

**PUBLIC HEARING AND BUSINESS MEETING
FINAL**

A. CALL TO ORDER: C. Brown called the meeting to order at 7 p.m.

B. ROLL CALL: C. Brown, Chairman; A. Franciosa, Vice Chairman; B. Mutrie, G. Parish, A. Tonry, S. Volpone, Members; M. Kasprzak, Selectmen's Representative
L. Ruest, Administrative Assistant; D. Smith, Circuit Rider Planner
NOT PRESENT: K. Kelley, Building Inspector

C. Consideration of Energy Chapter – Hampton Falls Master Plan: C. Brown referred the Board to draft wording for a proposed Energy Chapter for inclusion in the Hampton Falls Master Plan. She asked if anyone had any changes or comments. B. Mutrie inquired as to the inclusion of the reference of the Hampton Falls Energy Committee creation, etc. and asked if this is required. C. Brown stated that in reviewing other energy chapters, this format was used. No further comments were heard.

MOTION: To bring this matter forward to public hearing at the Planning Board's June 28 meeting.

**MOTION: B. MUTRIE
SECOND: M. KASPRZAK
UNANIMOUS**

D. PUBLIC HEARINGS

1. Case #11-04-01: Application from **Diamond Star Properties, LLC** for Final Public Hearing for Site Plan Review to convert an existing single family home into a professional business office for six employees (two full-time) and parking at property located at 94 Lafayette Road (Map 8, Lot 41).

Alden Beauchemin, Dick Wood and Jim Wiczorek were present. A. Beauchemin displayed a revised plan set that incorporates Jones and Beach Engineers review comments outlined in a letter dated May 17, 2011, and provided 11" x 17" plan sets to Board members. C. Brown acknowledged that a response letter dated May 18, 2011 from Wood Engineering has been submitted, however, was not received in time for mailing to members. This document as well as a reply letter from Jones and Beach Engineers second review dated May 23, 2011 was provided to members this evening. Dick Wood conducted an item by item response as outlined in the Wood Engineering letter of May 18 in response to concerns raised by Jones and Beach Engineers.

C. Brown received confirmation that a handicap symbol will be painted on the handicap parking space and that the applicant is in the process of preparing an easement document for the 12' future widening of Route 1 for the Department of Transportation (a copy of a conceptual approval from the DOT was provided for the file) and asked that the site plan waiver request note include the date of the April 26 meeting when it was granted. T. Franciosa requested

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something aesthetic be done with regard to the drainage pipe that is sticking out at the end; additional stone, etc. A note is to be added to the plan in this regard. C. Brown noted that all final plans will require proper stamps from engineers.

Jones and Beach Engineers second review letter dated May 23, 2011 was provided to A. Beauchemin and reviewed at this time. No concerns were raised. C. Brown informed the applicant engineer of the Fire Chief's request for bollard(s) at the location of the propane tank. It was pointed out that a retaining wall is planned for this area at a height of three feet at the tank and lowering to two feet for the length of the parking area. This is to be labeled on the plan. A. Tonry reviewed a number of typographical corrections needed to the plans with the engineer. B. Mutrie inquired as to the exterior lighting, whether it will be on outside business hours and its energy efficiency. D. Wood stated that he can show a detail of the lighting and add a note to the plan.

C. Brown inquired as to the status of the septic design. It was reported that an application has been submitted to the ZBA for relief to the Building Code in this regard. T. Franciosa asked if it is planned to use the existing septic and well. A. Beauchemin stated that K. Kelley raised this concern after the last meeting in an email to him. A. Beauchemin reported that there is a provision in the rules that allows the continuance as long as there is a State approved system. The system design for this project is pending approval and has been reviewed by the Rockingham County Conservation District on behalf of the Town. A. Beauchemin reported that he has a meeting with M. Cuomo on May 25 and that it is anticipated he will receive a sign off from him so that the plan can be forwarded to the State. Board members asked that this condition be satisfied and that something in writing from the State be provided for the file. A. Beauchemin stated he understood this request.

