

PRESENT: Todd Santora, Chairman; Charlyn Brown, Vice-Chairman; Lisa Brown-Kucharski, Abby Tonry, Shawn Hanson, Greg Parish, Members; Andy Brubaker, Alternate; Glenn Coppelman, Circuit Rider Planner; Mark Sikorski, Building Inspector; Susan Ayer, Secretary

ABSENT: Jim Ziolkowski, Selectmen's Representative

CALL TO ORDER

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

CONTINUED PUBLIC HEARING: CASE #16-07-03 – Application from Richard Knight for Final Public Hearing for Subdivision creating a five (5) acre lot with existing house, remaining land to be a non-buildable 10.56 acre parcel, for property located at 12 Mill Lane, Map 1, Lot 6.

Neither the applicant nor any representative was present to address the case. No abutters or members of the public came forward to comment.

There was a discussion of prior activity on the application, both at the Planning Board and at the Zoning Board of Adjustment. G. Parish inquired as to what the outcome was of Mr. Knight's appearance at the ZBA. C. Brown said that the ZBA was not willing to remove a prior Board's ruling, and that the case was tabled at the request of the applicant's lawyer so that he could explore Conservation options with his client.

It was established that no new information had been received by the Secretary, and that courtesy notices about tonight's meeting had been sent to the applicant and abutters.

MOTION: To deny the application from Richard Knight for a subdivision creating a five acre lot with existing house, remaining land to be a non-buildable 10.56 acre parcel, for property located at 12 Mill Lane, Map 1, Lot 6, as with no further information having been provided in order to discuss a possible conservation easement, and as the ZBA ruled years ago that the parcel could not be further subdivided, nothing further could be done by this Board.

MOTION: C. Brown

SECOND: G. Parish

UNANIMOUS

The Chairman closed the Public Hearing on Case #16-07-03.

At roughly 8:30 PM Mr. Knight appeared and said he had been in the hospital and would like to request an extension of his case.

Mr. Knight was informed that as he had not appeared and the Board had no communication from him, the case had been acted on earlier in the meeting and the Public Hearing for the case is closed.

There was a discussion of Mr. Knight's intentions, which were to go back to the ZBA to remove the stipulations on the plan regarding septic setbacks and bedrock restrictions that are no longer valid. He said he wanted to clean the record of the property and then go on with his original intent for the property, which was to use the vacant lot for recreation only.

C. Brown said that if the intent is still to subdivide into two buildable lots, the applicant would still have to provide proof that the larger lot is buildable in order to obtain subdivision approval. Also, he still needs to go back to the ZBA.

Mr. Knight expressed his dissatisfaction with this conclusion, and left the meeting at around 8:40 PM.

CONTINUED PUBLIC HEARING: CASE #17-01-01: Application from Crawford Building Electrical LLC for Final Public Hearing for Conditional Use Permit – Accessory Dwelling Unit/Detached, for property located at 31 Victoria Drive, Map 6, Lot 41-13.

The Chairman continued the Public Hearing on Case #17-01-01 from January 24, 2017. He began by reading a letter from owners Kevin and Karen Bark, which explained their plans to move from Texas to occupy the proposed accessory dwelling when it is built. They explained that their son and family plan to occupy the main house, but that there are some unknowns as their son is currently on active military duty.

Owners Kevin and Karen Bark were present, along with Kevin Crawford of Crawford Building Electrical.

A. Tonry stepped down for this case at the request of K. Crawford, as she is an abutter. The Chairman named A. Brubaker a voting member for this case in her place.

K. Crawford supplied new drawings for the proposed building. He reviewed changes made by the architect following the discussion at the January meeting:

- The square footage is now calculated using outside dimensions of the building, subtracting the three-season room area.
- The outside appearance has been changed to better match the existing barn.
- The mudroom, which K. Crawford said he would have liked to include as an airlock area, has been completely removed. That space is now part of the garage.

