

Call to order: 7:00 pm

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

Absent: Abigail Tonry

In the absence of member A. Tonry, the Chairwoman named S. Hanson a voting member for the evening's meeting.

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.

ALTERATION OF TERRAIN PERMIT APPLICATION

C. Brown informed the Board that Jones & Beach has submitted an Alteration of Terrain Permit application to the New Hampshire Department of Environmental Services (NHDES). All materials included in that application have been copied to the Town.

Introducing the topic of wetlands, C. Brown cited the trail of e-mails dated January 13 between Christopher Albert of Jones & Beach, Eben Lewis of NHDES, and Brendan Quigley of Gove Environmental Services.

C. Brown said that the e-mails essentially show that the State was made aware of temporary environmental impacts due to gaining access for well drilling, which required crossing wetlands. Timber mats placed to mitigate impact had been removed and the wetland edge was restored by replacing the temporary gravel with stump grindings. Wetland seed mix is to be placed in the spring.

C. Brown said that one condition of approval will be that the seeding of the restoration areas will take place in the spring.

ROCKINGHAM COUNTY CONSERVATION DISTRICT (RCCD) REVIEW

The Chairwoman then directed the Board to look at RCCD reviews of December 21 and the response from Jones & Beach on January 21; she referred also to a second review of the project by the RCCD received on January 25. As this was received too late for inclusion in the Board packets, copies had been placed on the tables and C. Brown asked the Board to take time to read through it.

Taking all three documents together, C. Brown said that the newest report by the RCCD identifies items not already addressed by the project engineers, and began a point-by-point discussion of those items, identified in the original RCCD review dated December 21 and again as unresolved in the review of January 25:

3.) *Wastewater disposal system not yet complete.* Jonathan Ring of Jones & Beach said they have acknowledged this and will be sending plans for the wastewater disposal system to the RCCD for review within 2 weeks.

4.) *At issue is the correct reference for the Hydrologic Soil Group.* Jim Gove of Gove Environmental Services handed out copies of e-mail correspondence between himself and Ridge Mauck of the DES Alteration of Terrain Bureau. Their correspondence covered the fact that the Hydrologic group had changed, but while these are continuously updated on the Web Soil Survey website, the published documents have not yet been updated. Mr. Gove was advised to use the published information during the time of transition.

Michael Cuomo of the RCCD said this was enough to satisfy the issue.

9.) *A small area of wetland fill placed by the applicant for access to the well site has been removed, and a letter needs to be provided to the NHDES affirming that the site has been satisfactorily restored.* As discussed above, seeding of the area cannot take place until spring, and until that time, Mr. Gove said it cannot be stated that the area is restored. That a letter will be provided to the NHDES stating the issue has been resolved will be added as a condition of approval along with the note about seeding.

10.) *In the RCCD's opinion, the wetland buffer impact of 1.69 acres is unjustifiably large.*

J. Ring said that this has been an area of discussion during the entire process, and that while 1.69 acres seems a large area, the site was wet to begin with. He said this discussion is getting into areas of the design that might be changed.

11.) *In the opinion of the RCCD, the absolute minimum of undisturbed buffers around vernal pools is 100 feet and should not be reduced. The applicant proposes 260 square feet of vernal pool buffer impact.*

Mike Garrepy said that there is a revised buffering impact plan; new maps were distributed to the Board.

There was a discussion of changes made on the map distributed tonight from the map of January 19, including moving the roadway and pulling the drainage pipe closer to the access drive so that it is out of the vernal pool buffer. He said this pipe does not appear on the latest map, as it is no longer there.

Mr. Cuomo said he is satisfied with the revised vernal pool buffer impact.

Hashed areas on the two maps were discussed, showing areas within the buffer that are poorly drained soils. One of these areas came down through the corner of Building 1, but in the newest map has been pulled away.

J. Gove said that he had met with S. Hanson, Conservation Commission Chairman, and they went through the buffer setback in great detail, because the buffer had been misread and therefore over-calculated. He referred the Board to the e-mail written by Eben Lewis on December 22.

L. Brown-Kucharski asked to have the record reflect the difficulty of discussing items she did not receive in her packet, or that are hard to locate due to the amount of paperwork.

Mr. Gove went on to explain that it turns out there are poorly drained soils in places added by the district. If poorly drained soils go beyond the buffer area, they only increase the buffer if in fact that area extends beyond the buffer.

The new map, according to Mr. Gove, shows the accurate buffers. When these new buffer areas are taken into account, the buffer impact is reduced to 1.23 acres.

