

**PUBLIC HEARING AND BUSINESS MEETING
FINAL**

- A. CALL TO ORDER:** C. Brown called the meeting to order at 7:00 p.m.
- B. ROLL CALL:** C. Brown, Chairman; L. Smith, Vice Chairman; A. Franciosa, B. Mutrie, Members; M. Kasprzak, Selectmen's Representative; R. Spoerry, Alternate Member; L. Ruest, Administrative Assistant; D. Smith, Circuit Rider Planner
Not Present: R. Janvrin, A. Tonry, Members; K. Kelley, Building Inspector

Alternate Member R. Spoerry was designated a voting member for this meeting.

C. PRELIMINARY CONSULTATION:

Applicant: Rockingham Community Action Owner: Lafayette Royale, LLC
137 Lafayette Road, Map 8, Lot 57 Proposed Use: Daycare

Matthew McCormack of MSC Engineering, Pam Duffy of Rockingham Community Action, Marilyn Green Real Estate Agent and Dan Desrochers overseer of the project were present. C. Brown stated that preliminary consultations are for discussion purposes only and that any statements made by the applicant, its representatives or Board members are non-binding.

M. McCormack reported that the existing site includes three joined buildings with three parking lots of 30 spaces each. Building 1 and Building 3 are owned by Casket Royale and used as office space and warehouse space respectively. Building 2 is a two-story vacant building formerly occupied by a beauty parlor and office space. The applicant is looking to change the use of Building 2 to a daycare facility for three to five year olds. No new building(s) is proposed and there is a plan to restripe the parking area to increase safety to include a crosswalk and safety cones from the building to the parking area. L. Smith requested additional signage to alert drivers at the parent drop off area and temporary parking area. C. Brown asked that an attendant be present at drop off time. M. Kasprzak inquired as to whether there is sufficient parking for special events when families would be in attendance rather than just dropping off. P. Duffy stated that the daycare could find a location that would allow for parking and more participation that would include everyone. Four pieces of playground equipment on bark mulch are planned to include chain link fencing around the playground area. D. Smith asked whether the Board views the playground equipment as structures. C. Brown stated that the equipment represented all sits on the ground and is not permanent.

Discussion was opened to members of the Board. In response to Board questions, M. McCormack reported that uses of the other two units are to remain unchanged and that the rear section is a warehouse. He identified the hours of operation to be 8 am to 4:30 pm with three sessions; 15 children each session on the first floor, office space on second floor. M. McCormack stated that he spoke to the property owner with regard to deliveries to the warehouse area and that there is an understanding to reschedule deliveries to non-daycare hours. C. Brown requested that this be noted on the site plan. She also requested that the original site plan be brought forward for amendment. D. Smith requested that traffic flow be addressed on the site plan. M. McCormack was asked to become familiar with the Town's sign ordinance and be aware that lighting is to be down-shielded.

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T. Franciosa inquired as to the status of the septic system. M. McCormack reported that it is a fairly old system (1983/84) sized for 395 gallons per day. He stated that with the current and proposed uses, that the existing system will handle the uses. C. Brown requested that the septic system area and well be shown on the amended site plan. T. Franciosa inquired as to the water run-off from the site as well as the mound at the end of the travel lane. M. McCormack identified that run-off splits around the proposed playground area and that the mound is not naturally occurring and may have been used to hit golf balls.

In closing, M. McCormack requested guidelines as to parking requirements for the daycare use. C. Brown stated that daycare may be regulated by the State and referred him to the Building Inspector and/or Circuit Rider Planner D. Smith for direction. It was also suggested that the applicant could check the Town file of another daycare in Town to see what was decided on that site plan. In response to R. Spoerry, M. McCormack identified the plans for snow removal and storage. P. Duffy explained the permit process, classification and occupancy process from the State. T. Franciosa expressed concern with the access and egress from this parcel onto Lafayette Road and requested the engineer confirm site distances.