Hearing no further questions of the Board, C. Brown opened discussion to abutters and residents. L. Ford, 96 Lafayette Road, expressed concern with drainage. D. Wood provided an explanation of how drainage would be handled with a trench that runs along the property line. He stated that no more flow will go off the property than that which had normally flowed. Hearing no further comments or questions, C. Brown closed the public hearing.

D. Smith stated that most of his concerns are being addressed by application to the ZBA. C. Brown stated that should it be determined that a cross easement for the well radii is needed that a copy is to be provided for the file. This will be a condition of approval. A. Tonry expressed concern with conditionally approving a project without ZBA relief in place. Following discussion, the Board determined that there are not too many choices for this parcel and that the ZBA will be hard-pressed to deny a well and septic system. Fire Chief J. Lord reviewed the retaining wall at the location of the propane tank and found it to be acceptable in place of the requested bollard. A detail of the retaining wall will be added to the plan to ensure the three-foot height approved by the Fire Chief.

MOTION: To approve the application from **Diamond Star Properties, LLC** to convert an existing single family home into a professional business office for six employees

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(two full-time) and parking at property located at 94 Lafayette Road (Map 8, Lot 41) 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 a.m. - 9 p.m., Monday through Saturday.
3. 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.
4. 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.
5. That any and all state permits be obtained and made part of the file before the mylar is signed.
6. 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.
7. That approval is for a professional office and shall be noted as such on the final plan.
8. That all exterior lighting be down-shielded, energy efficient and labeled as such on the final plan in accordance with Site Plan Review Regulation Article VIII, Section 8, Illumination.
9. That relief and/or variances are obtained from the Zoning Board of Adjustment to Article III, Section 5.4.2 and Building Code Sections 7.1.1.1c and 7.1.1.2 and that any and all decisions made/granted by the ZBA be added to the final plan.
10. That the applicant provides State approval to construct a septic system to include the requirement of providing the use of the existing septic system.
11. That changes and corrections to the plan notes be made as discussed this meeting.
12. That changes to the plan regarding labeling of the retaining wall and correction to the abutter well radius be made.
13. That the Department of Transportation driveway permit number be added to the final plan for signature and recording.

MOTION: T. FRANCIOSA

SECOND: A. TONRY

B. Mutrie asked whether confirmation from the State is required for the well radius overlap. A. Beauchemin explained that this will be done as part of the septic design approval process at the State level. He added that he had been working with the abutter with regard to drafting a well easement but that the abutter was not sure he wanted a cross easement. A. Beauchemin will provide clarification of this matter in writing to the Board.

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2. Case #11-05-01 (cross reference Case #10-07-01): Application from **T. P. Realty Trust** for Final Public Hearing for an amended Site Plan review for the redesign of the parking lot for the approved function hall facility. The applicant is applying for an Expedited Review on the property located in Zone B at 1 Lafayette Road (Map 7, Lot70)

Attorney John Colliander, Owner David Benoit, and Engineer William Evans were present. W. Evans displayed a plan set depicting a reconfigured parking layout and stated the application is before the Board to address a request for a parking layout different from that previously approved which includes additional parking spaces. He explained that some parking is proposed for areas that require variance to Hampton Falls' requirements. These areas were identified as areas of the side line setback and wetland buffer setback. An application is before the ZBA on May 26 requesting relief to requirements. W. Evans stated that three requests have been applied for: relief to the 100' wetland buffer in its entirety, relief to the 10' side line requirement in its entirety and the requirement of 15% coverage. He stated that he has since determined that the 15% requirement does not apply to this project in the Commercial District and that he plans to withdraw the request. C. Brown asked that the applicant also withdraw the request for relief from the 10' side line requirement. She stated that it is not too much to ask to retain a 10' separation from abutting properties in order to be a good neighbor; the neighboring business is required to honor a 10' setback. By eliminating the setback request, ten parking spaces would be eliminated. Attorney John Colliander stated that if the variance to the 100' wetland buffer is granted, the applicant may not need the ten spaces and agreed with the Chair's request to withdraw leaving only the request to the wetland buffer. Suggestion was made that "no parking" signs be added to this area to ensure the Fire Department has clear access. Attorney J. Colliander stated the request to the 10' side line will be withdrawn. C. Brown restated that the parking spaces along the curve in the side line set back are to be removed from the plan as well as one parking space at the Seabrook property line that is within 10' of the side line. W. Evans stated he will remove these ten spaces from the plan. Emphasis was placed on the requirement that no vehicles park on the curve at the corner of the building so that emergency vehicles can always access the areas; both front and back.

