

PRESENT: Todd Santora, Chairman; Charlyn Brown, Vice-Chairman; Shawn Hanson, Andy Brubaker, Abigail Tonry, Lisa Brown-Kucharski, Members; Glenn Coppelman, Circuit Rider Planner; Mark Sikorski, Building Inspector; Abigail Tonry, Acting Secretary. Not Present: Richard McDermott, Selectmen's Representative.

CALL TO ORDER: The Chairman called the meeting to order at 7:00PM and introduced the Board.

PUBLIC HEARING:

CONTINUED FROM JULY 25, 2017 – CASE #17-06-01: Application from Committed Collision for Final Public Hearing for Site Plan Review 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, Waivers Requested; **and CASE #17-06-01:** Application from Committed Collision for Final Public Hearing for a Wetlands Special Use Permit for re-development of the site including construction of a building with associated parking/access/egress, storm water management structures, a new well, a subsurface sewage disposal system, and grading & associated landscaping for property located at 41 Lafayette Road in the Business District South, Map 7, Lot 61.

In attendance to discuss the case was Andrew Volpone, Doug LaRosa from Ambit Engineering, as well as Tony Franciosa of Compass Point Properties.

T. Santora started the meeting with a review of waivers already acted on; 6.2.2, 6.2.2.1 and 7.7.4. The Board reviewed the monthly correspondence from the town experts Jones & Beach dated August 11 and August 21; Rockingham Planning dated August 22 and Ambit's responses dated August 17. Based on this discussion it was decided to make 'as-built' plans a condition of approval. It was also decided to require three inspections (by the town engineers or building inspector?) that correspond to approximately 20-25% completion, at the footing stage; at 70% with the site work completed and 100% when asphalt and landscaping is completed.

It was brought to the Board's attention that since there is disturbance of more than 40,000 square feet of wetland buffer a Federal EPA Permit is required. D. LaRosa explained that while this permit is self-regulated, owner may or may not hire inspector, it is required that all weekly or bi-weekly findings be kept for the entire duration of the project plus 3 years to ensure that all standards are met. T. Franciosa said he has another EPA permit in place in Pelham and is familiar with the procedure. A. Brubaker asked about the trees planted close to the rain garden, D. LaRosa stated that their roots would not be a problem.

Findings for the Special Use Permit as spelled out in Ambit's letter of May 1, 2017 requesting a waiver from Hampton Falls Zoning Ordinance, Article III, 8-6.1.

8.6.1.1 The proposed construction is essential to the productive use of land not outside the wetlands setbacks or buffers. Ambit states that their plan has less impervious area than present and has no impact to wetlands, just the buffers. VOTE: 6-0

8.6.1.2 Design and construction methods 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. Ambit states Best Management Practices will be used as well as Federal EPA oversight. VOTE 6-0

8-6-1-3 No alternative route that does not cross a wetland nor has less detrimental impact on the wetland is feasible. Ambit states that no wetlands will be disturbed, just buffer which will hold the access and storm water structures. VOTE 6-0

8.6.1.4 Economic advantage alone is not the reason for the proposed construction. Economic gain does not factor into the building access. VOTE 6-0

MOTION: To approve the applicant's request for Wetland Special Use Permit relating to Map 7, Lot 61, in accordance with the plan of Ambit Engineering Inc dated June 1, 2017, revised August 17, 2017 for property located on 41 Lafayette Road, subject to the following conditions:

1. That the mylar be recorded at the Rockingham County Registry of Deeds.
2. That any and all fees due the Town of Hampton Falls be paid,
3. That the Department of Environmental Services permit number and date of permit be shown on the plan,
4. That the posting of a bond, as approved by the Town Engineer, be filed with the Board of Selectmen, and
5. That approval of the findings to Section 8.6 be made.
- 6.

MOTION: S. Hanson, **SECOND:** C. Brown, **UNANIMOUS**

MOTION: To 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 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 6am to 7:30pm Monday – Friday and 7:30am to 6pm Saturday and Sunday.
3. That the building height and sightless objects (pipes, setbacks, air conditioners, etc.) not exceed 35 feet.
4. That the landscaping be installed according to the plan. No occupancy permit shall be issued until the landscaping is inspected by the Building Inspector.
5. 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.
6. 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.

7. That any and all state permits be obtained and made part of the file before the mylar is signed.
8. 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.
9. That approval is for motor vehicle body repair and painting and motor vehicle repair services and shall be noted as such on the final plan.
10. That all exterior lighting be down-shielded and labeled as such on the final plan in accordance with Site Plan Review Regulation Article VIII, Section 8, Illumination.
11. That wetland district placard markers be obtained from the Conservation Commission, at the owner’s expense and be placed every 50 feet at the limit of construction along the wetland buffer setback in accordance with waiver #3. Wetland district placard markers are to be certified with a Certificate of Wetland District Placard Installation form for the Planning Board file.
12. That monumentation be bonded, set and certified with a Certificate of Monumentation be submitted to the Planning Board file before the mylar is signed and recorded.
13. That new deeds be presented for the file.
14. That blasting must be done in accordance with Article IX, Section 9 of the Hampton Falls Zoning Regulations,
15. That a Town Engineer shall inspect all site improvements during construction at least 3 phases of completion: at approximately 20-25% completion, the footing stage; at 70% when the site work is completed and 100% when asphalt and landscaping is completed.
16. That as-built drawings will be provided to the Town of Hampton Falls before a certificate of occupancy is issued.
17. That the NHDOT Driveway permit number should be added to the coversheet as a note before the mylar is signed.