COMMENTS OF RCCD SCIENTIST

QUESTIONS OF THE BOARD

Mr. Cuomo said that the buffer impact decision is up to the Planning Board, but that from his perspective as a Wetland Scientist, he feels that there is still a large buffer impact. He said that in

his opinion, unjustifiably large buffer impacts usually mean that the project is not designed well for the site, or that the site is unsuitable for the project. He said that the recently changed wetland buffers are causing confusion, but he still feels the buffer impact is too large for this project. Board members questioned Mr. Cuomo about the average buffer impact, whether building size or number reduction would affect his opinion, and how the Hampton Falls setback of 100 feet for vernal pools compares to rules in other communities.

It was noted that this is a larger project than usual for the area, and that the site is difficult from a design standpoint because the wetlands are scattered throughout the site rather than concentrated in one area.

Mr. Cuomo said that the less buffer impact the better he feels about a project. He said that he would be more comfortable with an impact area of an acre or less for this project. He explained that his purpose in trying to minimize impact is to allow for habitat for native species; that affecting the natural wetlands and shading, and the ability for various species to travel back and forth to uplands affects the natural chain of life in the wetland. He said that whether changing to pavement or grass, any change reduces the natural function of the wetland.

With regard to the vernal pool buffer area of 100 feet, he said that is good compared with other local towns. Many towns do not even have a vernal pool setback requirement.

COMMENTS OF APPLICANT QUESTIONS OF THE BOARD

J. Gove said that he agrees on general terms with M. Cuomo, but that the buffers being addressed are not what he considers the most important. These areas were altered in the past for use as agricultural fields and already have a relatively reduced functionality as wetland buffers. He said that he would ask Mr. Cuomo and the Board to consider the wetland resource that is being impacted.

M. Garrepy said that it is important to note that there is no direct wetland impact on this site, and that is due to careful planning. He said that a lot of open space is planned, as well as permanent protection measures on the rest of the property to mitigate impact. He said there is a storm water impact plan included in the project.

M. Garrepy also said that the access road is the major part of the project affecting the buffers. G. Parish said that he disagrees with this, and cited the remote parking area as having the largest impact. J. Ring noted that the parking area mentioned by G. Parish has been relocated as a mitigating measure. J. Gove said that Kim Tuttle of the Natural Heritage Bureau had no further objections.

There was further discussion of the prior use of the site. It has not been farmed in a long time, but had been maintained in an open field state more recently.

HAMPTON FALLS CONSERVATION COMMISSION COMMENTS

S. Hanson was asked for the opinion of the Conservation Commission. He said that he had had conversations with Nancy Roka, whose concerns were similar to that of M. Cuomo. She had no opinion on how much is too much impact on the buffer, but that it is there for a reason, to protect the wetlands.

L. Brown-Kucharski asked how the impact could be reduced for the project. M. Garrepy said that if they were allowed to reduce the parking to what they need, it would greatly reduce the buffer impact.

G. Coppelman noted that much of the parking is not in the wetland buffer. It was determined that the portion of the 1.23 acres of buffer impact caused by future parking lot would be about 1/10 of an acre.

J. Ring said that if the Board asked them to get the impact to under one acre, they would work very hard to get there.

M. Cuomo said this would be more reasonable, and agreed that there is no direct wetland impact, but that the function of the buffers is to protect them.

He also agreed with Mr. Gove that that the fields have a reduced functionality as wetland buffers due to past use. He said that mowing has a large effect on a buffer area, as reforestation is prevented, and added that overgrown areas provide habitat for species that do not appear in other areas. However, he said that he would be favorably impressed if the impact could be reduced to an acre or less.

J. Ring agreed to work on this.

DEPARTMENT REVIEWS

FIRE DEPARTMENT

Fire Chief Jay Lord was present to present the written review of the Site Plan proposal by the Fire Department and Highway Safety Committee. Following the items listed as areas of concern, the applicants addressed several issues.

They had no objection to the first item, allowing the Fire Department the opportunity to review and approve sprinkler plans/standpipes, alarm plans and NFPA – LSC 101 issues prior to the issuance of each building permit.

The second item, transformers/propane tank protection was briefly discussed, and it was agreed to see what barrier would work and look the best, whether a bollard or a boulder, to protect electric transformers and propane tanks from damage in the event that a vehicle is driven over the curb.

With regard to a third concern, signs to indicate “No Parking” in front of a fire cistern, it was confirmed by M. Garrepy that the cistern had been eliminated from the plan, as there will be two fire sprinkler tanks instead.