D. PUBLIC HEARING

Case # 10-07-01: Application from **T. P. Realty Trust** for a Final Public Hearing to Propose the Conversion of the Existing Retail Sales Outlet to a 275 Seat Function Hall. The existing building is to be renovated with a modest expansion for entrance and service requirements. The applicant is applying for an Expedited Review on the property located in Zone B at 1 Lafayette Road (Map 7, Lot 70) *Continued from July meeting.*

Applicant David Benoit, Attorney John Colliander and Engineer Bill Evans were present as well as Real Estate Agent Patti Visconte.

C. Brown inquired as to a section of the revised plans where it appears that a portion of the parcel is located across the town line in Seabrook. Following review of this matter, it was identified that the engineer used a line identified in the legend as "property line" when in fact he was attempting to show the beginning and ending areas of a proposed stockade fence. W. Evans will correct the plan and legend. Discussion took place as to which pages of the plan set are to be recorded. C. Brown noted that it has been the practice of the Board to have all on one sheet duly recorded. It was requested that the information on Sheets 2 and 4 be incorporated and if the engineer is unable to, that Sheets 2 and 4 be recorded due to the length of the parcel. J. Colliander submitted proof of certified mailing receipts for the file for two properties in Seabrook that were identified last meeting as needing notification.

W. Evans referred the Board to a set of revised plans that incorporate changes made as a result of comments submitted from an advance plan review dated July 10, 2010 by Town Engineer, Jones and Beach Engineers, and Circuit Rider Planner D. Smith dated July 19, 2010. W. Evans prepared a letter dated August 16, 2010 responding to each of the review comments and

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reviewed each item by item with the Board at this time identifying where the change was made. Most resulted in a change to the plan as recommended.

MOTION: To accept jurisdiction of the plan as complete.

MOTION: L. SMITH
SECOND: B. MUTRIE
UNANIMOUS

Referring to his letter of August 16, W. Evans reported the following.

1. A town line has been added to the locus map, a scale and north arrow provided.
2. The owner of record has been corrected.
3. A full boundary survey has been done.
4. Test pits have been done and W. Evans has met with M. Cuomo of RCCD and referenced all standards used. Question remains as to whether HISS mapping is required. A waiver is requested. Attorney Colliander will draft a written request for waivers as discussion proceeds.
5. The prime wetland boundary is shown on Sheet 2. W. Evans will add it to the legend.
6. W. Evans submitted a copy of a traffic study done for a neighboring property where this use was proposed (Bayside Engineering report for Seacoast Poker, LLC, dated May 2010 for property at 920 Lafayette Road, Seabrook) and stated that he feels the Town Engineers' concerns are addressed with this report.
7. There is an existing driveway access from NHDOT to the property.
8. Sheet margins have been adjusted.
9. W. Evans forwarded D. Smith's comments to Jones and Beach.
10. Sealed surfaces are shown on Sheets 3 and 4.
11. A storm water drainage report has been submitted to Jones and Beach by W. Evans. A report is also part of the Planning Board file.
12. Flood Plain has been added to the cover sheet notes.
13. Notification has been made to abutters across the street.
14. A soil legend can be found on Sheet 2.
15. W. Evans stated that the well radius is grandfathered and that an easement is not necessary as the properties are owned by the same owner. C. Brown stated concern with when the property transfers to a new owner. W. Evans stated that a well easement would be needed at that time to that portion of the property. J. Colliander stated that he would prepare a draft well easement document for the Board.
16. All setbacks have been adjusted based on a survey prepared by Promised Land Survey. It was noted that the Town bound with Seabrook is in wrong location and that the applicant will set it properly.
17. W. Evans reported that there are no jurisdictional wetlands offsite on abutting properties.
18. Topos have been added as requested by Jones and Beach Engineers.
19. A note has been added on Sheet 3 to instruct the contractor how to abandon the existing septic tank and leach field. D. Smith asked that the note read "To be removed per

