CALL TO ORDER

Chairman T. Santora called the meeting to order at 7:01 PM.

ROLL CALL

Present:  T. Santora, Chairman; E. Cimon, Vice Chairman; E. Beattie, Selectmen’s Representative; A. Tonry, Member, L. Brown-Kucharski, Member; A. Brubaker, Member; S. Hanson, Member

Non-Voting:  M. Sikorski, Building Inspector; G. Coppelman, RPC Circuit Rider Planner, L. Jordan, Secretary.

PUBLIC HEARINGS

Case #20-09-01:  Application from TFMoran, Inc. for Final Public Hearing for Subdivision creating four or more lots being a proposed six lot subdivision including five single-family residential building lots and one lot of remaining land and Scenic Road Alteration Permit for property located at Brown & Old Stage Road, Map 5, Lot 19.

Case #20-10-01:  Application from TFMoran, Inc. for Final Public Hearing for Wetland Special Use Permit to install underground utilities within the 50’ wetland buffer running along the fronts of proposed lots 1, 2 & 6 of proposed 6-lot subdivision for property located at Brown & Old Stage Road, Map 5, Lot 19.

Brenda Kolbow and Chris Rice presented updates and a revised subdivision plan for Case #20-09-01 on behalf of TFMoran.  Jack Sullivan represented the client and TFMoran engineer Phil Trombley was also present.  The Board discussed that the engineering review from Jones & Beach had not been completed yet, so the Board would not be able to vote on a decision tonight.  However, the Chair invited the representative from TFMoran to present information for the Board, minutes and record.

B. Kolbow described updates in the project plan to the Board.  Since September, TFMoran has revised the utility easement, added Sheet S-04 and marked driveways.  B. Kolbow listed the following revisions to Case #20-09-01 subdivision plans:

- Added proposed utility underground easement to Sheet S-03
- Added Sheet S-04 “Utility Easement & Special Use Permit Plan”
- Revised Lot 1 5K area
- Added driveway locations to the southerly side of Brown Road to Sheet S-03

Additionally, TFMoran submitted an application for Wetland Special Use Permit (Case #20-10-01) in response to Planning Board feedback at the previous meeting to run the utilities underground.  They are seeking three waivers, which require a motion each by the Board and must appear on the final mylar:

1. 6.2.16 Topography waiver for the large portion of unbuildable wetland on the lot.
2. 6.2.17 Future Street System.
3. 6.2.21 High Intensity Soils Survey (HISS) mapping.

The Circuit Rider Planner spoke to his memo regarding both Case #20-09-01 and Case #20-10-01. He believes that the first and third request by the applicant are reasonable. The Board discussed the waivers with the applicants. It was discussed that the corner of the lot that is unbuildable is prime wetland.

Extensive discussion was held on item number two, the future street system. The Circuit Rider Planner feels that the waiver is justified since no plans are being presented at this time for the development of the remaining land; however, the Board may want to see a non-bonding sketch illustrating potential build-out. TFMoran indicated willingness to provide this. The Circuit Rider Plan pointed out that this would not be shown on the final mylar and would only be a Town Record. It was discussed that this could be useful for potential owners. The Chair asked for a plan for a potential street system for the six-lot subdivision to address where if something were to be built in the back where it should go.

The Board switched discussion to the underground utilities Case #20-10-01. The Building Inspector asked about the underground utility easement that runs up Brown Road. He asked if the driveways were being locked into specific locations, which B. Kolbow confirmed. The Building Inspector feels is it important that driveways be fixed and then identified on the plan, as this will affect the underground utilities. Additionally, the driveways will disturb stone walls and removal should be kept to a minimum. The conduit should be schedule 80 for the entire length and this should be notated on the plans.

B. Kolbow described TFMoran’s plan for underground utilities to the Board. These will connect on the southern side of Brown road, accessing existing utilities. B. Kolbow mentioned that utilities for Lots 2 and 3 were moved northerly to be outside of the tree line where it is already open ground to minimize damage to trees. Once at the wetland buffer, the trench will turn southerly and run along the wall to minimize impact on the wetland buffer. The area traversed will be 7,959 square feet in a 20-foot-wide easement. TFMoran is working closely with Unitil and Comcast and will stack the electric and communication lines to have a trench 18 inches wide and maximum 48 inches deep. The “schedule 80” pipe will run inside of the trench. To mitigate disruption to the landscape, a silk sock fence will be installed to prevent erosion. As soon as possible, soil will be restored and seeded with a heritage mix.