HIGHWAY SAFETY COMMITTEE

The Highway Safety Committee had commented in favor of a deceleration lane coming into the entrance drive from the direction of State Route 88.

There was a lengthy discussion of the pros and cons of a deceleration lane and whether it was warranted by the amount and speed of the traffic on Brown Road. Road Agent Dick Robinson was asked if Brown Road is wide enough to add a turning lane, and he said it is not. Trees would need to be taken down and a lane built.

C. Brown asked what the sight distance between the drive entrance and the first row of trees along the road is, and J. Ring said it is about 20 feet. He said if all 4 trees there were removed, a 50-foot by 10-foot wide lane could be built. He added that as has been discussed, if there is no lane it forces people to slow down instead, and added that often people don’t use a deceleration lane even when it is there. However, he said he could add the lane if asked.

A Scenic Road Permit would be required if a deceleration lane is to be built.

G. Coppelman asked about the width of the entrance, and if it could be widened to up to 35 feet without having to take down trees. J. Ring said that this could be accomplished, that sight distance will be made sufficient by clearing limbs up to 6 feet. It was agreed this may be a way to allow for easier turn-off, and will be considered.

QUESTIONS OF THE BOARD

G. Parish asked J. Lord if there will be enough space for a fire truck to turn around if the parking is phased as planned, and J. Lord said there would be. G. Parish then expressed concern about there being only one entrance/egress to the property. J. Lord said he has given the issue a lot of thought, but sees no way to add another access road; there will just have to be contingency plans in place, as with other similar developments.

Asked about demands on emergency services, J. Lord answered that he is also concerned about the long term effects of this and other things that are taking place in the town, and will have to see the impact and make adjustments. He said that he estimates the housing complex will add about 100 calls per year to his department, or 1/3 again what the total is presently, so there may need to be an increase in personnel.

The Fire Chief added that as the residents will be older and lower-income, Medicare or Medicaid will reimburse the cost of ambulance runs, which offsets some of the impact to taxpayers.

It was affirmed by the Fire Chief that the Department has enough hose to reach the buildings from the road (1400 feet).

REQUEST FOR SPECIAL USE PERMIT

C. Brown directed attention to the updated Special Use Permit Request Letter dated January 19, and to the Plan Review Memorandum from Glenn Coppelman, the Town's Consultant Circuit Rider Planner from the Rockingham Planning Commission.

G. Coppelman had stated in his item #9 that the request seems reasonable, however he took issue with item D in the revised request letter, which included the line, "Economic advantage does not result from this proposed construction". G. Coppelman said that economic advantage does result from this project, although it is not economic advantage alone. M. Garrepy said that they meant to point out that the project has been designed for the least impact on the land, which is not economically helpful.

It was agreed that of course there will be economic advantage to the applicant resulting from the construction, but that economic advantage alone is not the reason for the proposed construction.

At the February meeting, the Board will vote on the Special Use Request. G. Coppelman said that the purpose of reviewing this tonight is to get a feel for whether there are any real obstacles to issuing a Special Use Permit; if there were, the applicant could not go forward. C. Brown added that in most applications this review would have come sooner in the process, but due to the size of the project, the Board needed to wait for feedback from the departments and other agencies.

C. Brown then went through the revised request letter line by line:

A. 8.6.1.1 – *The proposed construction is essential to the productive use of land not outside the wetlands, setbacks or buffers.*

J. Ring said that the Wetland Buffer impact stated as 1.69 acres in the response to this item will be reduced, and that this response will be reworded.

The Board agreed that the response to item A would be satisfactory with the changes being proposed.

B. 8.6.1.2 – Design and construction methods will be such as to minimize detrimental impact upon the wetlands and will include restoration of the site as nearly as possible to its original grade and condition.

After a brief discussion of the response, which states ways that the layout has been designed to include no direct wetland impact and to minimize the wetland buffer impact, the Board agreed it is a reasonable response.

A decision will be made before the next meeting about the use of storm water retention systems, possibly to catch water from the roofs for added infiltration to the ground.

C. 8.6.1.3 – No alternative route which does not cross a wetland, setback or buffer or has less detrimental impact on the wetland is feasible.

The response from Jones & Beach states that there is only one logical access point off Brown Road for this project. It also notes that the remote parking field has been relocated to minimize wetland buffer impacts. More information will be added to this response once the reductions are known. Once that is done, the Board agreed that this is a satisfactory response.

