

**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, S. Volpone, Members; M. Kasprzak, Selectmen's Representative; G. Parish, Alternate Member; L. Ruest, Administrative Assistant; D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector
Not Present: A. Tonry, Member

C. Brown welcomed Greg Parish as newly appointed Alternate Member and designated him as voting member for this meeting in A. Tonry's vacant seat.

C. 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).

C. Brown opened this public hearing and acknowledged receipt of a letter of authorization allowing Alden Beauchemin and Harold Wood to speak on behalf of the applicant. Owners Paul Keene, Jim Wiczorek and Ray Wiczorek, were also present. A. Beauchemin provided those in attendance with an overview of the property, its previous use of a home and its proposed use as a professional office for an insurance business.

A. Beauchemin informed the Board that the plans displayed have comments made by the Circuit Rider Planner and Building Inspector incorporated into them. The plans before Board members, however, are those plans submitted previously with the application. A. Beauchemin identified the existing house, existing parking, and improvements made to add parking for up to six employees which includes one handicap accessible parking space and signage. He identified a change in the area of access (driveway) based on the Department of Transportation's concern of overlapping with the neighbor.

C. Brown inquired about the dug well location near the boundary and asked that the well radius be identified and shown on the plan. A. Beauchemin reported that this property is an existing nonconforming site that doesn't meet requirements for setbacks, leachfield and well. C. Brown stated she would like to see the identification for the well on the plan. A. Beauchemin identified he has placed a note on the amended plans regarding the existing leachfield and well to include that both will be used until there is a failure and that an approved septic (shelf) plan will be attached to the site plan. K. Kelley stated that this is a matter of a change from residential to commercial and that there is no provision for a shelf plan for commercial. He stated that this property does not have a state approved septic plan. C. Brown referred the applicant to a report from M. Cuomo of the Rockingham County Conservation District that indicates needed relief to building code requirements. A. Beauchemin acknowledged that he is aware of the need to appear before the Zoning Board of Adjustment (ZBA) to seek relief from the Building Code for

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septic issues and possibly other variances. C. Brown asked why the size of the leach field is only 2,000 square feet of the 5,000 square feet required and whether additional square footage can be obtained. A. Beauchemin stated that the design presented is the best available on this property and that 2,000 square feet is the best that can be done. C. Brown added that this question should be raised by the ZBA as well. He provided the Board with a letter dated April 5, 2011, to K. Kelley, explaining reasons for requested waivers and referred the Board to the last page of the plan set that shows the complete septic design of the lot. He noted that a best location is shown for a future well and that he has been talking with the neighbors with regard to a well radius easement. Discussion took place with regard to requirements for residential versus commercial septic systems, gallons usage for the proposed use and the manner in which the septic system reserve area is used for replacement systems.

A. Beauchemin reviewed the comments prepared by the Circuit Rider Planner at this time and responded as outlined below:

1. Overhead utility is to be added to the site plan.
2. The capital "A" symbolizes a cross section. Due to confusion, the plans have been revised to show details on a separate sheet.
3. With regard to landscaping, A. Beauchemin provided the Board with photos of the property showing established landscaping. A note has been placed on the plan to indicate that the existing landscaping will be maintained, with the addition of perennial plants. No additional planting of trees is planned.
4. A lighting and sign design was provided to the Board. It was noted that the lighting is to be down shielded and that sign location was identified on the revised plan set. It was determined that the sign location is three feet outside the 12' easement to the Department of Transportation. The Board approved the sign design as presented.
5. The parking design is to be verified by the Town Engineer to include review of storm water treatment. It was noted that a variance may be needed as there is question as to whether the piping and associated elements of the drainage structure is allowed within the setbacks (Section 5.4.2). The Board reviewed Sheet C3 for details of the infiltration trench where 12" pipe is used. C. Brown noted that the Town of Hampton Falls has permissive zoning and this is not addressed, therefore, the applicant should seek relief from the ZBA; the Planning Board cannot grant relief to this requirement.
6. Question was raised as to whether a variance is needed for the proposed well and radius. Discussion took place with regard to the existing well as compared to the proposed well location. A. Beauchemin confirmed that it is planned to operate the new use utilizing the existing septic and well; proposed septic and well locations are in place should the others fail. A. Franciosa questioned how the applicant could operate the new use when there is no State approved septic system in place. A. Beauchemin stated that at the time this was discussed there was an assumption of a dry well due to no records on file at the Town. K. Kelley informed that a change of use requires a submitted approved plan. A. Beauchemin stated he thought K. Kelley indicated a shelf plan. The Board acknowledged that in order to obtain approvals, the applicant will need to put in an approved septic system as well as a drilled well. D. Smith stated that the site plan needs to show where the septic system being used is located, as well as the one to be used. K.

