

Call to order: 7:05 pm

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

PUBLIC HEARING- CONTINUED - CASE #15-10-01:

Application from Avesta Housing for Final Public Hearing for Site Plan Review including Wetlands Special Use Permit and Scenic Road Alteration 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.

DECLARATION OF CONSERVATION RESTRICTION

A draft of the deed restriction document has been received from Jones & Beach, and has been sent to Planning Board Counsel Mark Beliveau for review.

The Conservation Restriction will prevent further development on the Avesta land no matter what future ownership changes take place. It cannot be amended without coming before the Planning Board.

In a brief question and answer period, it was noted that the agreement between Taylor River Farms and Avesta for use of portions of the property is a separate document, and is with the current owners of the Taylor River Farm property, not to continue in perpetuity with the land.

PRELIMINARY SMALL WELL SITING REPORT – NH DEPARTMENT OF ENVIRONMENTAL SERVICES

Conditional approval from NHDES has been granted for the new well on the property. Conditions include obtaining a Temporary Discharge Permit for water generated during the pumping test. The applicant has applied for this permit but it has not yet been received. Mike Garrepy said the target date for the well test is within the first or second week of March, but they are waiting for State approval to conduct the test.

The applicant has no argument with any of the conditions set forth by the NHDES for well approval.

ENGINEERING REVIEW BY MSC ENGINEERS – THIRD ROUND

As requested by the Board, MSC has continued review of the revised Site Plans and documents for the proposed Avesta project. C. Brown read from the letter received yesterday, too late for inclusion in Board packets. The short list of comments included suggestions to add landscaping and lighting to note #2 on the overview in case the satellite parking is required during a future phase, the addition of the storage table for Pond 1, and other minor notations.

Jonathan Ring of Jones & Beach answered each point with agreement to remedy as requested.

WAIVERS REQUESTED

Four waiver requests remain, two having been withdrawn and two granted at the October 27, 2015 meeting of the Planning Board.

These were discussed and voted on as follows:

MOTION: To grant a waiver to Site Plan section 8.7 – Sidewalks.

MOTION: B. Mutrie

SECOND: L. Brown-Kucharski

It was verified with the applicant that alternate walking paths to the remote parking area had been added.

UNANIMOUS

(The Chairwoman said that the hearing is open to public comment throughout, rather than questions being saved for a Public Comment period.)

MOTION: To grant a waiver to Subdivision Section 8.1.2 – Roadway width 24 feet, as the access road will never be a Town road.

MOTION: L. Brown-Kucharski

SECOND: M. Kasprzak

UNANIMOUS

MOTION: To grant a waiver to Subdivision Section 8.1.3- Cul-de-sac over 1,200 feet, as the Fire Chief has said that the design parameters are more than adequate size for emergency access.

MOTION: B. Mutrie

SECOND: L. Brown-Kucharski

UNANIMOUS

MOTION: To grant a waiver to Subdivision Section 8.6 – reinforced concrete pipe, because the access road will never be a Town road, and because the Road Agent said that HDPE pipe was not only adequate, but preferable in his opinion.

MOTION: L. Brown-Kucharski

SECOND: B. Mutrie

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SPECIAL USE PERMIT

The conditions for granting a Special Use Permit have been re-addressed by the applicant in a letter dated February 16. This letter included the following responses:

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

RESPONSE: The large contiguous upland area on this 55-acre property is centrally located. Wetland fingers project up from an existing drainageway to restrict the site layout to a compact building area. Approximately 360 linear feet of the access drive to this building area passes through some of the wetland buffer. In addition, 100 linear feet of the central access drive is within the buffer, and 300 square feet of sidewalk at Building 1. Finally, approximately one-half acre of drainage and grading disturbance for the road and site are within the buffers. There is no direct wetland impact with this project. Sheet OV3 shows the proposed Wetland Buffer Impacts revised to 43,100 SF (0.99 ac.)