D. 8.6.1.4 – Economic advantage alone is not the reason for the proposed construction.

As noted above, this response will be reworded before the next submission of the request.

During discussion, it was identified that the Board is comfortable with the responses to B and C, but still have some issues with A and will want to see the rewording of D.

C. Brown noted that S. Hanson will need to be a voting member at the next meeting, as he was present for discussion tonight and A. Tonry was not.

PLAN REVIEW MEMORANDUM – CIRCUIT RIDER PLANNER

The Board reviewed the memorandum of G.Coppelman in detail.

Discussion took place on the following items:

#5—...*the Board should have a schedule of “phases” from the Applicant since this project will not be constructed all at once.*

J. Ring pointed to the phasing notes on sheet OV1 of the plan. G. Coppelman said that the notes give each phase in relation to the other phases, but do not give actual timing. He said that actual dates are not necessary, but the Board should have some idea about the time frame involved before the final decision is made.

The ZBA approval was subject to the construction phases being a minimum of 1 year apart. Shreya Shah of Avesta spoke about the financing process and said that will necessitate time between phases of at least a year.

M. Garrepy said that there would be a benefit to sitting down with G. Coppelman before the next meeting in order to talk about this and form timing projections.

S. Shah said that financing is all in place for the first phase. Once that building is in place and need for another is present, financing will be applied for.

G. Parish asked about the possibility of funding not being approved, and M. Garrepy said that once the project becomes vested, it will be built however works best; if there is a delay in funding, they would not have to meet a timeline.

G. Parish asked what the trigger is for knowing the demand for a second and third building. S. Shah said that statistics show a large demand for senior housing, and that Avesta usually has a long waiting list for apartments.

S. Shah added that building permits will need to be acquired for each phase, and also that there will be a preconstruction meeting with the Town to address any concerns before finalizing the project with the contractor.

8. *The Board should have the Applicant address the water usage by the project with respect to effect on groundwater and the potential impact on surrounding wells (results of pump test should be reviewed when available, including any impact on nearby wells, and whether or not any change in location of well and pump house are needed).*

The pump test has not been done yet, only the preliminary testing. The applicants expect the test to be done within 3 to 4 weeks, and abutters and/or those within a certain radius of the well will be notified. Any issues that arise from the testing should be reported right away. If requested, neighboring wells can be monitored at the same time of the test on the Avesta well.

REQUEST FOR WAIVERS

Item #10 on the Circuit Rider Planner's memorandum dealt with the request for waivers.

Discussion took place on the following points:

10(c). Site Plan Regulations Section 8.4.5.2 – Requesting relief from Minimum 5% Landscape Parking Areas based on the presumption that the remote parking area will never be built.

C. Brown said that she feels the same about this as about the parking being required to be shown on the plans; there has to be a plan in place in case it is necessary. M. Garrepy said that the idea was to reduce the size of the parking fields and landscaping.

There was a lengthy discussion of the parking issue as well as the requested relief from having to provide sidewalks to the remote parking area, item 10(d).

The Board agreed that they do not feel the need for sidewalks. Walking trails to provide more direct access to the remote parking area were discussed, given that it is shown as 500' from the building, and J. Ring made the point that if remote parking is utilized, it will usually be because a resident has a second car.

The trigger for additional parking will be a parking analysis study after 100% occupancy of Building 1 is reached, which is included in the phasing notes on OV1. S. Shah said they may not want to wait for 100% occupancy, but that essentially, the analysis will be coming back to the Planning Board. If residents are parking on the access road because there is not enough parking, that will be a code enforcement issue that would force the additional parking lot.

The parking area will be on the plan, and be built as needs demand.

Visitor parking was discussed.

T. Santora said that the decision to designate or label parking would be a business decision of the applicant. G. Parish said he felt the questions were fair since the applicant is requesting a much lower number of spaces than required.

10(g) and(h) - ...(relief from pavement requirements) – Not an issue if this never becomes a Town road, but I have my doubts as to whether this can be guaranteed.

The Board discussed G. Coppelman's concern that while it is highly unlikely to happen, it is possible for the access drive to be changed to a Town road by Citizen's Warrant Petition.

J. Ring said that on Note 1 on sheet C4, he has added, "Access drive shall not be submitted for approval as a Town road.

Discussion continued on the requested waivers for pavement thicknesses. J. Ring said the thicker pavement is not necessary for the amount of traffic the road will see. Road Agent Dick Robinson said that the problem is the clay base, which doesn't perk. When frost gets in, it will cause damage and the road will need to be redone.

