

PLANNING BOARD	December 19, 2023, 7:00 PM
TOWN OF HAMPTON FALLS	TOWN HALL

FINAL

A. CALL TO ORDER:

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

B. ROLL CALL:

Present (8): Todd Santora, Chairman; Eric Cimon, Vice-Chairman; Edward B. Beattie, Selectmen's Representative; Abigail Tonry, Member; Lisa Brown-Kucharski, Member; Jon Ringel, Member; Will Lojek, Member; Andy Brubaker, Alternate (non-voting).

Non-voting (3): Glenn Coppelman, RPC Circuit Rider Planner; Mark Sikorski, Building Inspector; Rachel D. Webb, Assistant Administrator.

Guests: Tracy Healey-Beattie, Sam Patterson

Chairman Santora stated that he was approached by someone who spoke with him about the proposed Sign Ordinance, who had watched the Planning Board meetings online.

C. PUBLIC HEARING: Proposed Zoning Ordinance amendments for March 2024

ballot. Chairman Santora opened the Public Hearing by introducing the various sign types proposed for Zoning Ordinance amendments, namely: digital signs, dancing signs, sign board or sandwich board signs, feather flag signs, banner signs, applicable rules for all signs in all districts, and a table of sign types. He stated that there was more detailed information provided by R. Webb, that members had seen previously, based on the Planning Board meeting last month and other meetings held throughout the year.

E. Cimon inquired as to what the process was going to be in reviewing the material tonight. He asked if discussion was going to be on each one, or if the definitions have already been discussed he does not necessarily want to go through it all again. E. Cimon confirmed that the purpose of the Public Hearing was to move the proposed Zoning Ordinance to the Warrant, since the Ordinances and Regulations Committee has already gone through and evaluated each proposal. Chairman Santora responded that the Planning Board has to go through and read the proposed ordinances for the benefit of the public, both here at the meeting and those watching online. He continued that the Planning Board can discuss the material, and that there is general consensus around the work that has been brought forth as a summary of the past several months of work. He stated that the public has the opportunity to comment about the proposed Zoning Ordinance amendments.

E. Cimon inquired about the timeframe for review if there was anything that needed changing as a result of the meeting tonight, and G. Coppelman stated that it would be possible to revisit a proposed change at the January 2024 Planning Board meeting because the board decided (at the November 2023 meeting) to move the January meeting a week earlier to January 16th to accommodate the 2024 NH BEA State Zoning Amendment Calendar, that states that January 29th is the last date to hold a final public hearing on proposed zoning amendments. G. Coppelman stated that if any changes were proposed to be made that this Public Hearing tonight would be "continued" to the Planning Board meeting in January. A. Tonry clarified that the Public Hearing would be continued for "substantial changes" not for "clerical changes". G. Coppelman reiterated what Chairman Santora had said that the Planning Board is very familiar with the material having worked on it, and this formal Public Hearing could propose to move it to Warrant.

A. Tonry recommended a clerical edit to add the words: "Section 4" as part of each of the four (4) new definitions within Article I, so that they would all read: "Add Art. I, Sec 4".

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Chairman Santora confirmed that E. Cimon, W. Lojek, and A. Brubaker were not present at the November 2023 Planning Board meeting, and stated that the board had a healthy discussion about the proposed new sign definitions. E. Cimon stated that he read the minutes from the November 2023 meeting.

Chairman Santora read the proposed amendments to the Sign Ordinance, regarding Digital Signs, as follows:

DIGITAL SIGNS:

New Definition: Add Art. I – Digital Sign. *A digital sign is a video-style panel, one or two-sided, capable of displaying either text or photos. Digital signs, if utilized, would replace the Change Panel portion of a sign as defined in 3.2.2.2.4. Only one method of panel—digital or manual change panel--would be allowed per sign.*

New Section Art IV, Sec. 3.3.3.1 Digital Sign.

