

**Call to order:** 7:00 pm

**Present:** Charlyn Brown, Chairwoman; Todd Santora, Vice President; Abigail Tonry, Lisa Brown-Kucharski, Beverly Mutrie, Members; MaryAnn Kasprzak, Selectmen's Representative; Shawn Hanson, Alternate; Glenn Coppelman, Circuit Rider Planner; Mark Sikorski, Building Inspector; Susan Ayer, Secretary

**Absent:** Greg Parish

The Chairwoman appointed Alternate Shawn Hanson as a voting member for this meeting, to fill Greg Parish's vacant seat.

**PUBLIC HEARING- CONTINUED - 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 began by saying that the plans had been forwarded to the Department Heads, the Rockingham County Conservation District (RCCD) and the Town's reviewing engineers, Millette, Sprague and Colwell (MSC). However, given the shortened time between meetings due to the upcoming holiday, it is too soon to have received all reports, so what would normally be accomplished at this meeting will not be possible until a later meeting.

In the meantime, the Chairman said that a site walk held on Saturday, November 14, attended by some members and Avesta representatives, has generated some topics of discussion.

Mike Garrepy of Tuck Realty said that he would like to go through questions that came up during the site walk. He said it was a productive event, and he would be happy to do another walk if anyone else would like to go.

**QUESTIONS OF THE BOARD**

L. Brown- Kucharski asked if the Secretary had received any correspondence from the property's abutter, John O'Brien, who had had several questions during the site walk. Nothing had been received in writing. L. Brown Kucharski said that Mr. O'Brien had questions about the well. First, he asked if the setbacks for the well could be re-measured to be sure they are the required 100 feet. Mr. O'Brien also wanted to know if there was any guarantee that his well would not go dry due to the amount of water to be drawn at the new buildings, and if there was a way to make a provision to supply him with water should this happen.

M. Garrepy said that on the site plan, the pump house is 250 feet away from the O'Brien house, but that this will be verified on the ground, not only on the plans. He said that the plan will go through intensive review by the State's water services department.

L. Brown-Kucharski asked if M. Garrepy would be willing to say Avesta will take care of problems that arise from the drilling or use of the new well, such as providing water to an abutter whose well fails as a result. M. Garrepy said he would look into it, saying he was not sure if tapping into a neighboring well would be allowed. He also reiterated that the State permitting process is rigorous, gave a brief overview of the steps, and said he expected no problem with neighboring wells.

C. Brown asked if this overview of the State's process to approve well permits could be put in writing for the Board, so that the Board could have that information for abutters.

Jonathan Ring said that Jones & Beach will submit this information to the Board.

There was a discussion of the tests that will be performed after the well is drilled, including running water continuously for 48 hours to test volume, and also testing for water quality. The yield from the well will determine the size of holding tank needed. More insight will be available at the next meeting.

A. Tonry said that it would be helpful to know the depth and capacity of the neighbor's well before drilling begins, so it could be determined whether or not drilling and volume testing of the new well affects it.

B. Mutrie said that the neighbor was also concerned about noise.

Discussion continued on the design, visibility and noise of the pump house; it will be at most 20 feet high, according to J. Ring (measuring to the roof pitch), and meets setbacks; details are not drawn up yet, but landscaping can be addressed after the design is completed. Another concern of Mr. O'Brien was that the setbacks and landscaping may not be sufficient to hide the pump house.

S. Hanson asked about the kind of equipment that will be needed in the pump house, and J. Ring said that the type of filtration system needed is contingent upon what is found during water sample testing. All equipment should be housed inside the pump house.

Addressing the question of noise, M. Garrepy suggested that a similar one nearby, such as at the Vineyards in Stratham, could be viewed for an idea of what to expect.

With no further questions heard from the Board, C. Brown opened the (continuing) Public Hearing to the public.

### **QUESTIONS OF THE PUBLIC**

Dick Robinson of 20 Brown Road speaking as an abutter and Road Agent, addressed the applicants with questions regarding drainage.

Mr. Robinson said that he is worried about drainage from his property down to the Taylor River, already causing flooding over Brown Road during rain storms, will be worsened. He expressed his concern that there should be a plan for where the drainage will go, with something in writing for whoever needs to maintain it. He said that he thought there should be something on the Site Plan to fix the drainage problem, and that he had been under the impression that catch basins and pipe would be included.