B. Mutrie noted that repair of the access road will not be the Town's responsibility.

10(i) - The Road Agent was asked to comment on the request for relief from the Requirement for Reinforced Concrete Pipe to HDPE pipe.

D. Robinson said that the HDPE is perfectly acceptable, and in some cases better.

RESPONSE TO ENGINEERING REVIEW, SECOND ROUND

The applicant's response to the January 19 second review by MSC Engineers will be brought forward at the February meeting.

Noting that several points have been addressed, C. Brown said that areas of disagreement still remaining will need to be taken up.

C. Brown asked the applicant to submit a design for the sign by the entrance, including the proposed illumination. J. Ring said they will be working with the landscape architect on this.

J. Ring asked which of the Plan sheets will be recorded, noting that most of the notes are on C4.

C. Brown said she would like the site notes moved to C5. Then the sheets to be recorded would include the cover sheet, OV1 and C5 with notes.

Referring to Item #10 on the MSC review, J. Ring inquired whether it would be acceptable not to cover the entire plan as 30 scale Existing Features Plans. He said that they only currently show the parts of the site that are to be developed at 30 scale.

The Board agreed that this is fine.

The walking trail will be optional. Horse trails will be legally planned as an easement to Taylor River Farm. This is for a field they are currently using, and will be an easement for the people living there now, it will not go with the land in a future sale.

Deed restriction language will be drafted for approval of the Board.

Item #14, dealing with vernal pool setbacks, will be a non-issue as the setbacks will now be 50 feet. C. Brown told J. Ring he will need to respond and say why he is not complying as requested.

Item #24, Lighting levels: J. Ring said he will basically be responding to say that these are the light levels the Board is comfortable with.

Item #28, Silt socks to be included in the inspection and maintenance schedule: J. Gove said that NH Fish and Game complained that the silt socks originally proposed harm wildlife, and asked the applicant to go back to organic mulch. The Board agreed they do not need to use the silt socks.

B. Mutrie noted that the Board has already decided that it does not want a sidewalk, which eliminated MSC Item #15.

G. Coppelman asked the Board to remember they need the legal deed restriction on further development of the parcel. This will be submitted.

L. Brown-Kucharski asked about the architectural renderings of the buildings themselves, and there was a discussion about specific aspects of the buildings' appearance.

M. Garrepy said that if the Board has specific suggestions, the applicant would like to hear them.

C. Brown said that as the buildings are not in the Town Common district, there are no regulations governing appearance.

The landscape plan was also discussed briefly.

ACTION ON APPLICATION:

M. Garrepy, on behalf of the Applicant, requested a continuance until the Feb 23 meeting.

MOTION: To continue the Public Hearing on Case #15-10-01 at the request of the applicant until February 23 at 7:00 PM.

MOTION: M. Kasprzak
SECOND: L. Brown Kucharski
UNANIMOUS

M. Garrepy asked about the possibility of approval in February. C. Brown said that it depends on the revisions done in the next few weeks. She would like to minimize the list of conditions of approval. She said much will depend upon the final plan sets that are submitted, if all is in agreement with MSC Engineers and all final changes shown. She would like to see the signage and entrance plans; septic plans need to be done and state permits for the well will need to be obtained.

J. Ring said that the State well permits may need to be under conditions of approval. G. Coppelman said these are important, as the plans will need to be changed if the well does not test adequately.

The Special Use Permit will need to be approved, which will then require bonding. C. Brown advised the applicant to talk with the Secretary about what will be necessary for this process.

M. Garrepy said he was not sure how soon the State will get back to the applicant about the Alteration of Terrain permit application, so that may need to be a condition of approval.

The Deed Restrictions will need to be submitted for legal review.

REVIEW AND APPROVAL OF MINUTES OF PRIOR MEETING: December 15, 2015

B. Mutrie asked about the location of the box culvert discussed on page 1 of the minutes. It was agreed to add the description “at southern end of the property on the old farm road” to the first mention of the culvert, page 1 paragraph 6 under “PUBLIC HEARING _ CONTINUED”.

MOTION: To accept the minutes of December 15, 2015 as amended

MOTION: L. Brown-Kucharski

SECOND: B. Mutrie

UNANIMOUS.

OTHER BUSINESS

C. Brown informed the Board that the latest copies of Great Bay Matters and Supply Lines with the Source will be available to borrow from the Secretary.

ADJOURNMENT

MOTION: To adjourn at 10:25 PM

MOTION: S. Hanson

SECOND: L. Brown-Kucharski

UNANIMOUS