K. Crawford addressed the subject of the unheated enclosed porch area (later described in discussion as “three season room”, “sunroom” and “porch”), saying that the real purpose of the porch is that Karen Bark’s doctor has said that her health condition requires a lot of sunlight, and an area where she can sit in the sun each morning will help her dramatically. K. Crawford said that he had assumed the addition of the three-season room would not affect the overall square footage. He added that the owner was surprised by the discussion of the possibility that the sunroom would too easily be converted to living space, saying he had no intention of making such a change.

Photographs of the existing home and barn were distributed by K. Crawford to show the style he is being asked to match.

Following up on comments of an abutter at the January meeting, K. Crawford said he had measured the distance between the neighbor’s house and the proposed accessory dwelling as 306

feet. He also presented photographs taken from the neighbor's front step, pointing out that the new building will not be visible to the neighbor.

Asked about the difference between two versions of the newer architectural plans, K. Crawford said the only difference is in the foundation. He had been trying to separate the three season room, but did not see what purpose that would serve.

QUESTIONS OF THE BOARD

T. Santora thanked the applicant for the changes made and identified two main points that need further discussion: first the unheated enclosed porch area, and second, the fact that this accessory dwelling is not being added to an existing structure, but will be a new structure on the property.

Differing opinions of whether or not to count a three- season room as living area were discussed. M. Sikorski asked about the proposed flooring and finished walls in the porch area, to get a picture of the completeness of the room. K. Crawford said this had not yet been determined, but most likely a wood floor such as cedar that would withstand temperature changes, and the current plan is for board and batten walls. M. Sikorski said that in researching the matter of three-season rooms, it seems that everything depends on how the room is conditioned for climate; in northern states for heat and in southern states for air conditioning. He said that clearly on the real estate side, the emphasis is on space that is comfortable year-round, but on the inspection side, on "living space" without mentioning heating or cooling.

In further discussion, it was noted that any changes to the porch would require a building permit, and also that the accessory dwelling unit would be subject to assessment at regular intervals.

Asked if he planned to use screens or windows on the porch, Kevin Bark said he preferred windows. K. Crawford said he agrees, as if screens only were used, the flooring would need to be pressure treated wood.

Discussion turned to the issue of this accessory dwelling being a new structure on the property. T. Santora said that reading the ordinance it seems the spirit is to not add a new structure on the property, but to make use of an existing barn or garage. However, he added that it does not read that a new structure can't be used.

As for the living area question, T. Santora noted that many sources such as realtors, appraisers and building inspectors may define living area differently, but it is a grey area in our zoning bylaws, so board members needed to decide if they are comfortable with not defining a 3 season sun room as living area.

S. Hanson cited Article III, Section 7.2.1.1, which reads that "the owner of the property shall occupy one of the dwelling units as his/her primary dwelling unit." He questioned the Barks about this as they currently do not live in the area.

K. Bark said that they plan to move in as soon as the ADU is built. He said they need a home with no stairs, and that is why they will not plan to occupy the existing house.

PUBLIC COMMENT

The Chairman opened the hearing to public comment. None was heard; the hearing was closed to public comment.

S. Hanson asked G. Coppelman to clarify the point that he made in his memo that while the new plan shows a building that looks more like a barn, it is still a new building and the ordinance reads “utilizes an accessory use building (i.e., garage or barn)”. G. Coppelman said that his point was that while the intent of the ordinance was to use an existing house or structure on the property, nowhere is it indicated that creating a new detached structure is prohibited. He said he mentioned the appearance of the building in response to the comments at the last meeting.

S. Hanson then commented on Item 3 in G. Coppelman’s memo, which raised the issue of the proposed square footage (now 748.7, not including the unheated enclosed porch area) exceeding the current limit of 650 SF, although the State has raised the limit to 750 SF and the Town has a Warrant Article on the March ballot to raise the Town’s limit to match the State. Discussion took place over what would happen if the Warrant Article does not pass; it was determined that the 750 SF minimum limit would be mandatory legislation as of June 1. The non-passage of the Warrant Article would result in a delay of issuance of a building permit and/or certificate of occupancy, but not stop the project.