- 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.*

RESPONSE: The layout has been designed with no direct wetland impacts to minimize the wetland buffer impacts as much as possible, while still providing access to the site with safe pedestrian and vehicular movement, as well as access to necessary infrastructure (drainage, septic systems, well, etc.).

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.

RESPONSE: There is only one logical access point off Brown Road to this upland portion of the property for building development. More sensitive wetland systems on the property are left intact using the proposed access and site layout. The remote parking field has been relocated to minimize wetland buffer impacts in the vicinity of Vernal Pools 2 and 3. There is no direct wetland impact proposed.

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

RESPONSE: No direct wetland impacts are proposed. Other less costly designs were contemplated however these designs all would result in greater impact to wetlands and their buffers. The proposed site layout utilizes the least impacting alternative for the property with respect to wetlands and their respective buffers. The design has been modified to eliminate any vernal pool buffer impacts and no prime wetland buffer impacts are proposed.

In discussion it was noted that one way the wetland buffer impacts were reduced was by tightening the parking areas, which made the slopes steeper. Erosion is to be controlled using good ground cover of a type that will not need to be mowed.

Related to G. Coppelman's Memo item #9, Special Use Permit issues, C. Brown said that Conservation Chairman Shawn Hanson, unable to attend tonight's meeting, had relayed the message that the Conservation Commission is very pleased that the applicant has been able to reduce Wetland Buffer Impacts to under one acre.

The applicant asked about Conservation markers. The Conservation Commission will be contacted regarding acquisition and cost of markers. The applicant will also work with Jim Gove and follow NH Department of Fish and Game guidelines.

MOTION: To approve the applicant's request for a Special Use Permit as the Board finds that all conditions in 8.6.1.1, 8.6.1.2, 8.6.1.3 and 8.6.1.4 exist, and subject to the following condition: The applicant shall agree to submit a performance security to the Board of Selectmen.

MOTION: C. Brown

SECOND: M. Kasprzak

The applicant was advised to contact Town Administrator Lori Ruest to set up arrangements for submitting the performance security.

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SCENIC ROAD ALTERATION PERMIT APPLICATION

There was a discussion of whether or not a scenic road alteration permit will be necessary in order to cut the trees near the entrance to the development that impede adequate sight distance along Brown Road.

The applicant introduced photographs identifying the four trees in question, and said that they had been measured and do exceed the limit of 15” circumference and so do require a scenic road alteration permit. There had been some confusion whether the measurement was to be circumference or diameter.

M. Garrepy cited Article IX, section 3.3 in the Zoning Ordinance which states that the Road Agent may allow tree or stone wall removal for an initial single opening with a width not to exceed 21 feet without need for public notice or hearing.

C. Brown said the notice and permit are required as the opening is larger, and also as she feels that the process is necessary so that abutters will know what is happening when the trees come down.

A Scenic Road Alteration Permit application was officially requested and will be submitted by the applicant. G. Coppelman reminded the Board and applicant that this application requires two legal notices, the last to appear no less than 7 days prior to the public hearing at which it will be addressed.

L. Brown-Kucharski, referencing a letter dated February 23 from Richard and GayLee Robinson, asked how the concerns they have will be addressed.

There was a discussion of some of the points raised. Some of the points need clarification, and the Robinsons were not able to be present at this meeting to discuss the letter; therefore it will be addressed at the March meeting.

There was further discussion of ways to mitigate the disturbance of the scenic road. A stone wall that is there will be repaired and some trees planted to fill gaps.

CIRCUIT RIDER PLANNER MEMO UPDATE – FEBRUARY 23

The Board reviewed the Glenn Coppelman’s memo, updated in response to revisions to the plan. Item #5 suggested that the Board request a schedule of phases for the project. Noting that phasing has been discussed and the applicants have answered questions as best they can to date, there was a short discussion about phasing of landscaping and lighting. C. Brown asked about adding a note on plan page OV1 about landscaping and lighting where the possible remote parking is mentioned. MSC Engineers has requested that text be added to the phasing notes regarding landscaping and lighting, which would be subject to Planning Board review during a future phase.

