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CALL TO ORDER: Vice Chairman Hanson called the meeting to order at 7:00 p.m.

ROLL CALL: S. Hanson, Vice Chairman, E. Cimon, A. Tonry, A. Brubaker, L. Brown-Kucharski, M. Sikorski, Building Inspector, G. Coppelman, Circuit Rider Planner, E. Beattie, Selectman's Representative, H. Fazzino, Secretary. Chairman T. Santora was absent.

PUBLIC HEARING

Case #18-05-01: Application from Shabiki Realty Trust for Final Public Hearing for Private Road Subdivision of an existing 9.04 acre residential lot with an existing house. The project proposes to subdivide into two buildable lots (5B & 5C) by proposing a Private Road per the Zoning Ordinance required for parcel frontage and access. The new building lot (5B) shows a house, driveway, utilities (i.e. private septic and well), grading, drainage, etc. Per Section 6.2.17, the proposal shows the prospective future street system on the remaining land for transparency and shall not be voted on or considered for approval as part of the proposal. The property is located at 25 Depot Road, Map 8, Lot 84-5. Waivers are requested. **Continued from May 22, 2018 Meeting. Continued to July 24, 2018.**

The Public Hearing was opened in **Case # 18-05-01**. Richard Friberg, Jr., P.E. The Engineering Corp., and John Arnold, Esquire, of Hinckley, Allen & Snyder LLP, Manchester, NH, presented for the applicant.

A. Tonry disclosed that she gave her opinion to the applicant, and recuses herself from the matter.

James Mitchell, and Alizza Mitchell were also present.

Attorney John Arnold- presented suggestions from the Conservation Commission. Changes in plans were reviewed with the board. Two lots applied for are now shown as three lots. Each lot meets the lot size and otherwise satisfies the zoning in Hampton Falls. The driveway entrance allows for a 20 degree turn radius. The plan includes the elimination of the existing driveway, and all lots using the private road. The private road no longer shows a cul-de-sac. 7.1.5 does not include a cul-de-sac. Public streets make this requirement. A waiver is not required. The Fire Chief reportedly is not concerned about this access. Page 2 conceptual drawing shows the layout of driveways and houses, eliminating the need for three waivers. High intensity soil survey (6.2.21) and waiver of documentation on the road (6.2.13) remain. HISS Map. The Board discussed sending it out for peer review at the May meeting. Attorney Arnold stated that it is not necessary to have peer review due to the site characteristics. Mr. Arnold requested approval of the private road subdivision.

S. Hanson confirmed that the following is needed:

7.5.6 Maintenance Agreement, needed as part of the plan. E. Beattie confirmed that the Town continues to provide emergency services, and the three owners are responsible.

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7.5.7 A Statement of Agreement with the Board of Selectmen with the owners will be part of the approval.

E. Cimon raised the issue of whether the current plan needs to be renoticed. G. Coppelman states that because it was disclosed, it would not need to be renoticed. G. Coppelman also confirmed that he verified this position of needing to renotify with a staff attorney at NH Municipal Association.

E. Cimon questioned why there is no cul-de-sac in the plan. G. Coppelman confirmed that it was not a requirement in the ordinance.

G. Coppelman wants Attorney Arnold to illustrate the achievement of frontage with each lot. 7.5.4 requires a minimum of 250' on a private road or street.

Attorney Arnold said that a cul-de-sac refers to streets, and a private road is not a street. G. Coppelman referenced 7.5.5.

Test pits- Richard Friberg, P.E. confirmed that the test pits were done to confirm suitability of septic designs. M. Sikorski wants the 75' well radius to be on one lot. Mr. Friberg agreed to conduct an additional test pit on Lot 3.

Open comments to the Planning Board:

M. Sikorski is concerned about the test pits near the well radius.

L. Brown-Kucharski- it is hard for the Board to respond to new plans submitted on the night of the meeting. She requests that the applicant follow the agenda close deadline for new materials. G. Coppelman confirmed that May 26 was the date the Board took jurisdiction. The 65 day limit for a ruling is approaching.

G. Coppelman confirmed that the two remaining waivers are part of the application.

L. Brown-Kucharski asked if the applicant went to the State for wetlands approvals. Attorney Arnold stated that they have not. The subdivision approval does not require State approval. L. Brown-Kucharski stated that subdivision approval without State approval would not provide permission for buildable lots.

E. Cimon confirmed that the waiver requests are: 6.2.21 private road subdivision, and 6.2.13 relief to show subsections of different parts of the private road.

Engineering review- The Board confirmed it is a requirement. The Town engineer needs to receive the updated plans and Maintenance Agreement (7.5.6), (11) 11 x 17 plans for the next set, 4 plan sets for tables.

- Department heads review needs to be updated.
- Adjust frontage on the Depot Street lot.
- Test pits to be scheduled.
- Well location to be moved in relation to test pits.

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- Rockingham County Conservation District review of septic designs.
- Maintenance Agreement is to be added to the final plans.

A. Brubaker said that the drainage survey refers to a cul-de-sac, on page 2 of the plans. The drainage survey is also needed for the Town Engineer.

S. Hanson reviewed the opinion of legal noticing. E. Cimon supports G. Coppelman's research with the NH Municipal Association. S. Hanson, L. Brown-Kucharski and E. Beattie agree.

S. Hanson opened the matter to public comment.

Tracey Beattie, Drinkwater Road. Mrs. Beattie wanted to confirm that test pits can be done at any time. She expressed concern about the wetlands. Ten years ago, Edgerly Farm had Indian artifacts. The land next to it could not be touched. She encouraged research on the issue.