Art. IV, Sec. 3.3.3.1.1 *Digital signage shall be allowed in BDS and BDN Districts in place of the “change panel” as listed in Art. IV Sec. 3.2.2.2.4 and shall be no greater than 30% of total allowed freestanding sign size. Only one digital sign (either one or two sided) is allowed per parcel.*

Art. IV, Sec. 3.3.3.1.2 *As per Zoning Article IV section 3.2.1.6 no moving, flashing or animated signs are permitted. Images displayed on the digital sign must be static and non-moving. This prohibition includes blinking or scrolling text or animated images. Frequency of change between static images on sign shall be no closer than one (1) minute apart. This change time may be adjusted by the Code Enforcement Officer as necessary to minimize effects on neighboring properties or distraction to persons traveling on public roads.*

Chairman Santora editorialized for the benefit of E. Cimon, W. Lojek, and A. Brubaker, that the one (1) minute was M. Sikorski’s recommendation, so that when a person drives by the sign, they will not see it change because a minute is a long time. Chairman Santora continued reading through the proposed zoning ordinance amendments, as follows:

Art. IV, Sec. 3.3.3.1.3 *Brightness output of the digital sign must be reduced to a minimum of 50% after dusk. This brightness level may be adjusted by the Code Enforcement Officer, including a requirement that signage be turned off between midnight and dawn, as necessary to minimize effects on neighboring properties or distraction to persons traveling on public roads.*

Art. IV, Sec. 3.3.3.1.4 *The use of distracting or glaring colors is prohibited. Examples are lime green, pink and orange or those mimicking emergency vehicles.*

Art. IV, Sec. 3.3.3.1.5 *New or revised site plans will require identification of digital signage as part of Planning Board Site Plan Approval.*

Art. IV, Sec. 3.3.3.1.6 *Upon approval of digital sign application, all other methods of signage, excluding political signs, are prohibited.*

Chairman Santora asked G. Coppelman if he needed to obtain comment on each section, or go through the whole thing and then obtain comments at the end, and G. Coppelman advised to go through the whole thing and then receive comments.

A. Tonry stated a concern with the wording of Art IV, Sec 3.3.3.1.6 regarding digital signage, and after much discussion, the Planning Board reached consensus to amend the proposed wording to read: “Upon approval of digital sign application, all other methods of signage except primary business signs are prohibited, excluding political signs.”

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E. Beattie stated that the proposed Zoning Ordinance amendments would need to be reviewed by the Planning Board's Land Use Attorney, so there may be some additional edits as a result of the attorney's review.

DANCING SIGNS:

Chairman Santora continued reading through the proposed zoning ordinance amendments, as follows:

New definition: Add Art. I - Dancing Sign. *A dancing sign is a fan driven tube sign meant to actively "dance" or move when in operation.*

New section Art. IV, Sec. 3.2.1.7 and Sec. 3.2.2.7: *Dancing Signs are prohibited in all districts.*

SIGN BOARD OR SANDWICH BOARD SIGNS:

Chairman Santora continued reading through the proposed zoning ordinance amendments, as follows:

New definition: Add Art. I - Sign Board or Sandwich Board. *A Sign Board or Sandwich Board is a freestanding sign normally folded open and self-supporting. The sign message may appear on one or both sides of the Board.*

New section Art. IV, Sec. 3.2.1.8 – Sandwich Board or Sign Board for Single Business in "BDN and BDS Districts";

and Sec. 3.2.2.8: Sandwich Board or Sign Board for Multi-Business Sites in "BDN and BDS Districts";

Sandwich Board/Sign Board signs shall be kept at least 15-feet inland of the "Fog Line" of a public way, or edge of pavement onto the parcel which utilizes the sign. The board can only advertise goods or services available on the parcel on which it is placed. One (1) sandwich board/ sign board sign is allowed per parcel.

FEATHER FLAG SIGNS:

Chairman Santora continued reading through the proposed zoning ordinance amendments, as follows:

New definition: Add Art I - Feather Flag Sign. *A feather flag sign is a temporary upright outdoor sign made of flexible lightweight fabric with a sturdy frame that is affixed to a pole driven into the ground or supported by an individual stand, which contains language for advertisement, greeting, or other messaging purposes.*

New section: Add Art. IV, Sec. 3.2.1.9 and Art. IV, Sec. 3.2.2.9: *Feather flag signs are prohibited in all districts.*

5)BANNER SIGNS:

Chairman Santora continued reading through the proposed zoning ordinance amendments, as follows:

Amend Art. IV, Sec. 3.2.1.5 existing heading: Banners for Single Business in "BDS, BDN and TCD Districts",

to read: Art. IV, Sec. 3.2.1.5 proposed heading: Banners for Single Business in "BDN and BDS Districts".