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- NHDES.” C. Brown asked that this note be added to the recordable sheet(s) as well as any variances or conditions.
20. W. Evans stated that the additions to the building include a service addition at the rear and that all will be architecturally harmonious with regard to siding and color. B. Mutrie inquired as to architectural review in accordance with Site Plan Regulation 6.2.26. J. Colliander stated that the changes are minor and that he would include a waiver request in this regard.
 21. A plan is being developed for a sprinkler system.
 22. Parking dimensions have been provided and modified on Sheet 4. Changes allow for more efficient layout.
 23. W. Evans stated the applicant’s position is that parking at the front of the building is grandfathered. Adjustments will be made to allow for entry and exit flow to work as two-way traffic and allow a lane for drop-off.
 24. Same comment as #23.
 25. A parking space has been eliminated to allow for more room for traffic.
 26. Correction has been made to Sheet 4.
 27. Parking calculations have been added to Sheet 4.
 28. A dumpster and enclosure has been added to Sheet 4.
 29. The plan is prepared at 30 scale in order to see the entire property.
 30. The applicant feels the utility poles are grandfathered.
 31. A sidewalk is shown on Sheet 4 and allows for graduated access at the basement level. W. Evans needs to label the sidewalk on the plans as “walkway.”
 32. Snow storage is shown on Sheet 4.
 33. The length of the fence is shown on Sheet 4. W. Evans stated that a fence detail is not needed as the plan is for a standard stockade fence commonly used. In response to concerns of the Board, W. Evans stated that the fence will be professionally installed to insure proper setting and placement.
 34. Additional topos have been provided in the 25’ setback area.
 35. Rip rap is not required per W. Evans as the drainage report addresses minimal flows.
 36. The additional length of the PVC pipe has been added to Sheet 4.
 37. W. Evans provided information on the figures used to reach parking lot profile information.
 38. Erosion control is shown on Sheet 5 and includes silt fencing and hay bales. B. Mutrie requested that hay bales be removed when the project is done. C. Brown noted the need for a change to notes of “sidewalk” to “walkway” on this sheet.
 39. Relief has been requested from the ZBA (8/26/10 meeting) on the requirement of estimated seasonal high water table. W. Evans and J. Colliander reported that the applicant is exploring waste water disposal on the abutting parcel in Seabrook in conjunction with its application to the State for wastewater disposal on site in Hampton Falls. The plan before the Board does not include a septic area. W. Evans stated he has two septic reserve areas shown on the plans, however, options are being considered on the abutting 60-acre parcel in Seabrook. C. Brown expressed confusion with showing a septic reserve area that is not valid. W. Evans stated he is showing them as required, but noted that relief is needed from the Building Code for any onsite waste water disposal. The information on the plans is provided for proposed areas as the matter has not yet

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been definitively resolved. W. Evans reported that the applicant may abandon all on-site disposal.

40. The applicant has an application before the ZBA at its meeting of August 26, 2010.
41. W. Evans reported that the erosion stop is a jute mat and is specified in the detail.
42. A catch basin slap top detail has been provided for the catch basin in the walkway on Sheet 5 showing it goes under the septic reserve area. W. Evans stated there is no plan to put the septic system there anyway.
43. The note on Sheet 6 has been revised.
44. W. Evans added the words "if applicable" to items 5 and 6.
45. W. Evans stated he removed one detail and that the others are applicable.
46. W. Evans stated that he does not feel a rip rap spec is required.
47. A pole light detail is shown on Sheet 8.
48. The paving specifications are the owner's preference.
49. A note regarding test pits has been added to Sheet 7.
50. The building mount light detail has been corrected.
51. The power company has been contacted regarding installing more energy efficient lamps.
52. Light details have been corrected on Sheets 7 and 8.
53. W. Evans does not recommend putting island parking as it will hamper plowing and easy pass through of vehicles. This matter will be addressed with D. Smith's comments.
54. This matter will be addressed with D. Smith's comments.
55. A conflict was removed from Sheet 6 regarding seeding mix.

