

**PUBLIC HEARING & BUSINESS MEETING
MINUTES
DRAFT**

- A. Call to Order:** The meeting was called to order at 7:00 p.m.
- B. Roll Call: Present:** C. Brown, Chairwoman; A. Franciosa, Vice Chairman, A. Tonry; T. Santora, G. Parish, L. Brown-Kucharski, Members; B. Mutrie, B. Burns, Alternate Members; M. Kasprzak, Selectmen's Representative; J. LaBranche & Glenn Coppelman, Circuit Rider Planners; M. Sikorski, Building Inspector, K. Croteau, Secretary
Not Present: P. Stone, Alternate Member

C. LETTER FROM JONES & BEACH ENGINEERS, INC. (Ref. Case #14-10-01)

The Chairwoman referred to a letter received from Town Engineers for Hampton Falls, Jones & Beach Engineers, Inc. advising the Town that JBE has contracted with a private client to design a proposed project in Hampton Falls. JBE said they would like to continue as Town Engineer but noted the Town would need to hire an interim Civil Engineer for any projects designed by JBE.

The Chairwoman then proposed for the Board's consideration, two candidates to provide plan review and construction inspection services for the project JBE will design: Beals Associates of Stratham and Millette, Sprague and Colwell of Portsmouth. The Chairwoman noted her preference as Beals and asked for a motion.

MOTION: To contract with Millette, Sprague and Colwell, Inc. of Portsmouth, N. H. to provide interim plan review and construction inspection services for the senior housing project that Jones & Beach Engineering, Inc. is designing.

MOTION: A. TONRY

SECOND: G. PARISH

6 IN FAVOR; ONE ABSTENTION: PASSES

D. PUBLIC HEARING

Case #14-10-01 – Application from Avesta Housing (NH Housing Finance Authority) for Design Review Public Hearing to consider 3 proposed buildings with 24 one-bedroom units with associated roadway, parking and drainage for property located at Brown Road, Map 5, Lot 57.

The Chairwoman opened the public hearing by reading the Notice of Public Hearing. She referred to the application packet containing the letter of authorization and reports from the Building Inspector, Highway Safety Committee, Circuit Rider Planner and the Rockingham County Conservation District and said the application was noted as meeting submission requirements at this time by the Planning Board Secretary.

Avesta Housing CEO, Dana Totman introduced himself, Seth Parker and Shreya Shah from Avesta Housing and Michael Garrepy from Porter Holdings, Inc. He explained Avesta Housing is a nonprofit organization which provides affordable housing, approximately one half for Seniors and one half for Workforce Housing with 30 developments in Maine with a portfolio of

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about 2,000 apartments. They are in the process of buying three to four other developments in New Hampshire. He noted Avesta Housing has been in business since 1972 and has a staff of about 100 people. He stated they feel the senior population is a growing segment that needs affordable housing. He then said he would turn over the presentation of the first draft of the proposal to Planning Consultant, Michael Garrepy of Porter Holdings, Inc.

M. Garrepy explained that he had been working on this site for about a year and a half and decided to submit this application under the Design Review process to get feedback from the Planning Board and neighbors before pursuing a site plan application.

He said the submitted plan proposes 72 senior housing units with 3 buildings consisting of 24 one-bedroom units each. The calculation for density provided by the Hampton Falls Zoning Ordinance would support approximately 313 units; the proposal asks for about one third of the allowable amount. He said he met with Circuit Rider Planner, J. LaBranche, preliminarily to discuss the five percent of total dwelling units maximum noted in Article III, Section 11.4.2 of the Zoning Ordinance. He also said the plan shows a loop road allowing for two and a half parking spaces per unit with two points of access to Brown Road. Some clearing has been done on the site to bring back an agricultural feel to the property with a field and a wooded area; the buildings are located primarily within the wooded area of the site.

M. Garrepy then introduced a second conceptual drawing maintaining the same amount of units with a single driveway approach ending in a cul-de-sac. The second drawing provides for far less parking with one space for each unit. M. Garrepy noted one parking space per unit is suggested by research conducted by Avesta and national statistics. He explained the second drawing proposal is more condensed and the impact is small with approximately 4 acres of the 54-acre parcel disturbed by the development. He noted they hope to maintain and create trails to provide passive recreation.

At this point, the Chairwoman opened discussion to Board members and stated that any comments made at the Design Review public hearing are nonbinding.