Amend Art. IV, Sec. 3.2.2.5 existing heading: Banners for Multi-Business in "BDS, BDN and TCD Districts",

to read: Art. IV, Sec. 3.2.2.5 proposed heading: Banners for Multi-Business in "BDN and BDS Districts".

Amend Art. IV, Sec. 3.3.2 Billboards, Dancing, and Feather signs are not permitted in any district in Town.

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APPLICABLE RULES FOR ALL SIGNS IN ALL DISTRICTS:

Chairman Santora continued reading through the proposed zoning ordinance amendments, as follows:

Amend Art. IV, Sec. 3.3.4 (under Applicable Rules for All Signs in All Districts) Each sign shall be constructed of durable material and shall be maintained in a high state of repair at all times. Any sign, banner, flag or pennant which becomes in disrepair may be removed upon order of the Code Enforcement Officer if not refurbished, repaired, or removed after sixty (60) days written notice. (Amended March 1988)

TABLE OF SIGN TYPES:

Chairman Santora continued reading through the proposed zoning ordinance amendments, as follows:

New Art. IV, Sec. 3.4 Table of Sign Types

P=Permitted; N=Prohibited

	<u>SIGN TYPE</u> <u>*see note below</u> <u>for</u> <u>Signs in A/R</u>	<u>A/R-</u> <u>Agricultural</u> <u>Residential</u> <u>District *</u>	<u>BDN-</u> <u>Business</u> <u>District</u> <u>North</u>	<u>BDS-</u> <u>Business</u> <u>District</u> <u>South</u>	<u>TCD-</u> <u>Town</u> <u>Common</u> <u>District</u>	<u>Zoning Ordinance</u> <u>Reference</u>
1	Banner	N	P	P	N	Art. IV, Sec. 3.2.1.5 and 3.2.2.5
2	Billboard	N	N	N	N	Art. IV, Sec. 3.3.2
3	Change Panel	N	P	P	P	Art. IV, Sec. 3.2.1.2.4 and 3.2.2.2.4
4	Dancing	N	N	N	N	Art. IV, Sec. 3.2.1.7 and 3.2.2.7
5	Digital	N	P	P	N	Art. IV, Sec. 3.3.3.1
6	Feather	N	N	N	N	Art. IV, Sec. 3.2.1.9 and 3.2.2.9
7	Flag	N	P	P	P	Art. IV, Sec. 3.2.1.4.2 and 3.2.2.4.2
8	Flat to Wall	N	P	P	P	Art. IV, Sec. 3.2.1.1.1 and 3.2.2.1.1
9	Freestanding	N	P	P	P	Art. IV, Sec. 3.2.1.2 and 3.2.2.2
10	Hanging	N	P	P	P	Art. IV, Sec. 3.2.1.2.6 and 3.2.2.2.6
11	Political	P	P	P	P	Art. IV, Sec. 3.3.5
12	Sandwich or Sign Board	N	P	P	N	Art. IV, Sec. 3.2.1.8 and 3.2.2.8

***Note:** for signs in A/R Agricultural/Residential District, please consult the Zoning Ordinance, Article IV, Section 3.1

E. Cimon commented that sandwich board signs are typically temporary signs, and asked if the Planning Board was allowing those sign types to be permanent? There was discussion around this issue, with the result that there are no additional restrictions beyond what currently exists. A.Tonry clarified that the change being proposed is that if an applicant obtains a digital change panel sign, then they cannot also have a sandwich board sign. Chairman Santora stated that there is a definition of “Temporary Sign” that is basically ninety (90) days in duration. G. Coppelman

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read the 3.2.1.3 and 3.2.2.3 definitions for temporary signs for single businesses and for multiple business sites in terms of their duration, size, and purposes. E. Beattie was in support of the additional specificity to locate any sandwich board signs no closer than fifteen (15) feet to the fog line.