M. Sikorski remarked that the way to have avoided this uncertainty would have been to go to the ZBA for a variance before bringing the project to the Planning Board.

MOTION: To approve the Applicant’s request for Conditional Use permit for Accessory Dwelling Unit/Detached, for property located at 31 Victoria Drive, Map 6, Lot 41-13, in accordance with the building plan by Harborside Design dated 2/22/2017 and septic plan by Civil Construction Management dated December 10, 2016, subject to the following conditions:

1. That the owner of the property shall occupy one of the dwelling units as his/her primary dwelling unit and be owner and landlord of the second dwelling unit.
2. That onsite parking shall be provided on the lot for both dwelling units.
3. That the accessory dwelling unit shall conform to all applicable structural, water and sanitary standards for residential buildings and that detached accessory dwelling units that utilize an accessory use building (i.e., garage or barn) shall match the character of the primary residential use located on the lot.
4. That once any renovation or construction is complete or the owner is ready to have a unit occupied, a request must be made to the Building Inspector to obtain a certificate of occupancy permit. There shall be no occupancy of the accessory dwelling unit (or either unit if the entire dwelling has been newly constructed) until the Building Inspector has issued a certificate of occupancy permit.
5. That no accessory dwelling unit shall be condominiumized or in any way be in a different ownership than the principal dwelling.
6. That the finished heated living area does not exceed 750 square feet.

MOTION: S. Hanson

SECOND: L. Brown-Kucharski
UNANIMOUS

T. Santora commented that the grey area of how to define living area, as well as the grey area creating a new structure as an accessory dwelling, should be discussed and defined in the Subdivision regulations and tightened up for the future. He suggested adding this to a summer agenda for public hearing in the fall.

PUBLIC HEARING: CASE #17-02-01: Application from Committed Collision for Design Review Public Hearing for Site Plan for proposed construction of a new 18,000 square foot building with associated parking, access, utilities and landscaping, for property located at 41 Lafayette Road in the Business District South, Map 7, Lot 61.

The Chairman opened the Public Hearing on this matter, first noting that A. Tonry had returned to her place as a voting member of the Board, and A. Brubaker would not be a voting member for this case. T. Santora then disclosed that he has been a customer at Committed Collision in the past but does not feel his view is biased by that.

T. Santora also reminded those present that as a Design Review, anything discussed tonight is non-binding. T. Santora also reminded Committed Collision and their representation that the zoning regulations in the Business South District do not allow for the sale of vehicles, which can be at times common practice in the auto body repair business. The owner of Committed collision indicated it is not his intent to sell any vehicles on his lot.

Authorization has been received for John Chagnon of Ambit Engineering and Derek Lighthall, owner of Committed Collision, to speak for the owner of the property, Compass Point Properties. J. Chagnon introduced himself and said he had prepared the site plan for the proposed project. He said that D. Lighthall hopes to move his business, currently located in Hampton, to this parcel. J. Chagnon discussed prior use of the land and what remains from the various uses, mainly a well, a leachfield and old paving. He said the redevelopment of the lot would include the construction of a new 18,000 SF building with associated parking, access, utilities and landscaping. Entrances would be built in from both Brimmer Lane and Lafayette Road, to include a deceleration lane on Lafayette Road.

J. Chagnon distributed renderings of what the building might look like, inside and out, and said the applicant is open to suggestions of the Board. L. Brown-Kucharski said one thing they should do is look at the design guidelines in the Town's Site Plan Regulations for Business District South.

Feedback has already been received from the Fire Department with regard to building placement to ensure that fire trucks can get around the building, and J. Chagnon said they were satisfied. He went on to describe the parking areas (46 spaces required), onsite septic system, dumpster, and lighting. D. Lighthall responded to a question about cars on the lot by describing the amount of space inside as well as parking at the back of the building, saying a large number of cars would not be visible.

Electricity is planned to be brought in from Brimmer Lane on overhead wires, then run under the structure. Lighting is planned along the building, but only in the parking lot if required.

