

<b>PLANNING BOARD</b>	<b>October 26, 2021 7:00 PM</b>
<b>TOWN OF HAMPTON FALLS</b>	<b>TOWN HALL</b>

**FINAL**

**A. CALL TO ORDER**

Todd Santora, Chairman called the meeting to order at 7:03 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.

**C. PUBLIC HEARING**

**Case #21-10-01:** Application from **Central Gallestate Limited Partnership** for Final Public Hearing for a **Site Plan Review** for a use change to office with manager apartment, minimal exterior changes (small display area only) no new development, for a satellite (fence and deck) sales office, for property located at **6 Lafayette Road**, in zone Business District South, Map 7, Lot 49.

The property owner, Michael Galluzzo, of Central Gallestate Limited Partnership and Central Fence and Deck, and his representative, Anne Bialobrzkeski, of Stockton Services surveyor presented the application for a change of use to 6 Lafayette Road from the current real estate office formerly of Maureen Carey, to Central Fence and Deck. T. Santora asked if this location was going to be in addition to their existing location at 99 Lafayette Road, and the applicant stated that they plan to move south on Lafayette Road from their current location where they rent, to 6 Lafayette Road, which they purchased. M. Galluzzo said that he plans to bring his current outdoor display materials to the company's main site in Somersworth, NH. And that there will be no outdoor display area at the new location at 6 Lafayette Road.

The proposed use of the first floor is a sales office with an interior display area for the Central Fence and Deck company. The proposed use of the second floor is a residential apartment for the on-site manager of the Central Fence and Deck company. The site plan previously approved for the real estate office specifically noted that the residential apartment on the second floor was not to be used as residential, and this is why the applicant was before the Planning Board, in order to request approval for that additional residential use of the property. M. Sikorski confirmed that the apartment on the second floor is not being currently used as a residential apartment.

T. Santora read the Plan Review Memo dated 10/26/2021 by Glenn Coppelman, Circuit Rider Planner with Rockingham Planning Commission, regarding the application for site plan review. M. Galluzzo said that he contacted the same sign company (Timberline Signs) who manufactured the sign for the former real estate office, and had them make a proposal of a two-sided sign of 48" x 72" dimensions, vinyl on painted mdo, without a separate message board on the bottom, and utilizing the existing exterior lighting for the sign, keeping the two vertical posts on either side of the sign, and keeping the stone enclosed planter bed at the base of the sign. This

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proposal was a revision of an earlier sign proposal, and G. Coppelman stated that the revised sign proposal meets the spirit and intent of the ordinance.

Comment #7 by G. Coppelman, regarding the requested waiver from the requirement to affix a Wetland Scientist stamp to the final mylar was discussed. A. Bialobrzski described that the previous site plan approval for the real estate office has a Wetlands Scientist stamp on it, and there has been no change to the wetlands since that time. G. Coppelman's memo said that the request is justified since the recorded plan already contains the stamp and is referenced in the plan notes. He further instructed the Board that if the waiver is granted, that a Condition of Approval should be for the granted waiver to be added to the final mylar.

Next, a prior wetlands violation was described by A. Bialobrzski. The real estate office "inherited" this wetlands violation from the previous owner, and it was considered separately from the site plan approval for the real estate office, as an ongoing issue with NH DES that was in the process of being resolved. Eben Lewis of NH DES was involved in reviewing the issue in 2007, and there was a stone wall that was constructed in the vicinity of the wetlands' boundary line in 2008. A follow-up compliance site visit by Eben Lewis determined that the stone wall was located too close to the wetlands, and his remedy was for the stone wall to be removed, in order to eliminate the wetlands violation. M. Galluzzo, the current owner, just recently completed disassembly of the stone wall by hand. Note that the foundation of the stone wall was not removed, because to do so would require heavy equipment to be brought in to excavate and remove the foundation, and it was not desirable to disturb the land within the wetland buffer area.