E. Cimon stated that the intent is to define and to get people to think about what kind of signage they are proposing. G. Coppelman stated that the Planning Board could adjust and change the wording of the ordinance in the future if they find it necessary. Chairman Santora said that he was in agreement, and there was a consensus among the Planning Board members to keep the proposed ordinance wording as proposed.

Public Comment

Chairman Santora addressed Sam Patterson and informed him that as a business property owner (41 Lafayette Rd) in Hampton Falls, that he could comment on the proposed sign ordinance, even though he is not a resident. S. Patterson confirmed that the feather/dancing signs are prohibited in Hampton Falls.

Tracy Healey-Beattie, Drinkwater Rd, stated that she served on the Planning Board, some time ago, and that she appreciates all the work that goes into putting forth proposed ordinance changes. She stated that she watched the video from the November 2023 Planning Board meeting. T. Healey-Beattie stated that the town will face significant challenges in the business district when sewer/water is made available on Lafayette Rd/Route 1. She stated that as residents of Hampton Falls there is a responsibility to protect the integrity of the town. And there is a responsibility to recognize and welcome businesses located (and future businesses) along Route 1, as they provide tax relief and provide services to residents. She said that some people build first and face the regulations and criticism afterwards, and she said that the town needs to be sensitive to that possibility on Lafayette Road. Introducing Digital Signs will forever change the landscape of Lafayette Road. She said that she realizes that Digital Signs are “state-of-the-art” and it is practically 2024, but at what cost to the Town of Hampton Falls? T. Healey-Beattie continued, that once Digital Signs are approved, it seems inevitable that there will be change requests for more visibility and refinement of the Digital Signs.

T. Healey-Beattie commented on the recently installed “Welcome to Hampton Falls” carved signs and how nice they look, that were not that expensive at \$7,000 each, as opposed to the cost of a digital sign that is much more costly. She stated her opinion that wooden signs with inserted lettering seem sufficient. She commented on a concern from the November 2023 meeting that some businesses may not want to locate in Hampton Falls if they could not have a Digital Sign, and said that it would be a misnomer, that businesses would not come because of sign standards. She identified other towns that do not allow digital signs such as Kingston and North Hampton that are able to take a strong position for the town and the residents about Colonial looking signage, and not be unduly influenced by the business community.

T. Healey-Beattie stated that people have fought long and hard, since the 1970s and 1980s, to protect the rural character of Hampton Falls, and she asked the Planning Board to give serious consideration to the Digital Sign proposal, as she said that they could regret their decision with

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hindsight. She stated that she hopes the Digital Sign proposal does not pass in March, and she strongly encouraged the Planning Board to wait for Digital Signs in the future, and to go with the wooden signs currently allowed.

Chairman Santora responded that if the Planning Board implied at the November Planning Board meeting that by not allowing Digital signs would prevent businesses from locating in Hampton Falls, that that was not the intent. He continued that Digital Signs are a legitimate concern that have been discussed at the past several meetings. L. Brown-Kucharski said that this was a compromise after she had suggested no digital signs. L. Brown-Kucharski said that there were going to be limitations on where the Digital Signs were allowed in which zoning districts, and what other types of signs would be permitted, to limit what it would look like. L. Brown-Kucharski said that she agreed with T. Healey-Beattie, but the Planning Board together with M. Sikorski are trying to be fair, with a lot of restrictions. T. Healey-Beattie stated that her fear is that once the Digital Signs are in place they cannot be taken away.

T. Healey-Beattie asked G. Coppelman how the businesses have reacted to no Digital Signs in the town of Kingston? G. Coppelman stated that he is not involved in the permitting of signs in Kingston, but he said that it has not prohibited businesses, as they comply with the ordinances and the regulations. He stated that it would be hard for him to know if there are some businesses whom, because of the prohibition of Digital signs, did not want to locate there. He stated that businesses decide to locate because of “*location, location, location,*” where they have enough potential business and customers, and he was not certain if a sign regulation would be enough to change their decision.