J. Ring said that FEMA maps show that this is a 100 year flood zone, and will flood when those storms come. He said he would ensure that the Town can access the problem areas if they need to.

D. Robinson asked if Avesta would take care of the drainage problems.

C. Brown said that, as the problem was already in existence, and not a result of the new construction, it is not fair to put the problem onto the applicant. An easement can be granted to allow the Town on the property to do work on drainage issues, and address future problems with flooding on Brown Road.

D. Robinson said he felt an added burden was being given to the Town. M. Garrepy said that Avesta will be happy to look at the drainage underground, to understand the problem and do what they can, but said this was not something that was promised to the Town.

C. Brown clarified for the benefit of the public, that there is the understanding that any water on the this property must stay on the property, but that this discussion is about water coming on to

the this property from across the road, and this is a pre-existing problem and the Town's responsibility.

J. Ring said he will find out what he can about drainage design, but that drainage will be handled onsite, and there will be no increase in water due to the new buildings.

Tim Samway of Old Stage Road asked if there will be a backup generator at the pump house, to be sure residents would still have water if the power went out.

J. Ring answered that he was not sure, but would get the answer for the December meeting.

C. Brown asked about backup generators for electricity and it was verified that there will be backup generators in the buildings themselves. She said that it seems necessary to ensure water will be pumped as well.

Mr. Samway asked if the Planning Board could require this.

Building Inspector Mark Sikorski said that it would be prudent to have continuing electrical operation for the heat plant and water system, and for the sprinkler systems. He will check into the State regulations on the topic.

B. Mutrie said that during the site walk, she and L. Brown-Kucharski noticed an old stone wall in the uplands, and wondered if the stones could be saved for use as part of the landscaping. M. Garrepy took note and said the stones would need to be relocated, but felt they could be used to build a wall on the property.

B. Mutrie asked if it would be possible to have the farm road on the property cleared for a walking trail.

Jim Gove, of Gove Environmental, said he has hiked through there, and that it is basically at sea level with no fill, and that there is vegetation over and around it that could be cut back. In his opinion, it would be walkable except perhaps in early Spring with minimal amount of clearing.

B. Mutrie said that a loop might be made through the area to some extent, if the owners would allow the general public to walk there.

L. Brown-Kucharski asked about the amount of land that would be in the easement, and was told it goes almost to the right of way on Route 95.

M. Garrepy said that the Taylor River horse farm on Swain Drive will also have an easement that includes trails for horses; the New Hampshire Housing Authority already has a relationship with the horse farm owners, and they have permission to use the land abutting their property. It was agreed this would be a nice amenity for residents of the housing development, to be able to get out and see the horses, but that walking and horse riding trails will be kept separate.

T. Samway asked what the final resolution on the subject of the proposed deceleration lane was.

C. Brown said that this is not yet decided, as the Board is awaiting the Safety Committee report. All reports will be discussed at the same time, hopefully at the December meeting, but the intent is to keep the Public Hearing open until the application process is concluded, so discussion can take place on any part of the application.

Jay Lord, Fire Chief, asked what height the access road will be over the flood plain area. He said he is concerned because Federal Emergency Management Agency (FEMA) and storm surge maps show that the property could be impacted by a Category 2 hurricane to the extent that his Department might need to be able to evacuate residents.

J. Ring said that the access road will be about 10 feet above the flood plain.

Shelly Brown Parish of Towle Farm Road related problems she had when minor blasting was done during construction at a property neighboring hers. She said she lost her well within a half

hour of the blasting, and had to dig 600 feet for a new well, at her own expense. She said she assumed abutters would see a change in their well during the 48 hour flow test, if it is going to happen, and hopes it does not.

B. Mutrie asked when the well work would begin, and M. Garrepy said it could be this Thursday or Friday. He said he would be happy to notify the O'Briens when the test is going to be done. Paul Fitzgerald of Toppan Lane asked if all three buildings would be built at one time, or as needed. M. Garrepy answered that they will be built as needed, but never more than one building per year. P. Fitzgerald then asked for clarification about the 48 hour well test; J. Ring said that as much water as possible will be continuously pumped over a 48 hour period, and that it is not expected this would run the well dry. If the water supply is not sufficient, a second well may need to be dug.

