PLANNING BOARD **7:00 PM**
OCTOBER 27, 2015 **TOWN HALL**

DRAFT

Call to Order: The meeting was called to order at 7:00 p.m.

Roll Call:
Present: Charlyn E. Brown, Chairwoman; Todd Santora, Vice-Chairman; Abigail Tonry, Greg Parish, Beverly Mutrie, Lisa Brown-Kucharski, Members; Maryann Kasprzak, Selectmen's Representative; Shawn Hanson, Alternate Member; Glenn Coppelman, Circuit Rider Planner; Mark Sikorski, Building Inspector; Susan Ayer, Secretary.

PUBLIC HEARING - ZONING AMENDMENT

Chairwoman C. Brown opened the Public Hearing and noted that handouts were available to the public outlining the proposed changes to the Zoning Ordinance. She read them out, as follows:

1) **Add** the following definition on Page 2 of the Zoning Ordinance, following "Agricultural Animals": ***"Agriculture" as defined by State RSA 21:34-a.***

2) **Add** the following definition on Page 2 of the Zoning Ordinance, following "Agriculture": ***"Agritourism" means attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation.***

3) **Add** the following to the Table of Uses on Page 14 of the Zoning Ordinance following (1) Agriculture (and re-number remaining items in Agricultural/Forestry category):

2. Agritourism	***P***	***P***	***P***	***P***	***See Definitions section for uses allowed under this category***

4) **Amend Article XI, 3.3.6.5 as follows:**

Replace "identified in Article III, 3.1.5" with ***as defined by NH State RSA 21:34-a.*** The amended section would read:
3.3.6.5 None of the foregoing shall apply with respect to any operation usual and normal to an Agricultural Use as ***defined by NH State RSA 21:34-a.***

5) **Amend** the Table of Uses on Page 14 of the Zoning Ordinance, (1) Agriculture, under Supplemental Regulations, to read:

"RSA 674:32-a, b, and c"

The Chairwoman explained that neither definition currently appears in the Town's Zoning Ordinance, and as the State is looking at the difference between agriculture and agritourism, the Board felt it was wise to address this issue for the Town as well.

PUBLIC COMMENT
C. Brown then asked if there were any questions from the public present. No comment was heard.
MOTION: To accept the amendments to the Zoning Ordinance as read.
MOTION: G. Parish
SECOND: L. Brown-Kucharski
UNANIMOUS

MOTION: To pass the amendments to the Zoning Ordinance on to the Board of Selectmen to place on the Warrant for 2016.
MOTION: B. Mutrie
SECOND: L. Brown- Kucharski
UNANIMOUS

FEE FOR CONDITIONAL USE APPLICATION
The Chairwoman then introduced the topic of establishing a fee for Conditional Use Permits for detached accessory dwelling units.
The Board has recommended setting the lowest fee the Town assesses for Planning Board applications, which is $50. This covers administrative costs associated with processing the application. Once established, this fee will appear in Appendix 2 of both the Site Plan and Subdivision Regulations.

PUBLIC COMMENT
There were no questions or comments from the public.
MOTION: To establish a fee of $50 for Conditional Use Permits to be added to Appendix 2 of both the Subdivision and Site Plan Regulations.
MOTION: G. Parish
SECOND: L. Brown-Kucharski
UNANIMOUS

The Public Hearing regarding changes to the Zoning Ordinance and Site Plan and Subdivision Regulations was then closed.

PRELIMINARY CONSULTATION – PRIVATE ROAD SUBDIVISION:
James Cotton, 23 Prescott Lane, Map 4, Lot 46-7
Private road subdivision creating 3 or fewer lots.

C. Brown introduced the case, saying that a preliminary consultation is an exchange of ideas between the applicant and the Board, non-binding on either side.
The applicant's representative, Charlie Zilch of S.E.C. and Associates, introduced himself. It was established that authorization had been received via e-mail for Mr. Zilch to represent the applicant, James Cotton.

Mr. Zilch said the property was part of a 12 lot subdivision at the very end of Prescott Lane. It is a 10.5 acre lot with 250 feet of road frontage. Currently it supports one single family dwelling; the owner would like to utilize a private road subdivision to create 3 lots, two buildable plus the one existing.

A private roadway would run alongside the property.