Chairwoman Brown asked M. Garrepy if the applicants were aware of the Zoning Ordinance allowing for five percent of existing housing units as the maximum for number of units; she said the Assessor provided 852 as the number of dwelling units currently on record in Hampton Falls allowing for a maximum of 42.6 units maximum. M. Garrepy said they are aware of this and are discussing that internally. Chairwoman Brown noted that Section 11.4.8 does allow for waiver in certain specific circumstances.

Chairwoman Brown then noted concern with the area for the septic system and referred to a report indicating test pits 3 and 9 and stated that test pit 9 did not pass.

Chairwoman Brown then asked the approximate size of the footprint to which M. Garrepy said 145 feet x 65 feet, C. Brown noted that would be within the 10,000 foot limit.

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Chairwoman Brown asked if he knew the number of acres that are contiguous and noncontiguous with upland on the property. M. Garrepy said they were not quite finished but at current there are approximately 38 acres contiguous upland and 22 acres non-contiguous and based on the density calculation that would allow for 300+ units which are certainly not what they want.

Chairwoman Brown asked if they would be seeking variances from the Zoning Board Of Adjustment. M. Garrepy replied that they are working with the Circuit Rider Planner regarding what relief mechanisms will be pursued for the possible variances they might require concerning parking, number of units, height restrictions and a special use permit for the driveway located in wetlands.

Three mistakes were noted on the abutters list at this time: 1. Joyce Marelli PO Box 33, not 333; Gaylee Robinson misspelled and the Barkers live on Brown Road not Brown Avenue.

Chairwoman Brown then referred to comments submitted from the Circuit Rider Planner, and the Highway Safety Committee and asked M. Garrepy if he had received copies of these. He said he had received the memo from the Circuit Rider Planner and he was given a copy of the Highway Safety Committee's concerns at this time. A discussion took place at this time where it was established that Avesta Housing would be responsible for trash pickup and snow removal at the site. The concerns regarding the condition of Brown Road and improvements were discussed. Fire Chief J. Lord explained the Highway Safety Committee's request for an unpaved road off Swain Drive for emergency access to the property.

T. Santora asked if the addition of 144 elderly persons would have too much of an impact on fire and ambulance services. Chief Lord answered he anticipated the calls would go up by approximately one third per year and the current staff would be able to handle this as they are a call department.

G. Parish asked about two access points to Brown Road. M. Garrepy said they are happy to work with the Fire Department and if needed can provide a second access, he noted their commitment to work with neighbors being sensitive to the folks on Brown Road, Marston and Swain and will engage a traffic consultant to address issues on Brown Road.

G. Parish asked if New Hampshire Housing Authority owns the land. D. Totman said yes and that a limited partnership would ultimately be formed for tax credits.

L. Kucharski-Brown asked who would be overseeing and maintaining the property. D. Totman said it would depend on the layers of financing, each layer brings a set of regulations but most likely it would be N. H. Housing Authority and the IRS because the IRS regulates the housing tax credit program. Investors who invest in the tax credit program would each year prove they are in compliance with the IRS regulations. He then said the simple answer is the investors and the IRS.

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B. Mutrie asked who the “on the ground” management authority would be. D. Totman said Avesta would be, they have a management company that manages their own properties with coordinators assigned. B. Mutrie asked if there would be a coordinator there 24/7. D. Totman said it would depend on the final number, but they would be available 24/7.

L. Kucharski-Brown asked if the second proposal showed a different driveway. M. Garrepy answered yes and that the second proposal was more compliant than the original proposal providing for more vegetated buffers for neighboring properties as well as a less invasive driveway with fewer parking spaces. L. Kucharski-Brown then noted a failed test pit to which M. Garrepy noted they would more than likely do more test pits and mentioned that they were working with the owners of Taylor River Farm which uses a portion of the land for horse trails and will be considering this when designing the septic system.

G. Parish said he was concerned about the impact to Brown Road and asked if they understood that Brown Road is designated as a Scenic Roadway. Chairwoman Brown restated Brown Road is designated a Scenic Roadway with its own set of regulations.

B. Burns asked if wetlands were considered when discussing changes to Brown Road. Chief Lord said no, the discussions were based on increased traffic on Brown Road. A discussion took place where questions were asked pertaining to the width of Brown Road and the possibility and impact of a deceleration lane. M. Garrepy said these were all big concerns and they plan to come back with plans from expert traffic consultants.