C. Brown provided the applicant engineer with a copy of the application review comments prepared by Circuit Rider Planner D. Smith as well as comments prepared by the Building Inspector. She asked that these comments be reviewed for discussion at the Board's June meeting.

T. Franciosa inquired as to the specifics with regard to the distances to prime wetlands. W. Evans reported that he plans to speak to the ZBA with regard to poorly drained and jurisdictional wetlands. He stated that the request to waive the buffer relates to a spur of poorly drained soils that he feels has a low value. W. Evans stated that the parking area can be pulled back to not encroach into the wetland buffer and still meet parking space requirements. He explained that the reason for the reconfiguration of parking is that the septic system as installed resulted in elimination of an area of travel lane and parking spaces as well as 15' of side setback area. W. Evans stated that the applicant does not want to remove all trees between the parking area and the hotel. The Board noted that this was addressed with conditional approval; that as many trees

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as possible be retained. In response to S. Volpone, W. Evans reported that there are 207 parking spaces plus 10 spaces designated for handicap parking. A total of 101 spaces are required and there will be in excess of 101 spaces without the variance. W. Evans stated that the applicant is trying to place as many additional parking spaces on site in order to relieve pressure and create more space. In order to add this additional space, the site plan needs to be amended.

J. Colliander noted that there is not much more the Planning Board can do this meeting and requested continuance to the Board's June 26 meeting. Discussion took place with regard to the status of the temporary certificate of occupancy expiring June 22. J. Colliander was referred to Building Inspector K. Kelley.

MOTION: To accept the request to continue this application to the Planning Board meeting of June 26.

MOTION: T. FRANCIOSA
SECOND: S. VOLPONE
UNANIMOUS

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

MOTION: To approve the minutes of the April 26 meeting as amended with one clarifying change.

MOTION: B. MUTRIE
SECOND: T. FRANCIOSA
5 IN FAVOR, 1 ABSTENTION, PASSES

F. OTHER BUSINESS

1. Committee Reports: No committee reports were reviewed at this time. C. Brown requested that those members who prepare minutes remember to forward email attachments to both the Town Clerk and Administrative Assistant. The minutes of the Ordinance and Regulations Review Committee meeting of April 8 will be in the next meeting mailing packet.

2. Proposed Amendment to Subdivision Regulations (Sections 7.9 Septic System Requirements and 8.6 Drainage): The proposed wording changes for these two proposals were reviewed by the Board. Hearing no comments, the following motion was made.

MOTION: To bring the proposed changes to Sections 7.9 Septic System Requirements and 8.6 Drainage to public hearing at the Board's June meeting.

MOTION: B. MUTRIE
SECOND: G. PARISH

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3. One Fifteen Real Estate Trust – Seafood Marketplace: Luis Elias and his general contractor, Tim McGrail, were present. C. Brown referred the Board to engineering reports received from Altus Engineering where it is indicated that the well for this project has been drilled in the wrong location. C. Brown explained that the location is one that was approved by the Planning Board as part of a separate application for a different project that has lapsed. She noted that the location was approved at a time when the Town had a 20,000 square foot requirement for septic. As part of the discussion for approval of the seafood marketplace, Board members requested and a change was made to place the well and radius as much on the parcel as possible, bringing the well closer to the building.