Mr. Zilch asked several questions of the Board. First, he wondered how to end his 50' right of way. He currently plans for a cul de sac, but it is tight within the lot lines. Access will be needed to all buildings for emergency vehicles.

The majority of the wetlands are on the last lot, and there was a discussion of how to fit a house into the building envelope there.

C. Brown noted that at the back of the last lot there are prime wetlands, and the applicant will need to follow guidelines in the Ordinance. These cannot be reduced, as they are set by the State.

Mr. Zilch said he was more concerned with the wetlands toward the front of the lot, causing problems with fitting the well and the building within the envelope available. He said he is trying to avoid the wetland areas. C. Brown advised him that if crossing wetlands, a special use permit will be required.

CRP Glenn Coppelman followed up on concerns he had identified after a preliminary meeting with the applicant. He said that the frontage for the last lot appears to be fine now, as the roadway has been moved up to the left of the lot line. However, it was noted that this makes the setbacks encroach even more on the third building envelope.

A.Tonry asked for clarification on several issues. In response, Mr. Zilch confirmed that this will be owned by 3 people, and that the roadway will be owned by all three. There are 7 feet of right of way on either side of an 18 foot roadway, all jointly owned. A. Tonry noted that the right of way is removed from lot size calculations.

There was discussion of how to correct the problem of a tail piece in the third lot, formed by the cul de sac.

The Board also said the neighbor's house should be shown on the plan, and that test pits will be needed before going through the process of approval.

Tonry noted that if the third lot gets smaller due to encroachments, potential buyers will need to be warned of its limitations.

C. Brown said the building envelope with septic, well and possible house locations should be shown.

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PUBLIC HEARING - CASE #15-10-01:

Application from Avesta Housing for Final Public Hearing for Site Plan Review and Wetlands Special Use Permit, for three structures with 24 single-bedroom units of elderly housing each, on-site well and sanitary sewer, on property located at Brown Road, Tax Map 5, Lot 57. Waivers requested.

C. Brown opened the public hearing and noted that a letter from the New Hampshire Housing Finance Authority, owner of the property, has been received authorizing Avesta Housing, Tuck Realty Corporation, Donahue, Tucker and Ciandella, Jones & Beach Engineering and any other subconsultants, to act on their behalf.

Mike Garrepy of Tuck Realty identified himself and the others in attendance to present the case. C. Brown said that she would like a general overview of the project, but also to concentrate on the traffic study while both Giles Ham, the traffic engineer who did the traffic study for Avesta, and Steve Pernaw, the Town's traffic engineer, were present.

Jonathan Ring of Jones & Beach took the floor and described the property as 3 buildings comprising 72 1-bedroom units total. He oriented it on a map, and then went through the plan sheets.

He noted State permits are listed on the cover sheet.

There are no direct wetland impacts, but a special use permit is requested for crossing wetlands with the driveway. James Gove has flagged all the wetlands and done soil mapping as well.

Highlights of the plans mentioned by Mr. Ring included:

- Water is to be drawn and put back on the same property; there should be an actual increase in water charged back into the ground.
- Trash and recycling containers will be kept inside the buildings; there will be no dumpsters outside.
- In front of each unit there will be handicapped parking spaces and also drop off zones for deliveries, buses, etc.
- The plan is "dark sky" compliant, and all possible is being done to minimize the impact of lighting.
- Waivers requested are listed on drawing #C4, Note 7. These include one allowing the plan sets to be prepared at 1" = 30', rather than the usual 1" = 20', in order to allow the central areas of the site to be shown on individual sheets, reducing match line clutter, and one reducing the left plan margin to 1.4" to allow staples and binding. The other three waivers address pavement thickness and pipe material (HDPE rather than reinforced concrete) to reflect a private drive rather than a public road.

MOTION: To accept jurisdiction of the plan as complete.
MOTION: A. Tonry
SECOND: B. Mutrie
UNANIMOUS

C. Brown then asked the applicants to address comments received from Circuit Rider Planner (CRP) Glenn Coppelman in his plan review memorandum. Items 1-10 on the memo were reviewed and discussed.

Deed restrictions limiting development of the parcel to what is shown on the plan will need to be in place for Board review.