W. Evans reviewed D. Smith's memo of July 19, 2010.

1. Wetland and associated buffers, etc. are now part of the plan set.
2. The overlay has been corrected.
3. The PVC foundation drain is shown on Sheets 4 and 5.
4. The 12' future DOT widening area is shown on the plan. W. Evans believes that the area has already been deeded in 1984, hot-topped and a utility pole installed. The property owner believes the DOT owns the utility pole. C. Brown asked that a note be added to the plan identifying the recorded easement book and page.
5. Hours of operation were discussed and determined to be 7 a.m. to midnight, Sunday through Saturday.
6. A dumpster is shown at the east end of the parking lot and is planned to be emptied on a weekly or event based frequency. There are no above ground storage tanks on site.
7. W. Evans reported that LID would not work in this regard as there is a small amount of additional runoff which is handled on site, naturally, toward the ocean.
8. Erosion control methods include silt fencing and hay bales for the additional parking off the existing parking.
9. This matter of architectural design has been addressed earlier this meeting.
10. Relief from the ZBA will be addressed 8/26/10. The applicant will consider options for the best way to treat waste water.
11. Parking standards and criteria are shown on Sheet 4.
12. This item refers to Jones and Beach item number 54.

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13. The foot candle overlap has been reduced providing for less lighting than originally submitted (Sheet 8).
14. Wetland placards are to be placed.
15. Professional stamps will be placed on final plans.

C. Brown referred to the proposal of not having landscaping in the parking area and other areas. D. Smith noted that doing so goes against regulations. C. Brown polled the Board as to whether a waiver should be considered. D. Smith requested that the natural vegetation the engineer states is to be retained be shown on the plan. W. Evans stated that some landscaping will be placed at the front to include junipers and planting beds and planters. J. Colliander added this matter to his request for waiver. Additional comments resulted in W. Evans indication that snow storage will be at the rear of the lot, the lighting on the sign is to be down-shielded and that a note is to be added to Sheet 4 indicating "all lighting is to be down-shielded."

Hearing no further questions of the Board, C. Brown opened discussion to abutters and members of the public. Hearing none, she closed the public hearing.

C. Brown stated that the matter of a septic system remains outstanding. She suggested that this application be continued to allow for town engineer, RCCD, and Department Head review and comment. W. Evans stated that the applicant feels he has approval to put offsite disposal on the abutting parcel in Seabrook; one water test from the lab is outstanding, however. J. Colliander stated that the applicant has two options in this regard; the plan before the Board and relief from the building code should the Hampton Falls ZBA approve. The applicant has yet to decide which option to use. J. Colliander requested conditional approval from the Planning Board based on the plan presented this meeting with offsite disposal. He stated that should the applicant be granted relief to the Building Code and decides to pursue that option, he would need to come back to the Planning Board. L. Smith noted concern of approving a plan that has not been reviewed by the Town Engineer and setting a bad precedent. D. Smith stated that the Town Engineer has not yet reviewed the storm water drainage analysis and added that the ZBA could attach additional conditions.

Discussion took place with regard to the utility connections as they are not shown on the plan set before the Board. B. Mutrie stated that she felt the plans should show this information. C. Brown noted that the Board has no assurance that the sewage can be handled off site. T. Franciosa noted that without this assurance, the applicant cannot get a certificate of occupancy. Board members requested information on the location of the off-site system. W. Evans provided a separate 11x17" plan set to the Chairman. C. Brown stated that this option would require a septic easement in addition to the well easement discussed earlier. J. Colliander restated that the applicant is seeking approval conditional, in part, on State approval of the septic system on the Seabrook parcel. D. Smith expressed concern with the plan before the Board not showing the information to access the system as well as tanks, etc., on the abutting parcel and questioned if site plan review is required by Seabrook. J. Colliander reported that the Town of Seabrook defers to the State and will be notified by the Department of Environmental Services of the plan and approval.

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T. Franciosa stated that he was in favor of a conditional approval based on septic being treated off-site, however, was hesitant that the storm water analysis has not been reviewed by the town engineer. The Board acknowledged that should the off-site sewage option not work out, that the applicant would need to come back to the Hampton Falls Planning Board. D. Smith disagreed with the Board's indication of approving a conditional approval.