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Kelley stated that the RCCD is looking for two waivers from the ZBA and feels the septic design submitted is okay with this relief. A. Beauchemin added that the new leachfield is forcing the relocation of the well which is less than 10' from the sideline. This will need variance as well. The existing well is to be filled. The applicant was asked to draft a request for waiver from Site Plan Regulations Section 6.2.25 with regard to the well radius being located entirely within the developed site for the Planning Board's consideration. (A waiver request was drafted and submitted to the Chair.)

7. The easement line for the future widening of Route 1 is now shown on the revised plan as well as a note.

8. The applicant requested hours of operation of Monday through Friday, 8 am to 6 pm. It was indicated that an average of 30 vehicles per day are anticipated; most employees work from home. Snow storage is now shown on the plan. All trash is to be stored inside the building. Discussion took place with regard to proposed hours of operation. The applicant was asked to reconsider the hours to allow for employees working late or potential meetings.

9. The question of whether the septic is adequate to sustain the proposed use was discussed earlier.

10. All professional stamps are to be included on the final plan.

A. Beauchemin addressed the comments from the Building Inspector at this time. Numbers 1 through 4 relate to the plans and the ability to record them at the Registry. The Board agreed that the site plan sheet is the only sheet to be recorded of the plan set.

5. A. Beauchemin stated he talked with K. Kelley with regard to the lighting detail. Three lights are provided.

6. Illumination for the parking area is to be reconsidered with the hours of operation as lighting will be needed in the winter months. Question was raised as to whether a light post would be required at the rear area of the parking lot. A. Beauchemin stated he would review this matter and report next meeting.

7. The owner is working with an architect with regard to the interior layout. Discussion took place with regard to what is in place compared to what is needed. The applicant informed the Board that there is a plan to relocate the front door. K. Kelley will review the proposal for conformance to life safety.

8. A propane tank location will be added to the plan as well as note that trash will be stored inside. There is no plan for a generator or condenser unit.

9. A sign for handicap accessible parking has already been addressed.

10. All waivers granted will be added to the final recordable plan sheet. A. Beauchemin will add a note that this is an existing non-conforming property on the recordable sheet.

MOTION: To accept jurisdiction of the application as complete.

MOTION: A. FRANCIOSA

SECOND: B. MUTRIE

UNANIMOUS

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MOTION: To grant the applicant's request for waiver to Site Plan Review Regulation 6.2.25 with regard to the well radius located entirely within the site due to the size limitations of the lot.

MOTION: B. MUTRIE
SECOND: S. VOLPONE
UNANIMOUS

MOTION: To forward the plans to Jones and Beach Engineers, the Highway Safety Committee and Fire Chief for review and comment.

MOTION: B. MUTRIE
SECOND: G. PARISH
UNANIMOUS

MOTION: To require funds be posted in the amount of \$2,500 to cover engineering review fees.

MOTION: S. VOLPONE
SECOND: A. FRANCIOSA
UNANIMOUS

Discussion was opened to abutters and members of the public. Larry Ford, 96 Lafayette Road, stated he is concerned with drainage and is looking for the Board to address the proposal. C. Brown stated she would leave the public hearing open until the May 24 meeting.

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

MOTION: To approve the minutes of the March 22 meeting as amended to change the references T. Franciosa to be consistent with the roll call reference of A. Franciosa.