M. Garrepy explained the phasing of the construction, but will send a plan of construction in writing.

Water usage of the project was discussed, and the impact on neighboring wells. J. Ring said that all units being one bedroom, the total flow anticipated is 900 gallons per day. All will be going back into the ground in the leach field, and added to what comes into the storm basins, he felt there would be a net positive amount of ground water. Architect Mike Lassel added that the water systems will be high performance, using about half the water of an older system.

Asked about irrigation, the applicants said that after initial plantings were established, very little water would be used.

It will be confirmed that all State permits have been received and are on file.

WAIVERS REQUESTED
Waivers requested were discussed.

MOTION: To grant a waiver from Section 6.2.2, setting the scale of the plan at 1 inch = 30 feet, to allow for central areas of the site to be shown clearly on individual sheets; Also to grant a waiver from Section 6.2.3 allowing for the left margin of the plans to be 1.4" to allow for staples and binding.
MOTION: M. Kasprzak
SECOND: B. Mutrie
UNANIMOUS

C. Brown then read from the memorandum of the CRP with regard to the last three waivers requested:
"(I) have concerns about c, d and e which deal with reduced road construction standards. If this road ever becomes a Town road (via citizen petition or other method) it would be in the best interest of Hampton Falls to have it meet Town road construction standards."
J. Ring answered that there is no subdivision possible with this property, that this will basically be a driveway. He said he will be happy to note the deed restrictions on the plan, with whatever wording is acceptable to the Planning Board's counsel.
After some discussion, it was agreed to defer taking action on waivers c, d and e, having to do with paving and piping of the entry drive, until they can be submitted to the reviewing engineer for comment.

TRAFFIC STUDY
Traffic Engineer F. Giles Ham of Vanasse & Associates gave a brief overview of the traffic analysis he conducted. He listed all manners in which counting and analyzing were done. Three intersections with Brown Road were studied, including those with Towle Farm Road and the north and south intersections with Exeter Road (Route 88). Counts were done in the mornings and in the evenings at peak traffic hours.
In addition, two senior housing facilities in Hampton were looked at to see how much traffic they generate.
In conclusion, Mr. Ham said that the project is expected to generate approximately 17 vehicle trips during the weekday morning peak hour, and 19 during the weekday evening peak hour. There was discussion during which Board members suggested this seems low; Mr. Ham said that given the average age of the residents and his counts at similar facilities in Hampton, he felt confident that his figures are accurate.

Steve Pernaw of Steven G. Pernaw & Company, Inc., introduced himself as the Town's traffic reviewing engineer, and addressed the Board.
He had met with G. Coppelman and G. Ham to discuss goals. All that the Town asked for was included. On October 22, he went through the study carefully and wrote up his own report, to put the information in layman's terms. Action items suggested by Mr. Pernaw included:

- Revision of site plan to show the sight distance triangles looking left and right from the proposed driveway approach to Brown Road, and the areas to be cleared of vegetation (and snow banks).

- Sight distance photographs documenting the current view looking left and right from the proposed driveway should be submitted to the Board.

- All signs, pavement markings, and luminaires should be included on the site plan.

Mr. Pernaw's findings concurred with those of Vanasse & Associates in almost all areas, including adequacy of pavement width, traffic projections, site generated traffic and lack of need for an auxiliary turn lane.
It was noted that a further item mentioned by Mr. Pernaw in his report, the need for a supplemental report that documents traffic generated by Applecrest Farms during peak weekends, has been received.
In that study, differences in traffic volume on an August weekend as compared to a September weekend were found to be 1,162 vs. 1,527 on a Saturday and 1,049 vs. 1,234 on a Sunday. This was broken down into peak hours as well.
This report was discussed at length.
Asked at what percentage of increase the Town should be concerned, S. Pernaw answered that he looks at the question of whether congestion causes a problem at a given intersection. In that case, changes such as traffic signals would be suggested. He said that the statistics on Brown Road are far below the criteria for needed changes.
The existing width of Brown Road, and its curves, which pose a problem when there is a stopped car or a bicyclist in the road were discussed. S. Pernaw did not see the need for widening the road or for a turning lane, however, said that warning signs could be posted to caution drivers about the curves or intersections, etc, but that would be up to the Town.
With regard to sight distance at the proposed development's driveway, G. Ham said that they are looking at a triangle going back 14.5 feet from the edge of the road, and 305 feet down the road.
Concern was expressed about old growth trees and stone walls; a plan will be prepared by the traffic engineer.
On the subject of crash data, L. Brown-Kucharski asked about getting data from the Town and not just the State Department of Transportation (DOT). G. Ham said that although he usually goes through the DOT alone, he is willing to request data from the Town as well.
There was a discussion of the lighting of the driveway and its intersection with Brown Road. C. Brown said that the applicants should look at the lighting to see how it can be reduced, but that the topic of lighting will be discussed later.