T. Franciosa asked if there is any data available showing how many trips a day a development like this might generate. D. Totman said senior housing research suggests an average well below one per day, more like .75. In general, it is found there is more group activity with carpooling. He said they would be happy to discuss this in the future with more specifics. Chairwoman Brown asked him to please provide that information when the plan is brought forward.

B. Burns asked if their other developments were as rural as this with nothing within walking distance. D. Totman said they have a wide range of portfolios with data from rural areas.

L. Kucharski-Brown asked if there would be a community bus to which D. Totman replied yes, all their senior properties have private bus service.

A. Tonry asked for confirmation that the single road is less than 1,200 feet long and that the property would all be rental. D. Totman replied yes the property is rented to individuals 62 and older but the majority is rented to individuals in their 70’s and 80’s, mostly widows; there are cases where there might be two sisters where one is disabled and the disabled resident could be less than 61. A. Tonry noted 62 was young to be not driving to which D. Totman said 62 is the minimum, they find most folks who want to live in a senior community are actually older, 62 is the minimum but most are older. M. Garrepy responded to the question regarding road length by saying it is currently approximately 700 feet. A. Tonry asked if there was room to add parking. M. Garrepy said there were spots outside the buffer where satellite parking fields could

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be created. The plan shows one space per unit and there is certainly room to add visitor parking. M. Garrepy said they envision the remaining parcel for conservation and to develop walking trails.

A. Tonry asked if there would be any preference given to Hampton Falls residents. D. Totman said every effort would be made to take applications from Hampton Falls residents but the Fair Housing Regulations sometimes interfere with that desire.

T. Santora noted that the income range for this development was between \$20,000-\$40,000 in relation to the discussion regarding parking spaces.

J. LaBranche noted that in regards to the 5% maximum, additional phases for every 100 dwelling units in town would only garner five more units. She also referred to the Zoning Ordinance definition stating 55 or older for elderly housing. She also noted that in regards to Scenic Roads, any construction requiring removal of trees and stone walls would require a public hearing to evaluate construction being proposed.

L. Kucharski-Brown asked if grandchildren would be allowed. D. Totman replied that he did not know; that most of the units were one bedroom where that would not work. He did say that only ten percent of the units have two bedrooms which are usually for adult widows with a disabled child; they have not experienced grandchildren in their units.

S. Parker said they can provide a FAQ sheet for the application with more definitive guidelines.

J. LaBranche referred to page 35 of the Zoning Ordinance where the definition would allow grandchildren for short term but not an indefinite stay.

At this point, the Chairwoman opened the hearing to the public.

T. Tocci, Applewood Drive, asked what percentage would be seniors. Chairwoman Brown said this is strictly a senior housing project. T. Tocci said he did not know of any family that did not have at least two cars, sometimes three. He also noted concern with one entry to the development saying that living under the umbrella of a nuclear plant requires two entry ways; he referred to Linden Road and said it would not have passed with one entrance. He suggested the Board require an independent traffic study.

D. Orzechowski, Swain Drive asked how the right of way would get resolved on Swain Drive. L. Ruest explained that the conditional approvals of the Swain and Marston development provided for this future need for the parcel on Brown Road; the applicant and the Planning Board should refer back to those requirements. Chairwoman Brown added that the plans are at Town Hall and can be researched, it would need to become part of the plan. D. Orzechowski commented on the people that walk, run and bike on Brown Road and suggested a lane or shoulder be added. Chairwoman Brown said the only requirement that this project would have

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would be its entrance; we can't force them to do work on Brown Road beyond the scope of the project.

J. O'Brien, 33 Brown Road, asked what would be done if the septic system failed; would there be an alternative leach field. He also asked about the size of the easement, whether it would be taken away and how it would affect density. Chairwoman Brown asked for clarification. J. O'Brien noted the total parcel being 55 acres in relation to the Swain Drive easement area. Chairwoman Brown said the easement does not allow for a public road; it is for emergency vehicles and would be gated and unpaved. Chairwoman Brown noted that the number of acres of upland far exceeds what is required and they will be doing further study on the septic. J. O'Brien asked for elaboration. M. Garrepy said there will be a couple of community leach beds with reserve areas. He said that Mr. O'Brien's property is uphill of the project and the State heavily regulates septic design, the O'Brien property will be over 1,500 feet away and uphill of the project; the science suggests good protection. M. Garrepy said they were doing research in respect to the easement.