W. Lojek stated that Digital Signs are a reality that is coming and asked if the Planning Board can metaphorically “stick their finger in the dyke” to hold them back? He conveyed the context that the Planning Board has discussed Digital Signs on several occasions and expressed a desire to get out in front of it, to regulate it, so that M. Sikorski would have the ordinance with standards and specifications to reference. W. Lojek stated that he appreciated T. Healey-Beattie’s sentiments about maintaining the character of the town. He continued that the Digital Signs would not be allowed in the Town Common District, but they needed to strike a balance with the other two business districts. He stated that it will change the character along the commercial corridor, but the Planning Board will still have the authority to regulate within the standards. L. Brown-Kucharski said that it will be highly regulated, and the Digital Signs are very expensive, so that not every business along Route 1 is going to have one. J. Ringle said that the price being expensive for the Digital Signs will limit them.

A. Tonry clarified that what was being discussed is substituting a change panel for a Digital Sign, and not an entire sign that is a Digital Sign. M. Sikorski confirmed that the Digital Sign will replace the Change Panel at a maximum of 30% of the entire sign. T. Healey-Beattie said that she respects and understands the context that W. Lojek explained, although she does not fully support it. A. Tonry stated that a new inclusion of the proposed ordinance gives the Building Inspector the authority to take down a sign if in violation.

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Chairman Santora responded to T. Healey-Beattie that if/when water & sewer come to Hampton Falls that the entire Zoning Ordinance would need to be re-examined. He further elaborated on the compromise discussed, and stated that the reason it was decided to not permit Digital Signs in the Town Common District (TCD), and less so in either the Business District North (BDN) or the Business District South (BDS) was because of the character of the buildings, and also because the zoning in the TCD is the least restrictive dimensionally (smallest lot sizes and setbacks).

E. Beattie restated a comment that he made at the November Planning Board meeting, if the Planning Board supports not allowing Digital Signs as being great for the TCD, then why is that same approach not great for the rest of town? E. Beattie continued that he agreed with T. Healey-Beattie that the Planning Board should be in control of what development looks like in Hampton Falls through implementation of Design Guidelines, and heavily influence businesses who propose to come to Hampton Falls, or those who choose to renovate their existing properties, whether there is sewer and water or not. He said that they like wooden signs and traditional-looking buildings and that those messages need to be conveyed to new development and existing businesses doing renovations. L. Brown-Kucharski said that the Planning Board has the Design Guidelines in place, they just need to enforce them. E. Beattie said that the “Welcome to Hampton Falls” new signage, recently installed, set a standard that mattered, to make Hampton Falls look different, and he would hope that a similar result could be effectuated through ORDS & REGS to influence the kind of rural character and exurbian character that the PB is trying to maintain.

A.Tonry said that it was fair to say that the Planning Board is attempting to clean-up the BDN and BDS, and to not stay the same/status quo, so any new applications to the Planning Board can have the Design Guidelines applied. G. Coppelman reminded the Planning Board that the Design Guidelines are not only for TCD, but also for BDN and BDS. He stated that when developers meet with M. Sikorski and himself, they are told that they need to be following those guidelines. He said that the authority is in the hands of the Planning Board to implement those Design Guidelines.

Chairman Santora closed the Public Comment.

There was a discussion about taking a vote on the proposed ordinance; however, it was determined that the amendment to the proposed Digital Sign ordinance (3.3.3.1.6) was substantive enough (new wording that changes the meaning) to continue the Public Hearing to the Planning Board’s next meeting January 16, 2024.

A.Tonry asked the Planning Board to insert the word “only” to the new definition of Digital Sign to read: “...Digital signs, if utilized, would only replace the Change Panel portion of a sign...”

G. Coppelman clarified that the ordinance currently does not prohibit digital signs, so this proposal would be significantly scaling back the area of the sign that can be digital to only 30%. L. Brown-Kucharski agreed with A. Tonry to add the word “only”.

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MOTION: To continue the Public Hearing of the proposed Sign Ordinance zoning amendments, to the Planning Board meeting of January 16, 2024 at 7:00 PM.