PUBLIC COMMENT
Abutter Dick Robinson of Brown Road, and also Town Road Agent, addressed Mr. Pernaw to ask why the deceleration lane originally planned was not included in this plan.
Mr. Pernaw said that he performed a right hand turn analysis which studied the volume of the through traffic and how many would be turning right into the driveway. He said that from his perspective a deceleration lane was not warranted, but that the Road Agent may have another perspective.
D. Robinson also asked about the width of the road, saying it is very narrow and there is already insufficient room for joggers and baby carriages, for example.
S. Pernaw said that he can't see how a deceleration lane would help, as it would only be 100 feet long. He added that at the highest hour, he expected 4 cars to turn into the driveway, and that an extra lane would not be well used.

Width of the road was touched upon, and the worry that widening the shoulders could have unwanted consequences such as a change in the road's rural character and higher speeds.
D. Robinson said that on this subject, as on the subject of accident reports, the Town should have been consulted.
Larry Smith of Old Stage Road addressed the Board and applicants. He said that in his opinion, it seems a positive to not have a deceleration lane, due to too much speed. If someone has to wait for a car to make the turn, that is not a disadvantage.
L. Smith also noted that he has seen lighting on other projects that has a minimal impact beyond the immediate area, due to down lighting and shields.
Mark Sikorski, Building Inspector, gave his opinion that due to the turnover of the residents and thus their visitors, as well as the age of the occupants, a turning lane might be helpful as a chance to get off the main road and find the driveway for the first time.
G. Parish asked who would own the new lane, and suggested that as the Town would own it, this would be another area for the Town to plow and maintain.
J. Ring said that he has built a lot of deceleration lanes, and in his experience, people do not always use them.
Shelly Brown Parish of Towle Farm Road asked why the study was done when school was not in session. C. Brown said that the studies needed to be done in time to present to the Board at this session. G. Ham noted that week days were included in the later study looking at Applecrest traffic, and that those counts were not radically different in September than October.
S. Brown Parish said that given her personal observations, she disagreed with the study and felt it should be looked at more closely.
John O'Brien of 33 Brown Road said that he felt the safety aspect of the project seemed to be pushed aside. As a neighbor of the proposed project, he asked for clarification of where the road would go, and how the sight distance clearing would be accomplished. He expressed concern about the clearing, and what would be left as a buffer between the new driveway and his property.
M. Garrepy said that the temporary cut is to be moved, and that the permanent cut in for the driveway is proposed to be 100 feet closer to Mr. O'Brien's property, about 300 feet away.
J. Ring explained that the sight distance of 305 feet has to do with seeing that far down the road when sitting in the driveway. Clearing will be done for reaction time and safety, but wooded areas between houses will remain.
J. O'Brien asked who would ensure that this will be done as the applicant says, and was told the Planning Board is here for that.
Lisa Brown-Kucharski asked about a possible second emergency exit. C. Brown said that this will be discussed at the time the Highway Safety Committee and Fire Chief meet. Their recommendations will come back to the Planning Board.
M. Garrepy asked if he or others working for the applicant would be able to attend the Highway Safety Committee meeting. C. Brown said it is not usual, but that it is a public meeting- just not open to the public to participate. M. Garrepy said that he respects the comments of the Road Agent, but that as a direct abutter he may consider not participating in these matters at the committee level. C. Brown said she would require the Fire Chief to be present, as a lot of their considerations are to do with the ability of emergency vehicles to access the property.
Two additional full plan sets were requested in order to have enough to distribute to department heads.

C. Brown at this point concluded discussion of the traffic studies.
For future reference, she informed the applicants that 25 Brown Road, given as the address for the project in the application forms, cannot be chosen as an address until the Building Inspector issues a permit.