The Board reviewed the Circuit Rider Planner memo, stating per Section 8.6 of the Zoning Ordinance, all conditions (8.6.1.1-4) must be positively affirmed the Board. Applications for Special Use Permit must include precise boundaries of wetlands.

Member A. Brubaker asked about drainage between Lots 2 and 3 relating to a 40-foot drop along Route 88 and the Board discussed. The Building Inspector would like the new plan to reflect new ownership at Map 5, Lot 14-1 and Map 5, Lot 14-2. Member L. Brown-Kucharski asked if lot 6 would be on the market for sale eventually. The representatives from TFMoran replied not at this point but potentially in the future.

The Board discussed criteria of the wetlands crossing:
8.6.1.1 The proposed construction is essential to the productive use of land not outside the wetlands, setbacks or buffers.

8.6.1.2 Design and construction limit 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.

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.

8.6.1.4 Economic advantage alone is not the reason for the proposed construction.

In this particular situation, running utilities underground actually increases the cost for the applicant, and the Board will evaluate the other criteria upon receipt of the engineering review. TFMoran feels this application is an option that minimally impacts the wetland buffer, and no direct impact to wetlands.

The Chair read a letter from the Conservation Commission to the Public; Chair Mary Ann Hill was present. The letter indicates a desire for no building on this land and highlighted the prime wetlands as well as that a pair of bobcats has been documented. The natural beauty of the apple orchard was also discussed.

The Board discussed accepting jurisdiction.

**MOTION:** To accept jurisdiction of Case #20-10-01.

**MOTION:** A. Brubaker  
**SECOND:** E. Cimon  
**UNANIMOUS**

Member A. Tonry asked about the progress of engineering review, and if Jones and Beach would review the Special Use Permit as part of the other application. Member L. Brown-Kucharski is particularly concerned about Lot 4, which is often wet, and the drainage down Brown Road that construction and addition of impervious surfaces might increase. She feels further engineering review is vital. E. Beattie and Chair T. Santora agree that Case #20-10-01 should be included in the engineering review along with Case #20-09-01. E. Beattie reminded the Board that the Planning Board asked TFMoran to run the utilities underground to protect trees, etc.

**PUBLIC COMMENT**

The Chair opened up public comment for hearings for both Case #20-09-01 and Case #20-10-01.

Mary Ann Hill, Exeter Road, spoke to the junction box she installed and how the insects kept eating the wires in the box. She also thought the land is too wet for basements.
Beverly Mutrie, Brown Road, mentioned that Brown Road used to be called “Fountain Hill Road”. She asked if there were swales on Brown Road and is concerned about flooding. E. Beattie pointed out that this has been a particularly dry year for Southern New Hampshire and more waterflow should be expected long-term.

The Chair closed public comment.

The Chair asked if TFMoran would like a continuation of both cases until the November 17th, 2020 meeting, pending completion of engineering review by Jones & Beach. The representatives verbally requested a continuance.

**MOTION:** To continue Case #20-10-01 to the November 17th, 2020 Planning Board meeting.

**MOTION:** L. Brown-Kucharski  
**SECOND:** S. Hanson  
**UNANIMOUS**

The Chair asked TFMoran to work with Jones & Beach on both cases. The Chair directed the Secretary to investigate with the Town Administrator if more funds would need to be posted in addition to the $5,000 to include #20-10-01.

**MOTION:** To authorize the applicant to work directly with Jones and Beach on the applications for both Case #20-09-01 and Case #20-10-01 considered together.

**MOTION:** L. Brown-Kucharski  
**SECOND:** S. Hanson  
**UNANIMOUS**

**MOTION:** To include Case #20-10-01 in the engineering review for the Wetlands Special Use permit along with Case #20-09-01.

**MOTION:** L. Brown-Kucharski  
**SECOND:** E. Beattie  
**UNANIMOUS**

A. Tonry and E. Cimon feel that asking for the street system is unnecessary. The Chair would like it included and L. Brown-Kucharski and S. Hanson think it is a good idea. It is non-binding. In that case, waiver would not be needed. The Board will revisit this and other matters next month after engineering review.

**MOTION:** To continue Case #20-09-01 to the November 17th, 2020 Planning Board meeting.

**MOTION:** L. Brown-Kucharski  
**SECOND:** S. Hanson
UNANIMOUS

The Public Hearing for both cases was announced closed for this meeting by the Chairman.