MOTION: A. TONRY

SECOND: L. BROWN-KUCHARSKI

UNANIMOUS

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: November 28, 2023.

MOTION: To approve the Planning Board Minutes of November 28, 2023 as written.

MOTION: L. BROWN-KUCHARSKI

SECOND: J. RINGLE

5 YES; 2 ABSTAINED; VOTE PASSES

E. OTHER BUSINESS:

1) Follow-up on 41 Lafayette Road, compliance with Site Plan.

Chairman Santora set some goals for the discussion and said that the Planning Board (PB) would go through the letter sent by M. Sikorski (11/21/2023) that listed the Site Plan violations, to see what S. Patterson has done to address each one, and see if the PB and S. Patterson can work together, if something is not complete, to get an understanding of what S. Patterson needs to complete, so that S. Patterson can move forward, finish, and get his escrow money returned to him by the Town.

Chairman Santora stated that M. Sikorski sent a letter dated November 21, 2023 to Sam Patterson, owner of 41 Lafayette Rd, listing eight (8) specific deviations from the approved Site Plan.

1. Locating and Storing New England Paving Vehicles on site. Reference Note 9 on approved Site Plan.

S. Patterson responded saying that during the PB meetings he stated that he would have two (2) New England Paving trucks onsite for deliveries, but none of the equipment nor crew would be there for day-to-day operations. Chairman Santora stated that he recalled S. Patterson saying that at the time. E. Cimon asked if the trucks were supposed to be parked behind, in the bin area, after hours. M. Sikorski said that he reviewed the PB Minutes from May 2021 that stated there would be three (3) trucks onsite, namely: a six-wheeler truck, a one-ton truck, and a loader. M. Sikorski asked for clarification about the six-wheel truck and its purpose. S. Patterson responded that a six-wheeler truck is between a pick-up truck and a dump truck in size; it's like a small dump truck. M. Sikorski stated that the big paving trucks are out of scale with the other trucks that were going to be used for the business.

2. Failing to park vehicles involved in daily operations in the designated parking area shown on the approved site plan but instead parking business vehicles in the designated northerly and southerly product sales areas including New England Oil trucks. Reference Note 9 on approved Site Plan. M. Sikorski said that at the end of the

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day the vehicles are supposed to be moved to the area behind the bin walls. The Site Plan lists a parking area and that is what is referenced in Note 9 on the site plan, so complying with the directive in Note 9 would address both violations 1 & 2.

E. Cimon asked S. Patterson if it was possible to park the trucks out back after hours. S. Patterson responded that he could, but that he would rather leave them in the display area. E. Cimon said that he respected that S. Patterson was here, and that this is obviously frustrating, but the tough part for the PB is that some of the things that he has done are directly contradicting what the PB is trying to accomplish. E. Cimon said that he understands that S. Patterson would prefer not to have to move the trucks at night, but the PB made many concessions and worked with him throughout his Site Plan approval, so if S. Patterson can park them in the back that the PB would ask that the trucks be parked in the back. S. Patterson initiated a discussion about where the Site Plan indicated parking on the plan, as there was a proposed Display Area (in the northern part of the site) where the trucks were being parked, and then there was parking noted on the southern part of the site that was for customer parking. M. Sikorski identified that between the bins in the rear of the property on the Site Plan there is a block that reads “*Truck Parking*” with arrows going in both directions, that correlates with Note 9 the “no paving *equipment will be located or stored onsite. Equipment servicing use will park in truck parking area shown on plan outside operating hours.*” Chairman Santora, Vice-Chair Cimon, M. Sikorski, and S. Patterson examined the recorded Site Plan sheets together and read the notes on the plans to identify the truck parking area.

- S. Patterson agreed to park the trucks in the bin area (as indicated on the approved Site Plan) in the back overnight.

A. Tonry asked the name of S. Patterson’s business, and he responded New England Landscape Supply LLC. A. Tonry stated that there are trucks onsite that say New England Paving, and that is her concern. She said that when she sees the New England Paving trucks, she thinks that the site is a paving company and not a landscaping company. S. Patterson said that he has one New England Landscape trucks and is working to get more, but is currently renting the New England Paving trucks.