SPECIAL USE PERMIT REQUEST
After reviewing the Special Use Permit request letter, it was decided that discussing the wetland issue before the application has been reviewed by the Conservation Committee would be premature.
C. Brown said that now that the plan has been deemed complete, it can be sent out to the reviewing engineer, department heads, RCCD and Conservation Committee for review. The Public Hearing will be left open, continued to the point where all is complete. She said that it is up to the public to pay attention, as the continued Public Hearing will not be re-noticed.

ADDITIONAL PUBLIC COMMENT
L. Smith asked for the opportunity to discuss items that he would like to see as conditions of approval:
1. A deed restriction on future development.
2. A deed restriction that prevents the Town from taking over the road in the future.
3. That horses should not be allowed on the proposed walking trails.
M. Garrepy said that the walking trails will be for pedestrians only, but that there are other areas on the property that have been used for horses, and he would like to keep them open for that purpose.
D. Robinson asked for more information on the use of plastic pipe in the driveway. It was clarified that these are small pipes, not going all the way under the road but for drainage in the existing drainage area. D. Robinson mentioned the flooding across Brown Road and how it would be affected.
M. Garrepy said he would like to get D. Robinson out to the property for a site walk, along with a representative of Jones & Beach.
It was decided to meet at the property on November 14 at 10:00 AM for this purpose. J. O'Brien offered the use of his driveway. The Secretary will follow up with him on this.
J. O'Brien asked about the pump house, and was directed to sheet C4 on the plan set. He was told there should be no noise, and that everything is inside.
Electrical service will be from a pole at the road, then underground from there.
T. Santora asked if Mr. O'Brien should be concerned about the new property affecting his well. M. Garrepy said that wells are strictly regulated to a 150' radius. J. Ring said that when the State reviews the plan, it will look at that; the well is roughly 265 feet away. M. Lassel said that the wells are to be low draw wells, continually topped off and overflow water stored in a 5,000 gallon tank underground, to lower the impact on the water source. J. Ring said that yield will not be known until the well is drilled, which is anticipated to happen in a few weeks.

MOTION: To send the plans out to Department Heads, the Conservation Commission, RCCD, and Town Engineer (Millette, Sprague & Colwell (MSC) for this case).
MOTION: T. Santora
SECOND: M. Kasprzak
UNANIMOUS

Information sent to above for review and recommendations will include the last three requests for waivers.

MOTION: To continue this application until the next meeting, on November 17 at 7:00 PM.
MOTION: B. Mutrie
SECOND: T. Santora
UNANIMOUS

REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES September 22, 2015
MOTION: To approve the minutes of the September 22 meeting as written.
MOTION: A. Tonry
SECOND: G. Parish
6 IN FAVOR, ONE ABSTENTION, PASSES

OTHER BUSINESS
RECOMMENDATIONS: 2016 – 2021 CAPITAL IMPROVEMENT PLAN
The report of the Capital Improvement Committee was reviewed.
MOTION: Motion to accept the report of the CIP as presented.
MOTION: L. Brown-Kucharski
SECOND: G. Parish
UNANIMOUS

MOTION: To forward the recommendations of the CIP on to the Board of Selectmen for their consideration for the 2016 Warrant.
MOTION: B. Mutrie
SECOND: T. Santora
UNANIMOUS

COMMUNICATIONS TO BOARD MEMBERS
C. Brown advised the Board that communication has been received from the Seabrook Planning Board, informing of a proposal for a 160' high personal wireless facility at the Seabrook Fire Station on Centennial Road in Seabrook.
A letter has also been received from the NH DOT giving notice that it will be beginning rehabilitation of Route 1 from New Zealand Road in Seabrook to beyond the on and off ramps with Route 101. These upgrades may include work on the bridge over the Hampton Falls River in Hampton Falls. The scope of the work has not been set. C. Brown said the Town will be looking at the environmental impacts and notifying the State of any concerns.

The Chairman told the Board members that recent issues of "Supply Lines with the Source" and "Great Bay Matters" will be available to borrow from the Secretary. They explore the subjects of drinking water and water treatment decisions, and coastal birds in rehabilitation in response to rising tides.

A copy of a NH Town and City article, "Understanding Conditional Use Permits" has been copied to the members to add to their notebooks.

ADJOURNMENT
MOTION: Motion to adjourn the meeting at 10:50 PM.
MOTION: A. Tonry
SECOND: B. Mutrie
UNANIMOUS

NEXT MEETING SCHEDULED TUESDAY, November 17, 2015 7:00 p.m.