Richard Rayment, Meadow Lane, expressed concerns about the lack of access to plans, and those plans not being available to his attorney.

Abby Tonry, Exeter Road. Building setbacks and the frontage for Lot A, change in frontage for Lot C. The Planning Board needs the proposed deed for each lot. She is concerned about the lack of transparency with the wording of the Legal Notice. A. Tonry requests that the Planning Board attorney review the issue of noticing vs. approval. 7.5.10 states that the Private Road will comply with all other zoning requirements re: a cul-de-sac. Pg 22 of green pages. She is concerned about the lack of State approval. She wants State approval first.

A. Brubaker also wants to ask Counsel about renoticing.

G. Coppelman is concerned about the first plan with a cul-de-sac and a right of way, and whether you can you approve frontage for a lot that has not been built.

Attorney Arnold clarified that the approval could be conditional upon DES approval.

A. Tonry, Exeter Road. Can review 10 days in advance? H. Fazzino confirmed that the last day to submit is the agenda close date is available on our website. Subdivision Approval has an automatic date of lapse.

S. Hanson supports renoticing. S. Hanson asked the applicants if they wanted to renote to clear up the concern of noticing for 3 lots rather than 2 lots, they said they would. Attorney Arnold will provide labels and a new legal notice description for the August 6 deadline. The Applicants were informed of the costs for legal noticing and abutter notification.

Public comment was then closed.

Attorney Arnold submitted a written request for a continuance.

MOTION: To continue the public hearing for **Case # 18-05-01** to August 28, 2018. All materials are due by August 13, 2018.

MOTION: S. Hanson

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SECOND: L. Brown-Kucharski
UNANIMOUS

S. Hanson confirmed that fees would need to be received for Engineering Review before a request to Jones & Beach is sent out.

PUBLIC HEARING

Case # 18-07-01 Application from the Hampton Falls School District, respectfully submits a Site Plan Application to discuss a School Building Addition for six (6) classrooms with a music room, and future parking. This Government Land Use Proposal will be reviewed under the terms of NH RSA 674:54 as a courtesy hearing to the Town and the abutters. Construction of the addition is intended to commence on or after September 4, 2018. The property is located at 8 Exeter Road, Map 8, Lots 27 & 21.

The Public Hearing was opened in **Case #18-07-01**. Marc Lehoullie, Project Manager and Matt Ferreira, Business Administrator at SAU 21 was present. The addition includes 12,000 sq ft. 6 classrooms, music room, and storage. Phase One does not include the parking lot. Jonathan Ring, P.E. of Jones & Beach Engineering presented. This is a Courtesy Hearing due to a governmental use. No action will be taken by the Board. G. Coppelman confirmed.

G. Coppelman stated that a Special Use Permit was not necessary for this project. A. Tonry recommended they plant irises in the catch basin area.

Discussion was opened to public comment. There were no public comments. The public comment period was closed.

REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES OF JUNE 26, 2018

MOTION: To approve the previous meeting minutes of June 26, 2018 as written.

MOTION: L. BROWN-KUCHARSKI
SECOND: E. CIMON
UNANIMOUS

COMMUNICATIONS TO BOARD MEMBERS

None at this time.

OTHER BUSINESS

NH DEPARTMENT OF ENVIRONMENTAL SERVICES, Request for Additional Information from the Owner, Mr. Richard Wickson. East Road property Mr. Wickson purchased. He disturbed 2.1 Acres a large area of wetland. 0 East Road. No action is needed by the Planning Board.

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Case #18-06-03: Application from Avesta Meadows One, LP for a Final Public Hearing for a Site Plan Review for remote parking as shown on the Approved Site Plan for the project. The property is located at 27 Brown Road, Map 5, Lot 57. **Waivers Requested.**

The Public Hearing was opened in **Case #18-06-03.** Amended Site Plan Review and Update to Condominium Site and Subdivision Plans, Alteration Terrain Permit presented by Jonathan Ring, P. E., Jones & Beach Engineering. John Vesta, Avesta in Portland, ME was also present. The plans presented minor shifts to Buildings B & C. The June 26, 2018 approval reduced 108 spaces to 17 spaces. The approval date will be added to the plan. On June 12, 2018 it was discovered that the Condominium Site & Subdivision Plan needed to be revised because it showed huge overflow parking. A Mechanical Unit was put behind Building C (6 ft forward), Building B was moved back (15 ft back). T. Santora to sign the plan in the next 10 days. L. Brown-Kucharski asked about the status of the walking trails. They will be built with Building B. Also, L. Brown-Kucharski reports that the Robinsons continue to seek \$1,000 for shrubbery. John Vesta will follow up with Avesta. Occupancy is anticipated in 10 months from construction. The date on plans is June 18, 2018. The Planning Board has been notified that the building locations were somewhat moved, but an accurate plan was approved on June 26, 2018. It was a diminimous change. The Board expressed concern about the change with no prior disclosure.

Avesta Meadows Two, LP, 27 Brown Road, Map 5, Lot 57, Buildings B & C. Authorization for Execution of Documents.

MOTION: To authorize the execution of documents administratively by Planning Board Chairman or Vice Chairman for Avesta Meadows Two, LP Buildings B & C.

**MOTION: E. B. BEATTIE
SECOND: A. BRUBAKER
UNANIMOUS**

Case # 18-06-01: The Unutil representative reported that Mill Lane will not be part of this year's project. It will be continued to 2019 or 2020.

ADJOURN

MOTION: To adjourn the meeting at 9:30 p.m.

**MOTION: A. TONRY
SECOND: L. BROWN-KUCHARSKI
UNANIMOUS**

The next meeting is scheduled for August 28, 2018, 7:00 p.m.