3. **Intensifying the use of the property to include heating oil delivery sales without Site Plan modification. Reference attachment 2, flyer for advertisement of new oil delivery business.** Chairman Santora referenced the New England Oil Delivery trucks, and S.

Patterson said that he moved those off site and he would be doing paperwork to establish that as an allowed use in the future. G. Coppelman stated that a Site Plan modification application would need to be filed, with a Public Hearing, to change any previously approved uses.

4. **Failing to complete the sample stone wall sections requested during a discussion under Other Business at Planning Board meeting of May 24th, 2022. Reference attachment 3, minutes of meeting.** Chairman Santora confirmed with S. Patterson that he has completed the stone wall with all available stone onsite. His plan was to finish the wall with additional stone types when he has them available for sale. S. Patterson asked the PB if he could leave the wall

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alone and build the wall as he obtains more product. Chairman Santora clarified that S. Patterson's intent was to get different types of stone with which to finish the wall. There was a discussion about a reasonable time to complete the wall, and E. Beattie stated his opinion that the wall needs to be completed asap. E. Cimon asked S. Patterson how soon he could complete the wall. S. Patterson asked if the PB wanted him to square-off the end of the wall now. There was question of the approved length of the wall. J. Ringle read the Minutes description of the approval of the stone wall: *"a height of two-feet (2ft) built into the slope and run a length of 140-ft starting in the front of the building parallel to Lafayette Road towards the northern edge of the property."*

M. Sikorski stated that one of the last items in his letter was to obtain an As-Built Plan; additionally, and he proposed that the wall be capped as is, to show it on the As-Built Plan at the current length. If, in the future, S. Patterson wants to modify and lengthen the display wall, he would need to return to the PB to obtain that approval.

S. Patterson asked how he gets an As-Built Plan done, and M. Sikorski explained that S. Patterson's engineer would prepare the As-Built Plan based on the approved Site Plan, and compare that to what is actually built on site. S. Patterson said that he would like to add a few more bins on-site, along with his request for the Oil Delivery business. G. Coppelman clarified that the As-Built Plan is a requirement, and is not something new that the PB is adding now. Whenever a Site Plan is completed, there are often several adjustments that get made "in the field" during construction, so an As-Built Plan captures those adjustments, and is kept on file so the Town has an official record of what actually got built on the site. Both M. Sikorski and G. Coppelman review the As-Built Plan administratively. Reference the Site Plan Review Regulations (9.5) that states the Town Engineer reviews the As-Built Plan, and the Planning Board reviews it as well. (No mention of recording requirement.) Chairman Santora clarified that the As-Built Plan needs to be done once the wall is complete, for S. Patterson to receive any unspent escrow monies from the Town. Once that is done, then a Site Plan Modification can be applied for to include: the change in use to add Oil Delivery business, to add additional storage bins, to add an extension of the display wall, and anything else.

- S. Patterson agreed to cap-off the existing stone wall, by January 16, 2024 with the understanding that the ground will be re-contoured/re-graded as weather permits by April 23, 2024.

5. **Failing to provide adequate landscape trees and shrubs as depicted and approved during the original Site Plan review. Site Plan Regulation Article VIII, Section 8.4.1. Reference attachment 1, inspection report from Jones and Beach dated November 9th, 2023.** Chairman Santora said that there may have been landscaping installed at the time the business opened, but the problem is that the landscaping has since died. S. Patterson said that he recently installed sixteen (16) bushes in front of the display area on the southern half of the site, in front of every fence post. M. Sikorski referenced the Landscaping Plan on page C-5 of the approved Site Plan. Chairman Santora stated that the plan shows landscaping in front of the stone wall and in front of the building as well. E. Cimon recommended that S. Patterson review the

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Landscaping Plan to make sure that he has everything that should be on the plan because otherwise Jones & Beach will identify deficiencies. He said that the Town Engineer (Jones & Beach) evaluates the plan and compares it to what is built/installed on site. S. Patterson said that he would double-check it. A. Tonry stated that plantings surviving being planted in December is doubtful. E. Cimon stated that he would recommend deferring the landscaping installation until it was likely that the plants would survive, and stated his opinion that it did not make sense to plant in January. G. Coppelman stated that April is a realistic timeframe for landscaping installation.