Waiver requests were considered at this time.

MOTION: To approve the applicant's request for waiver to HISS mapping (Section 6.4.3) as the amount of impact to the site is minimal and that test pits and soils have been delineated and corroborated by on site testing which matches with NRCS mapping, therefore, there is no need to do any more on site.

MOTION: L. SMITH
SECOND: T. FRANCIOSA
UNANIMOUS

MOTION: To approve the applicant's request for waiver to architectural renderings (Section 6.2.26) due to minimal changes to the existing structure and conformance with adjoining properties.

MOTION: L. SMITH
SECOND: T. FRANCIOSA
5 IN FAVOR, 1 OPPOSED, PASSES

MOTION: To approve the applicant's request for waiver to eliminate landscape requirements (Section 8.4.5) in the parking areas due to size and narrowness of the parking lot and the fact that major parking is in the rear, not visible from Route 1, landscaping would reduce efficient parking of the lot; parking lot in the front is grandfathered.

MOTION: L. SMITH
SECOND: T. FRANCIOSA
UNANIMOUS

MOTION: To approve the application from **T. P. Realty Trust** for conversion of an existing retail sales outlet to a 275 seat function hall on the property located in Zone B at 1 Lafayette Road (Map 7, Lot 70) with 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. – Midnight, Sunday through Saturday.
3. That the building height and sightless objects (pipes, stacks, air conditioners, etc.) not exceed 35 feet.

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4. That the landscaping be installed according to 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.
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 a 275 seat function hall 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 including existing lights on the sign.
11. That wetland district placard markers be obtained from the Conservation Commission, at the owner's expense, and that the placard markers be posted at wetland *buffer* points and corners, with one, or more, additional markers every 50' prior to any tree cutting for road construction or excavation. Wetland district placard markers are to be certified with a Certificate of Wetland *District* Placard Installation form for the Planning Board file and that wetland district placard marker locations are shown on the plan.
12. That all corrections to the plans, including the legends and notes, as well as the 12' easement that has already been deeded to the State be included on the final plan.
13. That Jones and Beach Engineers approves the traffic study done for the neighboring property at 920 Lafayette Road, Seabrook, NH, determining that it is adequate for this site.
14. That a valid and effective well and septic easement for abutting property be prepared, reviewed by town counsel and recorded.
15. That the town boundary marker be pinned in place on its base in the ground.
16. That the septic system satisfies all State and local requirements and the system is shown on the recorded plan.
17. That existing trees along the boundary lines, north and south, along the parking lot be retained as much as possible.
18. That revised plans are reviewed by the Town Engineer and all issues resolved to its satisfaction.
19. That storm water drainage and erosion control be approved by the Town Engineer.
20. That the three waivers approved this meeting be added to the plan.
21. That the plans be reviewed by Rockingham County Conservation District, Highway Safety Committee, Fire and Rescue and Conservation Commission.

**MOTION: L. SMITH
SECOND: R. SPOERRY
UNANIMOUS**

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

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

**MOTION: L. SMITH
SECOND: R. SPOERRY
4 IN FAVOR, 2 ABSTENTIONS, PASSES**

F. OTHER BUSINESS

1. Committee Reports: C. Brown acknowledged the minutes of the Ordinance and Regulations Review Committee meeting of August 4, 2010. A copy of proposed Building Code amendments was provided to the Board. D. Smith recommended that Building Inspector K. Kelley be present to provide explanations of the proposed changes. This matter will be added to the next agenda. L. Smith provided grammatical changes he identified. D. Smith provided the Board with information he received from Leonard Lord, District Manager of the Rockingham County Conservation District with regard to the 24" to seasonal high water table requirement.

G. COMMUNICATIONS TO BOARD MEMBERS

C. Brown asked Board members to let L. Ruest know if they wish to attend the Law Lecture Series by providing her with completed registration forms as soon as possible.

H. ADJOURNMENT

MOTION: To adjourn the meeting at 10:25 p.m.

**MOTION: L. SMITH
SECOND: B. MUTRIE
UNANIMOUS**