MOTION: S. VOLPONE
SECOND: M. KASPRZAK
5 IN FAVOR, 1 ABSTENTION, PASSES

E. OTHER BUSINESS

1. Committee Reports

Ordinance and Regulations Review Committee minutes of April 8, 2011 were acknowledged for the record.

The Planning Board reviewed a listing of proposed matters for discussion and possible changes dated April 15, 2011 prepared by the Ordinance and Regulations Review Committee to include signage, promoting the business district, changing culvert specifications, road approval and maintenance timeline, accessory dwelling unit ordinance, permit fees and historic building guidelines for rehabilitation of buildings.

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Signage: Discussion took place with regard to capping the size of signs as it relates to the size of the building. It was noted that some control is obtained through the site plan review process before the Planning Board. However, if there is no site plan involved, suggestion was made to add language that includes a mathematical formula of a certain shape. K. C. Kelley suggested consideration be given to all sign permits being approved by the Planning Board. C. Brown asked that this matter be reviewed by the Committee.

Business District: Lengthy discussion took place with regard to forming a sewer district. S. Volpone offered to speak with Selectmen Chair R. McDermott with regard to approaching the Town of Seabrook in this regard.

D. Smith presented his ideas with regard to a potential redistricting of the commercial area. He informed the Board of information with regard to a grant that would address many aspects of this idea. He noted that the effort would be to look at uses, dimensional requirements, density requirements, expansion and the Master Plan. The Board was amenable to the idea and noted matters of neighborhood heritage districts, maintaining the character of the Town, bringing businesses on board with regard to historical buildings and being part of the solution as important matters to consider. K. Kelley noted that the reality of the situation is the economy and the lack of water and sewer to this district. D. Smith stated that now would be a good time to analyze information. If the Board decides to proceed, D. Smith requested that a separate committee be formed. A. Franciosa suggested that those things that are restrictive to the B District be looked at with the potential of loosening up some setback restrictions. Lengthy discussion of existing businesses along Route 1 took place.

D. Smith offered to develop a scope of work for consideration of the Planning Board at its next meeting. The Board concurred with this offer. Discussion took place with regard to the use of the Poker Room at 1 Lafayette Road and to possibly restricting this type of use. The Board determined it is not a charge of the Planning Board, but if someone from the public brings the matter forward, the Board will address it.

Culverts: The Committee is to review this matter in conjunction with storm water regulations relating to pre versus post pollutants. Suggestion was made that this be done in conjunction with possible setback changes.

Road Approval: This matter is to be addressed by the Road Committee and recommendation brought to the full Planning Board.

Accessory Dwelling Unit: At issue is whether an accessory dwelling unit can be built in a separate garage/building rather than attached to an existing structure/garage/building. Question was raised as to whether accessory dwelling units are allowed to be added to only existing structures as per the date of the amendment to the ordinance; some felt that it didn't matter as long as the building is in existence as of the amendment.. A recent situation where a building permit was issued for a detached garage at Map 6, Lot 44 one day and another permit issued for

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an accessory dwelling unit in this detached garage a subsequent day was discussed. It was noted that it was not the intent of the ordinance to allow an accessory dwelling unit at the same time as a detached building. B. Mutrie stated that the ordinance states accessory dwelling units are allowed within an “existing building” and that the matter should be reviewed to ensure the intent is being met. Some members felt that it is important that the building exists before an accessory dwelling unit is considered and others felt that those buildings in existence at the time of the ordinance amendment were grandfathered.

Permit Fees: It was determined that there is no need for the Committee to review this matter as the Board of Selectmen does not have authority to change fees. D. Smith offered to share information being obtained by the Rockingham Planning Commission with regard to application fees.

Historic Building Guidelines for Rehab: Consideration was given to addressing the historic portion of Route 1 relaxing certain issues with regard to restoration or rehabilitation of historic buildings to commercial use. It was noted that certain life safety requirements call for sprinkler systems and without town water, this is difficult.

MOTION: To authorize the Chairman to send a letter to the Board of Selectmen to initiate talks with the Town of Seabrook with regard to water and/or sewer.