J. O'Brien noted that in earlier discussion it was stated that 10% of the units would be two-bedroom, however the plan submitted proposes 72 senior housing units with 3 buildings consisting of 24 one-bedroom units. He asked the Board to consider all the pros and cons such as wetlands and buffers when considering this project.

S. Carlson, 57 Exeter Road, referred to the ownership structure and said it sounds unknowable in advance, he asked what legal mechanism is in place to ensure that this structure wouldn't convert to some other use in the future. He also referred to town resources and Avesta Housing being a nonprofit and asked if a nonprofit would pay taxes to the town; he asked who will pay the taxes? D. Totman said the ownership structure is such that Avesta Housing pays full property tax; owner being the partnership of which Avesta Housing is the biggest part. In reference to change of use, D. Totman said Avesta Housing and NH Housing Authority would place deed restriction on property to be used for elderly housing of modest income for 45-90 years depending on the situation.

G. Shepard, 53 Brown Road, referred to J. LaBranche's comment regarding the Hampton Falls Zoning Ordinance minimum age of 55 for elderly housing and asked what if the applicants choose to make it 55. J. LaBranche said it would depend on whether the applicants wanted to change it to 55 to match the realm of the local ordinance. D. Totman said it would depend on the NH Housing Authority; their minimum age requirement is 62.

G. Robinson, 20 Brown Road, said she had many concerns, mostly traffic, she said she has 2,000 feet of frontage on Brown Road that mostly overlooks the land that will be developed and is concerned about cars coming out directly across the street from where she is proposing to put a new house lot. She said Brown Road is a substandard road and a Scenic Roadway. She noted increased noise from Route 95 from the trees that have already been cut down.

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G. Shepard, 53 Brown Road, asked ultimately whose decision is it to either go ahead or not go ahead with this project. Chairwoman Brown said it is the decision of the Planning Board.

T. Tocci, Applewood Drive, asked how much it would cost to live in one of these units. D. Totman said the estimated rent is \$880 to \$1,050 per month. A. Tonry added the income range is \$20,000 to \$40,000.

S. Brown-Parish, Towle Farm Road, asked if there were any outbuildings planned such as a recreation hall. D. Totman said they typically have a community space inside for functions such as flu shots or birthday parties; it could be discussed further.

J. LaBranche clarified the population targeted for this project are seniors at or below 50% and 60% of Area Median Income with income ranging from \$20,000-\$40,000.

L. Kucharski-Brown asked if the road would always be a private road. M. Garrepy said in other projects they have created language that goes into the conditions of approval makes it clear from the onset to remain a private road.

Circuit Rider Planner, G. Coppelman, cautioned that regardless of what the documents might say, it doesn't prohibit residents from seeking a warrant article to have the Town take over the road.

G. Shepard, 53 Brown Road, asked who would have the voting rights, the individuals of the development or the property owners. It was clarified that residents vote, not property owners.

B. Mutrie asked what the square footage would be for each apartment. S. Parker said they average about 600-700 square feet and they are required by law to make a certain number of handicap accessible and they are designed to be easily adaptable.

J. LaBranche noted that the Zoning Ordinance does spell out that elderly and workforce housing developments are not subject to Impact Fees.

G. Robinson, 20 Brown Road, said she is concerned about the site distance on Brown Road, she said there have been a lot of accidents where the entrance is proposed. M. Garrepy asked for clarification as to where she was referring to and it was determined that the proposed entrance was about 100 feet from the area she was referring to. M. Garrepy said he would have a survey flag placed where the entrance is proposed. He said they are going to work with a traffic consultant and the Highway Safety Committee to look at all the issues.

J. O'Brien, 33 Brown Road, asked what could be done about headlights if the loop driveway is chosen as the car headlights would shine into his backyard. Chairwoman Brown said the Planning Board could require the developer to provide a vegetated buffer.

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The Chairwoman asked the developer if they had a timeline for the project. M. Garrepy said they would be working together with the neighbors, Department Heads and the Rockingham Planning Commission before fully advancing a project and there may be a need to seek variances from the Zoning Board of Adjustment before filing application. He said it would probably be after the first of the year for perhaps another preliminary discussion at that point.

G. Parish pointed out that the application states one bedroom units and asked that they make sure the application indicates exactly how many one bedroom and how many two bedroom units are proposed.