Asked about fluids leaking from damaged cars, D. Lighthall said that all fluids would be encapsulated, and that in general cars that are severely damaged end up in the tow yard, not at his business.

Wash bays are planned, which would have a separate catch basin because of the septic system. D. Lighthall said that when they wash cars it is a quick wash and does not involve oil or fluids. The water would go into a holding tank which is pumped out when full by a separate company.

A. Brubaker asked about painting solvents. D. Lighthall said that he will be using only the most eco-friendly products he can get, with water borne solvents. The only item with solvents will be the clear coat. He said the spray booths and prep decks will have three filtration systems. He said he has researched the most health-friendly systems and is willing to spend the money now (\$300,000 for a spray booth, for example) so that in 30 years he will still have the cleanest options and have no need to replace them.

A Tony said that the lot has had water and septic issues that the applicant should be aware of. D. Lighthall said he is aware of this, and that although his business would not have the usage of a business such as a restaurant, he plans to put a new septic system in at the beginning, anyway.

S. Hanson said that the Town of Seabrook is considering reclassification of water districts that would affect surrounding communities as water districts cross Town boundaries. This would result in inspections of businesses that handle certain materials; S. Hanson asked if this raises any concerns. D. Lighthall said that at his current location he is visited regularly by Aquarian Water for this purpose, and even though the current facility is not as modern as the new one will be, he has never had a problem.

It was identified that right now there is over 2,000 SF of impact on the wetlands buffer, but that this is going to be reduced by reconfiguration. It was suggested that a Conditional Use Permit should be prepared to show any potential impact.

G. Parish asked if any hazardous materials would be stored on site. The answer was yes, but that all would be stored in self-contained and self-suppressed containers, and that no large inventories would be kept, and the EPA goes through the list regularly. Any paint waste goes into a drum and is removed. All waste oil goes into sealed drums for removal by a professional company. Asked about possible leakage, the applicant said that he does not anticipate any, but that the dumpster pad should catch any leaks that could occur.

G. Coppelman asked about runoff on the site, and J. Chagnon said that runoff will go to a central manhole that leads to a treatment swale. G. Coppelman said they might consider a gas trap just in case of leakage and heavy rain.

G. Parish asked about the slope of the site, and if it will be leveled off for parking or continue to slope toward Brimmer Lane. J. Chagnon said the site will be flattened in the middle.

C. Brown asked if snow storage areas are shown on the plan and said they should be, to avoid problems with drainage.

T. Santora brought attention to page 16 in the Zoning Ordinance, and to Section K 3.5 in the Table of Uses. As this reads, “Service and Repair of Passenger Cars and Light Trucks,” he said he felt the Board should be polled again on whether the type of business proposed by Committed Collision fits into this category.

G. Parish said he was part of the committee that worked on this Table of Uses, and said there was a lengthy conversation at the time. He said that he recalls it was felt that “service and repair” does cover auto body work, but in discussing various components of car repair, it was decided that to list everything would be too extensive. In the end, “service and repair” was thought to be sufficient.

C. Brown said that permissive zoning does not itemize everything under a general term.

S. Hanson and L. Brown-Kucharski agreed that the business falls under the category and makes sense. Andrew Brubaker indicated he discussed the topic with several residents in town and they also felt auto body repair should fall under the “service and repair” description

The Chairman opened the hearing to public comment. There was none, and the public comment portion of the hearing was closed.

The Chairman then noted that there is no decision to be made at this point, but that the applicant should next return with a formal application.

PRELIMINARY CONSULTATION: To consider creation of a subdivision of townhouse-style homes on a 7.92 acre (+/-) on the east side of Dodge Rd., Map 7, Lot 38-1.

Applicant Pierre Bouchard was present to discuss his proposed subdivision. He has submitted a letter of authorization from the property owner, Rana Dib, to discuss options for the lot.

T. Santora reminded all present that anything discussed this evening with regard to this proposal is non-binding. He thanked M. Sikorski and G. Coppelman for time already spent in consulting with Mr. Bouchard.