G. Parish asked where construction vehicles will park during the initial phase of construction. Project architect Michael Lassel answered that there will be at least 60 parking spaces built with phase one, and all parking will be available to construction workers. Once residents begin moving in, Mr. Lassel said that it will be handled as in an urban area project, with crews having access to a certain number of spaces and working with the subcontractors to ensure adequate parking. It was stressed that no construction vehicles would be allowed to park on Brown Road. G. Parish questioned Item #6, saying that although the Fire Chief had determined that a secondary access point is not required, he would like to be sure the Town is satisfied that there will only be one access to the property. There was a short discussion in which C. Brown noted that the buildings will have sprinkler systems.

Item #7 on G. Coppelman’s memo, regarding insuring clear sight distance at the entrance, was discussed briefly; it was agreed that cutting of the four trees flagged for removal will allow for adequate sight distance.

Item #8 on the memo addresses the well pump test. This test can't be performed until State permits are received. If the test comes back unfavorable, the applicant would need to come back to relocate the well.

G. Parish asked if the utility pole shown on plan page C4 has been brought to the attention of Unitil yet. J. Ring said that it has not yet, and that it may affect trees to be cut. It is known what needs to be cut under the Scenic Road Alteration Permit, but not what Unitil may require.

C. Brown asked that Item #7 under Site Notes on plan page C4 (to be moved to page C5) should read, "Waivers were granted" and cite Subdivision Waivers that were granted.

RCCD LETTER FEBRUARY 18

C. Brown asked that the Board and applicant be aware of a letter from Michael Cuomo of the RCCD, listing reasons why he cannot approve the wastewater disposal system design as currently presented.

As the letter was received too late to be discussed at this meeting, C. Brown said that it will need to be addressed by the applicant between now and the March meeting.

PROPOSED CONDITIONS OF APPROVAL RE: VESTING

G. Coppelman has reviewed the wording of the Proposed Conditions of Approval re: vesting prepared by the applicant. C. Brown suggested that this should appear in the conditions of approval notes, and thus stay with the plan.

The language of the conditions of approval for vesting was reviewed by the Board.

B. Mutrie suggested that on the second line, "or" could be replaced with "and" so that both "active and substantial development defined as construction of roadway to ... (location of first parking lot) to binder coarse AND completion of foundation for Building #1 has begun within 24 months after the date of site plan approval..." are conditions for vesting. Once vested, the project will be exempt from future ordinance changes.

Shreya Shah of Avesta said that the change would be fine. This change will be made.

VIEW PERSPECTIVE OF PROJECT FROM BROWN ROAD

Building Inspector Mark Sikorski had requested from the applicant an idea of what the public will see from Brown Road when driving toward the project. He had asked that chimneys and stacks be placed on the back side of the roof where they would not be seen, and also asked about roof color.

M. Lassell presented a color picture created using Google Earth. This showed that the buildings will likely not be visible from the road; he had taken out a layer of pine trees present near the property in order to see the buildings on the picture created.

There was a discussion of the views from the road, and also of the newly enhanced architectural plans.

C. Brown asked for color copies of the views presented to be submitted for the file.

ENTRANCE SIGN DESIGN

S. Shah distributed a color picture of a proposed sign design. She said that it was limited by size ordinances, and was very simple, and up-lit from the planting bed surrounding it. M. Garrepy noted that the final design may change.

The Board discussed various options for the sign, taking into account size, visibility, materials and color choices.

G. Coppelman said that the location of the sign needs to be on the plan sheet that is recorded, as it is part of the Site Plan. J. Ring said it would appear on page OV1. The 911 address number has yet to be determined.