6. Performing on site operations in support of New England Paving by stockpiling and distributing crushed asphalt and associated materials in support of paving operations.

S. Patterson commented that the crushed asphalt is not for New England Paving, it is for New England Landscaping customers. M. Sikorski expressed concern about the New England Paving dump trucks using the crushed or recycled asphalt and then using it on paving projects. S. Patterson responded that they use it for delivering to builders and excavating companies and any customers who come to the yard. Chairman Santora asked if the crushed asphalt was a product he sells, and S. Patterson responded yes, that it is a good gravel base, used under driveways and foundations.

E. Beattie asked if the contents of the bins were specified on the approved Site Plan, as he recalled that there was concern about the potential environmental run-off, and storage of chemicals, and snow stacking run-off. He stated that he was not aware that the business was going to be storing asphalt on-site. Chairman Santora read the names of the proposed contents of the storage bins on the approved Site Plan: bark mulch, screened loam, stone dust, sand, crushed gravel, ½-inch stone, and pea stone. S. Patterson stated that crushed asphalt is 100% not leach-able, he stated that it does not leach. He stated that it is the only product that is allowed to build roads in wetlands or marsh because it does not leach. He said that after nine (9) months the oils are gone. Typically, driveways removed are at least ten (10) years old. Chairman Santora said that he heard what S. Patterson was saying but the crushed asphalt is not an approved product on the Site Plan, so when he submits a Site Plan modification, he should add that product to the list of other modifications he plans to request. E. Cimon stated that this issue is of concern because of the close proximity to the wetlands in the back and the Conservation Commission's potential interest.

A.Brubaker asked if the rear of the property was part of the Shoreline Protection area. G. Coppelman said that he thought it was based on the Town's wetlands ordinance.

- S. Patterson said that when he comes to the next meeting, he will make sure to have all the paperwork regarding the crushed asphalt material and the engineer to explain it.

7. Failing to provide an updated As-Built Site Plan for the property.
Previously discussed.

8. Failing to obtain a Certificate of Occupation for the site and business.
Previously discussed.

PLANNING BOARD	December 19, 2023, 7:00 PM
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SUMMARY: Chairman Santora reviewed the steps needing to be taken by S. Patterson as follows:

- 1) Trucks are to be parked in the bin storage area (as specified on the approved Site Plan) in the back, after business hours, effective immediately.
- 2) Cap-off the stone wall by January 16, 2024.
- 3) Landscaping and restore grading, impacted by stone wall, to be completed by April 23, 2024.
- 4) No crushed asphalt to be stored or sold on property, effective immediately.
- 5) Once stone wall is complete, work with engineer to complete As-Built Plan.

E. Beattie noted the Jones & Beach Field Report dated November 09, 2023 identified some additional items:

- 6) two (2) septic vents, and S. Patterson stated that they have been done.
- 7) silt fence could be removed, and S. Patterson responded that that had been done.
- 8) the top-coat of paving was not complete. S. Patterson responded that he spoke with Brad Jones (of Jones & Beach engineers) and explained that he paved three-inches, one layer of single-course, binder top mixed, and he said that it was fine with him. S. Patterson explained that he did the same thing at his own house because it is better for the heavy trucks. E. Beattie commented that it should be noted on the final inspection from Jones & Beach.

Potential future Site Plan Modification application to include:

- a) Oil Delivery business;
- b) Additional bins;
- c) Add crushed asphalt material type to bin locations

E. Cimon thanked S. Patterson for coming in, and A. Brubaker asked if M. Sikorski was satisfied with the meeting. E. Cimon thanked M. Sikorski for putting all of the work together.

F. ADJOURNMENT

MOTION: To adjourn the Planning Board meeting at 9:15 PM.

MOTION: L. BROWN-KUCHARSKI

SECOND: E. CIMON

UNANIMOUS

NEXT PLANNING BOARD MEETING SCHEDULED TUESDAY, January 16, 2024, at 7:00 PM.

These minutes prepared by Rachel D. Webb, Assistant Administrator.