MOTION: S. VOLPONE
SECOND: A. FRANCIOSA
5 IN FAVOR, 1 ABSTENTION, PASSES

Suggestion was made to incorporate some sort of neighborhood heritage district ordinance to ensure the buildings in the Town Common area of the business district retain their character contrary to the past proposed use of a miniature golf course.

Road Committee minutes of April 12, 2011 were acknowledged for the record. C. Brown stated that E. N. Small is working with the developer regarding funding the engineer review account for Hardy Lane. Discussion took place with regard to obtaining a sign off affidavit from the town engineer for as built plans. It was determined that a letter from Jones and Beach Engineers in this regard would suffice. C. Brown asked whether the Road Committee has reviewed its policies and asked that Committees review policies in existence for updating and bring any changes to the full Planning Board.

With reference to the motion on page two, to recommend that the Ordinance and Regulations Review Committee investigate the inclusion of language in the letter of credit to include a requirement that no bank releases security without written authorization of the Town, C. Brown asked that the Road Committee provide language to the Planning Board as this group is more familiar with the matter. She suggested that the Road Committee review what’s in place compared to what they would like to have in place. It can then be determined if the matter should be reviewed by counsel.

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With regard to Wadleigh Lane, C. Brown asked A. Franciosa to follow up with E. N. Small to see if the date on the expired security has been changed and report to the Planning Board.

Inspection sign off sheet for subdivision roads has been revised to include contact information. C. Brown asked that once a sign off sheet is fully signed off that a copy be provided to the Planning Board.

2. Pelton Bonding: The matter of obtaining an acceptable form of security for both the public and private portions of the Peltons Way project remains pending. The Board is awaiting advice from counsel as well as a plan of action with regard to the bonding and schedule of work.

3. RSA 673:13 Removal of Members: C. Brown reported that the Board of Selectmen made a motion to remove R. Janvrin as Member of the Planning Board at is April 20 meeting.

MOTION: To elect Greg Parish as full Member of the Planning Board until March 2012 elections.

**MOTION: B. MUTRIE
SECOND: S. VOLPONE
5 IN FAVOR, 1 ABSTENTION, PASSES**

4. Case #10-07-01 - T. P. Realty Trust, 1 Lafayette Road: C. Brown reported that she had plans to request authorization of the Planning Board to send a letter to David Benoit as no site plan amendment application has been received to complete this project at 1 Lafayette Road. She stated that the Town has received contact from the owner's attorney who indicated an application will be before the Planning Board in May. K. Kelley reported that if no application comes forward he will make application to State agencies to revoke licenses.

F. COMMUNICATIONS TO BOARD MEMBERS

- OEP Planning & Zoning Conference – Saturday, June 11, 2011: Board members should let L. Ruest know if they plan to attend so that registration and payment can be made.
- New Septic Rules effective 4/16/11; septic replacement requires plans to the Department of Environmental Services
- Right To Know Law Summary Pages: C. Brown asked members to review this information and keep the documents as part of their binders. She emphasized that electronic communications should not include discussion or decisions and should only be used to notify of meetings or provide information that may be requested. She added that Committee meetings are the same as public meetings and should be treated the same in accordance with the Right to Know Law.
- Storm Water Infiltration information from the Source; an updated history of building code septic changes and new zoning and building code pages were provided to members. C. Brown noted that those documents with three-hole punching are for inclusion in members' binders.

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C. Brown informed the Board that application document pages have been updated and that copies will be provided next meeting.

C. Brown also informed the Board of an award presented to Hampton Falls for its efforts with regard to workforce housing. She stated that Hampton Falls was recognized for its workforce ordinance.

B. Mutrie inquired as to whether Planning Board wishes to require PDF copies of plan sets. Following discussion of the processes and procedures within the office as well as the Municipal Records Retention law, it was determined that requiring PDF copies is not necessary.

The Planning Board determined that there is no need to become a member of the Workforce Housing Coalition organization.

G. ADJOURNMENT

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

MOTION: M. KASPRZAK

SECOND: G. PARISH

UNANIMOUS