T. Santora asked if there have been any changes in the surrounding area that would have caused the wetlands line to change since the real estate office site plan was approved. G. Coppelman stated that, to the best of his knowledge, nothing has changed in the area, and that the wetlands line has not changed.

L. Brown-Kucharski asked the applicant if he changed his mind and wanted to have an outdoor display of fence materials in the future, and the applicant responded, no, that they will have an indoor showroom.

T. Santora read M. Sikorski, Building Inspector's case review memo in to the record with a highlight on the last comment regarding maintenance of line of sight for southbound Rt. 1 traffic for vehicles accessing the property. A. Bialobrzski commented that there is one (1) tree that may need to be trimmed near the northern property line, but permission may need to be granted from the abutter if it is not located on the applicant's property.

**MOTION: To invoke jurisdiction because the application is deemed to be complete.**

**MOTION: E. CIMON**

**SECOND: L. BROWN-KUCHARSKI**

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T. Santora opened the meeting to questions from the Planning Board. S. Hanson inquired about the Hours of Operation of the business, and A. Bialobrzkeski responded that the hours will be Monday to Friday 8:30am to 5:30pm, and Saturdays 10am to 2pm, which is the same as at their current site at 99 Lafayette Road. Additionally, A. Bialobrzkeski stated that this information is included as Note # 14 on the plan.

T. Santora asked the Board for comments regarding the requested waiver, and the following members said that they were in support of the waiver request, namely, S. Hanson, L. Brown-Kucharski, and A. Tonry.

T. Santora opened the meeting for Public Comment. The only additional person in attendance was the on-site manager, who stated that she was in support of the proposal, as it was to be her residential apartment, on the second floor above the sales office on the first floor. T. Santora closed the Public Comment section of the meeting.

**MOTION: To waive the requirement of the Site Plan Review Regulations, 6.2 Plan Format and Information required, to affix a Wetland Scientist stamp to the final mylar, because the Recorded Plan on which this proposal is based already contains the Wetland Scientist Stamp and is referenced in the Plan Note# 12. A condition of approval is that the granted waiver be added to the final mylar.**

**MOTION: L. BROWN-KCUARSKI**

**SECOND: E. CIMON**

**UNANIMOUS**

The topic of Town Engineering review was discussed by S. Hanson and E. Beattie who both commented that it was not necessary in this application because there was no new development.

There was inquiry about the lighting of the new sign, and the applicant responded that the exterior illumination of the sign will use the same lighting that is on the current sign.

**MOTION: To approve the applicant's request for a Site Plan for a use change to office with manager apartment, minimal exterior changes (small display area only) no new development, for a (fence and deck) sales office, for property located at 6 Lafayette Road, in zone Business District South, Map 7, Lot 49, subject to the following conditions of approval:**

- 1) That the hours of operation be 8:30 am to 5:30 pm Monday through Friday, and Saturday 10am to 2pm.**
- 2) That a note reading "No additional use or change of use shall be permitted unless approved by the Planning Board." be added to the final plan.**
- 3) That approval is for an office with residential apartment, and shall be noted as such on the final plan.**
- 4) That a note be added to the final mylar plan, for the granted waiver 6.2 (see prior Motion for wording).**

**MOTION: S. HANSON**

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**SECOND: E. BEATTIE**  
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**D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: September 28, 2021.** L. Brown-Kucharski requested the minutes of September 28, 2021 be amended to add that she “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”, and to insert that statement near the top of page four (4), at the end of the paragraph regarding the discussion of fencing.