MOTION: S. Hanson, **SECOND:** A. Brubaker, **UNANIMOUS**

C. Brown suggested D. LaRosa get his cost estimate to Town Engineer as soon as possible. T. Santora gave D. LaRosa a copy of the Guide to Site Plan Implementation.

CASE # 17-08-01: Application from Krystal Ballroom Dance Studio for Final Public Hearing for Site Plan Review to permit the change of use to a ballroom dance studio at property located at 137 Lafayette Road, Map 8, Lot 56. Waivers Requested.

Letter was received authorizing Michael Ulbrich to speak for property owner. M. Ulbrich stated that he wants to open a dance studio specializing in 23 ballroom dances. Frank Dipppo, speaking on behalf of abutter Blue Spruce Holdings wanted clarification regarding ballroom vs. dance studio. M. Ulbrich stated he teaches only private lessons so there will be no group classes or large dance groups in attendance at any one time.

G. Coppelman indicated in his review that there was an unapproved mixed use of residential and business in the Business District North as there is a dwelling unit in the second floor of building

2. M. Skiroski pointed out that although he has never had entrance to the building he was aware of someone living upstairs and had spoken to the owner about needing to come to ZBA for approval over a year ago. Discussion continued regarding the residence. It was suggested if the owner went to the ZBA perhaps he could get a variance. M. Ulbrich stated that he has no interest in having a residential use and is willing to change the designation of area to office space. G. Coppelman concurred that changing the plan notes would be sufficient. A. Tonry was proposing making the seller responsible for cleaning up his violations before approving new plans. Patty Viscone, Masiello Group, stated that she has checked with the seller who has no interest going before the ZBA for residential approval. M. Ulbrich informed the board he would not be buying the property unless and until the residential use was removed.

Casket Royal is going to continue with a 5 year lease of warehouse space in building 3. C. Brown confirmed there are not changes to ADA parking spaces and that any replacement lights will be down shielded. C. Brown suggested Liberty Elms if trees are to be replaced.

MOTION: To accept jurisdiction and that the application is complete.

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

MOTION: To accept approve requested waivers

- Article VI: Section 6.2.14 “Utilities on and adjacent to the tract...”
- Article VI: Section 6.2.17 “Proposed grade surfaces and percent of sealed surface...”
- Article VI: Section 6.2.18 “Storm water drainage control plan...”
- Article VI: Section 6.2.19 “Location of Fire Hydrants...”
- Article VI: Section 6.2.22 “Location, size and design of sign...”
- Article VI: Section 6.2.24 “A circulation plan...”
- Article VI: Section 6.2.25 “Result of test pits...”
- Article VI: Section 6-2-26 “Architectural renderings...”
- Article VI: Section 6.2.27 “Architectural review...”

As there are no proposed changes to the site and the exterior of the building it will remain as-is.

MOTION: C. Brown, **SECOND:** L. Brown-Kucharski, **UNANIMOUS**

MOTION: To approve the applicants request for site plan to permit the change of use from a day care to a ballroom dance studio for property located at 137 Lafayette Road, Map 8, Lot 56 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 10am to 10pm Monday – Sunday.
3. 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.
4. That approval is for upstairs office space and downstairs dance studio and shall be noted as such on the final plan.
5. That new deeds be presented for the file.
6. That the wetland scientists stamp must be placed on final plan before the mylar is signed.
7. That any new lighting conform with down-shielding regulation.

8. That the building dimensions be added to the final plan.
9. That if landscaping is to change significantly it must conform to business district north recommendation in site plan appendix.
10. That note #17 be modified to say “the intent of this plan is TO show”
11. That note #19 be modified to say “field locations and recorded plans.”
12. That note #20 be modified to say “the verTical datum”
13. That note #8 be modified so that building 2 second floor says “OFFICE SPACE”
14. That note #9 be modified to say “first floor (recreational) = 1 space /300 sf X2000sf) = 7 AND second floor (OFFICE SPACE) 1 space /300 sf X 1800sf) = 6 AND building 3 (warehouse) = 1 space per 2 employees) = 1 AND 25 parking spaces required.

MOTION: L. Brown-Kucharski, **SECOND:** C. Brown, **5 Approve, 1 Disapprove**

REVIEW AND APPROVAL OF PRIOR MEETING MINUTES: July 25, 2017

MOTION: To approve the minutes of the meeting of July 25, 2017, as written.

MOTION: C. Brown

SECOND: A. Brubaker

UNANIMOUS

COMMUNICATIONS TO THE BOARD

T. Santora told the board about a Law lecture series, September 23 and October 4.

MOTION: To adjourn at 9:45 PM

MOTION: C. Brown

SECOND: L. Brown-Kucharski

UNANIMOUS