C. Brown asked the Board for input as to ways in which to proceed. She informed the Board that other site improvements have been made in the location the well should be placed. By requiring the well to be redrilled, a delay of the project would result. T. McGrail confirmed that he used the wrong plan for drilling of the well. He added that all easements granted for the previously lapsed approval remain in place and have been recorded. It was also stated that there is no benefit to placing the well in this wrong location and that it wasn't done to save money or time.

In speaking with the applicant's engineer, C. Brown stated he offered preparing an as built plan as a solution to correct the change to the approved site plan. C. Brown added that K. Kelley has authorized the placement of condensers and other utility structures in the side line setback at the rear of the building. These are to be shown on the as built plan as well.

Discussion took place with regard to the location of the well and whether a variance has been granted to allow this structure in an area where structures are prohibited. Following discussion, it was determined that research would need to be done to verify whether a variance was granted. In order to accommodate this property owner, it was decided to require an as built plan as well as proof of variance. C. Brown asked the Board to allow her to oversee the items to be shown on the as built plan after talking with K. Kelley and W. Morrill.

MOTION: To allow the well location to remain as is provided that an as built plan is provided and ZBA variance was/is granted due to the fact that the placement of the well took place from using a previously approved set of plans from 2004 (Case #02-09-01).

MOTION: C. BROWN
SECOND: A. TONRY

Further discussion included requiring an as built plan even if a variance was granted in the past because the decision is not on the 2004 plan. The decision of the ZBA variance is to be noted on the as built plan.

VOTE: UNANIMOUS

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4. Wadleigh Lane: C. Brown asked if T. Franciosa, Chair of the Road Committee, received an April 28 letter from Jones and Beach Engineers with regard to a problem with the binder pavement on Wadleigh Lane. Discussion took place with regard to the issues relating to this road. There is a concern that the Town could have a problem if certain matters are not corrected. T. Franciosa stated he would follow up.

5. Peltons Way: C. Brown reported that revised estimates for outstanding work have been received from Jones and Beach Engineers as well as a listing of outstanding items as part of its April 15 letter. T. Franciosa will follow up on this as well.

G. COMMUNICATIONS TO BOARD MEMBERS

- Planning Board letter to Board of Selectmen regarding initiation of talks with the Town of Seabrook with regard to water and/or sewer.
- Legal Q and A topics from Town & City Magazine (Meeting Minutes and Machines and Lapse of Subdivision Performance Bond or Letter of Credit) C. Brown requested that Board members retain these documents for reference.
- NH Land Surveyors Association request for proper stamps on final plans. C. Brown noted that Hampton Falls has requirements within its regulations.
- NH Association of Fire Chiefs – NH Fire Prevention Society Press Release – Senate Bill 91
- Updated member listing contact information sheet
- Revised Application Cover Checklist pages for Site Plan and Subdivision. C. Brown requested that full copies of application packet documents be provided to Board members to that all have the most current copy. The first page of the memo to applicants will be revised to separate site plan from subdivision as well.
- Supply Lines with The Source, Spring 2011 edition
- Great Bay Matters Spring/Summer 2011 edition
- Save The Date Postcard from the Rockingham Planning Commission for its June 8 annual meeting

Other Business: Discussion took place with regard to D. Smith's proposal for redistricting Route 1. A proposal to provide a general scope of the work needed was provided to the Board. Question was raised as to which group should look into this proposal. It was determined that discussion should start at the Ordinance and Regulations Review Committee so that a report can be made to the full Board. C. Brown noted that there are no funds available in the 2011 budget. D. Smith will check to see if the available grant to assist with this project is available past this year and let the Committee know by Friday.

Discussion also took place with regard to form based codes as this subject was raised at the meeting of the school committee dealing with options for the Merrill property (5 Kensington Road). Suggestion was made to discuss this at the June meeting.

**PLANNING BOARD
MAY 24, 2011**

**7:00 PM
TOWN HALL**

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H. ADJOURNMENT

MOTION: To adjourn the meeting at 9:52 p.m.

MOTION: A. TONRY

SECOND: S. VOLPONE

UNANIMOUS