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES:

The Board reviewed the minutes from the September 22, 2020 meeting.

A. Brubaker asked that on page six of the minutes:

“Jones & Beach presented a proposed spreadsheet to the Board.”

Be amended to read: “The Board reviewed a proposed spreadsheet by Jones & Beach.”

On page seven of the minutes:

“NH DOT has advised the Town/Planning Board they will pay for the traffic light reconfiguration on Route 1.”

Be amended to read: “NH DOT has advised the Town/Planning Board they will not pay for the traffic light reconfiguration on Route 1.”

MOTION: To approve the September 22, 2020 meeting minutes as amended.

MOTION: S. Hanson
SECOND: L. Brown-Kucharski
UNANIMOUS

E. OTHER BUSINESS

2020 NHMA LAND USE LAW CONFERENCE REGISTRATION

No members were interested in registering for the event, which will be held remotely on October 31, 2020.

FEMA ROCKINGHAM COUNTY FLOOD MAPS AND INSURANCE RELATED AMENDMENTS TO SUBDIVISION AND SITE PLAN REGULATIONS

The Chair explained to the Board that the FEMA maps are based on 2019 Zoning Ordinance. The Secretary and A. Tonry are finalizing the Zoning Ordinance, Site Plan and Subdivisions Regulations updates for 2020.

The Chair feels that the Planning Board Ordinances and Regulations Review Committee needs to meet about the Zoning Ordinance before November 17th meeting. The Planning Board will address the FEMA Map amendments at the November meeting.
The Ordinances and Regulations Committee will meet 6 p.m. on Wednesday the 11th and also 6 p.m. on November 17th if needed. The Secretary noted that the 11th is Veteran’s Day and Town Hall is closed, but the Committee will still meet.

The Secretary will add FEMA maps to the November 17th agenda for the Planning Board to revisit.

The Board discussed other possible Articles for the 2021 Warrant at the Town Election. The Chair asked if the Board would consider changing the type of building permitted in business district south and design guidelines. In particular, he referenced if steel buildings should be prohibited. L. Brown Kucharski feels that hindering buildings might discourage business from Hampton Falls, and pointed out things can be added to make these buildings more attractive. E. Beattie said that business is good and reduces taxes but the Town is interested in protecting the rural character of the Town.

Design Guidelines do exist in the Zoning Ordinance. The Circuit Rider Planner commented that the Planning Board could enforce the Design Guidelines. A. Brubaker proposed that the Planning Board be more involved in the initial design and architectural review. The Circuit Rider Planner suggested that the applicants could be directed to get into a deeper design discussion with the Building Inspector and himself. “Conceptual Consultation” is non-binding.

**CAPITAL IMPROVEMENT PLAN (CIP) 2021-2026**

The Board reviewed the Capital Improvement Plan presented by the Chair, who will be presenting it to the Board of Selectmen at the November 4 meeting. He reported that the Capital Improvement Program met twice in September, stated votes concerned items to be included on the Warrant Article for funds.

**MOTION:** To accept the Capital Improvement Plan as written and to forward and present to the Board of Selectmen.

**MOTION:** S. Hanson  
**SECOND:** L. Brown-Kucharski  
**UNANIMOUS**

A. Brubaker will research impact fees for Committee review at the Ordinances and Regulations Committee meeting to be held on November 11th.

**2021 MEETING SCHEDULE APPROVAL**

**MOTION:** To approve the 2021 Planning Board Meeting Schedule as presented.

**MOTION:** S. Hanson  
**SECOND:** L. Brown-Kucharski  
**UNANIMOUS**

**F. COMMUNICATIONS TO BOARD MEMBERS**
E. Beattie asked if the Planning Board would like the Route 1 Sewer Expansion to be on the Seabrook Warrant for the March 2021 election; if so, the Planning Board will need to work with them on the wording. It would create a new line item in the Planning Board budget. Chairman T. Santora provided pricing of $3,500 for the build out analysis from the Rockingham Planning Commission for Route 1 alone or $6,000 for the entire Town.

G. ADJOURNMENT

MOTION: To adjourn the meeting at 9:19 p.m.

MOTION: E. Cimon
SECOND: L. Brown-Kucharski
UNANIMOUS

THE NEXT MEETING IS SCHEDULED FOR TUESDAY, NOVEMBER 17, 2020, 7:00 p.m.