**MOTION: To approve the minutes of the Planning Board from September 28, 2021 as amended.**

**MOTION: S. HANSON**

**SECOND: E. CIMON**

**UNANIMOUS**

**E. OTHER BUSINESS**

**1) PB Case # 19-11-01 regarding 19 Lafayette Rd. N.M. Cook, Request for Bond Release #2 in the amount of \$168,000.00, leaving a total of \$5,000.00 for as-built drawings and the final permanent wetland plaque.**

T. Santora asked R. Webb to explain the communication from Jones and Beach Engineers. R. Webb said that the original Irrevocable Letter of Credit was issued November 17, 2020 in the amount of \$275,000.00. At the Planning Board’s meeting of April 27, 2021, the first partial bond release was granted in the amount of \$102,000.00 that left a balance of \$173,000.00. The Town received an email from Jones & Beach on October 18, 2021 detailing the site work complete as evidenced at a Construction Inspection to determine the amount of security that can be released; therefore, Jones and Beach Engineers requested Bond Release #2 in the amount of \$168,000.00, leaving a total of \$5,000.00 for as-built drawings and the final permanent wetland plaque.

**MOTION: To approve the requested partial Bond Release in the amount of \$168,000.00, leaving a total of \$5,000.00 for as-built drawings and the final permanent wetland plaque.**

**MOTION: S. HANSON**

**SECOND: E. CIMON**

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**F. COMMUNICATION S TO BOARD MEMBERS**

1. 2021 Proposed Zoning Amendments. T. Santora summarized the topics discussed at the Ordinance and Regulations Committee meeting held at 6:00 PM earlier tonight.

a) Recommendation by NH Municipal Association and Planning Board Attorney to add a sentence to clarify permissive zoning in Hampton Falls, specifically, if something is not defined, then it is not allowed.

b) Short-term rentals, needs more discussion. It was discussed that there are several Accessory Dwelling Units in town. The original intent of the State of NH Law was for it to be utilized by family, such as parents after retirement or someone younger just starting out. While a short-term rental is different, it is understandable how it can be an attractive option for income generation.

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It may be an attraction to town in terms of Applecrest Orchard, the Beach area, and the Tree Farms. Initial discussion was to propose eliminating the use from residential areas, but after some discussion it was determined more research is needed and perhaps, we could define it similarly in the ordinance as we do “Home Occupation”, provide guidelines, and issue permits to enable enforcement.

c) Definitions, proposing to delete redundant definitions and leave one in the appropriate location, specifically the terms: 1) “Dwelling Unit”, 2) “Hazardous Materials”, 3) “Non-Conforming”, and 4) “Work-Force Housing”. Each topic was assigned to a committee member to propose the specific amendment language. The plan is to make final revisions at the meeting in November, and then schedule a Public Hearing in December.

d) Design Review and the Sign Ordinance will be considered for amendments next year. T. Santora said that there could be discussion about establishing a separate committee for Design Review, and/or considering Design Review as a review requested the same as currently is completed for Engineering Review.

2. Rockingham Planning Commission RPC Dues request for 2022, is based on the 2020 Census estimate for Hampton Falls population at 2,403, and a dues rate of \$1.00 per capita, for a dues request total of \$2,403.00 for 2022. E. Beattie asked if this amount was correctly reflected in the proposed budget for 2022, and T. Santora responded that it was. G. Coppelman further described in detail the various aspects of services provided by RPC, availability of maps and technical support to respond to questions, and also mentioned that membership provides a discounted rate on dues. His Circuit Rider Planner services are covered in a separate contract from the dues paid to RPC. Further, dues paid to the RPC provide match monies for Federal transportation projects administered through the RPC.
3. NH DES Local Source Water Protection Grant, RPC request for letter of support. T. Santora agreed to provide the requested Letter of Support. There is no required monetary match to participate. G. Coppelman reminded the Board of the deadline for receipt of the letter by RPC is Friday October 29, 2021.
4. NH Floodplain Management Program, free webinar on Nov 18 (10:00-11:30am) on Floodplain Development Scenarios. Provided for Planning Board members’ information purposes.
5. Rockingham Planning Commission October 2021 RPC Newsletter. Provided for Planning Board members’ information purposes.

**G. ADJOURNMENT**

**MOTION: To adjourn the meeting at 8:06 PM.**

**MOTION: A. TONRY**

**SECOND: L. BROWN-KUCHARSKI**

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***NEXT PLANNING BOARD MEETING SCHEDULED TUESDAY, November 16, 2021 at 7:00 p.m.***