P. Bouchard said that he has done similar multi-family projects in other towns, and would like to get some indication from the Board if such a project would be received positively in Hampton Falls.

P. Bouchard acknowledged that the parcel has an immediate issue as it is under the required eight acres required for a multi-family unit, and that he will need to go to the ZBA for a variance. He said he would like to take advantage of the main buildable area shown on the plan currently on file, which was approved by variance for a single family residence. He has superimposed his plan on the map, and calculated what the ordinance will allow for a multi-family project.

Calculations were shown of buildable area, including 2.3 acres on the main building site, and allocations of half the upland area, which P. Bouchard translated into a total allowed density of 30 bedrooms, conservatively. He pointed out that he is interested in 24 bedrooms.

A proposed layout of two buildings (with 4 units in each building) and an access road was shown. C. Brown pointed out that a 45' turning radius would be required for fire trucks. The distance between the buildings as shown is 50 feet from corner to corner.

P. Bouchard noted that another issue aside from the requirement for 8 acres is that the wetland setbacks on the plan are shown as 50 feet. If these setbacks are pushed to the full 100 feet, the buildable area would disappear. In discussion it was noted that 100 foot setbacks are required from prime wetlands, 50 feet otherwise. G. Parish said that on the old plan approval was given for crossing wetlands; this would need to be redone, and he said he assumes the private road shown would need to be wider per Hampton Falls regulations.

P. Bouchard pointed out that the buildable area is set back from Dodge Road and tree-covered; he said he would keep as much of the tree cover as possible. In a discussion of parking it was identified that the requirement is for 2 spaces per unit plus guest parking, and that it was hoped to accomplish this by designing 2-car garages underneath each unit.

M. Sikorski said he thought the key issue is the ability of the Board to relax setbacks in non-prime wetland areas. He said that not having a map to look at, it seems the relief would have to be granted in the area that is above 100 feet. He said that if a Special Use Permit is requested, there are specific conditions.

There was a discussion of the number of units proposed, and also that a design incorporating a mix of townhome and garden style units might be proposed. It was noted that a subdivision process will be required for a condominium form of ownership.

Asked where the septic system would go, P. Bouchard said that the current leach field is 40 x 80 feet, but he has no details. He said he would have to utilize the buildable area, but depending on septic requirements, might be able to make use of the space on the lot.

The next step for the applicant was identified to be an application to the ZBA for a variance on the acreage required for a multi-family building. A letter of consent from the property owner will be required for presentation of the request.

C. Brown said that major hurdles the applicant faces are the 8-acre requirement and the wetlands delineation.

P. Bouchard said he would be tackling the placement of a septic system next, to make sure it can fit on the lot.

G. Coppelman guided the applicant to page 21 in the Zoning Ordinance, Article III, Section 7.5.5, which describes specific requirements for a private road. He also suggested looking at page 22 in the Subdivision Regulations for roadway specifications.

There was a discussion of the number of units planned, the projected cost of each unit, and the possibility of including single floor living plans in some units. T. Santora said that the Town has little of this sort of housing, and that it is needed.

There were no questions from the public.

REVIEW AND APPROVAL OF PRIOR MEETING MINUTES: January 24, 2017

MOTION: To approve the minutes of January 24, 2017, as written.

MOTION: S. Hanson

SECOND: L. Brown-Kucharski

5 IN FAVOR; 1 ABSTENTION: 1; PASSES

COMMUNICATIONS TO BOARD MEMBERS

OEP SPRING PLANNING AND ZONING CONFERENCE 2017: Members were informed that this annual conference will be on April 29. Those interested should find details online and contact the Planning Secretary to register.

OTHER BUSINESS

T. Santora extended a thank-you to G. Parish for his years of service on this Board, as he will not be running for another term. He was encouraged to consider continuing as an Alternate Member. T. Santora then said that he will defer a decision on whether to add Alex Dittami to the Board as an Alternate until after the Town election on March 14.

MOTION: To adjourn at 9:34 PM.

MOTION: A. Tonry

SECOND: L. Brown-Kucharski

UNANIMOUS