-KUCHARSKI

SECOND: E. CIMON

5 APPROVED

1 ABSTAINED

APPROVED

F. COMMITTEE REPORT: Capital Improvements Committee

T. Santora reviewed the Capital Improvements Program (CIP) Committee minutes from the most recent meeting September 22, 2021, which included the committee's recommendations. He explained that the CIP Committee is a sub-committee of the Planning Board, so he wanted to discuss the committee's recommendations with the Planning Board first, before reporting to the Board of Selectmen (BOS) at next week's BOS meeting October 06, 2021. The recommendations from the CIP Committee to the BOS will be taken under advisement by the BOS as they deliberate their Budget decisions for 2022, and in framing the subsequent tax impact for March 2022 Town Meeting.

L. Brown-Kucharski emphasized the need for a Town Maintenance Supervisor to oversee all public buildings. E. B. Beattie said that the Town has already received the first half of the ARPA monies in the amount of approximately \$126,000, with the second half scheduled for release August 2022 in the same amount, and the BOS is looking at proposals for several projects exceeding the total ARPA funds available. He further stated that he wants the BOS to take the CIP Committee recommendations seriously, as he values the representation of the CIP

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Committee members and feels as though they accurately represent a good cross-section of Hampton Falls' residents.

T. Santora said that he would present the CIP Committee recommendations to the Board of Selectmen October 6, 2021.

G. COMMUNICATIONS TO BOARD MEMBERS

1. 2022 Meeting Calendar was approved.
2. 2021 Proposed Zoning Amendments.

T. Santora gave a brief overview of some of the subjects being discussed at the Ordinances and Regulations Review Committee, to include cleaning-up some duplicate zoning definitions, the subject of AirBnBs, and the subject of changing or tightening the Design Review Guidelines which the Committee may be leaning away from but are considering looking at some examples from other communities.

Prior to adjournment, the board reviewed some of their prior decisions and the role of Planning Board members.

H. ADJOURNMENT

MOTION: To adjourn the meeting at 10:00 PM.

MOTION: E. B. BEATTIE

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS

NEXT PLANNING BOARD MEETING SCHEDULED TUESDAY, October 26, 2021 at 7:00 p.m.