C. Brown said that while no action will be taken on the Special Use Permit requested until the RCCD report is received, Jim Gove of Gove Environmental Services could be heard at this time with regard to wetland buffers on the site.

Mr. Gove addressed the Board and using maps and photographs, pointed out the vernal pools, wetlands and wetland buffers on the property. The Special Use Permit is requested for the 360 foot access road, which Mr. Gove said has no wetland impact, only buffer impact. Discussion took place about procedures for flagging the different areas, and vegetation in wet vs. upland areas.

Any changes to the access road remain subject to design review comments.

C. Brown asked Fire Chief Jay Lord if the applicant should be planning to look into another exit from the property for the use of emergency vehicles, and if so, where he would suggest it should go.

J. Lord answered that it is not required, and that he cannot see a place to put a second entrance without crossing wetlands or going over a cliff. He said they will have to live with one entrance, and that was why he had questioned the elevation. He asked if the road will be built to hold a 2,500 gallon fire truck, and was assured it would. Discussion continued on the need for turnaround room for a ladder truck, and on the sprinkler systems in the buildings.

G. Coppelman asked about the waivers requested for the roadway, and if they included a waiver for road width. It was determined that waivers were requested for pavement depth but not for road width; M. Garrepy suggested that the applicant will work with G. Coppelman to determine if a waiver for road width is needed or not, and apply for one if necessary.

Discussion took place, reviewing the waiver requests and what the Zoning Ordinance requires. The Board looked at Zoning Article III, Section 7.5.5 in the Private Road Subdivision Ordinance and determined that a waiver should be submitted for the 22 feet proposed. G. Coppelman said he felt it was not an unreasonable request; J. Ring noted that the intent is to reduce the amount of impermeable surface.

M. Garrepy asked if J. Gove should come back before the Board after the RCCD reviews the Special Use Permit request. C. Brown said that all reports should be received by the agenda close date for the December meeting, and that she will have the Secretary notify M. Garrepy if there is anything problematic in the RCCD report.

Applicant representatives will attend the Hampton Falls Conservation Commission meeting on Thursday.

M. Sikorski noted that a building permit is necessary for drilling a well. He added that an address number should be assigned soon, so that work on the property can be tracked going forward.

C. Brown said that she wanted to wait to hear from the reviewing engineer to be sure everything on the Site Plan will be staying in place and that the entrance road will be as shown. For now, work will be referenced with the map and lot numbers.

Paul Fitzgerald asked for more information about the elevation of the access drive. J. Ring gave elevation numbers for Brown Road, the buildings, and the lowest point in the road (elevation 23) as opposed to the lowest point of Brown Road (elevation 14). He said that there are several ups and downs.

A. Tonry pointed out a correction to the map, the spelling of Interstate 95.

### **ACTION ON APPLICATION:**

**MOTION:** To continue the Public Hearing on Case #15-10-01 until the next meeting, December 15, 2015.

**MOTION:** M. Kasprzak

**SECOND:** A. Tonry

**UNANIMOUS**

T. Santora brought up a point of discussion, regarding whether Dick Robinson is speaking as an abutter or the Road Agent when he addresses the Board during Public Comment, and if it should be specified in the minutes so that lines are not blurred.

It was agreed that the Board could make this determination for themselves, and that the Road Agent comments in an advisory capacity only.

### **MINUTES OF PRIOR MEETING: October 27, 2015**

**MOTION:** To accept the minutes of October 27, 2015 as amended (remove repeated paragraph on page 3).

**MOTION:** S. Hanson

**SECOND:** M. Kasprzak

**UNANIMOUS**

### **OTHER BUSINESS**

#### **CERTIFICATES OF ADOPTION – SITE PLAN AND SUBDIVISION FEE SCHEDULE – ADDITION OF CONDITIONAL USE APPLICATION FEE**

Certificates of Adoption for the addition of a \$50 Conditional Use Application Fee to Appendix 2 in both Subdivision and Site Plan Review Regulations were circulated for Board signatures.

**MOTION:** To adjourn, at 8:52 PM.

**MOTION:** A. Tonry

**SECOND:** L. Brown-Kucharski

**UNANIMOUS**