G. Coppelman asked that any other abutter noticing issues be squared away as it could affect the validity of the public hearing.

The Chairwoman closed the public hearing.

E. CAPITAL IMPROVEMENT COMMITTEE

Chairwoman Brown began to go over each of the projects submitted by the Capital Improvement Committee. T. Franciosa asked about the requests submitted for the three bay garage for the Police Department. It was noted that the initial estimate was \$90,000 and a subsequent estimate done this year came in significantly higher, partly due to the need for a second floor. After discussion, Chairwoman Brown reminded the Board that the CIP committee gives the request to the Board of Selectmen for decision.

It was noted that the Circuit Rider Planners were present to discuss the proposed amendments to the Wetland's Ordinance. The Board tabled the discussion regarding the Capital Improvement Committee at this time. T. Tocci noted the Parks & Recreation Commission would be withdrawing its request for capital reserve funds at this time.

Wetland's Ordinance

The Board reviewed the proposed amendments provide by J. LaBranche page by page as identified items follows:

Page 1.

B. Mutrie questioned the word "mortality" in 8.2 and whether it referred to humans.

J. LaBranche verified it referred to human mortality.

Page 3.

B. Mutrie referring to 8.3 last paragraph "determined by on-site inspection" asked if it meant a visual inspection. J. LaBranche suggested changing the word inspection to evaluation, the Board agreed to this.

Page 4

Chairwoman Brown pointed a numbering inconsistency in 8.4.

Page 7

Change the word vegetative to vegetated on the heading of the last column.

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A lengthy discussion took place regarding poorly drained soils and very poorly drained soils, vernal pools. J. LaBranche will provide a diagram to show the different setbacks and buffers.

Page 8

8.5.5 third line down take space out between the o and i in the word soil.

Put parenthesis around the words “defined as a verb” and move to definitions section.

J. LaBranche will provide a clean copy of the text for public hearing. She noted that any plans that come in between the date it is noted for public hearing and voted on in Town Meeting in 2015 will follow these amendments.

MOTION: To bring to public hearing, on November 18, 2014, the proposed amendments to the Wetland’s Ordinance.

MOTION: A. TONRY

SECOND: M. KASPRZAK

UNANIMOUS

CAPITAL IMPROVEMENT COMMITTEE

The Board resumed discussion regarding the Capital Improvement Committee recommendations. Highway – M. Kasprzak noted that the Board of Selectmen, in its Budget Workshop earlier in the day, discussed moving some of the Highway funds requests as a budget item.

Library – It was noted that the Library should present a specific project with a particular need in the future.

School – G. Parish noted that the Piping Upgrade - Oil Tank should be in the 2015 column.

MOTION: To accept the Capital Improvement Committee report as amended and send it to the Board of Selectmen for its recommendation.

MOTION: G. PARISH

SECOND: A. TONRY

UNANIMOUS

F. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES – 9/23/14

MOTION: To approve the minutes of the September 23, 2014 meeting as written.

MOTION: M. KASPRZAK

SECOND: A. TONRY

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G. OTHER BUSINESS

Status of Recommendation – Pelton’s Way

The Board reviewed the 10/28/14 update received from the developer regarding the punch list for Pelton’s Way. T. Franciosa recommended that the Road Agent be asked to check that the punch list items have been completed by the developer before the security is released. The Board concurred with this.

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H. COMMUNICATIONS TO BOARD MEMBERS

The Board acknowledged receipt of the articles and were asked to place them in their binders. Chairwoman Brown noted she received an invitation from RPC to attend a Legislative Forum scheduled for Wednesday, November 12th from 6pm until 9pm at Unitil's offices on Liberty Lane to discuss New Hampshire State Energy Strategy and asked member to notify the Secretary if members would like to attend.

T. Franciosa announced that due to his intent to purchase a piece of Hampton Falls property for subdivision and development, his attorney advised him to resign from the Planning Board. A discussion took place and members asked him if it would be possible for him to take a leave of absence during that case and continue as member afterwards. T. Franciosa said he would ask his attorney.

I. ADJOURNMENT

MOTION: Motion to adjourn the meeting at 10:26 p.m.

MOTION: A. TONRY

SECOND: T. FRANCIOSA

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NEXT MEETING SCHEDULED TUESDAY, November 18, 2014 7:00 p.m.