CONDITIONS OF APPROVAL

C. Brown listed the items that will be conditions of approval if unresolved by the end of the Planning Board review process. The preliminary list, pending changes in wording, includes:

- Signage between vernal pools and roadway
- Seeding of wetland area to be done in 2016
- Wording of vesting conditions
- Approval of Declaration of Conservations Restriction
- Letter to NHDES that well site has been restored
- No parking of construction vehicles on Brown Road during construction
- State permits received, including dates

The Chairman said this is not necessarily a complete list, or ordered and worded as it will appear.

ACTION ON APPLICATION

M. Garrepy asked if anything is preventing approval of the Site Plan at this time. C. Brown said that a Scenic Road Alteration Permit is required, and that the well pump testing needs to be done. The Septic Wastewater Disposal permits from RCCD also need to be addressed. J. Ring said that the leach field may need to be shifted slightly, but will still be in the same vicinity.

M. Garrepy, on behalf of the applicant, requested a continuance of the Public Hearing until the March 22 meeting.

MOTION: To continue the Public Hearing of Case #15-10-01 at the request of the applicant until March 22, 2016.

MOTION: M. Kasprzak

SECOND: L. Brown-Kucharski

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Abigail Tonry had to leave the meeting at this time.

REVIEW AND APPROVAL OF MINUTES OF PRIOR MEETING: January 26, 2016

C. Brown requested one correction to the minutes of January 26. Halfway down page 8, the paragraph regarding Item #14 on the second round engineering review, should read: "Item #14, dealing with vernal pool setbacks, will be a non-issue. C. Brown told J. Ring he will need to respond and say why he is not complying as requested".

MOTION: To accept the minutes of January 26, 2016 as amended.

MOTION: G. Parish

SECOND: B. Mutrie

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OTHER BUSINESS

ALTERNATE BOARD MEMBER

C. Brown informed the Board that a possible Alternate Board Member has come forward, Andrew Brubaker of Old Stage Road. A retired airline pilot, Mr. Brubaker has expressed an interest in serving on the board.

MOTION: To appoint Andrew Brubaker as Alternate Planning Board member for a term of 3 years.

MOTION: M. Kasprzak

SECOND: G. Parish

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GRANT FUNDING: TIDES TO STORMS

The Chairman informed the Board that she had been given the opportunity to apply for funding through the Rockingham Planning Commission, to help the Town adapt to changes in sea level and coastal storm surge flooding. The Town has been accepted to receive the funding, and will be using it to “amend Hampton Falls’ Building Code to address necessary changes needed to improve community resilience to coastal flooding”. Changes to the Building Code will have to go on the 2017 Town Warrant.

Theresa Walker of the RPC would like to meet with the Planning Board to discuss the subject. C. Brown suggested that the March meeting be moved up to 6:30 PM in order to accommodate this addition to the agenda without delaying work on the continued Site Plan Review.

It was agreed to open the March meeting at 6:30 PM to meet with Theresa Walker, and move on to continue work on the Avesta application at 7:00. Reorganization will appear last on the agenda.

COMMUNICATION TO BOARD MEMBERS

The State has amended its Accessory Dwelling Unit statute. This amendment takes effect in June, 2017. According to the amended RSA, accessory dwelling units cannot be restricted to less than 750 square feet, which differs from Hampton Falls Ordinance. Therefore, the square footage requirement, along with any other possible inconsistencies with the amended State Statute, will have to be amended and placed on the 2017 Warrant.

C. Brown recognized Beverly Mutrie, who will not be running for another term, for 11 years on the Planning Board, starting in 2005. She thanked B. Mutrie for her time and said she enjoyed having her on the Board.

M. Kasprzak was also recognized as a longtime Selectmen’s Representative on the Board, having provided sound input and continuity with the Selectmen.

ADJOURNMENT

MOTION: To adjourn at 9:55 PM.

MOTION: M. Kasprzak

SECOND: B. Mutrie

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